IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION * IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Case No. 91CG1402 Case No. 90-19-SPHX Case No. CBA-90-165

7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT *

* *

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR COUNTRY CLUB/GOLF COURSE ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS and GREYSTONE GOLF COURSE RE: CRG DECISION 3RD COUNCILMANIC DISTRICT * IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Case No. 92CV28767 18/187

AND

Case No. 90-19-SPHX Case No. CBA-90-165

GREYSTONE GOLF COURSE — APPEALS FROM DECISION OF PERMITS AND LICENSES RE: REFUSAL TO RESCIND PERMITS; AND PLANNING BOARD DECISION; AND CRG DECISION * Case No.: CBA-91-183 Case No.: CBA-91-199 Case No.: CBA-91-203

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

ORDER

This Court having considered written Memoranda and oral argument of counsel upon the Appeals filed in these consolidated cases from the OPINION AND ORDER of the County Board of Appeals of Baltimore County, dated February 28, 1992, and the Court having rendered an oral opinion on the record, it is this 4th day of May, 1992, by the Circuit Court for Baltimore County

ORDERED AND ADJUDGED, that the decision and Order of the County Board of Appeals of Baltimore County, dated February 28, 1992, is affirmed.

RECEIVED MAY 14 1992 ZONING OFFICE

Barbara Kerr Howe, Judge 5/5/92

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT * IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CG Doc. No. 92 Folio No. 231 File No. 91-CG-1402

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, NORTHEAST BALTIMORE COUNTY PROTECTIVE ASSOC., INC., ET AL AND M.V. RUNKLES, III & WEISBURG COMM. ASSOC., INC., PLAINTIFFS CASE NOS. 90-19-SPHX & CBA-90-165 *

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

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Michael B. Sauer, and John G. Disney, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the County Review Group, the Zoning Commissioner and the Board of Appeals of Baltimore County:

ENTRIES FROM DOCKET OF COUNTY REVIEW GROUP, ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Case No. CBA-90-165 (Greystone Golf Course)

	County Review Group comments.
August 30, 1990	CRG meeting wherein the Plan was approved.
September 26	Notice of Appeal received from Thomas G. Bodie, Esquire on behalf of the developer, Blackstrap Development Company and E. Donald Airey, Jr., individually.

September 27, 1990	Notice of appeal received from M.V. Runkles, III, Secretary/Treasurer of Wiseburg Community Association, Inc.
September 27	Notice of appeal received from J. Carroll Holzer, Esquire on behalf of Protestants/Appellants.

FOLLOW ENTRIES UNDER CASE NO. 90-19-SPHX beginning with October 9, 1990 Board Hearing.

Case No. 90-19-SPHX (Furman E. Hendrix, et al)

June 28, 1989	Petition of Furman E. Hendrix, et al for Special Exception for a country club (primarily golf oriented facility), etc. and Petition for Special Hearing for use of existing buildings in ML zone as maintenance, storage, etc.
July 6	Certificate of Publication in newspaper.
	Certificate of Posting of Property (none in file).
July 3	Zoning Plans Advisory Committee Comments.
August 1	Hearing held on Petition by Zoning Commissioner.
December 18	Protestants Post-Hearing Memorandum filed by J. Carroll Holzer, Esquire.
	Brief of Petitioners filed by Thomas G. Bodie, Esquire.
March 23, 1990	Order of the Zoning Commissioner DENYING Petition for Special Hearing and GRANTING IN PART Petition for Special Exception with restrictions.
March 30	Notice of Appeal received from J. Carroll Holzer, Esquire on behalf of Protestants.

April 20, 1990	Notice of appeal received from Gisriel & Gisriel on behalf of Wiseburg Community Association, Inc.
October 9	Hearing before the Board of Appeals.
October 19	Hearing continued before the Board of Appeals.
November 20	Hearing continued before the Board of Appeals.
December 28	Hearing continued before the Board of Appeals.
January 2, 1991	Hearing completed before the Board of Appeals.
January 16	Plaintiff Wiseburg Community Association, Inc.'s Memorandum in Support of Appeal filed by James S. Aist, Esquire of Anderson, Coe & King.
January 16	Brief of Petitioners/Appellees filed by Thomas G. Bodie, Esquire.
January 16	Appellants/Protestants Post-Hearing Memorandum filed by J. Carroll Holzer, Esquire.
March 5	Opinion and Order of the Board of Appeals GRANTING Petition for Special Exception with restrictions and AFFIRMING the approval of the County Review Group.
April 1	Order for Appeal filed in the Circuit Court for Baltimore County by J. Carroll Holzer, Esquire on behalf of Northeast Baltimore County Protective Assoc., Inc., et al.
	Petition to accompany Appeal filed in the Circuit Court for Baltimore County by Mr. Holzer.
April 2	Order for Appeal filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County. Petition to accompany appeal also filed.
April 3	Certificates of Notice sent to interested parties.
April 3	Order for Appeal filed in the Circuit Court for Baltimore County by G. Macy Nelson, Esquire and James S. Aist, Esquire on behalf of M.V. Runkles, III and Weisburg Community Assoc., Inc. Petition to accompany appeal also filed.
April 4	Third Certificate of Notice sent to parties.

April 16, 1991 Transcript of testimony filed.

Protestants' Exhibit No. 1 -Northeast Balto. Co. Protective Assoc., Inc.
2 -Color coded Tax Map
3 -Maryland Corn Program Awards
4 -Trout Magazine art. by Robt. A. Bachman
5 -Resume of Richard Klein
6 -Baltimore County Map
6 A-letter from G. Macy Nelson to Board of Appeals 12/21/90
B-Package of ltrs. from John McGrain
C-National Register of Historic Plans Inventory
D-Photos of Wiseburg Inn
E-Question and Answer memo by Mr. Runkles
F-Wiseburg Inn Historic Site
7 -Study by Richard Klein
8 -Protecting the Aquatic Environment from the effects of Golf Courses
9 -Ground Water Monitoring study
10-Pennsylvania St. Univ. study
11-Projected Water Balance for Irrigation Ponds, etc.
12-Quality Criteria for Water 1986
13-Ambient Water Quality Criteria
14-Ground Water Loading of Pesticides
I-Page 15 to end of Z.C.'s Order

Petitioners' Exhibit No. 1-Greystone CRG Plan 8/30/90
2-State Map of Balto. Co. w/location of Golf Course "G" circled in red
3-Zoning Map Balto. Co. NE.30A
4-A-F Photos of Hendrix property at time of sale to Airey.
5-Tax Map Balto. Co. D.T.A.
6-A-use of water of the state (Greystone), B-use of water of the state (Blackstrap)
7-A-Ltr. to E. Donald Airey, Jr.
B-Blank form from the Dept. of Natural Resources
8-A-I Photos of Hunt Valley Golf Course
9-Wes Guckert Resume

Petitioners' Exhibit No. 10-Greystone Golf Club -Traffic Impact Analysis 10/17/90
11-A-Ground Water Supply & Impact Assessment.
B-Addendum to XI A.
C-Permeability Tests.
12-Irrigation Water Sources
13-Interim Application of Balto. Co. Council Bill 138-89
14-CRG Plan
15-CRG Minutes

April 16, 1991 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

LindaLee M. Kuszmaul, Legal Secretary, County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland 21204 (301) 887-3180

cc: People's Counsel for Baltimore County
J. Carroll Holzer, Esquire
G. Macy Nelson, Esquire
James S. Aist, Esquire
Thomas G. Bodie, Esquire

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY CLUB/GOLF COURSE ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT * ON REMAND FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY CG Doc. No.: 18 Folio No.: 187 File No.: 92-CV-2876

AND

GREYSTONE GOLF COURSE -- APPEALS FROM DECISION OF PERMITS & LICENSES RE: REFUSAL TO RESCIND PERMITS; AND PLANNING BOARD DECISION; AND CRG DECISION * CASE NO. CBA-91-183 CASE NO. CBA-91-199 CASE NO. CBA-91-203 REMANDED CASE NO. 91-CG-1402 (Cases No. 90-19-SPHX and CBA-90-165)

LUCY PARRISH WILMER, ET AL AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, PLAINTIFFS *

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

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE COUNTY REVIEW GROUP, THE OFFICE OF PLANNING AND ZONING, THE DEPARTMENT OF PERMITS & LICENSES AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Michael B. Sauer, and John G. Disney, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the County Review Group, the Office of Planning and Zoning, the Department of Permits & Licenses and the Board of Appeals of Baltimore County:

Case Nos. 90-19-SPHX (Furman E. Hendrix, et al) and CBA-90-165 (Greystone Golf Course)

July 29, 1991 Remand Order from the Circuit Court REVERSING Board of Appeals decision and REMANDING case for

determination consistent with said Opinion.

October 25	Memorandum of Petitioners Upon Remand From The Circuit Court For Baltimore County To The County Board Of Appeals filed by Thomas G. Bodie, Esquire.
August 21	Order of the Board REMANDING to the County Review Group for Planning Board review per Order of the Circuit Court.
	(Circuit Court Case No. 91-CG-1402 is returned herewith)

ENTRIES FROM DOCKET OF THE DEPARTMENT OF PERMITS & LICENSES, THE OFFICE OF PLANNING AND ZONING, THE COUNTY REVIEW GROUP AND THE BOARD OF APPEALS OF BALTIMORE COUNTY, RESPECTIVELY

Case No. CBA-91-183

August 12, 1991	Letter from Ted Zaleski, Jr., Director - Permits & Licenses to J. Carroll Holzer, Esquire advising that the final determination of his office was not to revoke or suspend the grading permit for Greystone Golf Course.
September 11	Notice of Appeal received from J. Carroll Holzer, Esquire on behalf of Protestants/Appellants.

Case No. CBA-91-199

October 3, 1991	Planning Board approval of Greystone Golf Club/ Weisburg Inn proposed development plan.
October 18	Notice of Appeal received from J. Carroll Holzer, Esquire on behalf of Protestants/ Appellants.

Case No. CBA-91-203

	County Review Group comments.
October 24, 1991	CRG meeting wherein the Plan was approved.
November 14	Notice of Appeal received from J. Carroll Holzer, Esquire on behalf of Wiseburg Community Assoc., et al, Protestants/Appellants.
November 22	Petition to Accompany Appeal filed by Mr. Holzer.

IN THE MATTER OF * BEFORE THE
Greystone Golf and * COUNTY BOARD OF APPEALS
Country Club * BALTIMORE COUNTY
_____ * CASE NO. CBA 903-53

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday Oct. 19 at 2:00 P.M. at Room 301, located at 3rd Fl. County Office Bldg. 111 W. Chesapeake Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Robert Maenner
Address: 2122 Hunter Mill Rd.
White Hall, Md. 21161

Name: J. Carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6960

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT 12 PM 3:40

IN THE MATTER OF * BEFORE THE
Greystone Golf and * COUNTY BOARD OF APPEALS
Country Club * BALTIMORE COUNTY
_____ * CASE NO. CBA 903-53

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday Oct. 19 at 2:00 P.M. at Room 301, located at 3rd Fl. County Office Bldg. 111 W. Chesapeake Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Dorothy E. Miller
Addres . 1700 Hunter Mill Rd.
White Hall, Md. 21161

Name: J. Carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6960

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT 12 PM 3:40

IN THE MATTER OF * BEFORE THE
Greystone Golf and * COUNTY BOARD OF APPEALS
Country Club * BALTIMORE COUNTY
_____ * CASE NO. CBA 903-53

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday Oct. 19 at 2:00 P.M. at Room 301, located at 3rd Fl. County Office Bldg. 111 W. Chesapeake Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Paul Solomon
Address: DEPREM Co. Courts Bldg.
4th Floor Towson, Md. 21204

Name: J. Carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6960

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT 12 PM 3:40

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR COUNTRY CLUB/GOLF COURSE ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS and GREYSTONE GOLF COURSE RE: CRG DECISION 7th ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
AND
GREYSTONE GOLF COURSE – APPEALS FROM DECISION OF PERMITS AND LICENSES RE: REFUSAL TO RESCIND PERMITS; AND PLANNING BOARD DECISION; AND CRG DECISION

* IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
* CG Doc. No.: 92 Folio No.: 231 File No.: 91-CG-1402
* Case No. 90-19-SPHX Case No. CBA-90-165
* Case No.: CBA-91-183 Case No.: CBA-91-199 Case No.: CBA-91-203

92 CV 2876
18/187

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

ORDER

UPON the aforegoing MOTION FOR EXPEDITED HEARING and AFFIDAVIT thereon, it is this 30th day of March, 1992 by the Circuit Court for Baltimore County

ORDERED, that the appellants, Lucy Parrish Wilmer, Marion V. Runkles, III, The Weisburg Community Association, and the Northeast Baltimore County Protective Association, through their counsel of record, J. Carroll Holzer, and the appellant, People's Counsel for Baltimore County, through Phyllis Cole Friedman or Peter M. Zimmerman ~~its any opposition they might have to said~~ SHOW CAUSE, in writing, if any, why Appellees should not be granted the MOTION FOR EXPEDITED HEARING no later than April 6, 1992, provided that a copy of this Order and said Motion are ~~mailed first class mail postage prepaid~~ HAND DELIVERED to said attorneys on the ~~date of this Order~~ 31st day of March, 1992 before the close of business on

True Copy Test
SUZANNE MENSH, Clerk
By _____

Joseph F. Murphy Jr.
JUDGE

92 MAR 31 AM 11:23

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR COUNTRY CLUB/GOLF COURSE ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS and GREYSTONE GOLF COURSE RE: CRG DECISION 7th ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
AND
GREYSTONE GOLF COURSE – APPEALS FROM DECISION OF PERMITS AND LICENSES RE: REFUSAL TO RESCIND PERMITS; AND PLANNING BOARD DECISION; AND CRG DECISION

* IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
* CG Doc. No.: 92 Folio No.: 231 File No.: 91-CG-1402
* Case No. 90-19-SPHX Case No. CBA-90-165
* Case No.: CBA-91-183 Case No.: CBA-91-199 Case No.: CBA-91-203

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

MOTION FOR EXPEDITED HEARING

FURMAN E. HENDRIX, E. DONALD AIREY, JR., BLACKSTRAP DEVELOPMENT COMPANY, et al., Petitioners and Appellees below before the Planning Board of Baltimore County, before the County Review Group (CRG), before the Director of Permits and Licenses for Baltimore County, and before the County Board of Appeals for Baltimore County, hereby move for an expedited hearing on the appeal filed from the decision of the County Board of Appeals for Baltimore County dated February 28, 1992, and for sufficient cause, state as follows:

1. More than three years prior to the filing of the APPEAL, the Petitioners, Furman E. Hendrix and Blackstrap Development Company and its successors entered into a contract of sale for over 100 acres of land in Baltimore County, the proposed use of said land being the development of a golf and country club.

2. Your Movants, Blackstrap Development Company, E. Donald Airey, et al., have been meeting with representatives for B. imore County for more than three years in regard to the development of said land.

3. On March 23, 1990, approximately two years ago, the Zoning Commissioner for Baltimore County passed his Order granting the Special Exception sought by your movants to develop the Greystone Golf and Country Club, subject to certain restrictions, with which Your Movants have fully complied.

4. On August 30, 1990 the County Review Group (CRG) approved the Movants' plan for the project, with restrictions, with which Your Movants have fully complied.

5. On October 9, 1990, the County Board of Appeals of Baltimore County held its first hearing in regard to the combined appeals by the protestants from the Zoning Commissioner's decision and from the approval granted by CRG.

6. Said combined appeals before the Board consumed several non-consecutive days, the last hearing date being on or about December 28, 1990.

7. After submission of Memoranda and further consideration, the Board ruled in favor of Your Movants, by its OPINION and ORDER entered on March 5, 1991.

8. The protestants/appellants further appealed the decision of the Board to this Court (Howe, J.), which held a hearing on July 10, 1991.

9. On July 29, 1991, this Court entered its OPINION and ORDER whereby the decision of the Board was reversed and remanded for certain specific findings of fact and for further remand to the Planning Board and the CRG on issues raised by Section 22-59 of the Baltimore County Code.

10. The hearing before the Planning Board of Baltimore County was scheduled for September 19, 1991, but rescheduled for October 3, 1991; the Planning Board adopted the staff report of the Planning Office which gave approval to the project from the view point of possible "involvement" of the project with an historic landmark, the Weisburg Inn.

11. On October 24, 1991, the CRG approved the plan of the Movants, having before it the decision of the Planning Board on the issue of "involvement" with an historic landmark.

12. Along the way of delay, the protestants/appellants did appeal from the decision of the Directors of Permits and Licenses not to revoke or suspend the grading permits issued to the Movants; said appeal was heard by the Board, along with the other appeals, on January 2, and January 7, 1992, and dismissed for total lack of evidence.

13. On February 28, 1992 the County Board of Appeals issued its OPINION and ORDER affirming the prior decisions of the Planning Board, CRG and the Director of Permits and Licenses of Baltimore County.

14. Appeals were filed from the February 28, 1992 decision of the County Board of Appeals for Baltimore County on March 26, 1992 and March 27, 1992.

15. Both sides of this issue have been fully briefed, and argued the merits of their respective cases before several forums, including encores before certain of the forums. Therefore, Movants aver that the preparation necessary to present and argue this appeal has been done (and-redone and red-done!).

16. Movants face a heavy financial burden in meeting the cost of financing this project, especially since the project has been delayed as set forth above.

17. Protestants/appellants have resisted attempts in prior proceedings of this matter to expedite the hearings process. Protestants/appellants are desirous of further delaying this project, for the sake of delay.

18. In light of the fact that the "procedures" established by the government of Baltimore County and the "procedures" established by the Court of Appeals of Maryland and by this Court have contributed to the delay of Movants' proposed use of their land, it is but fair and just that this Court should exercise its discretionary power and prevent further delay by scheduling the hearing of this appeal on an expedited basis.

19. Movants, in anticipation of appeals being filed, ordered, the transcript of the hearings before the County Board of Appeals of Baltimore County held in the above referenced cases on January 2 and January 7, 1992, so as not to further delay these proceedings; said transcript has been filed with the County Board of Appeals for Baltimore County as of March 27, 1992.

20. Under Rule B2.e, the protestants/appellants have ten (10) days after filing the order of appeal to file with the Clerk of Court a petition, setting forth the action appealed from, the error committed by the County Board of Appeals, and the relief sought. The last day on which said petition can be filed by the protestants/appellants is April 6, 1992.

21. Under Rule B12, the protestants/appellants have thirty (30) days after being notified by the Clerk of Court of the filing of the record with this Court, to file a memorandum, pursuant to said Rule. Thereafter, the protestants/appellants have fifteen (15) days in which to file a reply memorandum to any memorandum filed by your movants.

22. As stated previously, the transcript of the proceedings below was ordered by your movants, and was, in fact, filed on March 27, 1992, in anticipation of the appeals.

23. Counsel for the movants has been advised that the record will be filed with the Clerk of Court on or about April 1, 1992.

24. Movants believe that, in view of these matters having been litigated and re-litigated, justice will be served by expediting the hearing date.

25. In order to provide protestants/appellants time to contest this motion, it is prayed that protestants/appellants be given three (3) days from the receipt of this notice, or until April 6, 1992 to oppose this motion; if opposition is made by the protestants/appellants, it is requested that this Court schedule a hearing on this motion on April 8, 1992.

WHEREFORE, it is prayed that this Court sign an order requiring the protestants/appellants to contest this motion on or before April 6, 1992; if said motion is continued, said order to provide that a hearing on this motion will be held on April 8, 1992.

POWER AND MOSNER, P.A.

BY: Thomas G. Bodie

Thomas G. Bodie
21 W. Susquehanna Avenue
Towson, Maryland 21204
(410) 823-1250

Attorney for Movants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of March, 1992, a copy of the foregoing MOTION FOR EXPEDITED HEARING and the ORDER of this Court, dated March 30, 1990 was mailed, First Class Mail, postage prepaid to:

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Ste. 105
Towson, Maryland 21204

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

Michael Moran, Associate County Attorney
Office of Law
400 Washington Avenue
Towson, Maryland 21204

People's Counsel for Baltimore County
Room 417
Old Court House
400 Washington Avenue
Towson, Maryland 21204

H. Emslie Parks, County Attorney
Office of Law, Ste. 1200
400 Washington Avenue
Towson, Maryland 21204

Merreen E. Kelly
Office of the County Executive
400 Washington Avenue
Towson Maryland 21204

Marion V. Runkles, III
The Weisburg Community Association
18200 York Road
Parkton, Maryland 21120

William T. Hackett, Chairman
County Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Thomas G. Bodie

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR COUNTRY CLUB/GOLF COURSE ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS and GREYSTONE GOLF COURSE RE: CRG DECISION 7th ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	•	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CG Doc. No.: 92 Folio No.: 231 File No.: 91-CG-1402 Case No. 90-19-SPHX Case No. CBA-90-165
AND		
GREYSTONE GOLF COURSE – APPEALS FROM DECISION OF PERMITS AND LICENSES RE: REFUSAL TO RESCIND PERMITS; AND PLANNING BOARD DECISION; AND CRG DECISION		Case No.: CBA-91-183 Case No.: CBA-91-199 Case No.: CBA-91-203

AFFIDAVIT OF COUNSEL IN SUPPORT OF EXPEDITED HEARING

I, THOMAS G. BODIE, counsel for the FUHRMAN E. HENDRIX, E. DONALD AIREY, JR., and BLACKSTRAP DEVELOPMENT COMPANY, et al., Petitioners and Appellees, state that I am over eighteen (18) years of age, and am competent to testify to the matters and facts set forth herein. I do swear and affirm that the matters and facts set forth herein are true.

This case deals with the development of certain real property in Baltimore County, said property having been purchased by the clients of your affiant in excess of three (3) years prior to the date of this Affidavit. Since that time, the petitioner/appellees have met with representatives of Baltimore County, in particular the Department of Environmental Protection and Resource Management, and have generally followed each and every directive of said department in regard to the development of said property. The protestants/appellants in this case have made it their business

to delay the development of this property, and have gone to such lengths to appeal a decision of the Director of Permits and Licenses for Baltimore County, when the Director refused to revoke, at protestants/appellants demand, a validly issued permit.

Time is not only of the essence of this case, it is of the project itself. If the petitioner/appellees are delayed further in developing their property, the development cannot take place because of the burdensome financing and carrying costs.

The project itself has merit, in that it has the complete approval of Baltimore County agencies; will protect the environment; will result in much needed recreational opportunities in Baltimore County; will employ Baltimore County citizens; and will increase the tax base of Baltimore County.

POWER AND MOSNER, P.A.

DATE: March 30, 1992 BY: Thomas G. Bodie

Thomas G. Bodie
21 W. Susquehanna Avenue
Towson, Maryland 21204
(410) 823-1250

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR COUNTRY CLUB/GOLF COURSE ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS and GREYSTONE GOLF COURSE RE: CRG DECISION 7th ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	•	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CG Doc. No.: 92 Folio No.: 231 File No.: 91-CG-1402 Case No. 90-19-SPHX Case No. CBA-90-165
AND		
GREYSTONE GOLF COURSE – APPEALS FROM DECISION OF PERMITS AND LICENSES RE: REFUSAL TO RESCIND PERMITS; AND PLANNING BOARD DECISION; AND CRG DECISION		Case No.: CBA-91-183 Case No.: CBA-91-199 Case No.: CBA-91-203

ORDER

UPON the aforegoing MOTION FOR EXPEDITED HEARING and AFFIDAVIT thereon, it is this _____ day of _____, 1992 by the Circuit Court for Baltimore County

ORDERED, that the appellants, Lucy Parrish Wilmer, Marion V. Runkles, III, The Weisburg Community Association, and the Northeast Baltimore County Protective Association, through their counsel of record, J. Carroll Holzer, and the appellant, People's Counsel for Baltimore County, through Phyllis Cole Friedman or Peter M. Zimmerman file any opposition they might have to said MOTION FOR EXPEDITED HEARING no later than April 6, 1992, provided that a copy of this Order and said Motion are mailed, first class mail, postage prepaid to said attorneys on the date of this Order.

JUDGE

7/29/91 - Circuit Court REVERSED C.B. of A. and REMANDED for determination consistent with said Opinion. (Hon. Barbara Kerr Howe)
#CBA-90-165 Greystone Golf Course & #90-19-SPHX Furman E. Hendrix, et al

IN THE MATTER OF FURMAN E. HENDRIX, et al		IN THE CIRCUIT COURT OF BALTIMORE COUNTY Case No. 91 CG 1402

OPINION

This case came on for oral argument on the appeal of Protestants in this case from the decision of the Baltimore County Board of Appeals dated March 5, 1991. According to that decision, two cases involving the same property had been appealed to the Board from an order of the Zoning Commissioner and an order of the CRG. Within the opinion of the Board is a summary of some of the testimony it heard over five days of the hearing. The conclusions of the Board of Appeals state that the "Board will find as a fact that from the testimony and evidence received, compliance with 502.1 in regard to the country club and golf course has been met". This court does not have any indication whatsoever what "fact" it is that is being relied upon: that is to say, which evidence was accepted and relied upon and which evidence was rejected. The "fact" seems to be all of the evidence, some of which is contradictory. Therefore, this case is reversed, and remanded to the Board of Appeals in order that the Board can make specific findings of fact to support their conclusion. See Harford County v. Preston, No. 78, September Term, 1990. It is necessary also for the Board to consider and make a finding of fact that the proposed use would not be detrimental to primary agricultural uses in the vicinity under B.C.Z.R. 1A01.2C. In addition, Bill 134-89 with regard to protection of prime and productive soils must be addressed by specific findings of fact.

With regard to the evaluation by CRG, Section 22-59 of the Baltimore County Code requires that the Planning Board shall consider any plan that "involves" a site included on the landmarks preservation commission list. It was an error of law in this case for this matter not to have been referred to the Planning Board.

FILED JUL 29 1991

ORDER

The decision of the County Board of Appeals is reversed and remanded to the Board for determination consistent with this opinion.

July 29, 1991 Barbara Kerr Howe
Barbara Kerr Howe

True Copy Test
SUZANNE MENSH, Clerk
Per _____
Deputy Clerk

In the Matter of
Furman E. Hendrix, et al

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 91 CG 1402 92/231

* * * * *

ORDER

Upon consideration of Appellees' Motion for Emergency Hearing, and any response thereof, it is hereby

ORDERED, this 28 day of June, 1991, that the Emergency Hearing as requested by Appellees in their Motion be **Granted**, and a hearing in this matter be scheduled for ~~the day of~~ ~~, 1991.~~ Hrg. scheduled by the assignment Commissioner at the earliest date available.

JUDGE

4

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL

DOCKET 92 PAGE 231 CASE NO. 91CG1402 CATEGORY APPEAL

IN THE MATTER OF THE
APPLICATION OF
FURMAN E. HENDRIX, ET AL
FOR A SPECIAL HEARING AND
SPECIAL EXCEPTION FOR A
COUNTRY/GOLF CLUB ON
PROPERTY LOCATED SOUTHWEST
OF INTERSECTION OF WHITE HALL
AND VERNON ROADS
AND GREYSTONE GOLF COURSE
RE: CRG DECISION
7th ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

MARION V. RUNKLES, III AND THE Weisburg
COMMUNITY ASSOCIATION, INC.
Appellants Protestants
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Protestants/Appellants
Northeast BaltimoreCounty Protective Association, Inc.
Johanne Edey
Dorothy E. Miller
Robert Mayner
Harry Hubble
Tom Gill, Appellants/Protestants

ATTORNEYS

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305 W Chesapeake Ave, Ste 105
(04) 825-6960

Thomas G. Bodie
Power & Mosner
21 W. Susquehanna Ave. (04)
823-1250

(pp) WEISBURG COMMUNITY ASSOC, INC.
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G. Macy Nelson James S. Aist
Anderson, Coe & King 752-1630
201 N. Charles St. Ste. 2000 (01)

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NORTHEAST, EDEY, MILLER, MAYNER, HUBBLE & GILL

CV GEN COSTS		91402
CV CLK	80.00	
B LBRY	10.00	
POST	2.00	
CHECK - TL	92.00	
#94855 C001 R02 T1514		
		04/05/9

(1) Apr 1, 1991 - Protestants Order for Appeal from the Decision of the Baltimore County Bd of Appeals w/ Exhibit fd. (90-19-SPHX and CBA-90-165)

(1a) April 2, 1991 - Peoples Counsel Balto Co. Notice & Petition for Appeal fd.

(2) April 3, 1991 Marion V. Runkles, III and the Weisburg Community Association Order for Appeal, Petition for Appeal & Demand for Jury Trial fd.

(3) Apr. 3, 1991 - Two Certificates of Notices fd.

(4) Apr. 4, 1991 - Certificate of Notice fd.

(5) Apr 9, 1991 - App. of attny for the App/Prot's Northeast, Edey, Miller Mayner, Hubble, Gill & same day Petition for Appeal W/ Demand for Jury Trial fd. Atty-Holzer.

(6) Apr 16, 1991 - Transcript of Record fd. (kept on top shelf, above subpoena forms in file room)

(7) Apr 16, 1991 - Notice of Filing of Record fd. Copies sent.

(8) April 22,1991 - App. of POWER AND MOSNER, THOMAS G. BODIE For the appellees'PAUL E. HENDRIX & GREYSTONE GOLF & COUNTY CLUB, And same day motion in opposition to Appellants' request for a jury trial, fd.

(9) Apr. 26, 1991 - Appellees' Motion for Expedited Hearing fd.

(10) May 1,1991 - Appellees' Answer to Motion for expedited hearing, fd.

(11) May 8, 1991 - People's Counsel's Memorandum fd.

(12)May 13,1991 - appellees' Answer to Petition, fd

(13)May 13,1991 - Appellees' Answer to Petition for appeal, fd.

92 231 91CG1402

CASE NO. 91CG1402

(14)May 13,1991 - Appellees' Answer to Petition for appeal, fd.

(15)May 13,1991 - Apellants'/Protestants, Memorandum, fd.

(16)May 14,1991 - Order of court that the jury trial as prayed for by Appellants is hereby denied. fd. (JTS)

(17) May 16, 1991- Memorandum of Marion V. Runkles, III and the Weinsburg Community Association, Inc. fd.

(18) June 14, 1991 - Appellants' Memorandum fd.

(19) June 19, 1991 - Motion of G. MACY NELSON AND JAMES S. AIST to Withdraw their App. as Counsel for the Deft, MARION V. RUNKLES, III, FD.

(20) June 26, 1991 - Appellees, FURHMAN E. HENDRIX & GREYSTONE GOLF AND COUNTRY CLUB, Request for Emergency Hearing and Affidavit fd.

(21) July 9, 1991 - App. of Deft WEISBURG COMMUNITY ASSOC., INC. in Proper Person & Same Daythat the Request for Emergency Hearing presented by the Attny for the Appellees be Denied fd.

(22) July 9, 1991 - Copy of Request for Emergency Hearing, fd.

July 10, 1991 - Hon. J. William Hinkel Request for Continuance DENIED.
July 10, 1991 - Hon. Barbara Kerr Howe Case Held Sub Curia.

(23)July 29,1991 - Opinion and Order of Court that the decision of the county Board of Appeals is reversed and remanded to the Board for Determination consistent with this opinion, fd. (* 3)

(24)July 29,1991 - Appellants, Protestants' Brief, fd

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DEBRA L. WYNNE
JILL R. LERNER
DEBORAH J. CLARKE
JAMES S. AIST
WILLIAM C. HUDSON
DOUGLAS K. SCHRADER

June 25, 1991

Clerk of the Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, MD 21204

RE: The Weisburg Community Association, Inc., et al v.
Furman E. Hendrix, et al
Case No. 91CG1402 92/231

Dear Sir/Madam:

I enclose herewith for filing a proposed Order which should have been attached to our Motion to Withdraw Appearance filed on June 18, 1991. I apologize for any inconvenience this omission may have caused.

Very truly yours,

James S. Aist

JSA/pac
enc.
cc: All Counsel of Record

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, NORTHEAST BALTIMORE COUNTY PROTECTIVE ASSOC., INC., ET AL AND M.V. RUNKLES, III & WEISBURG COMM. ASSOC., INC., PLAINTIFFS
CASE NOS. 90-19-SPHX & CBA-90-165

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 91-CG-1402 92/231

****

ORDER

Having read and reviewed the Motion to Withdraw Appearance, it is this _____ day of _____, 1991, by the Circuit Court for Baltimore County,

ORDERED, that the appearances of G. Macy Nelson and James S. Aist for Marion V. Runkles, III and the Weisburg Community Association, Inc. be and are hereby STRICKEN.

JUDGE

JSA:193

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, NORTHEAST BALTIMORE COUNTY PROTECTIVE ASSOC., INC., ET AL AND M.V. RUNKLES, III & WEISBURG COMM. ASSOC., INC., PLAINTIFFS
CASE NOS. 90-19-SPHX & CBA-90-165

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 91-CG-1402 92/231

****

MOTION TO WITHDRAW APPEARANCE

G. Macy Nelson and James S. Aist, pursuant to Maryland Rule 2-132(b) move for an Order withdrawing their appearance as counsel for Marion V. Runkles, III and the Weisburg Community Association, Inc. in this action.

Attached is a copy of the written consent of Marion V. Runkles, III to the granting of this Motion for Withdrawal.

G. MACY NELSON

JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, MD 21201
(301) 752-1630

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of June, 1991, a copy of the foregoing Motion to Withdraw Appearance was mailed, first class, postage prepaid, to:

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

Thomas G. Bodie, Esquire
Power & Mosner, P.A.
21 W. Susquehanna Avenue
Towson, MD 21204

Phyllis Cole Friedman
Peoples Counsel for Baltimore County
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

E. Donald Airey, Jr., Esquire
1222 Corbett Road
Monkton, MD 21111

William T. Hackett
County Board of Appeals of Baltimore County
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, MD 21204

JAMES S. AIST

JSA:193

-2-

AUTHORIZATION FOR G. MACY NELSON
TO WITHDRAW HIS APPEARANCE FROM THIS CASE

I, Marion V. Runkles, III, hereby authorize G. Macy Nelson and James S. Aist to strike their appearance on behalf of Marion V. Runkles, III and the Weisburg Community Association, Inc. from the above-captioned case.

MARION V. RUNKLES, III

IN THE MATTER OF	*	ON REMAND FROM THE
THE APPLICATION OF		
FURMAN E. HENDRIX, ET AL	*	CIRCUIT COURT
FOR A SPECIAL HEARING AND		
SPECIAL EXCEPTION FOR A	*	FOR
COUNTRY CLUB/GOLF COURSE ON		
PROPERTY LOCATED SOUTHWEST	*	BALTIMORE COUNTY
OF INTERSECTION OF WHITE HALL		
AND VERNON ROADS	*	CG Doc. No.: 18
AND GREYSTONE GOLF COURSE		Folio No.: 187
RE: CRG DECISION	*	File No.: 92-CV-2876
7TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	CASE NO. CBA-91-183
		CASE NO. CBA-91-199
AND	*	CASE NO. CBA-91-203
GREYSTONE GOLF COURSE --		
APPEALS FROM DECISION OF	*	REMANDED CASE NO. 91-CG-1402
PERMITS & LICENSES RE:		
REFUSAL TO RESCIND PERMITS;	*	(Cases No. 90-19-SPHX and
AND PLANNING BOARD DECISION;		CBA-90-165)
AND CRG DECISION	*	
LUCY PARRISH WILMER, ET AL	*	
AND PEOPLE'S COUNSEL FOR		
BALTIMORE COUNTY, PLAINTIFFS	*	

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

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and John G. Disney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Plaintiffs; Ms. Lucy Parrish Wilmer and the Northeast Baltimore County Protective Assoc. Inc., c/o J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204 and Marion V. Runkles, III, Secretary/ Treasurer - Wiseburg Community Assoc., Inc., c/o C.E. Shaneybrook,

III, President, 18200 York Road, Parkton, Maryland 21120, Plaintiffs; Phyllis C. Friedman, People's Counsel for Baltimore County, 400 Washington Avenue, Room 47, Basement, Old Courthouse, Towson, Maryland 21204, Plaintiffs; Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Counsel for Defendants; Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland 21204, Co-Counsel for Defendants; Furman E. Hendrix, et al, 2115 White Hall Road, White Hall, Maryland 21161; Blackstrap Development Co., c/o Ms. Cindy Gower, 2115 Whitehall Road, Whitehall, Maryland 21161 and E. Donald Airey, Jr., 1222 Corbett Road, Monkton, Maryland 21111; Defendants; Michael Moran, Esquire, Associate County Attorney, Office of Law, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49, Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Linda Lee M Kuszmaul
LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49, Old
Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Plaintiffs; Ms. Lucy Parrish Wilmer and the Northeast Baltimore County Protective Assoc., Inc., c/o J. Carroll

Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204 and Marion V. Runkles, III, Secretary/ Treasurer - Wiseburg Community Assoc., Inc., c/o C.E. Shaneybrook, III, President, 18200 York Road, Parkton, Maryland 21120, Plaintiffs; Phyllis C. Friedman, People's Counsel for Baltimore County, 400 Washington Avenue, Room 47, Basement, Old Courthouse, Towson, Maryland 21204, Plaintiffs; Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Counsel for Defendants; Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland 21204, Co-Counsel for Defendants; Furman E. Hendrix, et al, 2115 White Hall Road, White Hall, Maryland 21161; Blackstrap Development Co., c/o Ms. Cindy Gower, 2115 Whitehall Road, Whitehall, Maryland 21161 and E. Donald Airey, Jr., 1222 Corbett Road, Monkton, Maryland 21111, Defendants; Michael Moran, Esquire, Associate County Attorney, Office of Law, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49, Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, on this 27th day of March, 1992.

Linda Lee M Kuszmaul
LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49, Old
Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 27, 1992

Thomas G. Bodie, Esquire
POWER AND MOSNER
21 W. Susquehanna Avenue
Towson, Maryland 21204

RE: Case Nos. 90-19-SPHX (Furman E. Hendrix, et al), CBA-90-165, CBA-91-183, CBA-91-199 and CBA-91-203 (Greystone Golf Course)

Dear Mr. Bodie:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that appeals have been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Robert A. Hoffman, Esquire
Michael Moran, Assoc. County Atty.
Furman E. Hendrix, et al
Blackstrap Development Company
E. F. Raphel and Associates
E. Donald Airy, Jr.
LPJ, Inc.
P. David Fields
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
Jose H. Escalante
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
John W. McGrain
L. Reed Huppman
Mike Deluca
H. Emslie Parks, Co Atty
Merreen E. Kelly
Ted Zaleski, Jr.
Gene Neff
Richard D. Klein
David L. Thomas
Docket Clerk -Zoning
Arnold Jablon, Director
of Zoning Administration

Printed on Recycled Paper

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 27, 1992

BILLED TO:

J. Carroll Holzer, Esquire
Holzer, Maher, DeMilio & Lee
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

Cost of certified documents in Case Nos. 90-19-SPHX (Furman E. Hendrix, et al), CBA-90-165, CBA-91-183, CBA-91-199 and CBA-91-203 (Greystone Golf Course) $316.00

MAKE CHECK PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

* PLEASE NOTE THAT THESE COSTS ARE SEPARATE AND DISTINCT FROM ANY AMOUNT PAID BY YOU FOR THE TRANSCRIPT.

IN THE MATTER OF	*	ON REMAND FROM
THE APPLICATION OF		
FURMAN E. HENDRIX, ET AL	*	THE CIRCUIT COURT
FOR A SPECIAL HEARING AND		
SPECIAL EXCEPTION FOR A	*	FOR
COUNTRY CLUB/GOLF COURSE ON		
PROPERTY LOCATED SOUTHWEST	*	BALTIMORE COUNTY
OF INTERSECTION OF WHITE HALL		
AND VERNON ROADS	*	CG Doc. No.: 92
AND GREYSTONE GOLF COURSE		Folio No.: 231
RE: CRG DECISION	*	File No.: 91-CG-1402
7TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	(Cases No. 90-19-SPHX and CBA-90-165)
AND	*	
GREYSTONE GOLF COURSE --		
APPEALS FROM DECISION OF	*	
PERMITS & LICENSES RE:		
REFUSAL TO RESCIND PERMITS;	*	CASE NO. CBA-91-183
AND PLANNING BOARD DECISION;		CASE NO. CBA-91-199
AND CRG DECISION	*	CASE NO. CBA-91-203

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

OPINION

On March 5, 1991, this Board issued an Opinion and Order granting the Petitioners' request for a special exception for a country club and its designated amenities with restrictions and affirmed the decision of the County Review Group (CRG) dated August 30, 1990. An appeal was filed to the Circuit Court. By Opinion dated July 29, 1991, the Court instructed this Board on remand to "make specific findings of fact to support their conclusions" that:

1) Compliance with BCZR 502.1 in regard to the country club and golf course has been met.

2) The proposed use would not be detrimental to primary agricultural use in the vicinity under BCZR 1A01.2C.

3) Under Bill 134-89 of the Baltimore County Code, the proposed use protects the prime and productive soils on the site.

The Court further found that it was error of law for the CRG plan not to have been referred to the Planning Board pursuant to

Section 22-59 of the Baltimore County Code since the plan involves a site included on the Landmark Preservation List. This Board issued a Remand Order dated August 21, 1991 wherein the proceedings were further submitted back to the CRG to be referred to the Planning Board for further review.

Before a special exception may be granted, it is required under the Baltimore County Zoning Regulations (BCZR), Section 502.1, that the use for the special exception requested will not:

a) Be detrimental to the health, safety, or general welfare of the locality involved; [BCZR, 1955]

b) Tend to create congestion in roads, streets or alleys therein; [BCZR, 1955]

c) Create a potential hazard from fire, panic or other dangers; [BCZR, 1955]

d) Tend to overcrowd land and cause undue concentration of population; [BCZR, 1955]

e) Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; [BCZR, 1955]

f) Interfere with adequate light and air; [BCZR, 1955; Bill No. 45, 1982.]

g) Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor [Bill No. 45, 1982]

h) Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. [Bill No. 45, 1982.]

With regard to subsections c, d, e and f, the Board finds that these subsections were not a subject of real dispute except to the

extent that the use of the subject property may affect other agricultural uses in the area and that the quantity and quality of the drinking water and streams in the area may be affected. These particular issues will be considered by this Board separately in this Opinion with specific findings of fact. Suffice it to say that the requirements set out under subsections c, d, e, and f were addressed by the Petitioners through their witnesses and that the subsections were not specifically disputed by the Protestants except to the extent as set out above.

This Board finds that the proposed use of the subject property as a golf course and country club will not create a potential hazard from fire, panic or other dangers; will not tend to overcrowd the land and cause undue concentration of population; will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; and will not interfere with adequate light and air.

As to Section 502.1(a), this Board finds that the proposed use of the subject property as a golf course and country club will not be detrimental to the health, safety or general welfare of the locality involved. It is noted by this Board, upon reviewing the evidence and testimony presented by the Protestants, that several concerns or possible adverse effects were raised and believed to have an adverse impact upon the health, safety and welfare of the community. They were:

1. The issuance of a liquor license to the country club and the consumption of alcoholic beverages by club members and guests;

2. The exposure of the surrounding neighbors to crime, caused by the use of the property as a golf course and country club;

3. The strain on public services (fire and police) and the response time of fire and police;

4. The hours of operation of the golf course and country club; and

5. The light and noise pollution caused by the use of the property as a golf course and country club.

The above concerns or issues raised by the Protestants have been considered by the Board, and the Board finds that the evidence presented supports a finding that the proposed use of the site would not have any adverse effects as raised above which would be above and beyond those adverse effects inherently associated with a golf course and country club, irrespective of its location within R.C. 2 and R.C. 4 zones. While the above enumerated concerns were raised by the Protestants, no such testimony of any substantial nature was offered by the Protestants to support the contentions. This Board recognizes that the above concerns are not unusual or unassociated with a golf course and country club. Certainly the record does not support any finding that the concerns raised are above and beyond those adverse effects which are inherently associated with a golf course and country club.

As pointed out by the Petitioners in their Memorandum upon Remand, the real issues raised in these proceedings as far as

health, safety and welfare are concerned is that of water quality and water quantity and how it is affected by the proposed use of the property as a golf course and country club. This Board finds that the evidence and testimony supports a finding of fact that the use of the property as proposed will not deplete the quantity of the water in the area of the subject site. The Board is persuaded by both the extensive, factual and opinion testimony given by Donald Koch, an expert in the field of hydrogeology. After giving impressive credentials concerning his field of expertise, Koch testified that he was familiar with hydrogeology issues associated with golf courses. He stated that he was involved in the Caves Valley golf course and country club project and that his duties as a hired consultant by Baltimore County Department of Environmental Protection and Resource Management (DEPRM) was to review the submissions by Caves Valley concerning ground water and to give comments to DEPRM and to suggest ground water monitoring plans. Koch informed the Board that a water supply and impact analysis was performed on the subject site as required by DEPRM. In addition, he stated that permeability tests were done at the site. His firm drilled seven wells on the site, all of which were successful, and six were to be used by the golf course which had an estimated yield of 169 gallons per minute (243,360 gallons per day; 88.8 million gallons per year). He further advised that pump tests were performed and that the results of these tests were part of the basis for Koch's giving an opinion that there was adequate ground

water available at the site to irrigate the golf course, in the event the site were limited to pumping 60,000 gallons of water per day. Koch further informed the Board that ground water at the site would be recharged from rainfall at the rate of approximately 10 inches per year. This rainfall would produce surface runoff which would be collected at the site by five irrigation ponds. The irrigation ponds would receive the ground water pumped from the wells at the site which would then feed the irrigation system of the golf course. This procedure could be done during times of minimal water usage.

Koch further provided the Board with important calculations concerning the pumping of ground water by the golf course and the impact that it would have on surrounding properties. The calculations assumed a continuous pumping rate of 50,000 gallons per minute of the well tested for periods of 90 days and one year.

Based upon these calculations, Koch provided the Board with his opinion which was: "There will be negligible impacts on nearby water wells." Koch further testified that he made additional calculations after the hearing before the Zoning Commissioner and after specifically locating the water supplies of six properties, including those properties of several of the Protestants. After considering continuous pumping for a period of 90 days at the rate of 60,000 gallons per day, Koch informed the Board that on four of the wells, drawdown was less than one foot and that the largest spring depletion was .8 gallon per minute. He gave the opinion

that the impact on the surrounding four wells and the two springs was "insignificant."

With regard to the First Mine Branch, a Class III trout stream which traverses the subject site, Koch informed the Board that in his opinion the effect that the proposed use of the golf course would have on the stream was "insignificant."

Important to this Board are the following questions which were asked of Koch and his responsive answers.

Koch was asked:

"Would you have an opinion as to whether or not this proposed golf and country club at this location would have any adverse effect in regard to water quantity and water quality which would be above and beyond the adverse effects on water quantity/quality which are inherently associated with a similar golf and country club which would be located within a similar R.C. 2 or R.C. 4 zone in Baltimore County?"

His response was:

"Well, we'll be using less groundwater than other golf courses. And, I believe that there would be less impact."

Koch was also asked:

"Would you have an opinion in regard to the issue of the water quantity and quality at this site as to whether or not, if this special exception were granted, the use of the site would be detrimental to the health, safety or general welfare of the locality surrounding the site?"

His response was:

"I do not believe there would be a significantly adverse impact."

In addition to being persuaded by the testimony given by Koch, this Board is also persuaded by the testimony given by E. Donald

Airey, Jr., on the issue of water quantity. Mr. Airey informed the Board that approximately 18 million gallons of water would be stored in the five irrigation ponds which have been approved by DEPRM. He stated that the pumping of the wells would be limited by restrictions imposed by Baltimore County and the Water Resource Administration of the State of Maryland. These restrictions would be met by the use of monitoring systems placed on each of the wells on the site. The evidence further indicates by the testimony of Mr. Airey that consultants for the Petitioners have been in touch with representatives of the County and that procedures were being considered to curtail water usage at the site during drought situations. The factual testimony given by Airey, coupled with the factual and expert opinion testimony given by Koch, persuades this Board that the quantity of the water in the area of the subject site will not be depleted by the use of the site as a golf course and country club.

With regard to water quality, this Board finds that the evidence and testimony supports a finding of fact that the use of the subject property as a golf course and country club will not affect the quality of the water in the area, so as to be detrimental to the health, safety, and general welfare of the locality involved. In making this finding, the Board is mindful of the test as set out in Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). Again, this Board is persuaded by the expert testimony presented by Donald Koch and the further testimony given by David

Lykens, a natural resource expert for DEPRM, and Richard D. Klein, a former water quality manager with the Maryland Department of Natural Resources.

Koch advised that soil permeability tests were performed at the site. The purpose of the tests was to determine the ability of the topsoil and subsoil to pass pesticides, herbicides, and fungicides through it. He informed the Board that "what you don't want is for [pesticides, herbicides, fungicides] to pass immediately from the surface down to the water table. That's what causes ground water contamination." He informed the Board that the results of the permeability tests were "relatively low" concerning "permeability of the soil" and that "there will not be any movement of pesticides through the upper better soil zone into the ground water."

Again, under the Schultz v. Pritts case, Koch in his capacity as an expert hydrogeologist was asked the following pertinent questions and gave the following responses:

Koch was asked:

"Would you have an opinion as to whether or not this proposed golf and country club at this location would have any adverse effect in regard to water quantity and water quality which would be above and beyond the adverse effects on water quantity/quality which are inherently associated with a similar golf and country club which would be located within a similar R.C. 2 or R.C. 4 zone in Baltimore County?"

His response was:

"Well, we'll be using less groundwater than other golf courses. And, I believe that there would be less impact."

Koch was also asked:

"Would you have an opinion in regard to the issue of the water quantity and quality at this site as to whether or not, if this special exception were granted, the use of the site would be detrimental to the health, safety or general welfare of the locality surrounding the site."

His response was:

"I do not believe there would be a significantly adverse impact."

This Board finds it significant that the evidence as presented by the Petitioners is that this particular golf course will be using less ground water than other golf courses and that there would be less impact than that normally associated with a similar golf course and country club located in a similar zone in Baltimore County.

On this issue of water quality, David Lykens, a natural resource specialist for DEPRM, gave pertinent testimony concerning the golf course project and what if any environmental impact there would be upon the surrounding streams and wetlands.

He informed the Board that a "forrest buffer easement" is established with regard to all developments in Baltimore County, including this proposed site. Under the "forrest buffer easement," an area around all streams, wetlands and floodplains is left to grow up in natural vegetation to protect water quality. At this site, the buffer is around the First Mine Branch and its unnamed tributary as well as the wetlands on site. Lykens informed the Board that the Petitioners have complied with DEPRM's requirements concerning steep slopes and the establishment of wetland buffers.

Also, he informed the Board that Petitioners have provided monitoring devices at the First Mine Branch and its unnamed tributary for the purpose of giving water temperature readings and providing surface water monitoring data. In addition to the above, testimony of Lykens established that the Petitioners were providing drain systems under all tees and greens and that the five irrigation ponds required by DEPRM were going to be constructed in such a manner so as to prevent any "thermal" pollution of the streams on site. Important to this Board is the fact that Lykens is satisfied that if the Petitioners follow the design requirements of DEPRM the irrigation ponds "should not present a thermal pollution problem." As to reforesting, Lykens informed the Board that the Petitioners plan to provide shade along the bank of the First Mine Branch which would reduce the temperature of the stream for the benefit of the trout population. Lykens was asked the following pertinent question:

> "Are you aware of any activities currently on the site, or planned for the site, that would have an adverse effect on the quality of the surface water contained in the First Mine Branch in the unnamed tributary?"

He provided the following pertinent answer:

> "If they develop according to the guidelines we [DEPRM] have set forth at the CRG and zoning hearing, I don't anticipate there would be a negative impact, based on the sediment control and grading, if they do it within our guidelines."

Next on the issue of water quality is the testimony of Richard D. Klein which this Board accepts as credible and persuasive. Klein, a former manager of water quality for the Maryland

Department of Natural Resources, stated that he studied certain of the streams which traversed golf courses in Baltimore County, one of which traversed the Hunt Valley Golf Course which is located in Baltimore County, south of the subject site. He informed the Board that this stream was tested for organisms both upstream and downstream, and before and after the construction of the Hunt Valley Golf Course. The results of his study were that the number of organisms in this stream increased four-fold while traversing the golf course. Since a greater number of organisms is conducive to a trout population, his testimony was supportive of a finding that the quality of the water in the stream was improved for the benefit of the trout population as it traversed the Hunt Valley Golf Course. Using this other stream located at another golf course location, this witness suggested to this Board that the same results would apply with regard to the proposed site.

Having considered the issues of health, safety and general welfare of the local community involved, and how the community would be affected by the proposed use, the Board is satisfied from the evidence presented and particularly from the testimony of those witnesses referred to above that the requirements of Section 502.1(a) have been met and particularly with regard to water quality and water quantity.

On the issue of traffic congestion, this Board finds that the proposed use as a golf course and country club will not create congestion on the roads and streets in the locality. The Board's

finding is based upon the evidence and expert opinion offered by Wesley Guckert, an expert in the field of traffic engineering, who testified on behalf of the Petitioners. The Protestants offered no expert testimony concerning traffic, and there is an absence of any substantive evidence to rebut the factual, credible and opinion testimony of Mr. Guckert. Guckert testified that he did a traffic study which was introduced into evidence as Petitioners' Exhibit No. 10. The study was based on existing traffic conditions on typical morning and evening commuter peak-hour periods, as well as on Saturday morning. After determining the amount of traffic that would be generated by the project, Guckert combined this amount of traffic with his findings as to the existing traffic on the road systems in the area. After making this combination, he characterized it as the "best level service conditions." Guckert provided opinion testimony that the golf course and country club would not be detrimental to the health, safety or general welfare of the locality, and specifically gave the opinion that the project would not tend to create any congestion in the roads in the locality. Under the Schultz v. Pritts test, Guckert was asked the following question:

> "Mr. Guckert, do you have an opinion as to whether or not this proposed golf course and country club at this location would have any adverse effect on traffic safety which would be above and beyond the adverse effects on traffic safety which are inherently associated with such a golf course and country club which would be located in the R.C. 2 or R.C. 4 zone in Baltimore County?"

And his answer was:

> "In my opinion, based upon golf courses that I have worked on, not only in Baltimore County, but throughout the region, the location of this golf course and the type of area along the type of roadways that is shown is no different than any other existing or proposed golf course, and therefore, it's my opinion from a traffic standpoint that this golf course at this particular location would not have any different effect than if it were located in any other R.C. 2 or R.C. 4 zone."

The Petitioners have met the requirement of Section 502.1(b) and have further met the test under Schultz v. Pritts with regard to the issue of traffic congestion in the area.

Concerning subsection 502.1(g), this Board finds that the use of the subject property as a golf course and country club is neither inconsistent with purposes of the property zoning classification nor an any other way inconsistent with the spirit and intent of the BCZR. In Baltimore County, a golf course or country club is permitted in an R.C. 2 or R.C. 4 zone by special exception and not as a matter of right (see Section 1A01.2.C.10 and Section 1A03.3B.7). Under the zoning regulations (see Section 502.1[g]), before any special exception may be granted, it must be established that the use of the property will not be "inconsistent with the spirit and intent of these zoning regulations."

Section 1A00.2, BCZR, sets out the general purposes of R.C. zones. The purposes are to:

a) discourage present land use patterns of development and to create a framework for planned or orderly development;

b) provide sufficient and adequate areas of rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development;

d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences."

Section 1A01.1.B specifically sets out the purpose of R.C. 2 zones which is to "foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses." Section 1A03.1 sets out the purpose of R.C. 4 zones which is to "provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds."

As to M.L. zoning, the purpose is not set forth in the zoning regulations. However, its purpose can be determined from a reading of the purposes for manufacturing, restricted zones, and manufacturing light, restricted zones, and the 73 uses permitted as of right in an M.L. zone. These purposes are set out in Section 240.1, Section 247, Section 253.1.1, and Section 253.1.b of the BCZR.

The Pecitioners offered the testimony of Donald Outen, the Bureau Chief for Water Quality and Resource Management of DEPRM, who offered expert testimony concerning Section 502.1(g), the zoning on the subject property, its present uses, its proposed uses, and how the proposed use would affect the general area.

Outen stated DEPRM's position that the project did not conflict with the Master Plan. He informed the Board that DEPRM approved the project as far as the special exception request was concerned, and also under the CRG process. Testimony developed that in 1989 the Baltimore County Planning Board attempted to amend the Master Plan to specifically prohibit golf courses in rural zones. A Planning Board recommendation was made to such effect, but was not adopted or approved by the Council. Testimony established to this Board's satisfaction that the current Master Plan does not specifically find a conflict of golf courses in rural zones. Importantly, Outen, testifying as to DEPRM's position, stated that the department "had no evidence to suggest that golf courses are detrimental to agriculture.... [W]e were very concerned about how a golf course would be designed to protect the resources, and by and large that has been the focus of [DEPRM's] work on this proposal." Outen further stated that "a golf course is compatible in an agricultural area, and in this particular case,...the soils are largely retained, if you are not having extensive grading. So the resources are protected...." As to the M.L. zoning on the property, Outen concluded that "[t]o the extent that...M.L. uses would be contradictory to agriculture, then removing M.L. activities certainly would insulate or protect agriculture." Testimony in Petitioners' case was that there would be no M.L. activities. Taking into consideration the testimony of Donald Outen who spoke on behalf of DEPRM, this Board is satisfied under

the Schultz v. Pritts test that the proposed use as a golf course and country club at this particular location would not have any adverse effects above and beyond those effects inherently associated with a golf course and country club within R.C. 2 and R.C. 4 zones. The Board agrees with the position asserted by the Petitioners that this particular site will be more beneficial to the surrounding R.C. 2 and R.C. 4 zones since it will remove an island of M.L. zoning and such permitted M.L. zoning uses which would be clearly detrimental to the purposes of R.C. 2 and R.C. 4 zones and agriculture within the area.

Next, this Board finds that the use of the subject property as a golf course and country club will not be inconsistent with the impermeable surface and vegetative provisions of the BCZR. It should be pointed out that the Protestants never specifically contended that the "impermeable surface" provisions of Section 502.1(h) were being violated by this project. The CRG plan does contain impermeable surfaces which surfaces were approved by DEPRM when it reviewed the plan. Such surfaces would be parking lot, cart paths, roadways, etc. Testimony was given by both Lykens and Airey setting out that there would be "vegetative retention" with regard to the wetland buffers and that reforestation efforts would be implemented under the project. To further support the Board's finding concerning "impermeable surfaces" is the testimony of Outen which is that DEPRM has imposed upon the project the "best management practices for soil and water protection." The Board

finds that the Protestants have offered no significant evidence to support a finding that the project would in any way be inconsistent with the impermeable surface and vegetative provisions of the zoning regulations. The plan offered into evidence, coupled with the testimony of Lykens, Airey, and Outen, supports a finding that no violation is likely to occur concerning impermeable surface and vegetative provisions of the zoning regulations.

With regard to primary agricultural uses in the vicinity, the Board finds that the use of the subject property as a golf course and country club will not detrimental to primary agricultural uses within the vicinity under BCZR 1A01.2C. On this issue, the testimony of Donald Outen, an authorized representative testifying on behalf of DEPRM, is significant and is relied upon by the Board along with the further testimony of Wesley Guckert, a traffic expert, and Airey. Outen's testimony established that DEPRM had specific staff discussions concerning the impact of a golf course on agriculture and with particular regard to the areas surrounding Piney Branch Golf Club in Northwestern Baltimore County and another golf course located in Stewartstown, Pennsylvania, just north of Baltimore County. Testimony established that a study was done by DEPRM which found that no effect of these golf courses would be detrimental to the surrounding agricultural community.

More importantly, Outen was asked specifically with regard to the present project whether the interest of agriculture in Baltimore County in the area would be furthered by an 18-hole golf

course. The Board sets out the specific question and answer upon which it relies:

> "How does the Greystone Golf Course with eighteen holes further the interest of agriculture in Baltimore County in this area?"

His response was:

> "...specifically, it protects the prime and productive soils by [its] design, and it [exists] without being a detriment to the agriculture in the surrounding areas. Again, as we have understood from other golf courses in similar areas."

The Board further relies upon the following testimony given by Outen to support its findings that the proposed use would not be detrimental to agricultural uses in the area. Outen stated: "We [DEPRM] have had no evidence to suggest that golf courses are detrimental to agriculture. Therefore, we [DEPRM] did not view that [the project] was a Master Plan conflict." He further stated: "I would emphasize that a golf course is compatible in an agricultural area, and in this particular case the soils are largely retained, if you are not having extensive grading. So the resources are protected...."

From a traffic point of view, Wesley Guckert provided testimony concerning the areas surrounding Piney Branch Golf Club which is also located in Baltimore County surrounded by agriculture. Using this golf course as an example as to how the future situation will be with the proposed golf course, which is a permitted process of reasoning under Schultz v. Pritts, he stated "the golf course has been there for many, many years, and the area

around the golf course immediately adjacent to the fairways has remained particularly agricultural."

Supplementing Guckert's testimony on traffic is the factual testimony of Airey, which establishes that Piney Branch Golf Club has been in existence for 21 years and that the area surrounding the golf course is "still basically a farming community." Concerning agricultural uses in the area, Airey also testified that the project was not detrimental. He stated: "By taking this site and creating a golf course, you're forever creating open space. [You] ensure that any future time you could return [the site] to agriculture. If [the site] were used for housing development, that would restrict any future agricultural use."

On the issue of the proposed golf course and its effect upon the agriculture in the area, the Protestants offered the testimony of Paul Solomon, who gave his personal opinion and did not testify in his capacity as an employee of DEPRM. The Board has considered his testimony which is opposed to the testimony of Outen who testified on behalf of DEPRM. While Solomon attempted to persuade this Board that the proposed golf course would have a detrimental effect upon agriculture in the area, this Board has difficulty accepting his testimony over that of Outen. It was developed in the Petitioners' case that Mr. Solomon himself prepared a study concerning the effect of golf courses in Baltimore County and just north of Baltimore County on surrounding agriculture. The study indicated that these golf courses did not have a detrimental effect

on the surrounding agricultural uses. The conclusions of the study performed by Mr. Solomon in his capacity as coordinator for the agricultural preservation program in Baltimore County and his opinion testimony given before this Board certainly appear to be in conflict. Having before it such conflicting evidence, the Board is placed in a position where it must doubt the credibility of the opinion testimony offered by Mr. Solomon. In so doing, the Board accepts as more persuasive and more convincing the testimony offered by Mr. Outen which is directly opposed to the testimony of Mr. Solomon and consistent with the study conducted by Mr. Solomon as an employee of DEPRM.

Concerning the promotion of agricultural uses and the protection of soil resources under Bill No. 134-89, this Board finds that the use of the subject property as a golf course and country club will promote agriculture use and protect Baltimore County soil resources in accordance with policies established by DEPRM. Bill No. 134-89 provides in pertinent part that "on prime and productive soils within the R.C. zones, except within the R.C. 5 zone, no plan or plat may be approved unless the County finds that construction, excavations, buildings, structures, pavements, grading, clearing or other disturbances of the soils will be limited or restricted in accordance with policies established by the Department of Environmental Protection and Resource Management to promote agricultural uses and protect Baltimore County's soil resources."

As to the "promotion of agricultural uses," the Board finds that allowing the use of the property as a golf course and country club, which is primarily open space, serves to protect and promote agriculture in the area. Again, testimony given by Outen, speaking on behalf of DEPRM and in his expert capacity, clearly establishes that the golf course project would further the interest of agriculture in Baltimore County in the area. Outen was asked the following pertinent question:

> "How does the Greystone Golf Course with eighteen holes further the interest of agriculture in Baltimore County in this area?"

Mr. Outen's reply was:

> "...specifically, it protects the prime and productive soils by [its] design, and it [exists] without being a detriment to the agriculture in the surrounding areas. Again, as we have understood from other golf courses in similar areas."

Mr. Outen further gave testimony informing the Board that DEPRM had no evidence to suggest that golf courses are detrimental to agriculture. He stated that DEPRM did not view the project to be in conflict with the Master Plan and further said "I would emphasize that a golf course is compatible in an agricultural area, and in this particular case the soils are largely retained, if you are not having extensive grading. So the resources are protected...."

Airey also testified in support of this Board's finding that the project is not detrimental to agricultural use in the area. He said: "By taking this site and creating a golf course, you're

forever creating open space. [You] ensure that any future time you could return [the site] to agriculture. If [the site] were used for housing development, that would restrict any future agricultural use."

Concerning the protection of Baltimore County's soil resources, Outen representing DEPRM testified that his department was directed to implement policy under Baltimore County Council Bill No. 134-89. An interim policy was established by DEPRM and was in existence as of the date of the hearings before this Board. It is the position of DEPRM that the interim policy concerns residential development only. Outen testified that it was his opinion that the policy first issued by DEPRM under Bill No. 134-89 only concerned residential development because it was the primary problem that DEPRM was dealing with at the time the bill was passed. This Board agrees with the Protestants' argument that Bill No. 134-89 spoke of "policies" (plural), and that the legislation was merely contemporary with DEPRM's promulgation of its first policy on April 1, 1990.

When questioned as to whether the interim policy established under Bill No. 134-89 applied to the protection of prime and productive soils as to this particular project, Mr. Outen responded: "The golf course, by and large, minimizes grading, and was intentionally...designed to minimize grading; and to that extent there would not be extensive disturbance of soils."

Outen further testified: "We [DEPRM] were very concerned

about how a golf course would be designed to protect the resources [including prime and productive soils], and by and large that has been the focus of [DEPRM's] work on their [Blackstrap Development Company] proposal."

Based on the testimony presented by the Petitioners, particularly the testimony of Outen and Airey, this Board is satisfied that construction of the golf course and country club will not in any manner be detrimental to primary agricultural uses in the vicinity under BCZR 1A01.2C.

In addition to addressing the above issues, this Board must further consider the issue of whether or not the proposed golf course and country club adversely affects the Wiseburg Inn which is a structure included on the Landmarks Preservation List. The Wiseburg Inn is located approximately 3 miles from the subject site at the intersection of York and Wiseburg Roads. The Court in its Remand Order dated July 29, 1991 directed that the Planning Board consider any plan that "involves" a site included on the Landmarks Preservation List, pursuant to Section 22-59 of the Baltimore County Code. At the first hearing on this matter, this Board addressed the issue of whether the historic site was adversely affected but did so without first having the matter presented before the Planning Board. The Board, after receiving the Remand Order from the Court, passed its own remand order directing the matter back to the CRG for review by the Planning Board to determine whether the plan "involves" a site included on the

Landmarks Preservation List. This was done, the Planning Board hearing was held, and a decision was rendered. The decision of the Planning Board was to adopt the staff report of the Planning Board which recommended that:

1. The volume of traffic projected to be generated by the Greystone Country Club does not appear to be sufficiently large to cause "involvement" with the historic Wiseburg Inn (or the Inn complex).

2. Even if the volume is judged to constitute "involvement" pursuant to County Code (1988) Section 26-207(a)(4), the expected effects of the traffic volumes would not necessitate changes to the approval conditions already imposed on Golf Course project.

This decision was forwarded to the CRG and was approved by the CRG on October 24, 1991 when the plan was approved. Both the CRG ruling approving the plan which incorporates the Planning Board's decision, and the actual decision of the Planning Board dated October 3, 1991 were appealed to this Board by the Protestants. The Board scheduled a hearing on these two appeals, and took testimony on January 2 and January 7, 1992. At the hearing, the Board made the ruling that it would only receive evidence and testimony on the historic landmark preservation issue. This ruling was made following direction by the Circuit Court for Baltimore County under letter addressed to this Board dated December 19, 1991 from Judge Barbara Kerr Howe. At the hearing, the CRG plan, the minutes of the CRG meeting, the Planning Board's decision, and the staff report were offered into evidence. In addition to these documents, the Protestants presented the testimony of Marion V.

Runkles, III, the owner of the Wiseburg Inn. He testified as to the location of the property, the structures on the property, and offered several photographs into evidence, depicting the historic site and its building locations with respect to the roadways. The Board was informed that the present use of the land is farming, but that he proposed in the future to use part of the site as a small house museum. In his opinion, the increase in traffic that would be generated from the golf course project would have a detrimental effect on the site. He stated that the "greatest thing" he "fears" is if there is a function at the club he would not be able to get a group of approximately 20 people across the road, if the site were to be used in the future as an operating museum. His proposed solutions were either to deny the country club, reduce it to nine holes, or to move the intersection. On cross-examination, it was established under the testimony that he was given the opportunity to present his case to the Planning Board below. He informed the Board that he did so by the use of a letter and photographs.

Mr. John McGrain also testified at the hearing in his capacity as head of the Baltimore County Landmarks Preservation Commission. He identified the property and informed the Board that it was in fact on the Historic Landmarks Preservation List.

This Board has considered the evidence and testimony that was presented before it at its hearings on January 2 and January 7, 1992 and has reviewed the exhibits which were offered into evidence. On the issue of whether or not the proposed special

exception for a golf course and country club will affect the Wiseburg Inn, the Board gives considerable weight to the Planning Board staff report dated September 17, 1991 which is in effect the recommendation that the Planning Board accepted as its decision and forwarded to the CRG. That report is extensive. It clearly discloses that the entire issue of how the proposed project will affect the historic site is considered. It gives considerable attention to the issue of traffic and reviews the traffic analysis reports made by Wesley Guckert who testified as a traffic expert in this case. This Board can appreciate that Mr. Runkles has concerns over the effect that the project will have on his property. However, the evidence that he has presented does not support a finding to the extent that the project should not be approved. The Board is satisfied by the recommendations given by the Planning Board to the CRG which is set out in this Opinion above, and adopts as its findings the findings of the Planning Board. Nothing in the record before the Planning Board, the CRG, or the process followed by the Petitioners after the remand by this Board suggests that any of the agencies or department heads acted in an arbitrary, capricious or otherwise illegal manner. The law is well-settled that when this Board receives on appeal a CRG plan, such as in this case, there is a presumption of correctness. The decision of the CRG cannot be set aside unless it can be clearly established that the plan was arbitrary, capricious, procured by fraud or otherwise illegal. Again, this Board finds in this Opinion as it previously

found in its prior Opinion that the Protestants have failed to overcome the presumptive correctness of the CRG and that the issues presented before both the CRG and this Board were "fairly debatable" and for this reason the Board will not substitute its judgment for that of the CRG. The evidence supports the granting of the special exception request and that the CRG approval was correct and proper. The evidence further supports a finding that the decision made by the Planning Board concerning the historic site and whether any adverse effect has been placed upon the site by the golf course is a correct and proper one, supported by sufficient documentation and evidence.

Finally, this Board received legal argument from counsel concerning the appeal filed by the Protestants from the decision of Ted Zaleski, Jr., Director of Permits & Licenses, wherein he refused to revoke or suspend the grading permits for this project. This Board has considered the argument advanced by counsel and does not have before it any evidence to support a finding that Mr. Zaleski acted in a manner arbitrary, capricious or contrary to law in refusing to cancel his previous issuance of the grading permits.

O R D E R

For the reasons set out above, it is therefore this 28th day of February, 1992 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception for a country club and its designated amenities be and is hereby GRANTED with the following restrictions:

1. The Petitioners shall be permitted to construct one 18-hole golf course above and to the north of the line drawn between the point intersection by N 75 deg. 22'17" W 123.38' and N 30 deg. 58' W 518.21'; and the point intersected by N 14 deg. 53' W 820' and S 86 deg. 17' E 495' +/-, said line being approximately located at the narrowest portion of the subject property. The Petitioners shall be prohibited from developing that portion of the subject property below or to the south of said line for use in conjunction with the proposed country club/golf course. There shall be no residential development within the area of the Special Exception golf course. The area to the south of the golf course shall be held in an undeveloped condition until July 1, 1994 at which time the Petitioners may request by Special Hearing any use permitted as a matter of right or by Special Exception.

2. All wells on the subject property shall be equipped with a computer monitoring system which shall record, among other pertinent data, the gallons of water pumped per day, the time of the pumping, the quality of the water and the depth of water in the well at the beginning and ending of each pumping. Such system shall be approved by the Department of Environmental Protection & Resource Management (DEPRM). All data generated by said computer monitoring system shall be made available to the Zoning Commissioner, Office of Planning & Zoning, and DEPRM upon demand. A full report of ground water usage and quality shall be produced by a professional monitoring company and supplied to the Office of the Zoning Commissioner and DEPRM on January 31, 1993, and each year thereafter for 10 years and every 3 years thereafter.

3. The Petitioners shall not pump more than 60,000 gallons of well water per day on and from the subject site. During a period of declared drought by the National Weather Service, the Petitioners may pump only 20,000 gallons of well water per day from the subject site.

4. The Petitioners shall install a water monitoring system at the location where the First Mine Branch Stream enters the subject site, where said stream exits the site and where the "unnamed tributary" enters the First Mine Branch Stream. The monitoring system shall be of a type approved by DEPRM, and all data generated by such system shall be made available to the Baltimore County Office of Planning & Zoning, DEPRM, and the Zoning Commissioner for Baltimore County on January 31, 1993, and each year thereafter for 15 years.

5. There shall be no residential development on the subject site.

IT IS FURTHER ORDERED that the decision of the County Review Group dated October 24, 1991 granting approval of the plan as proposed on Petitioners' Exhibit No. 1 be and the same is hereby AFFIRMED; and it is further

ORDERED that the decision of the Planning Board dated October 3, 1991 be and is hereby AFFIRMED; and it is further

ORDERED that the decision of the Director of Permits & Licenses not to revoke or suspend the grading permits in this project be and is hereby AFFIRMED.

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

William T. Hackett

William T. Hackett, Chairman

Michael B. Sauer

John G. Disney

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OLD COURTHOUSE ROOM 49
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2-28-92

10 65 please make 2 copies - get one to me & one to file stamp

February 28, 1992

90-19

J. Carroll Holzer, Esquire
HOLZER, MAHER & DEMILIO
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Greystone Golf Course /
On Remand from the Circuit Court

Dear Mr. Holzer:

Enclosed please find a copy of the Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter, with regard to the Circuit Court Remand Order, Case No. 91-CG-1402; and Cases No. CBA-91-183, No. CBA-91-199, and No. CBA-91-203 before the Board of Appeals.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Thomas G. Bodie, Esquire
Robert A. Hoffman, Esquire
M. V. Runkles, III /Wiseburg Community Assn.
Furman E. Hendrix, et al
Blackstrap Development Company
E. F. Raphel and Associates
E. Donald Airy, Jr.
People's Counsel for Balto County
Michael Moran, Assoc County Atty
P. David Fields
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
Jose H. Escalante
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
LPJ, Inc.
L. Reed Huppman
Mike Deluca
John W. McGrain
H. Emslie Parks, Co Atty
Merreen E. Kelly
Ted Zaleski, Jr.
Gene Neff
Richard D. Klein
David L. Thomas
Docket Clerk -Zoning
Arnold Jablon, Director
of Zoning Administration

County Board of Appeals of Baltimore County
~~COUNTY OFFICE BUILDING, ROOM 315~~
~~111 W. CHESAPEAKE AVENUE~~
TOWSON, MARYLAND 21204
(301) 887-3180
OLD COURTHOUSE ROOM 49
400 WASHINGTON AVE.

2-28-92

February 28, 1992

The Honorable Barbara K. Howe
Judge, Circuit Court for Baltimore County
Courts Building, 401 Bosley Avenue
Towson, MD 21204

Re: Case No. 91-CG-1402/92/231
Greystone Golf Course

Dear Judge Howe:

The Board rendered its Opinion today in the above-captioned matter which was remanded back to us by you under Order of Court dated July 29, 1991.

Enclosed is an advance courtesy copy for your files.

Very truly yours,

William T. Hackett, Chairman
County Board of Appeals

Enclosure

cc: Thomas J. Bodie, Esquire
Robert A. Hoffman, Esquire
J. Carroll Holzer, Esquire
People's Counsel for Baltimore County

4-3-91

ORDER FOR APPEAL FROM ADMINISTRATIVE AGENCY

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/ GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTER-SECTION OF WHITEHALL AND VERNON ROADS	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
and	*	
GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	Case Nos. 90-19-SPHX and CVA-90-165

****

ORDER FOR APPEAL BY MARION V. RUNKLES, III
AND THE WEISBURG COMMUNITY ASSOCIATION, INC.

DEAR SIR/MADAM CLERK:

Please enter an appeal on behalf of Marion V. Runkles, III and the Weisburg Community Association, Inc., Appellants/Protestants, from the opinion of the Baltimore County Board of Appeals which granted the Petition for a Special Exception and affirmed the decision of the County Review Group dated August 30, 1990 with respect to the construction and operation of the Greystone Golf Course and County Club to be located along the south side of Whitehall Road, west of Vernon Road.

G. Macy Nelson /jms
G. MACY NELSON

James S. Aist /jms
JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201
(301) 752-1630

Attorneys for Appellants/
Protestants

91 APR -4 AM 11:20

JSA:216

ORDER FOR APPEAL FROM ADMINISTRATIVE AGENCY

IN THE MATTER OF THE APPLICATION OF FUFMAN E. HENDRIX, et al FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/ GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTER-SECTION OF WHITEHALL AND VERNON ROADS	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
and	*	
GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	Case Nos. 90-19-SPHX and CVA-90-165

****

CERTIFICATE OF COMPLIANCE WITH RULE B-2(c)

I HEREBY CERTIFY that on this 2d day of April, 1991, a copy of the foregoing Order for Appeal by Marion V. Runkles, III and the Weisburg Community Association, Inc. was mailed, postage prepaid, to:

William T. Hackett, Chairman
County Board of Appeals of Baltimore County
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, MD 21204

Thomas G. Bodie, Esquire
Power & Mosner
21 W. Susquehanna Avenue
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

G. Macy Nelson /jms
G. MACY NELSON

James S. Aist/pms

JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201
(301) 752-1630

Attorneys for Appellants/
Protestants

JSA:216

4-3-91

ORDER FOR APPEAL FROM ADMINISTRATIVE AGENCY

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/ GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTER-SECTION OF WHITEHALL AND VERNON ROADS	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case Nos. 90-19-SPHX and CVA-90-165
and	*	
GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	

****

PETITION

Marion V. Runkles, III and the Weisburg Community Association, Inc., by their attorneys, G. Macy Nelson and James S. Aist, set forth the following grounds in support of their appeal:

1. The Appellants/Protestants appeal the opinion of the Board of Appeals of Baltimore County which granted the Petition for a Special Exception and affirmed the decision of the County Review Group dated August 30, 1990 with respect to the construction and operation of the Greystone Golf Course and County Club.

2. Section 22-59 of the Baltimore County Code provides that when reviewing a building plan, the County Review Group shall refer the plan to the Planning Board whenever the plan involves a building or structure contained upon the Landmarks Preservation Commission final list of historic places.

91 APR -4 AM 11:20

3. The Weisburg Inn is unquestionably contained on the Landmarks Preservation Commission final list of historic sites in Baltimore County. Baltimore County Code §22-169(69) (Supp. 1986).

4. The only direct means of access to the Greystone Golf Course from York Road is by turning onto Weisburg Road. Weisburg Road, at its intersection with York Road, runs through the middle of the Weisburg Inn property.

5. Operation of the Greystone Golf Course and Country Club will significantly increase the volume of traffic making turns from York Road onto Weisburg Road in an effort to reach the golf course facility. According to information supplied by the developers, the number of vehicles making left turns from southbound York Road onto Weisburg Road during the morning peak hours will increase sixfold. In addition, the number of persons making this left turn during the Saturday peak hour will more than double.

6. This increased volume of traffic as a result of the operation of the golf course and country club will have a profound and significant impact upon the operation and preservation of the Weisburg Inn, an acknowledged historic site.

7. To date, Baltimore County's Landmarks Preservation Commission has not considered the detrimental impact that construction of the Greystone Golf Course and Country Club will have upon the Weisburg Inn.

8. For these reasons, the County Review Group erred by failing to refer the plan to the Planning Board pursuant to §22-59 of the Baltimore County Code.

WHEREFORE, Marion V. Runkles, III and the Weisburg Community Association, Inc., Appellants/Protestants, respectfully request that this court reverse the decision of the Board of Appeals of Baltimore County and deny the plan to construct the Greystone Golf Course and Country Club. In the alternative, Appellants/Protestants respectfully request that this court vacate, set aside, or overturn the opinion of the Board of Appeals of Baltimore County and remand the plan to the County Review Group with instructions to refer the plan to the Planning Board in accordance with §22-59 of the Baltimore County Code.

G. Macy Nelson/pms
G. MACY NELSON

James S. Aist/pms
JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201
(301) 752-1630

Attorneys for Appellants/
Protestants

JSA:216

ORDER FOR APPEAL FROM ADMINISTRATIVE AGENCY

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/ GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTER-SECTION OF WHITEHALL AND VERNON ROADS	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case Nos. 90-19-SPHX and CVA-90-165
and	*	
GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	

****

CERTIFICATE OF COMPLIANCE WITH RULE B-2(c)

I HEREBY CERTIFY that on this 3rd day of April, 1991, a copy of the foregoing Petition of Marion V. Runkles, III and the Weisburg Community Association, Inc. was mailed, postage prepaid, to:

William T. Hackett, Chairman
County Board of Appeals of Baltimore County
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, MD 21204

Thomas G. Bodie, Esquire
Power & Mosner
21 W. Susquehanna Avenue
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

G. Macy Nelson/pms
G. MACY NELSON

James S. Aist/pms
JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201
(301) 752-1630

Attorneys for Appellants/
Protestants

JSA:216

4-3-91

ORDER FOR APPEAL FROM ADMINISTRATIVE AGENCY

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/ GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTER-SECTION OF WHITEHALL AND VERNON ROADS	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case Nos. 90-19-SPHX and CVA-90-165
and	*	
GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	

****

PRAYER FOR JURY TRIAL

Appellants, Marion V. Runkles, III and the Weisburg Community Association, Inc. elect a trial by jury pursuant to Maryland Rule B-11.

G. Macy Nelson/pms
G. MACY NELSON

James S. Aist/pms
JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201
(301) 752-1630

Attorneys for Appellants/
Protestants

JSA:216

91 APR -4 AM 11:20

ORDER FOR APPEAL FROM ADMINISTRATIVE AGENCY

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/ GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTER-SECTION OF WHITEHALL AND VERNON ROADS	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case Nos. 90-19-SPHX and CVA-90-165
and	*	
GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	

****

CERTIFICATE OF COMPLIANCE WITH RULE B-2(c)

I HEREBY CERTIFY that on this 3rd day of April, 1991, a copy of the foregoing Prayer for Jury Trial by Marion V. Runkles, III and the Weisburg Community Association, Inc. was mailed, postage prepaid, to:

William T. Hackett, Chairman
County Board of Appeals of Baltimore County
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, MD 21204

Thomas G. Bodie, Esquire
Power & Mosner
21 W. Susquehanna Avenue
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

G. Macy Nelson/pms
G. MACY NELSON

5-14-91

LAW OFFICES
ANDERSON, COE & KING
SUITE 2000
201 N CHARLES STREET
BALTIMORE MARYLAND 21201
TELEPHONE 301 752 1630
FAX DIRECT DIAL 301-752-0085
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OCEAN CITY OFFICE
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7804 COASTAL HIGHWAY 25
OCEAN CITY MD 21842
TELEPHONE 301 524 8411
FAX DIRECT DIAL 301 524 9478

ROBERT H BOUSE JR
E DALE ADKINS III
JAMES A ROTHSCHILD
W BRADLEY HALLING
J MICHAEL BLONEKER
G MACY NELSON
E PHILIP PRAINE III
T MICHAEL PRESTON

COUNSEL
WARD B COE JR
FRANK J VECELLA
JOHN F KING

G C A ANDERSON
(1898-1985)

LYNNE B MALONE
GREGORY L HADERSON
PHILIP C JACOBSON
WENDY L SHIFF
CONSTANCE D BURTON
BARBARA M C STANLEY
MATTHEW T ANGOTTI
HUGH CROPPER IV
DEBRA L WYNNE
JILL R LEINER
DEBORAH J CLARKE
JAMES S AIST
WILLIAM C HUDSON
DOUGLAS K SCHRADER

May 14, 1991

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

RE: The Weisburg Community Association, Inc., et al vs.
Furman E. Hendrix, et al
Case No.: 91CG 1402 9 231

Dear Clerk:

Kindly accept for filing the enclosed Memorandum of Marion V. Runkles, III and the Weisburg Community Association, Inc., in connection with the above-captioned case.

Very truly yours,

G. Macy Nelson

G. Macy Nelson

GMN/js

enc.

cc: J. Carroll Holzer, Esquire
Thomas G. Bodie, Esquire
Phyllis Cole Friedman
E. Donald Airey, Jr., Esquire
William T. Hackett

MARION V. RUNKLES, III and THE WEISBURG COMMUNITY ASSOCIATION, INC., et al., * IN THE
*
Appellants * CIRCUIT COURT
*
vs. * FOR
*
FURMAN E. HENDRIX, et al. * BALTIMORE COUNTY
*
Appellees * Case No.: 91CG 1402 92/231

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

MEMORANDUM OF MARION V. RUNKLES, III
AND THE WEISBURG COMMUNITY ASSOCIATION, INC.

Marion V. Runkles, III and the Weisburg Community Assocation, Inc., Appellants, by and through their attorneys, G. Macy Nelson and James S. Aist, submit the following the Memorandum in support of their appeal from the action of the Board of Appeals for Baltimore County regarding plans for the construction of Greystone Golf Course.

I. FACTS

A. The Weisburg Inn

The Weisburg Inn is an authentic, magnificently preserved halfway house located midway between York, Pennsylvania and Baltimore City, Maryland. It is situated along a toll road formerly owned and operated by the Baltimore and York Town Turnpike Company. The inn served as a stopping place for stagecoaches traveling between the two cities. (Protestants Exhibit 6-E). Today, the inn is located at the intersection of York and Weisburg Roads.

In addition to the halfway house, the Weisburg property contains a number of authentically restored outbuildings including a coach shed, horse barn, sheep house, and cow barn. (Protestants Exhibit 6-E). Surrounding these buildings are crop fields and orchards. The property functions as a self-sustaining farm much the way it did when constructed in 1810. (Protestants Exhibit 6-E).

The Weisburg Inn is listed on Baltimore County's final historical landmarks list. Baltimore County Code §22-169(69) (Supp. 1986). In addition, the Weisburg Inn has been accepted onto the National Register of Historic Places, a division of the Heritage Conservation and Recreation Service, U.S. Department of the Interior, and the Maryland Historical Trust.

B. The Greystone Golf Course

The Appellees seek to construct an 18-hole golf course on a 305-acre tract of land approximately one mile from the Weisburg Inn. (Petitioners Exhibit 10). In addition to the golf course, the complex will consist of practice facilities and a clubhouse including a pro shop, lounge, and an eating facility. The complex will contain 367 parking spaces. (Petitioners Exhibit 10).

The only direct means of access to the Greystone Golf Course from York Road is by turning onto Weisburg Road. Weisburg Road, at its intersection with York Road runs through the middle of the Weisburg Inn property. The coach shed, horse barn and sheep house are located on one side of Weisburg Road while the cow barn is located on the other. Moreover, Weisburg Road at this junction is narrow with outbuildings from the Weisburg Inn located just a few feet from the road. Construction of Greystone Golf Course will greatly increase the number of vehicles making turns off of York Road onto Weisburg Road and passing between the outbuildings of the Weisburg Inn property.

II. ARGUMENT

Section 22-59 of the Baltimore County Code provides that when reviewing a building plan, the County Review Group shall refer the plan to the Planning Board whenever the plan involves a building or structure contained upon the Landmarks Preservation Commission final list of historic places. The section provides:

> (a) In accordance with §22-58(b) or (d), the CRG shall refer the plan to the Planning Board in the following circumstances:
>
> ********
>
> (4) the plan involves a building, structure or site included on the landmarks preservation commission preliminary or final list or is located within a Baltimore County historic district;
>
> *********

Baltimore County Code §22-59 (Supp. 1986). Undoubtedly, the policy reason for referring the plan to the Planning Board in this instance is to permit specially appointed members of the community to review the plan and render the final decision. See Baltimore County Code §22-60(c) (Supp. 1986).

The Weisburg Inn is unquestionably contained on the Landmarks Preservation Commission final list of historic sites in Baltimore County[1/]. Baltimore County Code §22-169(69) (Supp. 1986). For the reasons set forth below, the County Review Group

1/ To date, Baltimore County's Landmarks Preservation Commission has not considered the detrimental impact that construction of the Greystone Golf Course will have upon the Weisburg Inn.

erred by failing to refer the plan for the Greystone Golf Course to the Planning Board.

Operation of the Greystone Golf Course and Country Club will significantly increase the volume of traffic making turns from York Road onto Weisburg Road in an effort to reach the golf course facility. According to information supplied by the developers, the number of vehicles making left turns from southbound York Road onto Weisburg Road during the morning peak hour will increase sixfold[2/]. (Petitioners Exhibit 10). In addition, the number of persons making this left turn during the Saturday peak hour will more than double[3/]. (Petitioners Exhibit 10). This increase in traffic volume on Weisburg Road will have a profound and significant impact upon the Weisburg Inn.

The Weisburg Inn is a fully functioning farm. Because its outbuildings are located on both sides of Weisburg Road, it is often necessary for livestock and farm equipment to cross Weisburg Road. This task is already complicated by the existing volume of traffic in the area. (Protestants Exhibit 6-E). If the volume of traffic increases as suggested by the developers, the transfer of livestock and farm equipment across Weisburg Road will become increasingly more dangerous.

2/ During the morning peak hour, the number of left turns will increase from 10 per hour to 63 per hour. The Traffic Group Report, pp. 5-11.

3/ During the Saturday peak hour, the number of left turns will increase from 16 per hour to 42 per hour. The Traffic Group Report, pp. 5-11.

Several of the Weisburg Inn outbuildings are located very close to the edge of Weisburg Road. In particular, the horse barn is located but three feet from the road's edge. The intersection of Weisburg Road and York Road is currently the scene of many traffic accidents. (Protestants Exhibit 6-E). Indeed, recent accidents have caused substantial damage to a split rail fence and the horse barn on the Weisburg property. (Protestants Exhibit 6-E). With the increase in the volume of traffic, there will be additional accidents at this intersection. There is a grave risk that additional traffic volume will result in significant property damage to the Weisburg Inn outbuildings.

Weisburg Road at its intersection with York Road is very narrow. With the increased volume of traffic caused by the golf course, it may be necessary to widen Weisburg Road in order to accomodate the additional traffic. This will have a devastating impact upon the Weisburg Inn. As noted above, the Weisburg Inn is a protected historical and archeological site. Any widening of the roadway will require the taking of land from the Weisburg property and will bring vehicular traffic ever closer to the Weisburg outbuildings.

III. CONCLUSION

To date, the Baltimore County Planning Board has not considered the profound impact that construction of the Greystone Golf Course will have upon the Weisburg Inn. Because construction of the golf course may cause serious injury to the Weisburg property and disrupt its farming operations, the Board of Appeals for Baltimore County erred by failing to order that the plan be

referred to the Planning Board as provided in Baltimore County Code §22-59(a)(4). For these reasons, the Weisburg Community Association, Inc. requests that this Court reverse the decision of the Board of Appeals for Baltimore County and remand this plan with instructions that the plan be sent to the County Review Group for referral to the Planning Board.

G. MACY NELSON

JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, MD 21201
(301) 752-1630

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 1991, a copy of the foregoing Memorandum was mailed, first class, postage prepaid, to:

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

Thomas G. Bodie, Esquire
Power & Mosner, P.A.
21 W. Susquehanna Avenue
Towson, MD 21204

Phyllis Cole Friedman
Peoples Counsel for Baltimore County
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

E. Donald Airey, Jr., Esquire
1222 Corbett Road
Monkton, MD 21111

William T. Hackett
County Board of Appeals of Baltimore County
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, MD 21204

JAMES S. AIST

JSA:193(7)

January 2, 1992 Hearing before the Board of Appeals.

January 7 Hearing completed before the Board of Appeals.

February 28 Opinion and Order of the Board of Appeals GRANTING Petition for Special Exception with restrictions; AFFIRMING the approval of the County Roview Group; AFFIRMING the decision of the Planning Board; and AFFIRMING the decision of the Director of Permits & Licenses.

March 26 Order for Appeal filed in the Circuit Court for Baltimore County by J. Carroll Holzer, Esquire on behalf of Lucy Parrish Wilmer, et al.

Petition to accompany Appeal filed in the Circuit Court for Baltimore County by Mr. Holzer.

March 27 Order for Appeal filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County. Petition to accompany appeal also filed.

March 27 Certificate of Notice sent to interested parties.

April 3, 1992 Transcript of testimony filed.

Protestants' Exhibit No. 1a-i -Photos
2a-h -Photos
1-Letter from Chairman to Hon. Barbara K. Howe (12/17/91)
2-Letter from Hon. Barbara K. Howe to Chairman (12/19/91)
3-Dorothy E. Miller's statement to Board by this Ex. 1/2/92

Petitioner's Exhibit No. 1 -Approved CRG Plan 10/24/91
2 -CRG Meeting Summary 10/24/91
2a-Letter: David Fields to Co-Chairman-CRG 10/4/91
2b-Report to Planning Board 9/17/91

April 3, 1992 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court,

together with exhibits entered into evidence before the Board.

Respectfully submitted,

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49, Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

cc: J. Carroll Holzer, Esquire
People's Counsel for Baltimore County
Thomas G. Bodie, Esquire
Robert A. Hoffman, Esquire
Michael Moran, Asst. County Attorney

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 4, 1991

G. Macy Nelson, Esquire
James S. Aist, Esquire
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201

RE: Case Nos. 90-19-SPHX (Furman E. Hendrix, et al) and CBA-90-165 (Greystone Golf Course)

Dear Messrs. Nelson and Aist:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: M.V. Runkles, III - Weisburg Comm. Assoc., Inc.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 4, 1991

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

RE: Case Nos. 90-19-SPHX (Furman E. Hendrix, et al) and CBA-90-165 (Greystone Golf Course)

Dear Mr. Holzer:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Northeast Baltimore County Protective Assoc., Inc., et al
People's Counsel for Baltimore County
Thomas G. Bodie, Esquire
Furman E. Hendrix, et al
Blackstrap Development Company
E.F. Raphel and Associates
E. Donald Airy, Jr.
P. David Fields
Pat Keller
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey — David L. Thomas
S. Wallis — J. Robert Haines
Ann M. Nastarowicz — James E. Dyer
W. Carl Richards, Jr. — Docket Clerk -Zoning
Arnold Jablon, Chief Deputy County Attorney

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 3, 1991

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

RE: Case Nos. 90-19-SPHX (Furman E. Hendrix, et al) and CBA-90-165 (Greystone Golf Course)

Dear Mr. Holzer:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Northeast Baltimore County Protective Assoc., et al

April 3, 1991

BILLED TO: J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

Cost of certified documents in Case Nos. 90-19-SPHX and CBA-90-165 . . . . . $148.00

Furman E. Hendrix, et al and Greystone Golf Course
SW of intersection of Whtie Hall and Vernon Roads
7th Election District; 3rd Councilmanic District

MAKE CHECK PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
	*	CG Doc. No. 92
	*	Folio No. 231
	*	File No. 91-CG-1402
M.V. RUNKLES, III & WEISBURG COMMUNITY ASSOC., INC., PLAINTIFFS	*	
CASE NOS. 90-19-SPHX & CBA-90-165	*	

* * * * * * * * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and John G. Disney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, G. Macy Nelson, Esquire and James S. Aist, Esquire, Anderson, Coe & King, Central Savings Bank Building, 201 N. Charles Street, Suite 2000, Baltimore, Maryland 21201, Counsel for Plaintiffs; M.V. Runkles, III - Wiseburg Community Association, c/o C.E. Shaneybrook, III, Pres., 18200 York Road, Parkton, Maryland 21120, Plaintiffs; Phyllis C. Friedman, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204; J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Protestants; Northeast Baltimore County Protective Assoc., Inc., c/o J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson,

Maryland 21204, Protestants; Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Counsel for Petitioners and Developers; Furman E. Hendrix, et al, 2115 White Hall Road, White Hall, Maryland 21161, Petitioners; Blackstrap Development Co., c/o E. Donald Airey, Jr., Pres., P.O. Box 295, Whitehall, Maryland 21161 and Mr. E. Donald Airey, Jr., 1222 Corbett Road, Monkton, Maryland 21111, Developers; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to G. Macy Nelson, Esquire and James S. Aist, Esquire, Anderson, Coe & King, Central Savings Bank Building, 201 N. Charles Street, Suite 2000, Baltimore, Maryland 21201, Counsel for Plaintiffs; M.V. Runkles, III - Wiseburg Community Association, c/o C.E. Shaneybrook, III, Pres., 18200 York Road, Parkton, Maryland 21120, Plaintiffs; Phyllis C. Friedman, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204; J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Protestants; Northeast Baltimore County Protective Assoc., Inc., c/o J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson,

Maryland 21204, Protestants; Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Counsel for Petitioners and Developers; Furman E. Hendrix, et al, 2115 White Hall Road, White Hall, Maryland 21161, Petitioners; Blackstrap Development Co., c/o E. Donald Airey, Jr., Pres., P.O. Box 295, Whitehall, Maryland 21161 and Mr. E. Donald Airey, Jr., 1222 Corbett Road, Monkton, Maryland 21111, Developers; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on this 4th day of April, 1991.

LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

4-3-91

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 3, 1991

G. Macy Nelson, Esquire
Anderson, Coe & King
Central Savings Bank Bldg.
Suite 2000
201 N. Charles Street
Baltimore, Maryland 21201

RE: Case Nos. 90-19-SPHX (Furman E. Hendrix, et al) and
CBA-90-165 (Greystone Golf Course)

Dear Mr. Nelson:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: M.V. Runkles, III - Wiseburg Comm. Assoc.
Thomas G. Bodie, Esquire
Furman E. Hendrix, et al
Blackstrap Development Company
E.F. Raphel and Associates
E. Donald Airy, Jr.
P. David Fields
Pat Keller
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey — David L. Thomas
S. Wallis — J. Robert Haines
Ann M. Nastarowicz — James E. Dyer
W. Carl Richards, Jr. — Docket Clerk -Zoning
Arnold Jablon, Chief Deputy County Attorney

4-3-91

IN THE MATTER OF THE THE APPLICATION OF FURMAN E. HENDRIX, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CG Doc. No. 92 Folio No. 231 File No. 91-CG-1402
NORTHEAST BALTIMORE COUNTY PROTECTIVE ASSOC., INC., ET AL, PLAINTIFFS CASE NOS. 90-19-SPHX & CBA-90-165	*	

* * * * * * * * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and John G. Disney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Plaintiffs; Northeast Baltimore County Protective Assoc., Inc., c/o J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Plaintiffs; Phyllis C. Friedman, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204; G. Macy Nelson, Esquire, Anderson, Coe & King, Central Savings Bank Building, 201 N. Charles Street, Suite 2000, Baltimore, Maryland 21201, Counsel for Wiseburg Community Association; M.V. Runkles, III - Wiseburg Community Association, c/o C.E. Shaneybrook, III, Pres., 18200 York Road, Parkton, Maryland 21120, Protestants;

Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Counsel for Petitioners and Developers; Furman E. Hendrix, et al, 2115 White Hall Road, White Hall, Maryland 21161, Petitioners; Blackstrap Development Co., c/o E. Donald Airey, Jr., Pres., P.O. Box 295, Whitehall, Maryland 21161 and Mr. E. Donald Airey, Jr., 1222 Corbett Road, Monkton, Maryland 21111, Developers; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Plaintiffs; Northeast Baltimore County Protective Assoc., Inc., c/o J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Plaintiffs; Phyllis C. Friedman, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204; G. Macy Nelson, Esquire, Anderson, Coe & King, Central Savings Bank Building, 201 N. Charles Street, Suite 2000, Baltimore, Maryland 21201, Counsel for Wiseburg Community Association; M.V. Runkles, III - Wiseburg Community Association, c/o C.E. Shaneybrook, III, Pres., 18200 York Road, Parkton,

Maryland 21120, Protestants; Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Counsel for Petitioners and Developers; Furman E. Hendrix, et al, 2115 White Hall Road, White Hall, Maryland 21161, Petitioners; Blackstrap Development Co., c/o E. Donald Airey, Jr., Pres., P.O. Box 295, Whitehall, Maryland 21161 and Mr. E. Donald Airey, Jr., 1222 Corbett Road, Monkton, Maryland 21111, Developers; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on this 3rd day of April, 1991.

LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

4-3-91

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Apr il 3, 1991

Phyllis C. Friedman
People's Counsel for Baltimore County
111 W. Chesapeake Avenue
Room 304
Towson, Maryland 21204

RE: Case Nos. 90-19-SPHX (Furman E. Hendrix, et al) and
CBA-90-165 (Greystone Golf Course)

Dear Ms. Friedman:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

4-3-91

IN THE MATTER OF THE THE APPLICATION OF FURMAN E. HENDRIX, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CG Doc. No. 92 Folio No. 231 File No. 91-CG-1402
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, PLAINTIFF CASE NOS. 90-19-SPHX & CBA-90-165	*	

* * * * * * * * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and John G. Disney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Phyllis C. Friedman, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204, Plaintiff; J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Protestants; Northeast Baltimore County Protective Assoc., Inc., c/o J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Protestants; G. Macy Nelson, Esquire, Anderson, Coe & King, Central Savings Bank Building, 201 N. Charles Street, Suite 2000, Baltimore, Maryland 21201, Counsel for Wiseburg Community Association; M.V. Runkles, III - Wiseburg Community Association, c/o C.E. Shaneybrook, III, Pres., 18200 York Road, Parkton,

Maryland 21120, Protestants; Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Counsel for Petitioners and Developers; Furman E. Hendrix, et al, 2115 White Hall Road, White Hall, Maryland 21161, Petitioners; Blackstrap Development Co., c/o E. Donald Airey, Jr., Pres., P.O. Box 295, Whitehall, Maryland 21161 and Mr. E. Donald Airey, Jr., 1222 Corbett Road, Monkton, Maryland 21111, Developers; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Phyllis C. Friedman, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204, Plaintiff; J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Protestants; Northeast Baltimore County Protective Assoc., Inc., c/o J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Protestants; G. Macy Nelson, Esquire, Anderson, Coe & King, Central Savings Bank Building, 201 N. Charles Street, Suite 2000, Baltimore, Maryland 21201, Counsel for Wiseburg Community Association; M.V. Runkles, III - Wiseburg Community Association, c/o C.E. Shaneybrook, III, Pres., 18200 York

Furman E. Hendrix, et al, Case No. 90-19-SPHX
Greystone Golf Course, Case No. CBA-90-165
File No. 91-CG-1402

Road, Parkton, Maryland 21120, Protestants; Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Counsel for Petitioners and Developers; Furman E. Hendrix, et al, 2115 White Hall Road, White Hall, Maryland 21161, Petitioners; Blackstrap Development Co., c/o E. Donald Airey, Jr., Pres., P.O. Box 295, Whitehall, Maryland 21161 and Mr. E. Donald Airey, Jr., 1222 Corbett Road, Monkton, Maryland 21111, Developers; and Arnold G. Foreman, Fsquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on this 3rd day of April, 1991.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

WHEREFORE, People's Counsel prays that the Court willissue an Order reversing the Board of Appeals.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 2nd day of April, 1991, a copy of the foregoing Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 315, County Office Bldg., 111 W. Chesapeake Ave., Towson, MD 21204; and a copy was mailed to Thomas G. Bodie, Esquire, 21 W. Susquehanna Ave., Towson, MD 21204, Attorney for Appellee; E. Donald Airey, Jr., 1222 Corbett Rd., Monkton, MD 21111, Contract Purchaser; and J. Carroll Holzer, Esquire, 305 W. Chesapeake Ave., Suite 105, Towson, MD 21204, Attorney for Protestants.

Peter Max Zimmerman

2

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY,	:	IN THE CIRCUIT COURT
	:	FOR BALTIMORE COUNTY
Appellant	:	CG Docket No. 92
v.	:	Folio No. 231
FURMAN E. HENDRIX, ET AL.,	:	File No. 91CG1402
Appellee	:	
ZONING CASE NO. 90-19-SPHX	:	

: : : : : :

NOTICE OF APPEAL

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals under date of March 5, 1991, in the above-captioned matter.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 2nd day of April, 1991, a copy of the foregoing Notice of Appeal was filed with the Administrative Secretary, County Board of Appeals, Room 315, County Office Bldg., 111 W. Chesapeake Ave., Towson, MD 21204; and a copy was mailed to Thomas G. Bodie, Esquire, 21 W. Susquehanna Ave., Towson, MD 21204, Attorney for Appellee; E. Donald Airey, Jr., 1222 Corbett Rd., Monkton, MD 21111, Contract

Purchaser; and J. Carroll Holzer, Esquire, 305 W. Chesapeake Ave., Suite 105, Towson, MD 21204, Attorney for Protestants.

Peter Max Zimmerman
Peter Max Zimmerman

2

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	:	IN THE CIRCUIT COURT
	:	FOR BALTIMORE COUNTY
Appellant	:	CG Docket No. 92
v.	:	Folio No. 231
FURMAN E. HENDRIX, ET AL.,	:	File No. 91 CG 1402
Appellees	:	
ZONING CASE NO. 90-19-SPHX	:	

: : : : : :

PETITION ON APPEAL

People's Counsel for Baltimore County, Protestants below and Appellants herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals under date of March 5, 1991, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion, and therefore their Order passed herein is illegal, arbitrary, and capricious.

2. That the County Board of Appeals failed to consider or make the required finding that the proposed golf course would not be detrimental to primary agricultural use in the vicinity.

3. That the proposed special exception clearly would have a detrimental effect on primary agricultural use and prime and productive soils in the vicinity.

4. That the proposed special exception would have an adverse environmental effect in the neighborhood.

WHEREFORE, People's Counsel prays that the Court willissue an Order reversing the Board of Appeals.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 2nd day of April, 1991, a copy of the foregoing Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 315, County Office Bldg., 111 W. Chesapeake Ave., Towson, MD 21204; and a copy was mailed to Thomas G. Bodie, Esquire, 21 W. Susquehanna Ave., Towson, MD 21204, Attorney for Appellee; E. Donald Airey, Jr., 1222 Corbett Rd., Monkton, MD 21111, Contract Purchaser; and J. Carroll Holzer, Esquire, 305 W. Chesapeake Ave., Suite 105, Towson, MD 21204, Attorney for Protestants.

Peter Max Zimmerman

2

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX ET AL. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	IN THE CIRCUIT COURT OF BALTIMORE COUNTY
	*	Board of Appeals Case No. 90-19-SPHX and CBA-90-165 92/231
	*	Circuit Court Case No. 91-CG-1402

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

ORDER FOR APPEAL

Please enter an appeal on behalf of the Protestants in the above captioned matter to the decision of the Baltimore County Board of Appeals dated March 5, 1991, a copy of which is attached hereto.

J. Carroll Holzer
305 W. Chesapeake Avenue
Suite 105
Towson, MD 21204
825-6960
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of April, 1991, a copy of the aforegoing was mailed, postage prepaid, to Thomas G. Bodie, Esquire, 21 W. Susquehanna Avenue, Towson, Maryland 21204 and Baltimore County Board of Appeals, County Office

LAW OFFICES
HOLZER, MAHER
& DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND
21 204
(301) 825-6960

91 APR -2 AM 11:34
COUNTY BOARD OF APPEALS

Building, Towson, Maryland 21204, and People's Counsel of Baltimore County, County Office Building, Towson, Maryland 21204.

J. Carroll Holzer

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION SW of the intersection of White Hall & Vernon Roads 7th Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No.: 90-19-SPHX
Furman E. Hendrix, et al, Legal Owners E. Donald Airey, Jr., Contract Purchaser	*	
Petitioners	*	

* *

NOTICE OF APPEAL

Protestants in above-captioned case, by and through their attorney, J. Carroll Holzer, hereby enter an appeal to the County Board of Appeals from a decision by the Zoning Commissioner GRANTING Petitioner's Petition for Special Exception. Attached to this Petition is a check to cover costs of the appeal.

J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
Attorney for Protestants

PRICE PAID
4/1/91
ZONING OFFICE

JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201
(301) 752-1630

Attorneys for Appellants/
Protestants

JSA:216

3-5-91

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

March 5, 1991

J. Carroll Holzer, Esquire
HOLZER, MAHER & DeMILIO
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Case No. 90-19-SPHX /Furman Hendrix, et al
and Case No. CBA-90-165 /Greystone Golf Course

Dear Mr. Holzer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Thomas G. Bodie, Esquire
G. Macy Nelson, Esquire
M. V. Runkles, III
Blackstrap Development Company
Furman E. Hendrix, et al
E. Donald Airey, Jr.
E. F. Raphel and Associates
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
People's Counsel for Balto County
Nancy C. West, Esquire
Arnold Jablon, County Attorney

Current Planning
Dev. Eng. Division
Econ. Dev. Commission
Robert E. Covahey
David L. Thomas
Steve Wallis
Docket Clerk -Zoning

3-5-91

IN THE MATTER OF THE THE APPLICATION OF FURMAN E. HENDRIX, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-19-SPHX AND CBA-90-165

* * * * * * * * * * *

O P I N I O N

Two cases involving the same property were appealed to this Board. Case No. 90-19-SPHX is an appeal by the Protestants from an Order of the Zoning Commissioner which granted in part the special exception for use of the property as a country club, golf course, and structures and facilities associated therewith subject to restrictions. Case No. CBA-90-165 is an appeal from an order of the County Review Group (CRG) dated August 30, 1990, approving the development as proposed in which the conditions of this approval are clearly noted. Since the two cases are closely intertwined, it was agreed that the testimony and evidence received at this hearing would be applied to both appeals.

The Petitioners were represented by Thomas G. Bodie, Esquire; the Protestants were represented by J. Carroll Holzer, Esquire; and Phyllis Cole Friedman, People's Counsel for Baltimore County, appeared as an interested party. This case consumed 5 full days of hearings. There were a large number of witnesses who appeared both for and against the project. In this opinion, each witness will be addressed, but the Board will not attempt a full encapsulation of all the testimony and evidence received but will allow the record to speak for itself.

Testimony indicated the subject property is bound by White Hall Road to the northwest and Vernon Road to the southeast, and contains zonings of R.C. 2, R. C. 4, and M.L. The M.L. portion of the site is no longer before the Board since a Petition for Reclassification from M.L. to R.C. 2 has been initiated. The area involved in these two cases is some 217 +/- acres, being split-zoned to 143 +/- acres of R.C. 2 and 74 +/- acres of R.C. 4. Testimony indicated that the Petitioners wish to construct a country club which would offer a golf course, practice facilities, tennis courts, clubhouse, etc., all the expected amenities associated with a country club. Under Baltimore County Zoning Regulations (BCZR), such a country club is permitted by special exception, and if the special exception is granted, the development per se would then require CRG approval.

Testimony was first received from Wesley Burton, the architect of the proposal. He entered the approved CRG plat as Petitioner's Exhibit No. 1 and testified that said plat reflects all the Zoning Commissioner's restrictions with the exception of five wetland crossings instead of the four allowed, and only one golf cart crossing instead of the two allowed, these items to be addressed prior to construction.

Edgar Airey, contractor and stockholder in the Blackstrap Development Corporation, testified at length as to the intended use of the site, its location, the petition to downgrade the M.L. portion to R.C. 2, the intention to use the existing warehouse-type building for golf course maintenance, to raze the second warehouse-type building, and to utilize the Manor House now existing as a gatehouse. He further testified that the development company

intends to totally abandon the shooting range and the airstrip, both of which now exist on the site. He specifically noted that the proposed golf course would only require 20 acres to be cleared and that considerable more than 20 acres would be reforested. He testified that all test wells on the site have passed inspection, and that these wells produced an average of 169 gallons per minute, and that this exceeds anticipated demand. There was further testimony as to water needs, drought restrictions, proposed ponds to retain runoff, and that the gallons per well produced would be constantly monitored.

David Lykens, representing the Department of Environmental Protection and Resource Management (DEPRM), testified at length on any possible environmental effects from this proposal and noted that the plans complied with all DEPRM requirements as to buffering, reforestation, protection of steep slopes, well monitoring, and that DEPRM could foresee no damage from the proposed use on stream quality on the site.

Wesley Guckert, a traffic engineer, testified that his firm did a traffic study of this site over a period of one year, and that as a result of this study there would be no adverse effects from the proposed use. There would be no change in the traffic level at any intersection, no sight distance problems, and that the proposal was in full compliance with Baltimore County's zoning regulation 502.1a, b or c.

Donald Koch, a professional engineer specializing in hydrogeology, did the ground water supply study and soil permeability on site, and entered exhibits demonstrating these studies. His testimony indicated that the test wells produced 169

gallons per minute, which equalled 243,000 gallons per day. The proposal for water use on the golf course indicated a maximum need of 60,000 gallons per day, which would be reduced to 20,000 gallons per day under drought conditions. Normal rainfall would fill the ponds and recharge the streams with no effect upon well levels. He testified that there would be no effect on any nearby wells. He also testified that all wells on the site were to be monitored to assure that no more than 60,000 gallons per day as agreed to would be removed from the ground water. He further testified that there was absolutely no danger from pesticides or herbicides to any ground water supply, and that all the requirements of 502.1 had been complied with.

David Outen, from DEPRM, whose title is Bureau Chief, Water Quality and Resource Management, testified that there was no conflict with the Master Plan in this proposal, that DEPRM had approved both petitions, that this project created no detriment to the natural resources, that there was to be no development on the steep slopes, and that the wetlands were protected.

Protestants to the proposal presented a number of witnesses. JoAnne Edie, a neighbor since 1964, objected to the proposed water use since her water supply came from a well only 22 feet deep, and she feared that this may be affected. She also objected to the possible effect on First Mine Branch Stream and an unnamed tributary that feeds said stream, the potential detrimental effect of the traffic generated, and the use of herbicides and pesticides associated with a golf course.

Harry Hubble, a nearby farmer, fears the water use on the golf course will hurt his farm and may affect his water supply for his

animals, and also objects to the effect that traffic may have on farm machinery that must use these country roads from one field to another.

Dr. Robert Bachman, Chief of Fresh Water Fisheries of the State of Maryland, noted that the Gunpowder Falls is an ideal trout stream. He noted that one of the streams connected to Gunpowder Falls is First Mine Branch Stream. He testified as to the possible detrimental effect of lowering the water level in these streams.

George Curran, from the University of Maryland Baltimore County Extension, teaches farming practices and testified that this golf course is being proposed in an area noted as prime and productive soil.

Ricky Dills, District Conservationist for Baltimore County, testified that this area is prime and productive soils and should be maintained in agricultural use.

Thomas Gill, a nearby farmer, testified that his main concern would be the effect of the traffic in regard to his farm machinery which must use these roads to get from one field to another.

Dorothy Miller, a nearby farmer whose farm is actually one farm away from the site, expressed primary concern of the proposed water use on the site and the possible effect on her well, which is 30 feet deep. She further testified that the proposed use in this rural area would in all probability attract further development to this area.

Robert Maynor, whose property is 500 feet from the subject site, is a farmer who raises pigs. His primary concern was the proposed water use on the site, affecting his water supply necessary to his farming activities. He too was concerned about

the possible effects of the traffic generated and the effect of the increased traffic on nearby intersections.

Paul Solomon, DEPRM, Maryland Agricultural Administrative Program, testified that it was his job to protect prime and productive soils in the County. His department identifies a golf course as a commercial use. It was his testimony that this land contained prime and productive soils, and its proposed use was not consistent with the Master Plan, with land preservation or with prime soil usage.

Richard Klein, president of the Community and Environmental Health Association, testified that he had studied 11 golf courses and it was his opinion that golf courses were all bad for streams. He further testified that the removal of 60,000 gallons a day could be bad for the stream and that the pond water collected in the runoff ponds could well be bad for the stream. It was his opinion that the golf course use would be more detrimental to the stream than should the property be developed residentially to its allowable density.

John Mildenberger, a hydrogeologist from the University of Maryland, testified that it was his opinion more information was needed on the proposed water use and its possible effects on adjacent wells before the CRG should have approved the project. This concluded the testimony and evidence produced by these witnesses and made a part of the case record.

The Board will first address the application of the testimony and evidence to the request for the special exception. The Board will find as a fact that from the testimony and evidence received, compliance with 502.1 in regard to the country club and golf course

has been met. While there were many fears and possibilities expressed by certain witnesses throughout the hearing, the expert testimony is substantial to support a factual finding that 502.1 has been complied with, and this Board must accept this testimony as approving a special exception for the use of this site as a country club as proposed. Once this special exception is approved, the CRG must then evaluate the specific development plans. The minutes of the CRG meeting and the stamped approval on the plan indicate that all of these issues have been addressed, and this being the case, Section 22-61(c) of the Baltimore County Code mandates that the final action on a plan shall be presumed correct. From the testimony and evidence presented, the Board cannot conclude that the action of the CRG approving the plan was arbitrary, capricious, procured by fraud or otherwise illegal. The Protestants have failed to overcome the presumptive correctness of the CRG, and the issues presented both before the CRG and this Board were "fairly debatable" and for this reason the Board will not substitute its judgement for that of the CRG. The Board finds that the evidence supports the granting of the Special Exception requested and that the CRG approval was correct and proper.

The Board will also note for the record that well-written memorandums were received from Thomas G. Bodie, Esquire, representing the Petitioner; J. Carroll Holzer, Esquire, representing the Protestants; and G. Macy Nelson, Esquire, representing the Wiseburg Community Association. Mr. Nelson's Memorandum specifically addressed the possible effect of the proposed country club on the Wiseburg Inn, which is on the historic landmarks list. Mr. Nelson's Memorandum also addressed the

possible effects of the increased traffic on this historic site. Expert testimony concerning traffic indicated that the proposed golf course would not create enough additional traffic to be a serious detriment to the area. These three memorandums have been carefully considered by the Board and were most helpful and appreciated.

O R D E R

IT IS THEREFORE this 5th day of March, 1991 by the County Board of Appeals of Baltimore County **ORDERED** that the Petition for Special Exception for a country club and its designated amenities be and the same is **GRANTED** with the following restrictions:

1. The Petitioners shall be permitted to construct one 18-hole golf course above and to the north of the line drawn between the point intersection by N 75 deg. 22'17" W 123.38' and N 30 deg. 58' W 518.21'; and the point intersected by N 14 deg. 53' W 820' and S 86 deg. 17' E 495' +/-, said line being approximately located at the narrowest portion of the subject property. The Petitioners shall be prohibited from developing that portion of the subject property below or to the south of said line for use in conjunction with the proposed country club/golf course. There shall be no residential development within the area of the Special Exception golf course. The area to the south of the golf course shall be held in an undeveloped condition until July 1, 1994 at which time the Petitioners may request by Special Hearing any use permitted as a matter of right or by Special Exception.

2. All wells on the subject property shall be equipped with a computer monitoring system which shall record, among other pertinent data, the gallons of water pumped per day, the time of the pumping, the quality of the water and the depth of water in the well at the beginning and ending of each pumping. Such system shall be approved by the Department of Environmental Protection & Resource Management (DEPRM). All data generated by said computer monitoring system shall be made available to the Zoning Commissioner, Office of Planning &

Zoning, and DEPRM upon demand. A full report of ground water usage and quality shall be produced by a professional monitoring company and supplied to the Office of the Zoning Commissioner and DEPRM on July 31, 1991, and each year thereafter for 10 years and every 3 years thereafter.

3. The Petitioners shall not pump more than 60,000 gallons of well water per day on and from the subject site. During a period of declared drought by the National Weather Service, the Petitioners may pump only 20,000 gallons of well water per day from the subject site.

4. The Petitioners shall install a water monitoring system at the location where the First Mine Branch Stream enters the subject site, where said stream exists the site and where the "unnamed tributary" enters the First Mine Branch Stream. The monitoring system shall be of a type approved by DEPRM, and all data generated by such system shall be made available to the Baltimore County Office of Planning & Zoning, DEPRM, and the Zoning Commissioner for Baltimore County on July 31, 1991 and each year thereafter for 15 years.

5. There shall be no residential development on the subject site.

IT IS FURTHER ORDERED that the decision of the County Review Group dated August 30, 1990 granting approval of the plan as proposed on Petitioner's Exhibit No. 1 be and the same is hereby **AFFIRMED.**

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

Michael B. Sauer

John G. Disney

John G. Disney

WISEBURG COMMUNITY ASSOCIATION, INC., et al	*	BEFORE THE
Appellants	*	BOARD OF APPEALS
	*	FOR
v.	*	BALTIMORE COUNTY
FURMAN E. HENDRIX, et al and GREYSTONE GOLF COURSE	*	Case Nos. 90-19-SPHX CVA-90-165
Appellees	*	

****

MEMORANDUM IN SUPPORT OF APPEAL
OF WISEBURG COMMUNITY ASSOCIATION, INC.

The Wiseburg Community Assocation, Inc., Appellant, by and through its attorneys, G. Macy Nelson and James S. Aist, submits the following the Memorandum in support its appeal from the action of the Zoning Commission and the County Review Group approving plans for the construction of Greystone Golf Course.

I. FACTS

A. The Wiseburg Inn

The Wiseburg Inn is an authentic, magnificently preserved halfway house located midway between York, Pennsylvania and Baltimore City, Maryland. It is situated along a toll road formerly owned and operated by the Baltimore and York Town Turnpike Company. The inn served as a stopping place for stagecoaches traveling between the two cities. Today, the inn is located at the intersection of York and Wiseburg Roads.

In addition to the halfway house, the Wiseburg property contains a number of authentically restored outbuildings including a coach shed, horse barn, sheep house, and cow barn. Surrounding these buildings are crop fields and orchards. The property

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BALTIMORE COUNTY

functions as a self-sustaining farm much the way it did when constructed in 1810.

The Wiseburg Inn is listed on Baltimore County's final historical landmarks list. Baltimore County Code §22-169(69) (Supp. 1986). In addition, the Wiseburg Inn has been accepted onto the National Register of Historic Places, a division of the Heritage Conservation and Recreation Service, U.S. Department of the Interior, and the Maryland Historical Trust.

B. The Greystone Golf Course

The Appellees seek to construct an 18-hole golf course on a 305-acre tract of land approximately one mile from the Wiseburg Inn. In addition to the golf course, the complex will consist of practice facilities and a clubhouse including a pro shop, lounge, and an eating facility. The complex will contain 367 parking spaces.

The only direct means of access to the Greystone Golf Course from York Road is by turning onto Wiseburg Road. Wiseburg Road, at its intersection with York Road runs through the middle of the Wiseburg Inn property. The coach shed, horse barn and sheep house are located on one side of Wiseburg Road while the cow barn is located on the other. Moreover, Wiseburg Road at this junction is narrow with outbuildings from the Wiseburg Inn located just a few feet from the road. Construction of Greystone Golf Course will greatly increase the number of vehicles making turns off of York Road onto Wiseburg Road and passing between the outbuildings of the Wiseburg Inn property.

II. ARGUMENT

Section 22-59 of the Baltimore County Code provides that when reviewing a building plan, the County Review Group shall refer the plan to the Planning Board whenever the plan involves a building or structure contained upon the Landmarks Preservation Commission final list of historic places. The section provides:

> (a) In accordance with §22-58(b) or (d), the CRG shall refer the plan to the Planning Board in the following circumstances:
>
> ********
>
> (4) the plan involves a building, structure or site included on the landmarks preservation commission preliminary or final list or is located within a Baltimore County historic district;
>
> *********

Baltimore County Code §22-59 (Supp. 1986). Undoubtedly, the policy reason for referring the plan to the Planning Board in this instance is to permit specially appointed members of the community to review the plan and render the final decision. See Baltimore County Code §22-60(c) (Supp. 1986).

The Wiseburg Inn is unquestionably contained on the Landmarks Preservation Commission final list of historic sites in Baltimore County[1]. Baltimore County Code §22-169(69) (Supp. 1986). For the reasons set forth below, the County Review Group

1/ To date, Baltimore County's Landmarks Preservation Commission has not considered the detrimental impact that construction of the Greystone Golf Course will have upon the Wiseburg Inn.

erred by failing to refer the plan for the Greystone Golf Course to the Planning Board.

Operation of the Greystone Golf Course and Country Club will significantly increase the volume of traffic making turns from York Road onto Wiseburg Road in an effort to reach the golf course facility. According to information supplied by the developers, the number of vehicles making left turns from southbound York Road onto Wiseburg Road during the morning peak hour will increase sixfold[2]. In addition, the number of persons making this left turn during the Saturday peak hour will more than double[3]. This increase in traffic volume on Wiseburg Road will have a profound and significant impact upon the Wiseburg Inn.

The Wiseburg Inn is a fully functioning farm. Because its outbuildings are located on both sides of Wiseburg Road, it is often necessary for livestock and farm equipment to cross Wiseburg Road. This task is already complicated by the existing volume of traffic in the area. If the volume of traffic increases as suggested by the developers, the transfer of livestock and farm equipment across Wiseburg Road will become increasingly more dangerous.

2/ During the morning peak hour, the number of left turns will increase from 10 per hour to 63 per hour. The Traffic Group Report, pp. 5-11.

3/ During the Saturday peak hour, the number of left turns will increase from 16 per hour to 42 per hour. The Traffic Group Report, pp. 5-11.

Several of the Wiseburg Inn outbuildings are located very close to the edge of Wiseburg Road. In particular, the horse barn is located but three feet from the road's edge. The intersection of Wiseburg Road and York Road is currently the scene of many traffic accidents. Indeed, recent accidents have caused substantial damage to a split rail fence and the horse barn on the Wiseburg property. With the increase in the volume of traffic, there will be additional accidents at this intersection. There is a grave risk that additional traffic volume will result in significant property damage to the Wiseburg Inn outbuildings.

Wiseburg Road at its intersection with York Road is very narrow. With the increased volume of traffic caused by the golf course, it may be necessary to widen Wiseburg Road in order to accomodate the additional traffic. This will have a devastating impact upon the Wiseburg Inn. As noted above, the Wiseburg Inn is a protected historical and archeological site. Any widening of the roadway will require the taking of land from the Wiseburg property and will bring vehicular traffic ever closer to the Wiseburg outbuildings.

III. CONCLUSION

To date, the Baltimore County Planning Board has not considered the profound impact that construction of the Greystone Golf Course will have upon the Wiseburg Inn. Because construction of the golf course may cause serious injury to the Wiseburg property and disrupt its farming operations, the County Review Group erred by failing to refer the plan to the Planning Board as

provided in Baltimore County Code §22-59(a)(4). For these reasons, the Wiseburg Community Association, Inc. requests that the Board of Appeals reverse the decision of the County Review Group and remand this plan to the County Review Group for referral to the Planning Board.

G. Macy Nelson
G. MACY NELSON

James S. Aist
JAMES S. AIST
Anderson, Coe & King
201 N. Charles Street, Suite 2000
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(301) 752-1630

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January, 1991, a copy of the foregoing Memorandum was mailed, first class, postage prepaid, to:

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305 W. Chesapeake Avenue, Suite 105
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JSA:193

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DEBORAH J. CLARKE
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WILLIAM C. HUDSON

January 16, 1991

VIA MESSENGER

Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue, Room 315
Towson, MD 21204

RE: Wiseburg Community Association, Inc., et al v. Furman E. Hendrix, et al and Greystone Golf Course
Case Nos. 90-19-SPHX and CVA-90-165

Dear Sir/Madam:

Enclosed for filing please find an original and two copies of Plaintiff Wiseburg Community Association, Inc.'s Memorandum in Support of Appeal in the above cases.

Very truly yours,

James S. Aist/pac
James S. Aist

JSA/pac
enc.

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MARGARET E. SWAIN
BARBARA M. GAUGHAN
ANN M. POTTHAST *
* ALSO ADMITTED IN D.C.

GORDON G. POWER
(1913-1987)
WILLIAM F. MOSNER
(1927-1989)
WILLIAM J. HART, JR.
(1922-1987)

OF COUNSEL
C. ARTHUR EBY, JR.

January 16, 1991

County Board of Appeals
111 W. Chesapeake Avenue
Room 315, County Office Building
Towson, Maryland 21204

Re: Case No.: 90-19-SPHX
Case No.: CBA-90-165
In the Matter of Furman E. Hendrix, et al. Property
(Greystone Golf Course and Country Club

Dear Sir or Madam:

Enclosed please find BRIEF OF PETITIONERS/APPELLEES for filing in the above referenced matter.

A copy of same has been delivered to opposing counsel.

Thank you for your attention to this matter.

Very truly yours,

Thomas G. Bodie

TGB/jc
Enclosure
cc: J. Carroll Holzer, Esquire w/encl.
G. Macy Nelson, Esquire w/encl.

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IN THE MATTER OF	*	BEFORE THE
FURMAN E. HENDRIX, ET AL PROPERTY	*	
(GREYSTONE GOLF COURSE & COUNTRY CLUB)	*	COUNTY BOARD OF
LOCATED ON SOUTHWEST INTERSECTION OF		
WHITE HALL AND VERNON ROADS	*	APPEALS OF
7th ELECTION DISTRICT	*	
3rd COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
RE: SPECIAL EXCEPTION APPEAL		
RE: CRG DECISION	*	CASE NO: 90-19-SPHX
	*	CASE NO: CBA-90-165

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

BRIEF OF PETITIONERS/APPELLEES

E. DONALD AIREY, JR., formerly contract purchaser, and on behalf of Blackstrap Development Company, by his attorneys, Thomas G. Bodie and Power and Mosner, P.A., respectfully represents:

I. THE CASES BEFORE THE BOARD.

1. Case No. 90-19-SPHX is an appeal by the Protestants from the ORDER of the Zoning Commissioner, dated March 23, 1990, which granted, in part, the special exception for use of the property as a country club, golf course and structures and facilities associated therewith, subject to restrictions. (A **Petition for Special Hearing**, concerning the use of existing buildings within an M.L. zone was denied; however, no appeal was taken from that part of the ORDER, and the Petitioners/Appellees have filed a Petition for Reclassification, requesting a down-zoning of that particular parcel.)

2. In Case No. CBA-90-165, the Protestants have appealed the approval of the Petitioners'/Appellees' Plan by the County Review Group (CRG) at its meeting on August 30, 1990.

The Board combined the two appeals for hearing, in view of the similarity of issues and witnesses, in order not to unduly burden the Board, the parties, their counsel and witnesses (including many employees of the Baltimore County government). All of the evidence presented will be considered by the Board in both cases.

II. PROPERTY - SITE.

The original Petition concerned three contiguous parcel which totalled 305 acres, more or less. The Petition for the Special Exception sought the construction of a 27-hole golf course and country club. The restrictions imposed by the Zoning Commissioner limited the golf course to an 18-hole facility, and prohibited the development of the southern-most portion of the property. The acreage for the construction of the golf course is approximately 217 acres, with the remaining 98 acres to "be held in an undeveloped condition until July 1, 1994." (ORDER, page 16). The majority of the 217 acres is zoned R.C. 2 (143.5 acres), and approximately 73.7 acres zoned R.C. 4, with the exception of a 3.3 acre parcel which is currently zoned M.L.

The property permitted by the ORDER to be used as a golf course and country club is improved by a residence, barn, office building (converted house) which are located in the R.C. 2 zone and two maintenance/storage buildings which are located in the M.L. zone. Furman Hendrix, the prior owner of the majority of the 217 acres, had conducted a business for the manufacturing, storage and

distribution of animal feed (primarily molasses based) on the property. The business required the use and maintenance of approximately fifteen (15) aboveground storage tanks and seven (7) underground storage tanks. The operation of the business required regular tank truck traffic to and from the site. A small portion of this acreage was rented out for crops prior to 1989. The property includes a licensed air strip on the western section, parallel to and several hundred feet south of White Hall Road. Also on the property is a rifle/shooting range. A pond of approximately one acre is located to the south-southeast of the existing residence.

III. USE, AS PERMITTED AND RESTRICTED BY THE MARCH 23, 1990 ORDER, AND AS APPROVED BY THE COUNTY REVIEW GROUP ON AUGUST 30, 1990.

1. The Zoning Commissioner and the County Review Group recognized that the development and construction of a golf oriented country club is an ongoing, evolving process. The Zoning Commissioner stated in his ORDER:

> It is clearly understood that the restrictions contained within this Order will require the redesign of the golf course and support facilities. Therefore, new plans will be required before any permits will be issued. These new plans shall be in compliance with the restrictions contained herein, approved by the Department of Environmental Protection and Resource Management (DEPRM), the Department of Planning and Zoning and the Zoning Commissioner.

The Minutes of the CRG meeting set forth certain actions that must be taken and certain restrictions on the development of the site.

The Zoning Commissioner required a plan which incorporated and addressed the restrictions contained in his ORDER, to be submitted to his office by September 1, 1990. The Plan was submitted and was the same plan that was later submitted to and approved by CRG (Petitioners'/Appellees' Exhibit #1).

The primary restrictions of the Zoning Commissioner and the requirements of CRG centered on the protection of wetlands, streams, ponds and water quality in general; the protection of soils; the use of the water on site; and the removal from the site of the molasses manufacturing business and the airstrip.

IV. PERSONS TESTIFYING FOR PETITIONERS/APPELLEES

1. **Wes Burton** - Burton testified concerning the changes to the Plan, as shown on Petitioners'/Appellees' Exhibit 1, which changes complied with the requirements of the Order of the Zoning Commissioner, dated March 23, 1990. He testified that variances would be requested from the ORDER concerning the 50-foot buffer on the 10th tee and the 11th green, and that such variances could not be requested until this appeal had been completed. (He pointed out that DEPRM had approved these variances.) Burton testified the two golf cart crossings of wetlands were permitted by the Zoning Commissioner's Order but only one golf cart crossing was part of the plan.

2. **E. Donald Airey, Jr.** - Airey, a lifelong resident of the Baltimore area, testified that he was a principal stockholder in

the Blackstrap Development Company, which now owned the site, and also in Greystone Golf and Country Club, Inc. which was planned to operate the golf and country club. He testified as to the sore need for golf courses in Baltimore County, and why the site was an ideal location for a course.

When purchased, the property housed a molasses manufacturing facility which included 22 above- and in-ground storage tanks with an over 600,000 gallon capacity. Airey testified that all storage tanks were removed, and that down-zoning to R.C. 2 or the 3.3 acre parcels zoned M.L. had been sought by the filing of a Petition for Reclassification.

The country club would consist of 350 members (including family memberships) and 20 corporate memberships of 3 persons per corporation. Parking spaces were provided for 367 vehicles. The Plan did not include the development of any residences.

Airey testified that the site would be minimally disturbed by grading, with greens and tees to be approximately 6.25 acres and fairways to be approximately 50 acres on the site. He testified that the 5 irrigation ponds would store approximately 17.5 million gallons of water, and while not an expert, he testified, that in his opinion, the golf course could meet its water needs if restricted to pumping no more than 60,000 gallons per day from the ground water.

Airey and other persons involved with the project did meet on many occasions with community groups and residents in order to explain the proposed project.

Airey testified that an easement of a stream buffer for the First Mine Branch will be given to Baltimore County. He also testified that the project included significant reforestation of the site. Further, not only the wells, but also the streams at the site will be monitored in order to conserve water usage. The monitoring of the streams also will be done in order to prevent degradation of the water. Best Management Practices will be used in maintaining the golf course, and an Integrated Test Management (IPM) program will be implemented by the golf course superintendent.

Airey testified that the Piney Branch Golf Course, located in the Hampstead area of Baltimore County has been in existence for approximately two decades and cont ues to be surrounded primarily by active farming operations. Airey presented to the Board photographs of the Hunt Valley Golf Course (which is the nearest course to the proposed site) and the photographs indicated a Class III trout stream flowing through the course, with the fairways up to the edge of the stream (that is, with no buffer whatsoever). Airey also related that the Eagles' Nest Golf Course and the Pine Ridge Golf Course are located adjacent to the Loch Raven Reservoir.

3. **Lavid Lykens** - Lykens, an employee of DEPRM, testified that he was the DEPRM representative who dealt directly with the developer's agents and experts concerning the project. His area of expertise was protection of the water quality on the site. He described the procedures that DEPRM required the developer to

follow, and he testified that the developer had complied with DEPRM's regulations and requirements thus far in the project. He further testified concerning the monitoring devices to be placed on the streams at the site concerning the steps taken at the site to reduce "thermal pollution" of the streams from the five irrigation ponds which DEPRM recommended to be placed on the site.

Lykens testified concerning the reforestation measures that were to be taken at the site, especially near the streams, and the positive effect such reforestation would have on the fish population in the streams. Finally, he gave his opinion that, with the requirements and restrictions imposed upon the developer being followed, the proposed golf course and country club would not have a significant adverse effect upon the quality of the water found at the site.

4. **Donald C. Outten** - Outten, Bureau Chief, Water Quality and Resource Managment, DEPRM, appeared in place of Robert Scheesley, DEPRM's director. Outten testified that DEPRM had approved the project, both before the Zoning Commissioner and before the CRG. Outten had been present at the original meeting of Airey and other principals of Blackstrap Development Company and Scheesley and other members of DEPRM's staff, which meeting took place in early 1989. Outten recalled that DEPRM then took the position that a golf ccurse at the proposed site would not be in conflict with the Baltimore County Master Plan. He testified that

DEPRM was aware of the M.L. zoned 3.3 acre parcel of land on the property, as well as the molasses manufacturing operation, the airstrip and the rifle/shooting range at the site. He testified that these various uses of the property were considered in determining whether or not a golf course and country club were compatible with the Master Plan and also with the Maryland Agricultural Land Preservation program. Outten testified that DEPRM was well aware of the uses under B.C.Z.R. in the M.L. zone and that a golf course and country club were permitted as a special exception under the R.C. 2 and R.C. 4 zones.

Concerning the Master Plan,Outten stated that the proposed golf course would help to promote the following goals of the Master Plan: open space; rural protection; limited residential, commercial and manufacturing development; best management practices for soil and water protection; woodland development (reforestation); stream restoration and protection; steep slopes protection; and establishment of wetland buffers.

Concerning the policy of Baltimore County to protect "prime and productive soils" (BCZR 1A01.1A.1b and Bill #134-89), he testified that Bill #134-89 was not passed until the fall of 1989, but had it been considered, DEPRM was aware that the growing of grass and the implementation of Best Management practices and an IPM program would protect the soils of Greystone, as compared with a residential development. Further, the golf course could more readily be returned to farming then could a residential development. He pointed out that on April 1, 1990, DEPRM

established an interim policy to implement Bill 134-89, and that this policy deals only with residential lots, and not with a commercial activity such as the proposed golf course and country club. He pointed out that this was an interim policy, which could be amended or expanded in the future.

Outten stated that DEPRM was familiar with the thriving of agriculture around the Piney Branch Golf Course in northwestern Baltimore County near Hampstead and with the golf course in Stewartstown, Pennsylvania, just over the state line and directly north of Baltimore County. He stated that the surrounding areas to these golf courses are not overrun with residential developments, and these areas continue to be primarily agricultural. For this reason DEPRM was not of the opinion that the proposed project would necessarily put pressure on the surrounding agricultural properties to sell out to residential developers.

Outten summarized that DEPRM's approval of the project was based upon a "weighing" or "balancing" process, whereby the applicable code sections, regulations and policies concerning agriculture and the Master Plan were weighed against the then-present uses of the land comprising the site and the possible uses of the M.L. zoned parcel.

5. **Wes Guckert** - Guckert, the president of The Traffic Group, submitted his report and study (Petitioners'/Appellees' Exhibit #10) and testified concerning his familiarity with other

golf courses in Baltimore County, especially the Piney Branch Golf Course, of which he is a member. Concerning Piney Branch, he testified that there was minimal residential development of the surrounding farmland, which remains primarily agricultural. He stated that there was no traffic congestion of any significance cause by any combination of farm vehicular traffic and traffic generated by the Piney Branch Golf Course.

He testified that the proposed use of the site would not be detrimental to the health, safety or general welfare of the locality involved; nor would it tend to create congestion in the roads located in the vicinity of the site; nor was the proposed use inconsistent with the purposes of the R.C. 2 and R.C. 4 zones; nor was the use in any other way inconsistent with the spirit and intent of the zoning regulations.

He was of the opinion that the use at the site would not have any adverse effect above and beyond those effects inherently associated with a golf course and country club in any other R.C. 2 and R.C. 4 zone in Baltimore County.

6. **Donald Koch** - The President of Environmental Associates, Inc., a qualified hydro-geologist who had been hired by Baltimore County DEPRM as an expert on the Cave's Valley Golf Club project, testified from his ground water supply and impact assessments statement; the addendum thereto; and the soil permeability tests which had been prepared by ETA. He testified that seven wells were dug at the site (six to be used for the golf course and country

club) and all seven wells were successful in producing water. Six-hour and Seventy-two-hour tests were performed at the site which led Koch to opine that the draw down effect on neighboring wells would be negligible. He testified concerning the use of the five irrigation ponds that had been recommended by DEPRM and how these ponds would help to conserve the ground water which supplied the wells of the site and of neighboring properties.

Concerning the soils, six (6) separate locations on the site were analyzed. Koch's conclusion was that the permeability of the soils presented no problem from the fertilizers, herbicides and pesticides to the ground water supply.

Koch did state that, under the most severe drought conditions, the amount of water at the site would diminish to the point where water usage by the golf course and country club would be curtailed under the restrictions placed by the Zoning Commissioner, as well as under the application of common sense. In that case, he opined that the "grass would turn brown."

V. <u>TESTIMONY PRESENTED BY PROTESTANTS/APPELLEES</u>.

1. JOHANN E. EDEY - Edey is a neighbor to the proposed Greystone Golf and Country Club, stated that she had a hand-dug, shallow surface well that was twenty-two inches deep. She admitted on cross-examination that she could not transfer her house with that water supply, but would be required to drill a well on the property. While she was concerned that the golf course and country club would conflict with the existing agricultural uses in the

area, she admitted she was not completely familiar with the uses permitted within an M.L. zone.

She stated she is the president of the Northeast Baltimore County Protective Association, Inc., a group formed in May, 1989 for the primary purpose of opposing the golf course and country club in her backyard.

2. HARRY HUBBLE - Hubble was a farmer out standing in his field, who had set numerous records for corn. He testified he had rented a portion of the proposed golf course site for planting corn, and was able to grow but sixty-five (65%) percent of the corn that he had grown on his own property, in setting a State record (140 bushels per acre versus 216 bushels per acre). Hubble was concerned about the possible drought conditions, recalling a drought period approximately thirty (30) years ago. He was also of the opinion that White Hall Road had been black-topped recently because of the proposed golf course.

3. DR. ROBERT BACHMAN - Dr. Bachman is Chief of the Freshwater Fisheries Division of the State of Maryland, and was not able to quantify any stream flow depletion in the streams existing on the site, stating that such was "not a linear determination". He stated that each stream was "different".

4. GEORGE RICHARD CURRAN - Curran is the Baltimore County Extension Director, and testified concerning educational programs

for farmers, many of which deal with the best management practices that are to be used in the maintenance of the golf course.

5. RICHARD DILLS - Dills is the District Conservationist for the Maryland Department of Agriculture, and testified concerning the various soils in the area of the site, and testified that he thought the proposed use would have a negative impact on agriculture in the area.

6. THOMAS GILL - Gill is a farmer in Harford County, and was concerned about the traffic created by the golf course and country club, and also with the land values going up in the area, since he rented approximately fifty (50) acres in Baltimore County.

7. DOROTHY MILLER - Mother of Johann Edey, and a neighboring land owner, she testified concerning her hand-dug well and the three letters that she had received in the past year from developers concerning the sale of her property.

8. ROBERT G. MAENER - Maener is a neighbor who had moved from Parkville approximately twenty (20) years ago, and wanted to have the site remain as it is.

9. PAUL SOLOMON - Although an employee of DEPRM, Solomon appeared not on behalf of DEPRM, but rather to give his own personal opinion concerning the project. Solomon was in the

Department of Planning and Zoning when the regulations were published concerning the Rural Conservation (RC) zones, and when the decision was made to have a golf course and country club as a special exception within the RC2 and RC4 zones. He also helped develop a policy concerning the protection of prime and productive soils in Baltimore County; he stated that additional regulations were needed not only to protect prime and productive soils, but also to foster the RC2 and RC4 zones.

10. RICHARD KLEIN - Klein is the President of Community and Environment Defense Associates, a group which specializes in providing expertise to protestants of proposed land developments. Klein is a high school graduat , who worked for the Maryland Department of Natural Resources in the areas of fisheries management and water quality.

Klein presented to the Board (but, thankfully, did not move into evidence) two samples of water taken upstream and downstream from two separate golf courses. The upshot of his testimony was that the quality of the water in the stream **after** it had passed through Hunt Valley Golf Course was **improved** over the quality of water when it entered Hunt Valley Golf Course.

Concerning the CRG approval of the Plan, he opined that the approval should not have been given because DEPRM did not have the following:

(a) A water budget, regarding the water that entered and departed from the site [However, he admitted that DEPRM has

requested monitors on the streams, which had been in place for over a year; further DEPRM required monitors to be placed on all wells.];

(b) A stream flow depletion analysis [However, Koch testified that such could not be done at this time, but the monitoring system would be helpful in doing such in the future.];

(c) Supporting information concerning the First Mine Branch 'again, he admitted that monitors were in place];

(d) A list of pesticides, fertilizers and herbicides to be used, as well as an IPM plan [however, he as aware that such was requir' by DEPRM, and he admitted that pesticides, herbicides and fertilizers had not yet been used on the site.];

(e) An analysis of the six (6) ponds on site [however, he was aware that it was DEPRM who had recommended the ponds be constructed for irrigation purposes.].

Through Klein, many documents were introduced which, in the opinion of Petitioners/Appellees had no relevance to the specific project at issue.

11. JOHN ROBERT MILDENBERGER - Mildenberger, a hydrogeologist from the Annapolis area, had no prior experience testifying as an expert witness; however, he did represent the developer of the Holly Hills Golf Course in Fr derick County in regard to the water supply for the residential development that was part and parcel of the golf course project. Mildenberger stated

that, if he were to give an opinion, he would need additional information to that contained in Dr. Koch's **Groundwater Supply and Impact Assessment**, such as the logs of the test themselves; documentation of information from the test; the method of construction of the observation well; the static water level in the wells; and the amount of water stored above and within the bedrock itself. On cross-examination, Mildenberger admitted that Dr. Koch had called him at least a week prior to his testimony, but Mildenberger did not return the call.

Mildenberger opined that all wells should be pumped at the same time in running the test, rather than one well being pumped for seventy-two (72) hours. However, he did not testify that all of the wells on site would be pumped at the same time when irrigating the golf course. (In fact, the wells are not pumped at the same time, but rather in a staggered series.)

In Mildenberger's opinion, more work had to be performed in order to test the impact of the proposed wells on the neighboring residential wells.

VI. APPLICABLE LAW.

The Board has before it two separate appeals, one from the partial granting of the Special Exception, and the other from the CRG approval of the Plan. The Board must follow separate procedures and standards in deciding the separate appeals. Under Article 603 of the County Charter, "all hearings held by the board shall be heard de novo, unless otherwise provided by the

legislative act of the County Council..." The County Code is silent as to whether or not a hearing on the granting or denying of a Special Exception is to be de novo; therefore, such hearings by the Board on Special Exceptions must be de novo. However, under §22-61(c) of the Code, "[T]he final action [by the CRG] on a plan shall be presumed correct, and the person aggrieved shall have the burden of persuasion to show that such action was arbitrary or capricious, procured by fraud, or otherwise illegal." See Miller v. 40 West Builders, 62 Md. App. 320, 489 A.2d 76 (1985).

A. Appeal From Partial Granting of Special Exception.

Section 1A01.2.C.10 permits a golf course or country club in an R.C.2 zone by Special Exception, and Section 1A03.3B.7 permits a golf course or country club in an R.C.4 zone by Special Exception. In Baltimore County, golf courses, country clubs and other outdoor recreations clubs are permitted to be developed, as a matter of right only upon land that is zoned either Business, Major (B.M.) or Business, Roadside (B.R.), or Manufacturing, Heavy (M.H.). It is not permitted, even by Special Exception, in Office zones; Residence, Apartment, Elevator zones; or in four of the six classifications of Residential zones. It is permitted by Special Exception in D.R.1, D.R.2, B.L. and the four Resource-Conservation (R.C.) zones. See, Baltimore County Zoning Regulations (Amended through July 1, 1989), Section 270 "Schedule of Special Exceptions" and Section 1B01.1C. Under Section 502.1,

B.C.Z.R., before any Special Exception may be granted, it must appear to the Zoning Commissioner that the use for which the Special Exception is requested will not:

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

b. Tend to create congestion in reads, streets or alleys therein;

c. * * * *

e. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulaions.

Concerning "the purposes of the property's zoning classification" (Section 502.1.g), the general purposes of Resource Conservation zones are found at Section 1A00.2:

"a) discourage present land use patterns of development and to crate a frame work for planned or orderly development;
b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;
c) protect both natural and man-made resources from comprising effects of specific forms and densities of development;
d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences."

The purpose for the R.C.2 zone is set forth in Section 1A01.1.B: "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing

incompatible forms and degrees of urban uses". The purposes of the R.C.4 zone is found in Section 1A03.1: "to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types of levels of development in their watersheds."

B.C.Z.R. do not set forth the purpose of the Manufacturing, Light (M.L.) zone, although such purpose can readily be gleaned by reading the purposes of the Manufacturing, Restricted (M.R.) zone in Section 240.1 and of the Manufacturing, Light, Restricted (M.L.R.) zone in Section 247, along with a reading of the seventy-three (73) uses permitted as of right in an M.L. zone, set forth in Sections 253.1.A and 253.1.B.

The Court of Appeals of Maryland set forth certain standards to be followed by the Board of Appeals in granting or denying a Special Exception use. In the case of Schultz v. Pritts, 291 Md.1, 15, 432 A.2d 1319 (1981), where the Court stated:

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

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, has met his burden. The extent of any harm or disturbance to the neighboring areas and uses is, of course material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for special exception use is arbitrary, capricious, and illegal." (Citations omitted) (Emphasis in the original.)

The Court went on to hold that:

> "...the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone."

The Court recently paraphrased the Schultz v. Pritts standard in Board of County Commissioners for Cecil County v. Holbrook, 314 Md. 210, 550 A.2d 644, 668, (1988):

> "In summary, where the facts and circumstances indicate that the particular special exception use and location proposed would cause an adverse effect upon adjoining and surrounding properties unique and different, in kind or degree, than that inherently associated with such a use regardless of its location within the zone, the application should be denied."

B. Appeal From CRG Approval of Plan

Because of the presumption of correctness afforded to the decision of the County Review Group, this Board stands in the same position as the Circuit Court when it reviews a decision of this Board. This Board must not substitute its judgment as to the wisdom or soundness of an action taken by the County Review Group, if the question decided by CRG was fairly debatable, and its action is not shown to be arbitrary, capricious or illegal; the action of the CRG must be sustained if, on the evidence, the matter was fairly debatable, and the facts presented are sufficient to support the decision. It is only where there is no room for reasonable debate, or where the record is devoid of any supporting facts, that this Board would be justified in reversing a decision of the CRG or declaring the CRG action arbitrary, discriminatory or illegal. See, 23 M.L.E., Zoning and Planning, §43 **Scope of Review.**

VIII. ISSUES.

The two cases on appeal raise the following issues:

1. Concerning the Special Exception, would the proposed use tend to create congestion in the neighboring roads?

2. Concerning the Special Exception, would the proposed use be detrimental to the health, safety or general welfare of the locality by reason of the depletion of the amount of water available in the locality?

3. Concerning the Special Exception, would the proposed use be detrimental to the health, safety or general welfare of the locality by reason of the contamination or impurification of the water in the locality?

4. Concerning the Special Exception, is the proposed use inconsistent with the purposes of the property's zoning classification as Resource Conservation (Agricultural), Resource-Conservation (Watershed Protection) and Manufacturing Light?

5. Concerning the approval of the plan by CRG, did the Protestants/Appellants sustain their burden of showing that the action of the County Review Group was arbitrary or capricious, procured by fraud, or otherwise illegal?

ISSUE NUMBER 1 - TRAFFIC

The Petitioners hired The Traffic Group to inspect the area and road system surrounding the site; to take traffic counts at selected times; to project the directional movement and amount of traffic to be generated by the proposed golf and country club; and to analyze the effect of the proposed use on the nearby road system. The results are contained in the report submitted as Petitioners'/Appellees' Exhibit 10. The opinion was rendered at the hearing by Wes Guckert that the proposed use will not have an adverse effect on traffic in the locality. Specific questions were asked of Guckert concerning certain intersections which would be traversed by certain users of the proposed facility. Guckert compared the proposed golf and country club to other clubs here in

Baltimore County, specifically, Diamond Ridge Golf Club and Piney Branch Golf Club. He drew the comparison that, as you leave a metropolitan area and approach a golf course, the roads become more narrow and "more rural". Guckert expressed the opinion that the use proposed at the site would have no greater impact on traffic than any other golf and country club located in an area comprised primarily of R.C.2 and R.C.4 zones.

The Department of Traffic Engineering had no comment to offer on the proposed use, thereby indicating that the proposed golf and country club presented no danger to the safety of persons in the locality, and further, did not tend to create congestion on the local road system.

The Protestants produced no expert testimony, but relied upon the testimony of residents who foresaw the increased traffic interfering with farm vehicles; causing additional accidents on the two lane, rural roads; and increased incidents of "DWI" if a liquor license were granted to the proposed club.

The Court of Special Appeals of Maryland noted in Miller v. Kiwanis Club of Loch Raven, Inc., 29 Md. App. 285, 347 A.2d 572, 579 (1975) that:

> "...there are many uses permitted as a matter of right in [the zone at issue] (without the requirement of a special exception therefore) which would undoubtedly create as much or more traffic than [the proposed use at the proposed location]."

Likewise, this Board must look at the permitted uses not only in the R.C.2 and R.C.4 zones, but also in the M.L. zone. As testified

to, the Hendrix property was used for the business animal feed manufacturing, storing and distribution, with a small fleet of tank trucks.

While Protestants/Appellants may argue that only 3.3 acres is zoned M.L., a perusal of the seventy-three (73) permitted uses in the M.L. zone in Sections 253.1.A. and 253.1.B. of B.C.Z.R. readily indicates many uses that would generate much more traffic on a regular basis at the site than would the proposed golf and country club. The Kiwanis Club Court quoted from Gowl v. Atlantic Richfield Co., 27 Md. App. 410, 341 A.2d 832, 836 (1975):

> "...where the potential volume of traffic under the requested use would appear to be no greater than that which would arise from permitted uses, we believe it arbitrary, capricious and illegal to deny the application for Special Exception on vehicular traffic grounds."

ISSUE NUMBER 2 - WATER - QUANTITY

The nearest golf course to the site is the Hunt Valley Golf Club, a twenty-seven (27) hole course, located almost due south of the site at the intersection of Paper Mill and Phoenix Road. (See Petitioners'/Appellees' Exhibit Number 2) The Hunt Valley Golf Club also sites on the Loch Raven Schist.

Seven wells were drilled on the site Petitioners'/Appellees' Exhibits 11 A-B-C) and all seven were successful. These wells produced a total of 189 gallons per minute (g.p.m.) or a daily total of 272,000 gallons. The developer hired Engineering Technologies Associates, Inc. (Donald H. Koch, P.E.) to determine the ground water supply at the site and the impact of water use by

the proposed golf and country club on neighboring wells and on the two streams which are found on the property. Koch looked to the water usage records of the Hunt Valley Golf Course (27 holes) to estimate the water usage at Greystone **under the worst case scenario** (Petitioner's Exhibit 11-A). The Hunt Valley records indicated the highest monthly usage on record was for July 1987, during which month the water usage averaged 150,000 g.p.d.

Koch determined the impact upon neighboring properties of the water usage at Greystone by calculating the anticipated draw down at the closest domestic water well (located at a residence on Vernon Road) to Test Well number 1 (located in the northeast section of the property). Test Well number 1 had an initial pumping rate of 70 g.p.m. When the seventy-two hour pumping test was performed on Test Well number 1, the pumping rate stabilized at approximately 48 g.p.m. (Petitioner's Exhibit 11-A, Page 4). To determine the draw down of the domestic well on Vernon Road, Koch assumed that Test Well number 1 would pump continuously at the rate of 50 gallons per minute (Id. P.8) Koch calculated the draw down at the domestic well for period of ninety (90) days and **one year.** The draw downs were less than five (5) feet, and Koch pointed out that these draw downs are larger than would be realistically anticipated because recharge and the location of streams within the property were ignored, and no well would be pumped for ninety (90) days **continuously,** much less 365 days. (P.8 and Figure 3) Koch concluded that "there will be negligible impacts on nearby water wells." (P.8)

The initial calculations of Koch did not take into account the five (5) irrigation ponds that had been proposed for the site by DEPRM. These ponds will contain approximately 17.5 million gallons of water, which will be used for irrigation of the course. These five (5) ponds will accumulate surface water, and will be replenished by the pumping of ground water from the six (6) wells on site **only when necessary,** and restricted by the per diem rate of 50,000 gallons under normal conditions, and 20,000 gallons per day under drought conditions. Koch testified at length as to how the irrigation ponds and the available ground water would be more than sufficient to meet the needs of the golf course and country club. (See Petitioners'/Appellees' Exhibit Number 12.)

The Protestants/Appellees raised the issue of water usage at Greystone causing stream depletion (as opposed to well draw down). Koch testified that any pumping of wells on the site would diminish the volume of ground water flowing into the streams. However, he testified that as long as the average pumping rates at the site are less than the annual recharge rate, any impact is minor. (The annual recharge rate on the site, covering 305 acres, is 227,000 gallons per day.)

Concerning the unnamed stream at the site, Koch was of the opinion "that a quantitative analysis of stream depletion cannot be made in a reasonable manner, due to the small size of the watershed (185 acres), the presence of the farm pond and the fact that the pond is fed by a spring." (Petitioner's Exhibit 11-C) He

did state that there would be "a measurable impact on the **low flow** in this tributary, but the exact magnitude cannot be determined."

Koch was cross-examined in regard to the effect of Greystone's well pumping on the 22 inch deep spring of Johann E. Edey, who lived on White Hall Road, west of the site. Koch made it clear that the formula he had used in regard to the residential **well** on Vernon Road could not be applied to a **spring.** Koch did testify that a spring is a shallow point of natural discharge for an aquifer, and, in that respect, is similar to a stream. He further testified that impacts on base flow in streams are qualitative but similar to the impacts on springs. He concluded that the impact on springs used as water supplies would be negligible, even in the **worst case scenario.**

Most of the testimony and opinion in this case on the issue of water quantity centered on the **worst case scenario.** To compensate for drought conditions, DEPRM has required five (5) irrigation ponds for the site. Furthermore, the water usage at Greystone will be monitored by the installation of monitor wells under a program to be approved and supervised by DEPRM. If it is indicated to DEPRM that Greystone's water use for irrigation threatens the water supplies for neighboring residences, irrigation will be limited, or, if conditions require, halted altogether. As Koch stated, "the grass will just have to turn brown."

ISSUE NUMBER 3 - WATER - QUALITY

The Petitioners/AppellEEs presented the testimony of Lykens and Outten of DEPRM, whose responsibility is the protection of the environment and management of the natural resources here in Baltimore County. They testified concerning measures that had been taken by the developer; and they testified that DEPRM approved the project, with the understanding that certain monitoring must be accomplished, and certain Best Management Practices must be initiated and certain IPM programs must be established and followed. Furthermore, on behalf of the Petitioners/Appellees, Koch spoke concerning the soil permeability test and the fact that no danger was presented to the quality of the water on site because of the types of soil found thereon.

The Protestants/Appellants called Dr. Robert Bachman as their witness. Dr. Bachman's responsibility is the protection, preservation and enhancement of the trout population in the State of Maryland. He testified that he was very much encouraged by the policies of Baltimore County in protecting its resources by means of the steep slopes, stream buffers and wetlands legislation recently enacted. Such environmental legislation must be complied with by the Petitioners/Appellees in developing the proposed golf and country club. Many modifications to the original plans have been made by the Petitioners/Appellees in order to comply with the requirement of DEPRM.

The Protestants/Appellants also produced Richard Klein as a witness who spoke specifically against the project. However, his testimony was inconclusive at best on the issue of stream quality, and his findings of fact in regard to the effect of Hunt Valley Golf Club on the trout stream that traverses said club indicated that the golf course **enhanced** the quality of that stream.

ISSUE NUMBER 4 - USE CONSISTENT WITH CURRENT ZONING

As mentioned previously, part of the property is zoned M.L. and has been used for the production, storage and distribution of animal feed. DEPRM's representatives have visited the site on many occasions, and they are well aware of the rusting drums, tanks and equipment that had been present on the site. They were also aware of the air strip and the rifle/shooting range present on the property. Petitioner Airey testified that he has filed for reclassification of the M.L. zone on the property. Further, the Petitioners/Appellants are willing to place an enforceable covenant upon the property to require its use as a golf course for a minimum of twenty-five (25) years. There was testimony as to the number of building lots permitted on this site, but Petitioners/Appellants seek only a Special Exception for a golf and country club. Petitioner Airey testified concerning the reforestation of a portion of the site, including the shading, where appropriate, of the First Mine Branch. And of great importance to the issue of Resource Conservation is the fact that this golf course will project much of the environment by leaving it alone. DPRM's

representatives (Lykens and Outten) testified concerning the stringent requirements that have been and will be enforced in protecting all aspects of the environment at the site. All of these factors were considered by DEPRM before conditional approval of this project was given. The purposes of the property's zoning classification have been set forth above. DEPRM is keenly aware of the purpose for the R.C.2 and R.C.4 zones. Once can readily see the damage that can be done to these zones by the continued use of the M.L. zone (for whatever specific use under B.C.Z.R. a new owner might initiate) and the increased use of the air strip and rifle/shooting range. As Outten testified, there was no litmus test applied here, but rather a "balancing of the facts and circumstances" facing DEPRM. In the final analysis, the proposed use as a golf course and country club would do less harm to the environment and to agriculture in this locality than wold the continuation of the M.L. zone, for whatever authorized use, and continuation of the air strip and the rifle/shooting range. At a minimum, the site could more readily be returned to agriculture from the proposed golf course, than it could be if it was developed residential.

The Protestants/Appellants called Paul Solomon, an employee of DEPRM to give a "personal opinion" concerning a possible conflict of the proposed use with agriculture. Solomon did state that the Department's opinion was that the proposed use was "less destructive than the possible uses" of the property, under the current zoning. However, he personally believed that the site was

in an agricultural area of the county that had been so designated under the Master Plan of 1990, and that the proposed use was "significant urban intrusion" into the area. He further testified that the use requested by Special Exception did not "foster" agriculture, and therefore, should be denied.

If this Board would hold that the Master Plan is to be followed in this case, the fact remains that a portion of the property is zoned M.L., and other portions of the property have acquired permitted uses (air strip and rifle/shooting range) which are not compatible with agriculture. Section 22-37 states that development regulations "are designed and intended to ensure the safety, adequacy and convenience of proposed provisions for...(4) prevention of environmental degradation and promotion of environmental enhancement, including adequacy of landscaping and energy conservation measures, and of the protection of flood plains, steep slopes, watersheds, wetlands, vegetation, other natural features, and historical sites or areas." In following its mandate to protect and promote the environment, DEPRM, as the appropriate arm of Baltimore County, must make the decision to permit or forbid certain uses in an instance such as this where the Master Plan and the zoning process may appear to be in conflict.

ISSUE NUMBER 5 - CRG PLAN APPROVAL - ARBITRARY, CAPRICIOUS, PROCURED BY FRAUD OR OTHERWISE ILLEGAL

The Protestants/Appellants introduced no evidence whatsoever to specifically call into question the action of the County Review

Group, as contained in its minutes of the meeting of August 30, 1990. To argue this point further would be a waste of this Board's time.

XI. CONCLUSION.

The requested Special Exception will not be detrimental to the health, safety, or general welfare of the locality involved, nor will it adversely effect either the local or the metropolitan water supply. The proposed use will in no way create congestion on the roads in the locality. When the proposed use is contrasted with possible permitted uses both in the Resource-Conservation zones and the Manufacturing, Light zone, it is clear that such use as a golf course and country club is consistent with purposes of the zoning classifications, and with the spirit and intent of the zoning regulations. The "weighing" or "balancing" process used by DEPRM in approving the requested use was reasonable in applying the dictates of the environmental laws and policies such as the "prime and productive" soils legislation, the agricultural promotion legislation and the Master Plan.

Finally, the approval by CRG was neither arbitrary, capricious, procured by fraud, nor otherwise illegal.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January, 1991, a copy of the foregoing BRIEF AND PETITIONERS/APPELLEES was mailed, First Class Mail, postage prepaid to:

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IN THE MATTER OF	*	BEFORE THE
GREYSTONE GOLF COURSE	*	BOARD OF APPEALS
APPEAL FROM	*	FOR BALTIMORE COUNTY
PETITION FOR	*	
SPECIAL EXCEPTION	*	CASE NO.: 90-19-SPHX
AND CRG APPEAL	*	AND CBA-90-165

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APPELLANTS/PROTESTANTS POST-HEARING MEMORANDUM

Appellants/Protestants, by J. Carroll Holzer, their attorney, hereby submits their Post-Hearing Memorandum as requested by the Board of Appeals in lieu of Final Argument.

Statement of the Case

The above captioned case came before the Board of Appeals of Baltimore County based upon a Petition for a Special Exception for a "a country club, primarily a golf oriented facility, including golf course, practice facilities, a club house complex including without limitation a pro shop, a lounge, an eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing shelters and other structures, improvements or facilities generally associated with a golf or country club".

The proposed facility is located in Northern Baltimore County in the White Hall area. It is located along White Hall Road and Vernon Road on the north and east and Hunters Mill Road on the south. It consists of 305 total acres (the total site being acquired from 3 separate ownerships). 143.5 acres are in an RC2 Zone in which 3 lots are permitted and 161.5

acres are in RC4 Zone which would permit 32 lots. Existing residences are 2. The Greystone Country Club is proposing an 18 hole golf course along with a clubhouse including proposed parking, a number of proposed ponds, a swimming pool, and tennis courts.

The Protestants consist of adjacent, adjoining, and surrounding individual neighbors, as well as the Northeast Baltimore County Protective Association, Inc. which is comprised of community members and neighbors in the immediate vicinity of the proposed Greystone Golf Course. The Petitioners presented 6 witnesses, while the Protestants presented 11 witnesses, during the course of the extensive testimony and numerous days of hearings before the Board of Appeals. As a result of this testimony, there are significant issues which have been raised and defined, which result in the need for organization, clarification and summarization in this Memorandum. The Protestants do not intend to recite all of the testimony for the individual witnesses in this Memorandum, however, a brief synopsis follows.

It is clear that the legal parameters of this case are set forth in the requirements for approval of the Special Exception, Baltimore County Zoning Regulations, Section 502.1, and in Schultz v. Pritts, 291 Md. 1, 432A. 2d. 1319 (1981). The real key to the instant case is found in an analysis and evaluation of the factual testimony of the witnesses and the issues presented therein.

In addition, the legal issue concerning the Appellant's appeal of the CRG approval requires a showing by the Protestants/Appellants that the CRG acted arbitrarily pursuant to Baltimore County Code, Section 22-61(c).

Issues

The issues generally to be addressed in this case are as follows: First, whether the proposed Greystone Golf and Country Club conflicts with the Baltimore County Master Plan if it fails to preserve for agricultural use the 305 acres designated for the project development. Second, whether or not the proposed Greystone Golf and Country Club conflicts with existing Baltimore County Law and Policy if it conflicts with the preservation of agricultural uses in that predominantly agricultural area. Third, whether or not the utilization of water by the Greystone Golf and Country Club will negatively impact the level and quality of the well water in surrounding wells in the neighborhood, thereby affecting the health, safety and welfare of the community. Fourth, whether or not the Greystone Golf and Country Club will cause degradation of the First Mine Branch and the "unnamed tributary" and have a negative impact upon a major trout stream in Baltimore County, thereby affecting and negatively impacting the health, safety and welfare of the community. Fifth, that the Petitioners have failed to meet the requirements of Baltimore County Zoning Regulation 502.1 and Schultz v. Pritts, 291 Md. 1,432 Atlantic 2d. 1319 at 1327 (1981) in the respect that the facts and

circumstances show the particular use, at the proposed location, does have an adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location in the zone. Sixth, other miscellaneous factors which impact the health, safety and welfare of the community thereby requiring denial of the requested Special Exception, such as traffic on the roads (increase and safety), liquor license, exposure to crime, strain on public services and response time of fire and police, hours of operation, light and noise pollution, catalyst for future development. Seventh, the unrebutted testimony of John Mildenberger, indicated that insufficient evidence had been presented to Baltimore County and members of the CRG, from which the CRG could reasonably review and approve the proposed project in terms of its impact upon the adequacy of water supply as it affected the surrounding neighbors' wells and water supplies. Therefore, the CRG approval was arbitrary and unreasonable on its face.

Statement of Facts and Argument

A. Petitioners' Case.

1. Wes Burton - Registered Architect in Maryland, testified in regard to Petitioner's Exhibit No. 1 the approved CRG Plat and indicated that it differed from the Plat as approved by the Zoning Commissioner in this case in the following areas: First, that the 10th green and the 11th tee were located within 50 feet of the buffers and that the

Petitioner had not yet requested a hearing or variance from that requirement. Second, that there were five crossings instead of the four approved which is at variance with the approved Plat. He further admitted on cross-examination that the inclusion of language on the approved CRG Plat which indicated that additional development could occur below the line drawn by the Zoning Commissioner by simply proceeding with the CRG development process was at odds and inconsistent with the Zoning Commissioner's decision that required a Petition and hearing before the Zoning Commissioner to allow any further development below the line defined in the Zoning Commissioner's Order. This matter should be clarified so that additional protection is afforded the public in the event that some time in the future, if this Special Exception is granted by the Board of Appeals, that no development may take place below the line drawn by the Zoning Commissioner absent public notice and hearing before the Zoning Commissioner.

2. Donald Airey. Mr. Donald Airey represented the developer, testified in regard to their general purpose in acquiring this property and proposing the Greystone Golf and Country Club. Mr. Airey testified that his organization intends to abide by the 18 hole limit as proposed in the Zoning Commissioner's Order. He testified that there will be 410 members of the club, 40 employees and up to 200 plus in the club facilities for special events. He testified that the Petitioners are so desirous of proceeding with this site, that

they intend to: A) Relinquish the 3.3 acres of ML Zone. B) Relinquish the right to utilize the air strip (which apparently has seen little activity). C) At the Zoning Commissioner level, they were willing to build the club without the tennis courts and swimming pool, however, before the Board of Appeals those aspects of the club are still being requested. D) Limit the maximum number of people permitted on the premises to 300 before the Zoning Commissioner, however, before the Board of Appeals there was no indication that they would be willing to limit the number of people using the site and their testimony was more consistent with the fact that between members, employees and special events, there could be 650 persons utilizing the club at any one time.

Airey further acknowledged that some of the property was planted in corn at the time of its acquisition and that was an agricultural use of the property in existence at the time of the filing of this Petition. He testified that the water needs for the golf course would be approximately 150,000 gallons per day to maintain the facility and perhaps 50% more or 225,000 gallons to establish the course during the early years of that facility.

Upon further examination, he testified that he would be willing to comply with the Zoning Commissioners limit of 60,000 gallons per day usage. This willingness appears to fly in the face of his prior testimony demonstrates a higher requirement for water needs and is further questionable in regard to the

fact that even while agreeing to comply with the 60,000 gallons per day usage, the Petitioner has requested 320,000 gallon request from the Maryland State Department of Water Resources.

Airey further testified that since the Zoning Commissioner's hearing, the Petitioner has developed the concept of creating five ponds which would not only capture rain water, but be the recipients of water pumped from the ground into said ponds for additional irrigation of the golf course.

Appellants/Protestants submit that the testimony of Airey is conflictory and certainly it is impossible for the Board to draw any conclusions as to the true and actual purpose of the Petitioners in this case unless it places restrictions upon the ground water use and insist upon monitoring if this Board feels that such a method of monitoring would prove effective to the health, safety and welfare of the community. It is the position of the Appellants/Protestants that such monitoring and conditions will not prove effective and enforceable and, therefore, the health, safety and welfare of the community in terms of water supply, is threatened by the requested Special Exception. The request for the Greystone Golf Course should be denied.

3. David Likens. Mr. Likens representing the Baltimore County Department of the Environment, testified that his Department required buffering of the wetlands and steep slopes both for the "unnamed tributary" and First Mine Branch.

4. Wes Guchert. Greystone presented a traffic engineer who basicly testified that there will be no traffic impact as a result of this proposal even in view of the fact that, at the present time, the site is in agricultural and generates few, if any, trips. Further, on cross-examination, he confirmed the fact that if residential homesites were built out to its maximum residential potential, the site would generate 30 peak hour trips per day. That with the golf course possessing 330 parking spaces, it would generate 170 peak hour trips per day and 200 peak hour trips on a weekend. The conclusion that one can draw from this fact is that the traffic generated by the golf course would be 5 to 6 times what a residential development would pose for the existing roads and highways. The testimony of all parties, including Mr. Guchert, is that the roadway system consists of rural roads with no shoulders commonly defined as "narrow, hilly and winding".

5. Donald Koch. The Petitioners called this witness as a civil engineer to testify that various tests have been conducted and test wells dug, resulting in his conclusion that there would be sufficient ground water to satisfy the needs of the golf course. He presented his findings in the "ground water supply assessment" dated August 28, 1989 and Addendum. He further testified that the addition of 5 ponds to provide storage for surface runoff would also be utilized to include water pumped from the ground water. Mr. Koch refused to calculate and predict the effects of the pumping upon the

unnamed tributary which flows through the project site, however, he did render the opinion that the pumping will have no impact on First Mine Branch. It is respectfully submitted that his testimony begs the question in regard to the effects of this pumping on this site with the health, safety and welfare of the unnamed tributary which directly affects the health of First Mine Branch, which is a major tributary to the Gunpowder. It is without question that the health, safety and welfare of the unnamed tributary accounts for at least 20% of the water flow of First Mine Branch due to the fact that there are 5 tributaries to First Mine Branch.

6. Donald Outen. Mr. Outen, an official of Baltimore County, testified on behalf of the Petitioners that while this area is "prime and productive soils" that. it is his interpretation that the prime and productive soil legislation is aimed at residential development and doesn't apply to commercial development. It will be presented later in this Memorandum that his interpretation of this legal point concerning Bill 134-89 and the interim policies in regard to prime and productive soil has no foundation in law, but that his opinion is based merely on his feelings that the language of the legislation does not encompass commercial development. Of particular interest and attention is the fact that Mr. Outen failed to testify to any facts which would show that this project of the Greystone Golf Course would establish or "foster conditions favorable to a continued agricultural use". It will

be established by case precedent before the Zoning Commissioner that the County legislation requires "the project to establish and foster conditions favorable to agricultural use" before approval can be granted by Baltimore County. Such is not the case before the Board of Appeals and other than Outen's testimony, there is no other testimony presented by any official which shows that this Greystone Golf Course will "foster conditions favorable to a continued agricultural use". The Petitioner then rested.

B. Protestants' Case.

The following witnesses were presented on behalf of the Protestants and their testimony summarized herein:

1. Johanne Edey. Mrs. Edey testified as an individual residing at 1800 White Hall Road. Her home is approximately 55 feet from the proposed site property line; she also testified on behalf of the 59 members of the Northeast Baltimore County Protective Association, Inc. as President thereof. She testified as to the following concerns: a) - environmental, that according to the formula established by Protestants' witness Donald Koch, her well was approximately 2 feet deep and that it would be impacted by the use of the golf course wells to the extent proposed by the Petitioners. She was concerned about the "unnamed tributary" and First Mine Branch from the standpoint of drying up the stream, as well as pesticides and insecticides finding their way into it to

negatively affect the trout population. b) - agriculture, she testified that the operation of a golf course provided a loss of agricultural land in the area which directly conflicts with the stated preservation purpose of the Master Plan and represents a loss of land being farmed as marketable crops are produced on the property and sold or fed to livestock, c) - she then testified in regard to the traffic concerns such as an increase in drinking and driving, interference with the movement of farm vehicles, quantity of traffic as relates to 7 days a week with the country club, d) -she commented upon the impact of taxes due to the enhanced value of the property and the pressure for development that golf courses historically have had upon surrounding property. She further testified that the clubhouse and project was out of character and scale with the rural nature of the area; that it would have an effect on wildlife; that there would be a strain on public service as to the volunteer fire company, as well as the response time for the police department. She further testified that 30 to 40 homes would be less of an impact on the community than this proposed course.

2. Dorothy E. Miller of 1700 Hunter's Mill Road likewise testified that she is concerned with the possibility of shortage of water due to the construction and operation and needs of the Greystone Golf Course and Country Club. She testified that she has a well which stores only approximately 3 feet of water. She further testified that she was 300 feet

from the Hendrick's property of Greystone Golf Course. (The Board will recall that upon examination by a Board member of John Mildenberger, the expert witness presented by the Appellants/Protestants that he defined a well as "anything which must be dug into the natural surface of the ground. Therefore, it is clear that a hand dug shallow well, such as described by Dorothy Miller on her property as being 3 feet deep qualifies as a "well"). Mrs. Miller further went on to testify that in 1987 and 1988 when they had a drought in their area, they experienced severe water shortages and had to conserve their water supply by choosing between bathing, laundering and bathing or dishwashing. Also, during those two summers, she was required to dig out the bottom of the well in hopes of increasing the water supply.

3. Robert Maenner. Mr. Maenner of 2122 Hunter Mill Road testified that he is 500 feet or less from the golf course; that he conducts a hog/pig operation where he sells feeder pigs to Baltimore County dairy farmers. He had a hang dug 34 foot well which went dry in 1955. His current well is approximately 100 feet deep. He is concerned about his water supply. He is also concerned about the heavy traffic use generated by the Greystone Golf Course on the country or rural roads surrounding the proposed site and their impact on the farms operations and farm usage on the roads.

4. Harry Hubble. Harry Hubble is a farmer who resides at 1822 White Hall Road, an adjacent property. He has been

farming since the age of 14, and has lived at the current site for almost 40 years. Mr. Hubble owns 128 acres -66 acres adjacent to the proposed golf course. He raises dairy cows for sale, breeds and raises hogs for market and grows crops as well. He is concerned about the traffic and the volume of water usage from the facility. He testified that he grows corn, wheat, barley, alfalfa and mixed hay and that he has rented the 10 acres of Eichelberger's property which is on the subject site from the last 20 years. He testifi.' that it was extremely good pasture and he had 35 head of cattle on 39 acres for the entire summer. The crop yields of Mr. Hubble have been the highest corn yield in Baltimore County per acre for 1984 and 1985 with over 216 bushels per acre. He has also for 11 consecutive years received Mar'land State Awards for having over 100 bushels of corn per acre on this site. In 1988 he had 9,000 bails of hay and straw produced on his farm.

Mr. Hubble further testified that his wells went dry in 1967 when he originally had a spring fed well for home water utiiization and a 30 foot drilled for livestock. He has had to truck in 2,000 gallons of water per day for his dairy herd plus water for home uses from an outside source. In 1969 he had a new well drilled at a depth of 117 feet. He was concerned about the use of the proposed golf course site and its utilization of water because it would reduce the water level and operations of his farm.

5. Tom Gill. Mr. Gill's testimony is an active farmer in

the area. He testified that farming in the area was not marginal but a viable living and that he farmed property from one-half mile to five miles from the site. That, in so farming his farm as well as leased farms, the traffic interference with the movement of farm machinery is an integral and immediate problem which farmers in the area must face when suburban and residential developments such as Greystone Golf Course interacts with a purely agricultural area.

6. Dr. Bachman. Dr. Bachman, whose credentials and expertise as head of the Inland Fisheries Division of the Maryland Tidewater Administration and as a nationally respected authority on trout streams, testified that "First Mine Branch and the accompanying "unnamed tributary" certainly have trout in it, both brook and brown trout and they are naturally reproducing trout". That, "based upon the criteria set forth by Trout Magazine, I nominated and Trout Magazine accepted the Gunpowder Falls as one of the top 100 trout streams in the country and the thing that made it unique (along with the "unnamed tributary") is that it contained brook, brown and rainbow trout within virtually 20 miles of where we sit here today and a very healthy population of large brook, brown and rainbow trout to boot and that makes is pretty special." (emphasis supplied.) "The thing that makes First Mine Branch special is that it is the largest unobstructed tributary to this section of water of the Gunpowder Falls and that makes it special." He further went on to testify how unique First Mine

Branch and the "unnamed tributary" really were and concluded by saying that "it is a very, very scarce resource and I think that a good point was made when it was said that a naturally reproducing trout stream is one of the rarest and fragile natural resources we have in the world let alone Baltimore County." (emphasis supplied.)

Dr. Bachman in testifying as to the relationship of the "unnamed tributary" to the First Mine Branch, indicated that "the trout do run up these small tributaries to spawn and it is not uncommon to find young of the year trout in the small tributaries in the summer, whereas in the fall you might find a rather large 12 to 14 inch trout run up these tributaries to spawn." Dr. Bachman further testified that factors which may have a significant impact upon the viability of the trout stream would be "those two things that are very important to the trout, the base flow, the substraight and the water temperature and that in turn has an effect on the food supply." Dr. Bachman was then asked the following question by Holzer, "If the testimony which show that the ground water used by the proposed golf course would reduce the average base flow of First Mine Branch by 7% and the 7 day 10 year low flow by 21% to 33%, what impact would that have on the trout population the First Mine Branch?" Answer by Dr. Bachman, "I previously stated that the low flows are the principal determinant of the number of fish that a stream can support...and I can conclude that any decrease in the base flow of the stream that supports

trout such as First Mine Branch would have a detectable and from the numbers, a rather drastic effect. There would be a decrease, but again its not a linear type of thing, all I can say is that it would result in my opinion in a decrease standing crop of trout."

Coincidentally, when Counsel for the Petitioners asked the effect of a 7 day 10 year low flow impact of 10%, Dr. Bachman responded "well I'd be concerned about it...especially the 7 day 10 year low flow of 10%. It is those low flows that really do have an impact on trout population...the reduction in base flows does have an impact on the standing body of trout."

In summary, Dr. Bachman as an expert certainly connected the health of the First Mine Branch as a trout stream with the health of the "unnamed tributary" which feeds into it through the proposed golf course. I think it is safe to suggest that the Protestants here are urging the Board to consider an impact upon the "unnamed tributary" in the same respect and in the same degree as an impact upon the First Mine Branch. (That has not been the attitude nor the position of the Petitioners who seem to feel that they can simply demonstrate a minimal effect on First Mine Branch and ignore the impact upon the "unnamed tributary.") It is submitted that that proposition is clearly false and that the more significant and realistic way of viewing this concern is that the "unnamed tributary" is an extension of First Mine Branch and any effect on it, is an effect on First Mine Branch.

In addition, Dr. Bachman also testified before the Board that he felt there would be an impact on the unnamed tributary and First Mine Branch by the placing of the additional five ponds on the site if ground water were required to be pumped from the subsurface to fill all or a portion of the pond.

7. Rick Dill. Baltimore County Representative of the Soil Conservation District. Mr. Dill testified that substantial financial investment has been made in this immediate area in regard to the agricultural preservation program and that a substantial amount of land area is not protected. He testified that the soils were "prime and productive soils". He testified further that 1.7 million dollars represents a conservative estimate of the monies invested in the preservation program and that even more significant sums have been placed in the agricultural conservation program by the individual farmers themselves. His main concern was that the golf course proposal would reduce the agriculture use in the area. He indicated that "this is an area which is predominantly agricultural in nature...that particular area is predominantly agriculture...it consists mostly of soils that are being farmed or cropped up, there are Class 2 or Class 3 soils which would fall into the category of either prime farm soils or productive farm soils." He further testified that "I've been in Baltimore County for 12 years and we've worked with many of the farmers in that area to help them install conservation practices. Quite a few of the farmers are

also involved in the agricultural preservation program which involves financi' investment. They do have to carry out a conservation plan to get into that program, each farmer has put in quite a bit of money into that to try to keep their operations going and to conserve their soils and protect the waters".

Mr. Dill then expressed his concerns about this project, "I guess basically there would be two concerns, one is as pressure to develop an area of the surrounding agricultural land becomes more economically viable to be developed, it becomes more valuable and there is more pressure on the neighbors and neighboring land to sell out for other development. That basically reduces your agricultural base which is eroding rather rapidly here in Baltimore County. (emphasis supplied.) There is also an inherent problem between farmers and other people and the roads as far as trying to get their equipment back and forth to the various fields. Most farmers in Baltimore County have to rent additional land beside their home farm and they have to travel over the roads and it makes it pretty difficult to get back and forth in a timely manner and it does cause problems for the farmer and commuters as well in the area."

Mr. Dill expressed his opinion of the proposed golf course, "I would think that just like any development it will reduce the agricultural resource base not just by taking the farm itself out but also by putting additional pressure on the

lands in that area to also go into development. It will probably have a basically negative impact."

Mr. Dill further testified in regard to questioning before the Board that in his opinion the location of the Greystone Golf Course had a worse impact on agricultural than, for instance, the case of Valley Golf Course. He found that the Worthington Valley was a less intensive agricultural use and, therefore, the golf course or Caves Valley in Worthington Valley had less of an impact on that site than the Greystone Golf Course will have upon the agricultural uses utilized in the areas around the Greystone Golf Course. This testimony, obviously, is very significant in establishing that the uniqueness of this particular area in which the Greystone Golf Course is being proposed and that it is different and unique from other RC2 areas where golf courses could be developed. This testimony of Mr. Dill coincides with the testimony later of Paul Solomon which will be developed in this memo.

8. Richard Curran. Mr. Curran is the Extension Director of Baltimore County Cooperative Extension Service who deals in agricultural and productivity of farms in the vicinity of the proposed golf course. Mr. Curran testified that this area is a prime agricultural one and is in effective agricultural use at the present time.

9. Paul Solomon. Mr. Paul Solomon, Department of Environmental Protection and Resource Management, was called by the Protestants to testify as to his professional opinion in

regard to the impact of this proposed golf course upon agriculture. Mr. Solomon has been an employee in the Department of Planning with Baltimore County for over 18 years as well as 2 years in DEPREM. He has always been responsible for the Northern Baltimore County area, as well as a program administrator for the Maryland Agricultural Land Preservation Program and other environmental matters dealing with agriculture. He testified that he was familiar with the proposed Greystone Golf Course and had the opportunity to review all of the aspects pertaining thereto. It was his professional opinion that based on the criteria that would normally be applied by his Department, that is, a) - soils - prime and productive-75%, b) - agricultural preservation districts, c) - the general area, d) - the master plan concerning agricultural preservation areas, and e) - Bill No. 134-89 enacted by the County Council, that under all of the above criteria the proposed site would qualify as an area to be preserved for agriculture and that as such, this project would have a negative impact and not be compatible with nor consistent with agriculture and the RC2 Zones protecting farming agriculture. (emphasis supplied.)

Mr. Solomon further went on to clarify that not all golf courses in RC2 Zones would negatively impact agriculture and therefore there might be appropriate RC2 Zoned land for a location of a golf facility. This testimony of Mr. Solomon therefore meets the criteria as set forth in Schultz v. Pritts,

previously cited, to reflect the uniqueness of this particular site as opposed to other sites in RC2 Zones.

Mr. Solomon further tescified that he was familiar with the 1.7 million dollars expended for agricultural preservation easements in the area and he was familiar with Harry Hubble's farm and crop yields. Mr. Solomon further went on and testified that this site was "uniquely unqualified" to serve as a proposed location for a golf course for the reasons that it was not consistent with the master plan; not consistent with the Maryland Preservation Program; not consistent with the appropriate flow of traffic mixing with agricultural traffic; that it would increase the value of residential lots and increase the pressure for development; that it would interfere with a productive farm currently in agriculture and that it would increase the pressure for suburban and urban intrusion which would make it more difficult and expensive to get development rights.

Mr. Solomon further testified that certainly golf courses could be placed in RC2 Zones and suggested other locations which would be acceptable: a) - closer to urban-suburban fringe where agricultural pressure is less, b) - where agricultural use is not as prevalent, c) - where the proposed use facility has better access, d) - where agricultural preservation areas are not as extensive and contiguous to the subject site.

10. Richard Klein. Mr. Klein served as Manager of the

Maryland Department of Natural Resources for 18 years, 4 years in Water Quality Assessment and 14 in Fisheries Management. He conducted more than 60 major water quality investigations for the Department; has studied the effect of 11 golf courses upon the streams of Baltimore County, has written "Protecting the Aquatic Environment from the Effects of Golf Courses". He qualified as a expert on aquatic ecosystems and, in particular, the effects of golf courses upon the aquatic environment. His golf course study of 11 golf courses, most of which were in Baltimore County, revealed that the golf courses can degrade the quality of streams and that the extent of degradation is most severe when a golf course is the dominant land use. He testified that in this instance of Greystone Golf Course, the golf course is the dominant land use which will impact the unnamed tributary. He indicated that when a golf course amounts to more than half the land draining to the stream, the stream will become unfit for most beneficial uses. In the proposed Greystone Golf Course, the course will account for more than half of the land area draining to an unnamed tributary of First Mine Branch. His conclusion was that the Greystone proposal would degrade one-fifth of the tributary system supporting First Mine Branch. In addition, he testified that the ground water removal proposed by the applicant is the factor which will have the greatest impact upon the unnamed stream.

He assumed that the applicant will limit ground water

pumping to 60,000 gallons per day and that the pumping rate would consume one-fifth of the normal flow of the unnamed stream and all of the low flow. These reductions in water flow would severely degrade the quality of the unnamed stream. He further testified that he did not see how the applicant will satisfy normal water needs by pumping no more than 60,000 gallons per day. In conducting an analysis of the golf courses, he feels that the normal irrigation of a golf course would exceed 60,000 gallons and would be closer to 114,000 gallons of ground water per day to meet the irrigation needs. He further referred to the testimony of Dr. Bachman who had previously testified, who indicated that any reduction in low flow of the unnamed tributary in excess of 10 percent would cause Dr. Bachman extreme concern.

In reviewing the potential effects of pesticides upon stream quality, he commented that a golf course may apply 6 to 8 times the quantities of pesticides used on a cornfield and that the use of an integrated pest management plan may only cut pesticides used in half, which still means that the use of pesticides on the golf course would far exceed that of normal agriculture.

He testified in regard to the Cape Cod Golf Course study and the Penn State study; both studies documented that pesticides travel from intensively managed turf grass in quantities which exceeded Federal standards for the protection of drinking water and aquatic life. He further commented that

the Greystone Golf Course has not presented Baltimore County with the types of pesticides that will be used by Greystone and, therefore, the individual characteristics cannot be determined as to the migration of those pesticides.

He testified in regard to the proposed runoff storage ponds which present another potential source of impact on the unnamed stream and First Mine Branch in that they will capture all of the runoff produced by storms up to the two year event. The health of the stream is dependant, in part, upon the flood waters associated with storm water runoff. The scouring caused by flood waters has a cleansing effect upon streams and the reduction in flooding caused by the proposed storage ponds could increase the impact of the golf course upon the unnamed stream and First Mine Branch. Mr. Klein's conclusions, that even with the restrictions imposed by the Zoning Commissioner (such as limiting ground water use to 60,000, reducing the course to 18 holes and comprehensive monitoring requirements) Greystone will still impact the unnamed stream and First Mine Branch in a sufficient manner to cause considerable damage.

Turning his attention to the CRG approval, at the time of the CRG plan, he testified that the County lacked information in regard to A) a water budget proving that irrigation needs could be met without exceeding the 60,000 per day, B) a stream flow depletion analysis had not been submitted, C) the County did not have the supporting information necessary to evaluate the accuracy of the applicant's analysis of stream flow

depletion, D) that the County did not have a list of pesticides which would be used on the golf course, and E) the County did not have an integrated pest management plan. His conclusion was that absent this information, it was "arbitrary and unreasonable" for the County to reach a decision about the environmental effects of the proposed golf course without this data item, and, therefore, the CRG decision was arbitrary and unreasonable.

He did point out, however, that the data that the County did have and has produced at the hearing, does demonstrate that the unnamed stream will be severely damaged by the factors cited above.

He also produced a map of Baltimore County with all of the golf courses plotted on said map, indicating how unique Greystone"s proposal is to Baltimore County. It is the only golf course and the only area which impacts the Big Gunpowder Falls which is rated as among America's 100 best trout streams. There are no other golf courses draining to the most productive section of the Gunpowder and that, of all the places to locate a golf course, he testified that he could think of none that could be a poorer choice than next to the most important tributary to one of America's best trout streams.

11. John Mildenberger. Mr. Mildenberger testified on behalf of the Appellants/Protestants as an expert on hydrogeology. Mr. Mildenberger testified to the documents which he had received and had the opportunity to review before

his testimony, said documents being all of the information then available to DEPRM and other officials of Baltimore County. In his testimony, he indicated that in order for an expert to make an opinion, or to render an opinion as to the impact that Greystone Golf Course and its pumping operations will have on the surrounding wells, one needed more information then was available to him and to the officials of Baltimore County who approved the CRG as well as their recommendations in the Special Exception. He testified you needed well logs for the observation wells, where and how long completed, that longer tests on the other wells as opposed to the short tests that were conducted; that due to the fractured bedrock on the site, that it is difficult to project the water supply; that the Petitioner's experts used an analytical method that is not intended for fractured bedrock aquifer.

In conclusion, he felt that if the information which was available to him was the only information available to the County, that they did not have sufficient information from which to draw an expert conclusion that there would be no damage to the water supply of the surrounding community, i.e. Appellants/Protestants.

C. Appellants/Protestants Wiseberg Community Association.

During the course of the hearing, the writer, on occasion and at the request of Wiseberg Community Association and Macy Nelson, Esquire, presented information or argued points and

positions on behalf of the Wiseberg Community Association and Mr. Runkels, individually. The information and documents introduced on December 28, 1990 and legal arguments to be made by Mr. Nelson in his memo concerning the historical nature of the Wiseberg INN and the ramifications thereupon by the Greystone Golf Course, are incorporated in this legal memorandum in order to preserve any additional arguments for purposes of the record.

Legal Argument

A special exception is a statutory grant of authority unto the Board of Appeals to test and review certain land uses, in each particular case where application is requested, against a prerequisite set forth within the test of the B.C.Z.R. to determine that the use complies with the spirit, content and letter of the various applicable regulations. It is subject to the guidelines and standards contained in the provisions in the Baltimore County Zoning Regulations. A special exception is a use which has been pre-determined by the County Council of Baltimore County to be conditional and compatible with the uses permitted as of right in a particular zone. The Board must, in each case, decide under the specific standards set forth in Section 502.1 of the B.C.Z.R., whether the presumptive compatibility does, in fact, exist in this case. Rockville Fuel and Fee Company, Inc. v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 Atlantic 2nd 499 (1970). Furthermore, ". . . there cannot be a grant of the special

exception unless the B.C.Z.R. provide that the conditional use sought is permissible in the zone in which the land involved is situated. . . "Schultz v. Pritz, 291 Md. 1 432 Atlantic 2nd 1319 (1981). . . the duty of the Board" is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use of the particular case is in harmony with the general purpose and intent of the zoning plan."

Section 502.1, sets forth the criteria which must be met before a special exception may be granted; it must appear that the use for which the special exception is requested will not:

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

B. tend to create congestion on roads, streets or alleys therein;

C. create a potential hazard from fire, panic or other danger;

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

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

F. interfere with adequate light and air;

G. be inconstant with the purposes of the property zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor

H. be inconsistent with the impermeable surface vegetation retention provisions of these zoning regulations."

The issue in the special exception hearing is whether or not the requirements of Section 502.1 of the B.C.Z.R. have been successfully fulfilled by the Petitioner. The cases have clearly established that ". . . the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances and whether there are facts and circumstances that show the particular use at the proposed location, would have any adverse effect upon and beyond those inherently associated with such a special exception use irrespective of its location within the zone." (emphasis supplied.) Schultz v. Pritz, 291 Md. 1, 432 A 2nd 1319 at 1327 (1981).

Protestants submit that the above language clearly sets forth the existing and applicable law guiding the instant case. The real question presented by all of the evidence is whether or not the Greystone Golf Course would have an adverse effect and therefore should be denied upon the proposed site located at Whitehall Road and Vernon Road and whether this adverse effect is above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Clearly the testimony in this case supports the proposition that the location of this proposed Greystone Golf Club may well find a suitable home in other areas of

Baltimore County zoned RC2 or RC4 but that on the particular site for which it is proposed, it is clearly inappropriate and would have an adverse effect upon the surrounding community above and beyond those inherently associated with such special exception use.

The Schultz v. Pritz test is met by the Protestants in both the agricultural issue and the water quality and quantity issue. First, from an agricultural preservation standpoint, this proposed facility, according to the testimony of Mr. Paul Solomon, will have a disastrous effect on agriculture and the state's agricultural preservation program in this area. Mr. Solomon drew the conclusion that there were other areas within appropriate RC2 and RC4 zones that could accept a proposed golf and country club without the same impact as this proposed use. All of the relevant factors cited by Mr. Solomon for drawing the uniqueness of this particular site to his conclusion are applicable for this argument.

Even Mr. Outen, the Petitioner's witness from the County, did not say that this proposed golf course would "foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses". The key to Outen's testimony is what he did not say in favor of the golf course. As set forth in the Opinion of the Zoning Commissioner of Baltimore County in the case of "In re: Petition for Special Hearing and Zoning Variance; Black Pine Farm," case No.

90-492-SPHA, "central to Petitioner's case, regardless of the number of density units available, or whether the density units may be transferred, is whether Petitioner's proposal will "foster conditions favorable to a continued agricultural use" of the subject site. . . Section 1A01.B of the Baltimore County Zoning Regulations reads as follows:

> Purposes: The RC2 Zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses."

The intent of the drafters of the RC2 regulations was clearly to protect the prime agricultural soils in Baltimore County from unfettered development. Further, it is clear that the burden is upon the Petitioner to demonstrate that the requested relief, if granted, will meet the letter and spirit of these regulations. . . The Zoning Commissioner then went on to examine the witnesses presented in that case and, including Mr. Paul Solomon, who testified in the instant case. The Zoning Commissioner drew the conclusion, in denying the Petitioner's request, that. . ."however, neither Mr. Solomon nor any of Petitioner's other witnesses testified specifically to facts that would establish that the Petitioner's proposal would "foster conditions favorable to a continued agricultural use of the productive agricultural areas" on the subject site. The reasoning of the Zoning Commissioner has application for the instant case. Here, the only evidence presented by the Petitioners with Mr. Outen's testimony which did not indicate

that the golf course would foster conditions favorable to agriculture. From the Protestants' standpoint, the testimony of Solomon is that the golf course clearly is a negative factor to agriculture. The result then, is that there is no evidence in the record from which the Board of Appeals could find that the spirit and intent of the RC2 zoning classification has been made out by the Petitioner in this case. The Board will recall that under Section 502.1G, one of the Board's requirements is to find that this project will be consistent with the purposes of the property zoned classification, and not inconsistent with the spirit and intent of these regulations. Clearly, the Board must find, based on the evidence presented to it, that Petitioner has not made out his case, that there will be no negative impact to agriculture and surely, there is credible evidence to support the proposition of the Protestants that there will indeed be a great deal of harm to agriculture.

Secondly, the testimony of Dr. Bachman, Mr. Richard Klein, and John Mildenberger, likewise supports the proposition that the uniqueness of the unnamed tributary and the First Mine Branch as a special trout stream, for not only Baltimore County, but for the country and that the uniqueness of this type of stream certainly stand alone to support the proposition that the impact of this proposed golf course on this site will have a more deleterious affect than upon any other site similarly situated in an RC2 or RC4 zone.

Thirdly, the testimony of the relevant experts, even

including those of the Petitioners, established that there will be health safety and welfare concerns in regard to the quantity of the ground water supply if the proposed golf course is allowed to develop. We have the very real possibility as evidenced by the expert testimony, that there will be a diminution of water in the surrounding wells, based upon the amount and degree of pumping necessary for starting and maintaining a golf course.

Fourth, the testimony again of the Protestants' witnesses support the proposition that the pumping of the well water by Greystone Golf Course to supply it's maintenance program will not only reduce the level of well water in the community, it will also reduce the base flow for the First Mine Branch and the "unnamed tributary" to degrees which will again impact the trout population for those two streams.

Clearly, these facts alone allow us to draw the conclusion that this proposed golf course will not even pass the first criteria of Section 502.1.a, in that it will be detrimental to the health, safety or general welfare of the locality involved.

In conclusion, Protestants submit that the Petitioners have not even passed the necessary hurdle of complying with Section 502.1 and would therefore respectfully request the Board of Appeals to deny the special exception.

There is an additional legal argument which is appropriate to make at this point in regard to the request of Greystone Golf Course to develop its site. The Board must also find that

pursuant to Section 1A01.2.C, Baltimore County Zoning Regulations, that "the use would not be detrimental to the primary agricultural uses ir its vicinity."

Here, we have testimony from Mr. Paul Solomon, a qualified professional, the person in DEPREM who is responsible for overseeing the agricultural areas in Baltimore County, who concludes that this project is "uniquely unqualified" for this particular site. As previously referred to in this Memorandum, Mr. Solomon drew upon the criteria already set forth by his Department as to the factors which they would review to determine whether a project negatively impacts and is detrimental to primary agricultural uses in the area. He concluded that this project met all of the tests that the department would utilize. He concluded that the heavy investment in agricultural preservation easements, the heavy crop yield, the fine soils, the nature of the entire area, and the master plan all require the conclusion that a golf course would make a negative impact upon agriculture. This testimony was supported by lay witnesses as well as Mr. Dills and others who are uniquely qualified to deal in the agricultural preservation arena.

In examining DEPREM's own guidelines as set forth in Issue: Intrusion of Non-Agricultural Uses, 1989-2000 Master Plan (page 49), the seven factors listed under this heading are met by the instant site:

1. The areas are predominated by prime productive

soils or woodland classes one and two. The testimony is clear from Mr. Hubble and others as to the nature of the soils.

2. Areas outside existing or planned public water and sewer facilities. There is not existing public water or sewer facilities on the site.

3. Areas without degrees of development that would seriously interfere with agricultural activity. It is clear the Maryland Agricultural Land Preservation Foundation has spent 1.7 Million Dollars to purchase easements on 1,898 acres of farmland in the vicinity of Greystone Country Club, it is clear that this meets the requirement that this is an area without a degree of development.

4. Areas of significant capital investment in agricultural related improvements. Again, in this situation there has been a substantial investment of 1.7 Million Dollars for easements and also in individual investment by the farmers in conservation practices as set forth by Mr. Dill.

5. Areas of adequate size to insulate and protect non-farm and farm uses from conflict. It is clear that this site meets that requirement in that there are areas of adequate size to protect this farm or these farms from conflict.

6. Areas containing agricultural districts or preservation easements. As previously indicated, this site complies with this requirement.

7. Areas of historical agricultural significance. According to Mr. Hubble, a number of families including his own

have received awards for maintaining their farms in continuous operation for many years. The Greene farm has been in continuous operation for several hundred years, said farm being located opposite the proposed country club on White Hall Road.

The particular zoning provision requiring the Board to find "no detrimental uses from an agricultural standpoint" have been referred to in Board of Childcare v. Parker 316 Md. 683, in addition to the Zoning Commissioner's Opinion in Black Pine Farm previously cited.

For all of the foregoing reasons, the Protestants respectfully submit that the Petitioners have not established sufficient evidence to allow the Board to draw the conclusion that agriculture and agricultural uses of this site would not be severely impacted and negated by the proposed Greystone Golf Course.

Conclusion

WHEREFORE, Protestants respectfully submit that the Petitioners have not met their burden under Section 1A01.1.B as it relates to the spirit and intent of RC2 zoning, nor of Section 502.1 A,E,G. Therefore, it is respectfully requested that the Board deny the Petition for Special Exception in the above captioned matter.

In addition, the Protestants would respectfully urge the Board to reverse the CRG approval on the basis that the cumulative testimony presented by Protestants and Petitioners alike during the hearing on the Special Exception demonstrates,

that at the time of the CRG approval, there was not sufficient evidence presented to the County in regard to the effect of the withdrawal of water from the subsurface from which to conclude that there would be no impact on the health, safety and welfare and quantity of water available to the surrounding wells. The Board will recall that a number of the witnesses testified that their wells were within 300 to 500 feet of the wells of the Greystone Golf Course. That these hand dug wells provided their water for drinking, bathing, etc. While Petitioners have tried to call these "springs", the clear testimony of John Hildenberger, the expert hydrogeologist called by the Protestants, was to the effect that any digging into the ground would constitute "a well". With that in mind, it is very clear that the withdrawal of 60,000 gallons of water per day or more may well produce shortages in the well water supplies of the neighbors. This is also particularly appropriate where the neighbors testified that during dry seasons they have experienced water shortages which required digging the wells deeper, as well as in the case of Harry Hubble and others, relocating drilled wells to find water. As Mr. Mildenberger testified, if the information that had been supplied to the County and also supplied to him was not enough for him to form a conclusion as to the availability of water upon the surrounding properties, clearly the County officials did not have adequate information from which to draw the conclusions that they did.

Therefore, the Protestants respectfully request this Honorable Board to reverse the CRG approval and remand the matter back to the County for additional testing and information.

Respectfully submitted,

J. Carroll Holzer
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(301) 825-6960
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of Jan, 1991, a copy of the aforegoing Memorandum was mailed to Thomas G. Bodie, 21 W. Susquehanna Avenue, Towson, Maryland 21201, Attorney for Petitioners.

J. Carroll Holzer

jcc:gen1:tig\greyston\grey.mem

IN THE MATTER OF THE APPLICATION OF FURMAN E. HENDRIX, et al. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A COUNTRY/GOLF CLUB ON PROPERTY LOCATED SOUTHWEST OF INTERSECTION OF WHITE HALL AND VERNON ROADS AND GREYSTONE GOLF COURSE RE: CRG DECISION 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-19-SPHX and CBA-90-165

* * * * *

MEMORANDUM OF PETITIONERS UPON REMAND FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY TO THE COUNTY BOARD OF APPEALS

FURMAN E. HENDRIX, E. DONALD AIREY, JR., BLACKSTRAP DEVELOPMENT COMPANY, et al., Petitioners file their Memorandum in support of the County Board of Appeals of Baltimore County, hereinafter the "Board" Opinion and Order of March 5, 1991:

I. Remand by the Circuit Court

This Memorandum will deal with the remand dated July 29, 1991, wherein Judge Barbara K. Howe directed the Board to "make specific findings of fact to support their conclusion" that:

A. "Compliance with BCZR 502.1 in regard to the country club and golf course has been met" by the petitioners;

B. That the proposed use would not be detrimental to primary agricultural uses in the vicinity under BCZR 1A01.2C;

C. The proposed use, under Bill 134-89 of the Baltimore County Code protects the prime and productive soils on the site.

(This Memorandum does not address the remand from the Circuit Court to the Board, for further remand to the Planning Board, under §22-59 of the Baltimore County Code.)

II. BCZR 502.1—Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not [B.C.Z.R., 1955; Bill No. 45, 1982.]

a. Be detrimental to the health, safety, or general welfare of the locality involved; [B.C.Z.R., 1955.]

b. Tend to create congestion in roads, streets or alleys therein, [B.C.Z.R., 1955.]

c. Create a potential hazard from fire, panic or other dangers; [B.C.Z.R., 1955.]

d. Tend to overcrowd land and cause undue concentration of population; [B.C.Z.R., 1955.]

e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; [B.C.Z.R., 1955.]

f. Interfere with adequate light and air; [B.C.Z.R., 1955; Bill No. 45, 1982.]

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor [Bill No. 45, 1982.]

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. [Bill No. 45, 1982.]

III. The following subsections of BCZR 502.1 are not open to dispute and the Board should make the following findings:

A. Subsection C: The proposed use of the subject property as a golf course and country club will not create a potential hazard from fire, panic or other dangers.

B. Subsection D: The proposed use of the subject property as a golf course and country club will not tend to overcrowd the land and cause undue concentration of population. (The affect of the proposed

use of the subject property as requested on the agricultural uses in the area of the subject property will be discussed later.)

C. Subsection E: The proposed use of the subject property as a golf course and country club will not interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or improvements. (The effect of the proposed use of the subject property on the quantity and quality of the drinking water and streams in the area will be discussed under Subsection A. This particular Subsection E deals with public water supplies in the area of the subject property.)

D. Subsection F: The proposed use of the subject property as a golf course and country club will not interfere with adequate light and air of the neighboring properties.

IV. Health, Safety or General Welfare:

The proposed use of the subject property as a golf course and country club will not be detrimental to the health, safety or general welfare of the locality involved. (The appellants/protestants claimed that the following "miscellaneous factors" would adversely impact upon the health, safety and welfare of the community:

(1) The issuance of a liquor license to the country club and the consumption of alcoholic beverages by club members and guests;

(2) The exposure of the surrounding neighbors to crime, caused by the use of the property as a golf course and country club;

(3) The strain on public services (fire and police) and the response time of fire and police;

(4) The hours of operation of the golf course and country club;

(5) The light and noise pollution caused by the use of the property as a golf course and country club.

The Board should find, under the test set forth in Schultz v. Pritz, 291 Md. 1, 15, 432 A.2d 1319 (1981) that the proposed use of the proposed site would not have any adverse effects (concerning the above "factors" raised by the appellants/protestants) above and beyond those adverse effects inherently associated with a golf course and country club, irrespective of its location within a R.C.-2 and R.C.-4 zones. No such testimony was presented to the Board by the appellants/protestants

The sole issues raised as far as health, safety and general welfare are the issues of water quantity and water quality, as such are affected by the proposed golf course and country club.

Water Quantity. The Board should find that the use of the subject property as a golf course and country club will not deplete the quantity of the water in the area of the subject site, under the Schultz v. Pritz test. The Board can rely on the following evidence presented:

A. DONALD KOCH, a hydrogeologist employed with Engineering Technology Associates, testified on October 19, 1990. (transcript pp. 42-114) (Koch had been hired by Baltimore County DEPRM as an expert regarding the hydrology issues which involved the Caves Valley Golf and Country Club; Koch's duties included reviewing the submissions by Caves Valley concerning ground water; commenting on the submissions to DEPRM; and suggesting a proposed ground water monitoring plan at Caves Valley to DEPRM (t. 44).) One of the three attorneys for the appellants/protestants questioned Koch regarding his qualifications to testify as an expert, and that attorney had no objection to Koch testifying as an expert in the field of hydrogeology. (t. 45-48)

1. Koch was hired by Blackstrap Development Company to perform a water supply and impact analysis on the site, which were requirements imposed upon the developer by DEPRM. (t. 48-49) Koch also performed soil permeability tests at the site. (See Exhibits 11A "Ground Water Supply and Impact Assessment"; 11B "Addendum to Ground Water Supply and Impact Assessment"; and 11C "Soil Permeability Tests.")

2. Koch's firm drilled seven (7) wells on the site, ranging in depth from 175 feet to 200 feet; all seven (7) wells were successful. Six (6) of the wells were to be used by the golf course, and these wells had an estimated yield of 169 gallons per minute, (243,360 gallons per day, 88.8 million gallons per year). (t. 52)

3. Pump tests on the wells required by the State of Maryland Water Resource Administration (for the issuance of a ground water appropriation permit) were performed. The results of the tests were the basis for Koch giving an opinion that there was adequate ground water available at the site to irrigate the proposed golf course, if the site were limited to pumping 60,000 gallons of water per day (21.9 million gallons per year). (t. 52-55)

4. The ground water at the site would be recharged from rainfall at the rate of approximately ten (10) inches per year, or 227,000 gallons per day (82.8 million gallons per year). (t. 56-57)

5. In addition to recharging ground water, annual rainfall produces surface runoff, which will be collected at the site by five (5) irrigation (water storage) ponds. (t. 57-58)

6. The five (5) irrigation ponds would be capable of receiving ground water pumped from the wells at the site, which would then feed the

irrigation system of the golf course. This could be done at times of minimal water usage (for example, in the winter).

7. Koch made calculations concerning the impact on the surrounding properties of the pumping of ground water by the golf course. The initial assessment of the water supply (Exhibit 11A) was based upon a usage of 150,000 gallons per day (not 60,000 gallons per day). The calculations by Koch assumed a continuous pumping rate of 50 gallons per minute of the well tested for periods of ninety (90) days and one year, and Koch's opinion was: "There will be negligible impacts on nearby water wells." (Exhibit 11A, p.8) After the hearing before the Zoning Commissioner for Baltimore County, Koch visited the site and made additional calculations after specifically locating the water supplies of six (6) properties, including those properties of several of the appellants/protestants. (t. 61) Assuming continuous pumping for a period of ninety (90) days at the rate of 60,000 gallons per day, the drawdown was less than one foot on the four wells and the largest spring depletion was .8 gallon per minute. (t. 62) This opinion by Koch assumes constant irrigation at the site and pumping 60,000 gallons per day to keep water in the irrigation ponds. (t. 64) Koch's opinion was that the impacts on the surrounding four (4) wells and the two (2) springs were "insignificant". These fluctuations are less than the natural fluctuations and would not be noticeable by a homeowner. [During continuous pumping for ninety (90) days at the rate of 60,000 gallons per day]. (t. 64)

8. The First Mine Branch is a Class III trout stream which traverses the site. Koch gave his opinion on the depletion of the water in that stream, assuming that the golf course would pump 60,000 gallons per day continuously for a period of ninety (90) days. The effect was

"insignificant". (t. 66) (Koch said that he could not calculate, quantitatively, the effect of pumping ground water at the site upon a small stream which is a tributary of the First Mine Branch. He did state that a small spring on the site feeds and existing pond, which in turn feeds the stream; the existing pond could be used to supply the stream with additional water during times of drought.) (t. 67)

9. Concerning the restriction on the golf course of using 20,000 gallons per day for irrigation during drought conditions, Koch testified that the golf course would have to adhere to such restrictions "and in that case, the grass on the golf course starts to turn brown." (t. 104)

10. Under the Schultz v. Pritz case, the following question was asked of Koch:

> "Would you have an opinion as to whether or not this proposed golf and country c[illegible] at this location would any adverse effect in regard t[illegible] water quantity and water quality which would be above and beyond the adverse effects on water quantity quality which are inherently associated with a similar golf and country club which would be located within a similar RC 2 or RC 4 zone in Baltimore County?"

His response was:

> "Well, we'll be using less groundwater than other golf courses. And, I believe that there would be less impact." (t. 69-70)

11. Koch was also asked the following question:

> "Would you have an opinion in regard the issue of the water quantity and quality at this site as to whether or not, if this special exception were granted, the use of the site would be detrimental to the health, safety or general welfare of the locality surrounding the site?"

His response was:

> "I do not believe there would be a significantly adverse impact."

12. To determine the effect of future water usage on the site, monitors have been placed on the First Mine Branch. (t. 64-65; 91)

B. **E. DONALD AIREY, JR.**, a stockholder and president of Blackstrap Development Company and of Greystone Golf and Country Club, Inc., testified on October 9, 1990, in part, on the water quantity issue.

1. Approximately 18 million gallons of water would be stored in the five (5) irrigation ponds, which have been approved by DEPRM. (t. 85-86)

2. The pumping of wells on site would be limited by restrictions imposed by Baltimore County and the Water Resource Administration of the State of Maryland. (t. 86-87)

3. To ensure that water restrictions are met, all of the wells on the site have an individual monitoring system. (t. 87)

4. At the time of the hearing, consultants for Blackstrap Development Company had spoken with representatives of the County in regard to the formulation of a plan to curtail water uses at the site in drought situations. (t. 88)

V. **WATER QUALITY.**

The Board should find that the use of the subject property as golf course and country club will not affect the **quality** of the water in the area of the subject site, under the Schultz v. Pritz test, so as to be detrimental to the health, safety or general welfare of the locality involved. The Board can rely on the following evidence provided:

A. **DONALD KOCH** (supra, p. 4) testified as follows:

1. Soil permeability tests were performed at the site (t. 49; Exhibit 11C "Soil Permeability Tests"). "The purpose of these tests were to analyze the ability of the top soil and subsoil [at the site] to pass pesticides, herbicides and [fungicides] through it." (t. 68) "The permeability is a measure of the soil's ability to pass water, and with a low permeability, water moves more slowly. Therefore, any pesticides [herbicides and fungicides] in the water are held up in the soil where they have time to naturally degrade." (t. 68). "What you don't want is for [pesticides, herbicides and fungicides"] to pass immediately from the surface down to the water table. That's what causes ground water contamination." (t. 68-69) In performing the test, "permeability of the soil [was] relatively low, and in that case, we feel there will not be any movement of pesticides [herbicides and fungicides] through the upper better soil zone into the ground water." (t. 68)

2. Under the Schultz v. Pritz case, the following question was asked of Koch:

> "Would you have an opinion as to whether or not this proposed golf and country club at this location would any adverse effect in regard to water quantity and water quality which would be above and beyond the adverse effects on water quantity quality which are inherently associated with a similar golf and country club which would be located within a similar RC 2 or RC 4 zone in Baltimore County?"

His response was:

> "Well, we'll be using less groundwater than other golf courses. And, I believe that there would be less impact." (t. 69-70)

3. Koch was also asked the following question:

> "Would you have an opinion in regard the issue of the water quantity and quality at this site as to whether or not, if this special exception were granted, the use of the site would be detrimental to the health, safety or general welfare of the locality surrounding the site?"

His response was:

> "I do not believe there would be a significantly adverse impact."

B. **DAVID LYKENS**, a Natural Resource Specialist for DEPRM, was in charge of reviewing the golf course and country club project for environmental impact and for stream and wetlands protection. He testified on October 9, 1990. (t. 172) He testified as follows:

1. An Executive Order creates a "forest buffer easement" on all developments in Baltimore County. An area around all streams, wetlands and flood plains "is to be left to grow up in natural vegetation to protect water quality." (t. 174) This buffer is required at the site around the First Mine Branch and its unnamed tributary, as well as the wetlands on site. (t. 174) Blackstrap Development Company has complied with DEPRM's requirements concerning the steep slopes and in the establishment of wetland buffers. (t. 174-175) Also, monitoring devices (to give water temperature readings and to provide surface water monitoring data and "other parameters") have been provided at the First Mine Branch and its unnamed tributary. (t. 175)

2. Other measures taken by Blackstrap Development Company to ensure water quality include drain systems under all tees and greens (infiltration structures or treatment systems). (t. 179-180)

3. The five (5) irrigation ponds are required by DEPRM to be built in a certain way so as to prevent"thermal pollution" of the streams on site. (Thermal pollution concerns the heating up of water in the irrigation ponds, which would then be discharged into the streams, thereby heating up the streams and disrupting the trout population therein.) Assuming that Blackstrap Development Company follows the design requirements of DEPRM, the five (5) irrigation ponds "should not present a thermal pollution problem." (t. 180-181)

4. The reforesting plan of the developer along the banks of the First Mine Branch will provide shade to that stream, thereby reducing the temperature for the benefit of the trout population. (t. 184)

5. The following question was asked of Lykens:

> "Are you aware of any activities currently on the site, or planned for the site, that would have an adverse effect on the quality of the surface water contained in the First Mine Branch in the unnamed tributary?"

Lykens answered:

> "If they develop according to the guidelines we [DEPRM] have set forth at the CRG and zoning hearing, I don't anticipate there would be a negative impact, based on the sediment control and grading, if they do it within our guidelines." (t. 185; 193)

C. **E. DONALD AIREY, JR.**, (supra, p. 8) testified on the issue of water quality in regard to his knowledge of golf courses in the area and their

effect on waterways found within the golf courses. Appellees/Petitioners' Exhibit No. 2 was a map which located these golf courses:

1. Hunt Valley Golf Course, the nearest golf course to the site, contains a Class 3 trout stream, and an irrigation pond. (t. 88-89) Pictures taken at Hunt Valley Golf Course during the summer of 1989 indicate that fairways are adjacent to streams and that a blue heron is standing the Class 3 trout stream, apparently looking for a fish to eat! (t. 89-90; Exhibits 9A-I)

2. The Pine Ridge Golf Course is located on the Loch Raven Reservoir, with tees and greens located within 100 feet of water's edge. (t. 91)

3. Eagle's Nest Golf and Country is also located adjacent to the Loch Raven Reservoir. (t. 91-92)

Appellants/protestants introduced no evidence that the use and maintenance of the golf courses in the general locale have an adverse impact in bodies of water which either traverse, are located within, or are adjacent to said golf courses.

D. **RICHARD D. KLEIN**, the president of Community and Environmental Defense Associates, testified for the appellants/protestants on December 29, 1990. His experience included employment as a manager of water quality assessment within the Maryland Department of Natural Resources for a period of four (4) years, during which he studied the physical, chemical and biological characteristics of both tidal and non-tidal waterways. (t. 14) In representing the appellants/protestants, he studied certain of the streams which traversed golf courses within Baltimore County; one of these streams was the Green Branch

traversing the Hunt Valley Golf Course. Klein tested the Green Branch for organisms found in the water both upstream (before) and downstream (after) of the Hunt Valley Golf Course. The greater the number of organisms, the more conducive is the stream to a trout population. (t. 55-56) The results of this study was that the number of organisms in the Green Branch **increased fourfold** while traversing the golf course. Therefore, concerning the living organisms upon which trout can feed, the quality of the water in the Green Branch was **improved** as it traversed the Hunt Valley Golf Course. (t. 59) And, the overall quality of the Green Branch "changed little after the stream traveled through the [Hunt Valley] golf course." (t. 58)

VI. **TRAFFIC CONGESTION:**

The proposed use of the subject property as a golf course and country club will not create congestion on the roads and streets in the locality, under the Schultz v. Pritz test. The Board can rely on the following evidence presented:

WESLEY GUCKERT, traffic consultant and president of The Traffic Group, Inc. (traffic engineers and transportation planners) testified as an expert on behalf of the appellees/petitioners on October 19, 1990:

1. A study of the proposed golf course and country club at the site was undertaken by The Traffic Group, and its written report of October 17, 1990 was introduced as Petitioner's Exhibit 10. The traffic impact analysis was based upon a study of the existing traffic conditions on typical morning and evening commuter peak hour periods, as well as on a Saturday morning hour. Actual counts of motor vehicles were taken at various intersections to determine the amount of existing traffic. Standardized reference books were consulted to determine the traffic that would be generated by the

proposed project. (t. 4-5) After determining the traffic that would be generated by the project, and combining that determination with the existing traffic on the road systems in the locality, the overall traffic in the area (with the operation of the golf course and country club) would be categorized as the "best level service conditions." (t. 13-14)

2. Guckert gave the opinion that, from a traffic perspective, the proposed golf course and country club would not be detrimental to the health, safety or general welfare of the locality. (t. 16-17) He gave the further opinion that the project would not tend to create any congestion in the roads in that particular area. (t. 17) He further gave the opinion that the traffic generated by the proposed golf course and country club would not create a potential hazard or other danger as regards traffic. (t. 17)

3. The following question was posed to Mr. Guckert:

> "Mr. Guckert, do you have an opinion as to whether or not this proposed golf course and country club at this location would have any adverse effect on traffic safety which would be above and beyond the adverse effect on traffic safety which are inherently associated with such a golf course and country club which would be located in the RC 2 or RC 4 zone in Baltimore County?"

His answer was:

> "In my opinion, based upon golf courses that I have worked on, not only in Baltimore County, but throughout the region, the location of this golf course and the type of area along the type of roadways that is shown is no different that any other existing or proposed golf course, and therefore, it's my opinion from a traffic standpoint that this golf course at this particular location would not have any

different effect than if it were located in any other RC 2 or RC 4 type zone." (t. 18-19)

4. Guckert pointed out that the road systems serving other golf courses in the area, such as Hunt Valley Golf Course, Piney Branch Golf Course, and Baltimore Country Club are "similar type roadways leading directly to the facility." (t. 35)

5. No expert witness or no employee of the traffic engineering bureau of the Baltimore County Department of Public Works was called by the appellants/protestants to present testimony in opposition to Guckert's testimony and written report.

VII. CONSISTENT WITH THE PURPOSES OF ZONING CLASSIFICATION AND CONSISTENT WITH SPIRIT AND INTENT OF B.C.Z.R.:

The Board should find that the use of the subject property as a golf course and country club is neither inconsistent with purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the Baltimore County Zoning Regulations. The Board can rely on the following law and evidence presented:

A. APPLICABLE LAW

Section 1A01.2.C.10 of the Baltimore County Zoning Regulations permits a golf course or country club in an R.C.2 zone by Special Exception, and Section 1A03.3B.7 permits a golf course or country club in an R.C.4 zone by Special Exception. In Baltimore County, golf courses, country clubs and other outdoor recreation clubs are permitted to be developed, as a matter of right only upon land that is zoned either Business, Major (B.M.) or Business, Roadside (B.R.), or Manufacturing,

Heavy (M.H.). It is not permitted, even by Special Exception, in Office zones, Residence Apartment, Elevator zones; or in four of the six classifications of Residential zones. It is permitted by Special Exception in D.R. 1, D.R. 2, B.L. and the four Resource-Conservation (R.C.) zones. See, Baltimore County Zoning Regulations (Amended through July 1, 1989), Section 270 "Schedule of Special Exceptions" and Section 1B01.1C.

Under Section 502.1, B.C.Z.R., before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

* * * *

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

Concerning "the purposes of the property's zoning classification" (Section 502.1.g), the general purposes of Resource Conservation zones are found at Section 1A00.2:

"a) discourage present land use patterns of development and to create a frame work for planned or orderly development;

b) provide sufficient and adequate areas of rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development;

d) protect areas desirable for more intensive future development by regulating undesirable forms of development within theses areas until such time as intensive development commences.***"

The purpose for the R.C.2 zone is set forth in Section 1A01.1.B: "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses". The purpose of the R.C.4 zone is found in Section 1A03.1: "to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds."

B.C.Z.R. do not set forth the purpose of the Manufacturing, Light (M.L.) zone, although such purpose can readily be gleaned by reading the purposes of the Manufacturing, Restricted (M.R.) zone in Section 240.1 and of the Manufacturing Light, Restricted (M.L.R.) zone in Section 247, along with a reading of the seventy-three (73) uses permitted as of the right in an M.L. zone, set forth in Section 253.1.A and 253.1.B.

B. **DONALD OUTEN**, the Bureau Chief for Water Quality and Resource Management of DEPRM, has been familiar with the Greystone project since it first came into DEPRM in early 1989. (t. 115-116) He gave the following testimony on October 19, 1990:

1. DEPRM took the position from the start that this particular proposal did not conflict with the Baltimore County Master Plan. (t. 116) DEPRM approved the project, as far as the special exception request and under the CRG process. (t. 116-117) Outen

testified that the Baltimore County Planning Board attempted to amend the Master Plan in the Summer of 1989 by specifically prohibiting golf courses in rural zones. However, this Planning Board recommendation was not accepted by the Baltimore County Council. Therefore, the current Master Plan did not specifically find a conflict of golf courses in rural zones. (t. 120)

2. At the time that DEPRM approved this golf course and country club, DEPRM was aware that 3.3 acres of the site was zoned M.L. The site contained a molasses manufacturing operation on the M.L. portion of the property; there was an operational air field and a trap (shooting) range on the site. Approximately twenty-five (25%) percent of the property was wooded. (t. 117) These activities on site were taken into consideration by DEPRM in determining whether the proposed project was appropriate at this particular location; DEPRM also considered these factors in deciding whether or not to approve this project at this location. (t. 117-119) Continuing, Outen pointed out that DEPRM "did consider the uses that might occur under the M.L. zoning, and certainly a lot of those would have a potential to be detrimental to agriculture." (t. 119) (See, Section 253.1.A and 253.1.B of B.C.Z.R.)

3. DEPRM "had no evidence to suggest that golf courses are detrimental to agriculture... [W]e were very concerned about how a golf course would be designed to protect the resources and by and large that has been the focus of [DEPRM'S] work on this proposal." (t. 137)

4. "[A] golf course is compatible in an agricultural area, and in this particular case, ... the soils are largely retained, if you are

not having extensive grading. So the resources are protected..." (t. 138)

5. "To the extent that ... M.L. uses would be contradictory to agriculture, then removing M.L. activities certainly would insulate or protect agriculture." (t. 143)

Under the Schultz v. Pritz test, the proposed use as a golf course and country club **at this particular location** would not have any adverse effects above and beyond those effects inherently associated with a golf course and country club within RC 2 and RC 4 zones. In fact, this use **at this particular site** is more beneficial to the surrounding RC 2 and 4 zones, in that it removes an island of M.L. zoning and its multitude of uses which are clearly detrimental to agriculture and to the purposes of RC 2 and 4 zones.

VIII. CONSISTENT WITH THE IMPERMEABLE SURFACE AND VEGETATIVE PROVISIONS OF B.C.Z.R.:

The Board should find that the use of the subject property as a golf course and country club will not be inconsistent with the impermeable surface and vegetative provisions of the Baltimore County Zoning Regulations. The Board can rely on the following evidence presented:

A. The appellants/protestants never contended that the "impermeable surface" provisions of B.C.Z.R. were violated by this project.

B. DEPRM has approved the plan, which does contain acceptable "impermeable surfaces", such as the parking lot; cart paths; roadways; etc.

C. Lykens and Airey have testified in regard to "vegetative retention" in regard to the wetland buffers and in regard to re-forestation efforts under the project. (Lykens, supra p.10 and Airey, supra p. 8)

D. Outen testified that DEPRM has imposed upon the project the "best management practices for soil and water protection." (t. 122)

IX. THE PROPOSED USE WOULD NOT BE DETRIMENTAL TO PRIMARY AGRICULTURAL USES IN THE VICINITY UNDER B.C.Z.R. 1A01.2C.:

The Board should find that the use of the subject property as a golf course and country club will not be detrimental to primary agricultural uses in the vicinity. The Board can rely on the following evidence presented:

A. Outen (supra, p. 17) testified that DEPRM had had specific staff discussions concerning the impact on agriculture in the surrounding areas of the Piney Branch Golf Club, located in Northwestern Baltimore County near Hampstead, and the golf club located in Stewartstown, Pennsylvania just over the state line from Baltimore County. These golf courses **did not attract** development to the immediate surrounding area; a specific study within DEPRM found no effect of these golf courses which would be detrimental to the surrounding agricultural community. (t. 126-127) This study was performed by DEPRM's coordinator for the agricultural preservation program in Baltimore County, Paul Solomon, who testified as a private citizen on behalf of the appellants/protestants. (t. 128)

1. Guckert (supra, p.13), was familiar with the areas surrounding the Piney Branch Golf Course and stated: "The golf course has been

there for many, many years, and the area around the golf course immediately adjacent to the fairways has remained primarily agricultural." (t. 16)

2. Airey (supra, p. 8) testified that the Piney Branch Club had been in existence for twenty-one (21) years, and the area surrounding the golf course is "still basically a farming community." (t. 74-75)

B. The following question was asked of Outen by the appellants/protestants:

> "How does the Greystone Golf Course with eighteen holes further the interest of agriculture in Baltimore County in this area?"

His answer was:

> "...specifically, it protects the prime and productive soils by [its] design, and it [exists] without being a detriment to the agriculture in the surrounding areas. Again, as we have understood from other golf courses in similar areas." (t. 133)

C. Outen further testified: "We [DEPRM] have had no evidence to suggest that golf courses are detrimental to agriculture. Therefore, we [DEPRM] did not view that [the project] was a Master Plan conflict." (t. 137) "I would emphasize that a golf course is compatible in an agricultural area, and in this particular case the soils are largely retained, if you are not having extensive grading. So the resources are protected..." (t. 138)

D. Airey testified that the project was not detrimental to agricultural use in the area: "By taking this site and creating a golf course, you're forever creating open space. [You] ensure that any future time you could return [the site] to agriculture. If [the site] were used for housing development, that would restrict any future agricultural use." (t. 70) Airey further testified that the project promotes the goals of the Maryland Agricultural Land Preservation Program by having the site "remain open space, [which] will actually improve the property, because we'll cover it with turf grass." (t. 72)

Of primary concern to DEPRM was the removal of the M.L. zone (with its 73 permitted uses) and also the removal of the air strip and the shooting range. The existence of these uses on the site **was detrimental** to the surrounding agricultural uses. Outen stated that one of DEPRM'S primary considerations in approving the project was: "To the extent that...M.L. uses would be contradictory to agriculture, then removing M.L. activities certainly would insulate or protect agriculture." (t. 143) This Board can take judicial notice of the fact that the M.L. zoning classification has been removed from the 3.3 acre parcel (Case No. CR-91-114-X). The appellees/petitioners have discontinued the use of the air strip and the shooting range. (Airey, t. 73) Further, DEPRM was aware that **no residences** were to be developed and constructed as part of this project. (See testimony of Paul Solomon, DEPRM, November 20, 1990, at p. 104.)

Appellants/protestants introduced the testimony of Paul Solomon, not in his capacity as an employee of DEPRM, but rather giving his personal opinion. While he testified that it's been his "experience as a professional planner that where

you have a golf course, there is a definite propensity for increased land values and pressure to develop" (t. 113), this testimony was diametrically opposed to the testimony of Solomon's superior at DEPRM, Outen, who testified that Solomon himself prepared a study concerning the effect of the golf courses at Hampstead, Maryland (Baltimore County) and Stewartstown, Pennsylvania (just north of Baltimore County) on surrounding agriculture. Solomon's study indicated that these golf courses, **constructed in agricultural areas, did not have a detrimental effect on the surrounding agricultural uses.** (Outen, t. 126-127)

X. **THE PROPOSED USE WOULD NOT CONFLICT WITH POLICIES ESTABLISHED BY DEPRM TO PROMOTE AGRICULTURAL USES AND PROTECT SOIL RESOURCES UNDER BILL 134-89.:**

Bill 134-89 established a general development policy for the "preservation of agricultural land, including adequacy of protection of prime and productive soils from inappropriate development" (See §22-37 of the Baltimore County Code). Specifically, the Bill amended §22-99 "Slope protection and soils" by adding subsection c which provides:

> "(c) On prime and productive soils within the R.C. zones, except within the R.C.5 zone, no plan or plat may be approved unless the County finds that construction, excavations, buildings, structures, pavements, grading, clearing or other disturbances of the soils will be limited or restricted in accordance with policies established by the Department of Environmental Protection and Resource Management to promote agricultural uses and protect Baltimore County's soil resources."

The Board should find that the use of the subject property as a golf course and country club will promote agricultural uses and protect Baltimore County soil resources in accordance with policies established by DEPRM. The Board can rely on the following evidence presented:

A. In regard to the "promotion of Agricultural uses", see Section IX (THE PROPOSED USE WOULD NOT BE DETRIMENTAL TO PRIMARY AGRICULTURAL USES IN THE VICINITY UNDER B.C.Z.R. 1A01.2C., above, beginning at page 19.) Again, the appellees/petitioners stressed the fact that DEPRM was concerned with removing the M.L. zoning from the site, as well as removing the molasses manufacturing plat, the air strip and the shooting range. By removing these uses, and by removing the potential uses of the M.L. zone, DEPRM was of the opinion that it was protecting and promoting agriculture in the area by allowing the use of property as a golf course and country club, which is primarily open space.

B. Concerning the **protection of Baltimore County's soil resources**, Bill 134-89 specifically required compliance with **policies established by the Department of Environmental Protection and Resource Management.** Outen, representing DEPRM, testified that Bill 134-89 directed DEPRM to draw up policies to implement Bill 134-89 (t. 135). As of the date of the hearings before the Board of Appeals, DEPRM had promulgated **one** written policy, which was dated April 1, 1990 and revised on June 4, 1991 (t. 124). This interim policy (See, Exhibit 13) concerned residential developments **only.** The appellants/protestants attempted to make an issue of the fact that Bill 134-89 was not limited to just "residential" developments. (See, t. 134-135) However, appellants/protestants failed to recognize that this is the **first** policy issued by DEPRM under Bill 134-89; it happens to deal only with residential development, because, as Outen testified, residential development was the primary problem that DEPRM was dealing with at the time the legislation was passed. (t. 124 and 135) The appellants/protestants would have this interim policy ruled

invalid, as it did not apply to other than residential development. This Board should take note of the fact that Bill 134-89 spoke of **"policies"** (plural), and the legislation was quite recent when DEPRM promulgated its **first** policy on April 1, 1990.

Outen was questioned by the appellees/petitioners in regard to the interim policy established under Bill 134-89 for the protection of prime and productive soils, as it applied to this particular project:

> "Even assuming that the prime and productive soils policy [Exhibit 13] did apply to golf courses, would this project be [destroy] or [preserve] prime and productive soils?"

Outen responded:

> "The golf course, by and large, minimizes grading, and was intentionally ... designed to minimize grading; and to that extent there would not be extensive disturbance of soils." (t. 125)

Outen further testified: "We, [DEPRM] were very concerned about how a golf course would be designed to protect the resources [including prime and productive soils], and by and large that has been the focus of [DEPRM'S] work on their (Blackstrap Development Company) proposal." (t. 137)

Outen further testified: "But what I would emphasize, that a golf course is compatible in an agricultural area, and in this particular case, that the soils are largely retained, if you're not having extensive grading. So the resources are protected..." (t. 138)

C. Airey (SUPRA, p. 8) testified that the project did preserve and protect the soil resources in the area: "By taking this site and creating a golf course, you're forever creating open space. [You] ensure that any

future time you could return [the site] to agriculture. If [the site] were used for housing development, that would restrict any future agricultural use." (t. 70) Airey further testified that the project promotes the goals of the Maryland Agricultural Land Preservation Program by having the site "remain open space, [which] will actually improve the property, because we'll cover it with turf grass." (t. 72)

CONCLUSION

The appellees/petitioners have set forth, from the transcript and evidence introduced before the Board, evidence which would serve as findings of fact to support this Board's decision to affirm the granting of the special exception by the Zoning Commissioner and the approval of the plan by the County Review Group.

Respectfully submitted,

POWER AND MOSNER, P.A.

BY: Thomas G. Bodie
21 W. Susquehanna Avenue
Towson, Maryland 21204
(301) 823-1250

Attorneys for Appellees/Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October, 1991, a copy of the foregoing MEMORANDUM OF PETITIONERS UPON REMAND FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY TO THE COUNTY BOARD OF APPEALS was mailed, First Class Mail, postage prepaid to:

J. Carroll Holzer, Esquire
Holzer, Maher & DeMillio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204
Attorney for the Northeast Baltimore County Protective Association, Inc., et al. and now Attorney for The Weisburg Community Association, Inc., et al.

Phyllis C. Friedman, Attorney at Law
Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
111 W. Chesapeake Avenue, Room 304
Towson, Maryland 21204

Thomas G. Bodie

10-17-90

IN THE MATTER OF GREYSTONE COUNTRY CLUB — BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY — COMBINED CASE NOS.: 90-19-SPHX and CBA-90-165

* * * * * * * *

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that:

1. I am over eighteen (18) years of age and not a party to the above action; and

2. I obtained service on DONALD OUTTEN, on October 16, 1990 at 10:45 a.m., at the office of DEPRM, County Courts Building, Room 416, 401 Bosley Avenue, Towson, Maryland 21204, by delivering to Jay Urbonas, agent to accept service on his behalf the original of the attached SUBPOENA DUCES TECUM.

Robert Brooks

AFFIRMATION

I HEREBY CERTIFY that the contents of the above Affidavit are true and correct to the best of my knowledge, information and belief.

DATE: 10/17/90 — Robert Brooks

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 18 AM 9:51

IN THE MATTER OF GREYSTONE COUNTRY CLUB — BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY — COMBINED CASE NOS.: 90-19-SPHX and CBA-90-165

* * * * * * * *

SUBPOENA DUCES TECUM

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County.

To: Donald C. Outten, Bureau Chief
Department of Environmental Protection and Resource Management
County Courts Building Room 416
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO personally appear and produce documents or objects at Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on Friday, October 19, 1990 at 9:00 a.m.

YOU ARE HEREBY COMMANDED TO produce the following documents or objects:

All reports and correspondence to and from the Zoning Commissioner for Baltimore County and the County Review Group (CRG) relating to the Greystone Golf and Country Club.

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 18 PM 3:44

Thomas G. Bodie
21 W. Susquehanna Avenue
Towson, Maryland 21204
(301) 823-1250
Attorney for Petitioner

Date Issued: 10/17/90 — Kathleen A. Bridenbaugh, County Board of Appeals of Baltimore County

10-17-90

IN THE MATTER OF GREYSTONE COUNTRY CLUB — BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY — COMBINED CASE NOS.: 90-19-SPHX and CBA-90-165

* * * * * * * *

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 18 PM 3:44

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that:

1. I am over eighteen (18) years of age and not a party to the above action; and

2. On October 17, 1990, service of the original of the attached Subpoena Duces Tecum was made upon Donald Koch by delivery to him via certified mail, restricted delivery at Engineering Technologies Associates, Inc., 3458 Ellicott Center Drive, Suite 101, Ellicott City, Maryland 21043.

3. Also attached is the original of the certified mail receipt.

JEANETTE C. CALABRESE

AFFIRMATION

I HEREBY CERTIFY that the contents of the above Affidavit are true and correct to the best of my knowledge, information and belief.

DATE: 10/18/90 — JEANETTE C. CALABRESE

IN THE MATTER * BEFORE THE
OF * COUNTY BOARD OF APPEALS
GREYSTONE COUNTRY CLUB * FOR BALTIMORE COUNTY
* COMBINED CASE NOS.:
* 90-19-SPHX and
* CBA-90-165
*

* * * * * * * *

SUBPOENA DUCES TECUM

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County.

To: Donald Koch
Engineering Technologies Associates, Inc.
3458 Ellicott Center Drive, Suite 101
Ellicott, Maryland 21043

YOU ARE HEREBY COMMANDED TO personally appear and produce documents or objects at Room 301, County Office Building, 111 W. Chesepeake Avenue, Towson, Maryland 21204 on Friday, October 19, 1990 at 9:00 a.m.

YOU ARE HEREBY COMMANDED TO produce the following documents or objects:

All reports and correspondence to and from the Zoning Commissioner for Baltimore County and the County Review Group (CRG) relating to the Greystone Golf and Country Club.

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 16 PM 1:32

Thomas G. Bodie
21 W. Susquehanna Avenue
Towson, Maryland 21204
(301) 823-1250
Attorney for Petitioner

Date Issued: 10/16/90

County Board of Appeals of
Baltimore County

IN THE MATTER * BEFORE THE
OF * COUNTY BOARD OF APPEALS
GREYSTONE COUNTRY CLUB * FOR BALTIMORE COUNTY
* COMBINED CASE NOS.:
* 90-19-SPHX and
* CBA-90-165
*

* * * * * * * *

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that:

1. I am over eighteen (18) years of age and not a party to the above action; and

2. I obtained service on Wes Guckert, on October 16, 1990 at 3:45 p.m., at the office of The Traffic Group, 40 W. Chesapeake Avenue, Suite 600, Towson, Maryland 21204, by delivering to Nancy Janourich, agent to accept service on this behalf, the original of the attached SUBPOENA DUCES TECUM.

Jeanette C. Calabrese
JEANETTE C. CALABRESE

COUNTY BOARD OF APPEALS RECEIVED 90 OCT 19 A 7:12

AFFIRMATION

I HEREBY CERTIFY that the contents of the above Affidavit are true and correct to the best of my knowledge, information and belief.

DATE: 10/17/90

Jeanette C. Calabrese
JEANETTE C. CALABRESE

IN THE MATTER * BEFORE THE
OF * COUNTY BOARD OF APPEALS
GREYSTONE COUNTRY CLUB * FOR BALTIMORE COUNTY
* COMBINED CASE NOS.:
* 90-19-SPHX and
* CBA-90-165
*

* * * * * * *

SUBPOENA DUCES TECUM

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County.

To: Wes Guckert
The Traffic Group
40 W. Chesapeake Avenue
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO personally appear and produce documents or objects at Room 301, County Office Building, 111 W. Chesepeake Avenue, Towson, Maryland 21204 on Friday, October 19, 1990 at 9:00 a.m.

YOU ARE HEREBY COMMANDED TO produce the following documents or objects:

All reports and correspondence to and from the Zoning Commissioner for Baltimore County and the County Review Group (CRG) relating to the Greystone Golf and Country Club.

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 16 PM 1:32

Thomas G. Bodie
21 W. Susquehanna Avenue
Towson, Maryland 21204
(301) 823-1250
Attorney for Petitioner

Date Issued: 10/16/90

County Board of Appeals of
Baltimore County

IN THE MATTER OF Greystone Golf and Country Club * BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. CBA 903-53

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday Oct. 19 at 2:00 P.M. at Room 301, located at 3rd Fl. County Office Bldg. 111 W. Chesapeake Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: G. Richard Curran
Address: Balto. Co. Extension Service, Ag. Bldg.
Cockeysville, Md. 21030

Name: J. Carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6960

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 12 PM 3:40

IN THE MATTER OF Greystone Golf and Country Club * BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. CBA 903-53

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday Oct. 19 at 2:00 P.M. at Room 301, located at 3rd Fl. County Office Bldg. 111 W. Chesapeake Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Rick Dills
Address: Balto. Co. Soil Conservation District
Ag. Bldg. Cockeysville, Md. 21030

Name: J. Carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6960

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 12 PM 3:40

IN THE MATTER OF Greystone Golf and Country Club * BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. CBA 903-53

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday Oct. 19 at 2:00 P.M. at Room 301, located at 3rd Fl. County Office Bldg. 111 W. Chesapeake Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Johanne Edey
Address: 1800 White Hall Rd.
White Hall, Md. 21161

Name: J. Carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6960

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 12 PM 3:40

IN THE MATTER OF Greystone Golf and Country Club * BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. CBA 903-53

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday Oct. 19 at 2:00 P.M. at Room 301, located at 3rd Fl. County Office Bldg. 111 W. Chesapeake Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Thomas Gill
Address: 4825 Ayres Chapel Rd.
White Hall, Md. 21161

Name: J. Carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6960

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

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IN THE MATTER OF Greystone Golf and Country Club * BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. CBA 903-53

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday Oct. 19 at 2:00 P.M. at Room 301, located at 3rd Fl. County Office Bldg. 111 W. Chesapeake Ave. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Harry Hubble
Address: 1822 White Hall Rd.
White Hall, Md. 21161

Name: J. Carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6960

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS 90 OCT 12 PM 3:40

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION SW of the intersection of White Hall and Vernon Roads 7th Election District 3rd Councilmanic District

Furman E. Hendrix, et al Legal Owners E. Donald Airey, Jr., Contract Purchaser

Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* CASE NO. 90-19-SPHX

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

ORDER FOR APPEAL

Wiseburg Community Association, Inc., 18200 York Road, Parkton, Maryland 21120 orders an appeal from the Findings of Fact and Conclusions of Law entered in this matter by the Zoning Commissioner on March 13, 1990.

Michael Gisriel

Thomas G. Gisriel

Gisriel & Gisriel
210 E. Lexington Street
Baltimore, Maryland 21202
(301) 539-0513

Attorneys for Wiseburg Community Association, Inc.

cd:990t

RECEIVED $325.00 4/20/90 Dec. Office of Zoning

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION SW of the intersection of White Hall & Vernon Roads 7th Election District 3rd Councilmanic District

Furman E. Hendrix, et al, Legal Owners E. Donald Airey, Jr., Contract Purchaser

Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 90-19-SPHX

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Special Exception for a country club (primarily a golf oriented facility) including a golf course, practice facilities, a clubhouse complex including without limitation a pro shop, lounge, eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, and improvements or facilities generally associated with golf or country clubs; a Petition for Special Hearing to approve the right to use the existing buildings in the M.L. zone area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club, as more particularly described on Petitioners' Exhibit No. 10.

The Petitioners, E. Donald Airey, Jr., Contract Purchaser and Furman E. Hendrix, Legal Owner, were represented by Thomas G. Bodie, Esquire. The Protestants were represented by J. Carroll Holzer, Esquire. The Petitioners' request generated considerable community concern and numerous individuals and civic groups appeared to testify on both sides of the issue presented. Phyllis Friedman, Esquire, Peoples Counsel, appeared as an interested party.

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This case has been the subject of many days of hearings, and a large number of witnesses have been presented both for and against the project on direct, cross, redirect, recross, recall and rebuttal. The testimony ranged from the very relevant, to somewhat interesting, to irrelevant and useless. Time and space will not permit a full recital for all of the testimony in this opinion. In this opinion, the factual conclusions necessary to support the findings of fact and conclusions of law will be set forth to the degree necessary. Many of the issues need not be addressed as they are not relevant to the relief.

Testimony indicated that the subject property is bound by White Hall Road to the northwest and Vernon Road to the southeast. The property is split zoned R.C.2, R.C.4 and M.L. consisting of 305 acres +/-. The site is currently improved with a single family dwelling, a barn, and office building (converted house), all located in the R.C.2 zone and there are two maintenance/storage buildings located in the M.L. zone. Petitioners desire to utilize the maintenance/storage accessory buildings in the M.L. zone in conjunction with the operation of the proposed country club and golf course.

Testimony indicated that the Petitioners are desirous of constructing a country club which would offer a "target type" golf course, practice facilities, tennis courts, pool, clubhouse including a pro-shop, lounge, eating facility and other recreational facilities. Maintenance facilities and various shelters associated with the country club would also be constructed.

Donald Airey, Jr. testified that the subject site is a desirable location for a "target type golf course" in that the existing topography and terrain will be incorporated into the course, which ultimately requires a minimal amount of environmental disturbance. Mr. Airey testified that the fairways stop considerably short of the tee areas on a "target type golf

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course" permitting much of the site to remain in its natural condition. Mr. Airey stated that the hours of operation will be approximately 7:00 A.M. to dusk with occasional activities such as dances extending the hours of operation until approximately 12:00 midnight. Mrs. Airey testified that the Club will be limited to members and their families.

Mr. Donald Kach, a Professional Engineer, testified regarding the water needs for the proposed golf course, the availability of well water to meet these needs, and the impact the anticipated water usage may have on area residents. Mr. Kach testified at length regarding the various tests that have been conducted which included the digging of seven test wells on the site. Testimony indicated that all seven (7) wells produced adequate water (see Petitioners' Exhibits No. 5 and 9). Mr. Kach testified that the wells produced a total of 189 gallons of water per minute, for a daily total of 272,000 gallons. Mr. Kach testified in detail regarding the various formulas he applied in reaching his opinion. He concluded that there will be a negligible impact on nearby residential wells.

Mr. Kach also addressed the anticipated impact the proposed golf course would have on the First Mine Branch stream and the "unnamed tributary" traversing the subject site. Mr. Kach's testimony regarding the "unnamed tributary" was inconclusive. Concerning the First Mine Branch stream, a class III trout stream, Mr. Kach concluded that as long as the average pumping rates at the site are less than the annual recharge rate, any impact would be minor, and on recall, indicated that the existing surrounding wells will not be adversely affected by the golf course's anticipated water usage.

Mr. E. Shaneybrook, President of the Weisburg Community Association, testified that he was generally in support of the proposed golf course,

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provided there was a finding by Baltimore County that there would be no negative impact on the First Mine Branch stream.

Mr. Gene Raphel, Registered Land Surveyor, testified on behalf of the Petitioners and indicated that if the subject site were to be developed residentially, 32 lots would be permitted on the R.C.4 acreage and 8 lots would be permitted on the R.C.2 acreage for a total of 40 building lots.

Mr. Al G. Pulley, a golf course designer and builder, testified regarding the proposed layout of the course. Mr. Pulley also testified regarding the concept of "target golf" which generally requires smaller fairways, having a net effect of minimizing environmental disturbance. He testified regarding the relatively small area of woodlands that need to be cleared and indicated that additional vegetative planning is proposed. He stated that no more than three (3%) percent of the land will be changed from its current status.

Mr. Reed Huppman, Environmental Engineer, testified on behalf of the Petitioners and indicated that an integrated pest management program (I.P.M.) would be implemented to monitor the use of chemicals (pest control, fertilizers,etc.) used on the proposed golf course. Testimony indicated that similar programs have been successfully implemented on golf courses throughout Baltimore County. Mr. Huppman also testified that the pesticides used under this program will be biodegradable. He testified that the Petitioner proposes to increase the forested area on the subject site, thereby protecting the vegetative canopy over the trout stream. Mr. Huppman also stated that the Petitioners, in conjunction with the I.P.M., are proposing to install water monitors on the subject site to sample the water in the First Mine Branch Stream as it enters the property and also monitor the water as it exits the property. Mr. Huppman testified that the Petitioners

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are proposing to implement two other such monitoring stations at undetermined locations on the si .

Mr. Wes Guckert, Traffic Consultant, testified on behalf of the Petitioner. He testified that he and his support staff performed an in depth study regarding the anticipated impact the proposed site would have on the surrounding community. Mr. Guckert monitored the intersections located in close proximity to the subject site, and made daily trip estimates based on the proposed 300 parking spaces. He testified that there is little pedestrian traffic on the access road to subject site and that sight distances are adequate. He stated that, in his opinion, the proposed use would have no adverse impact on the traffic in this community and that the proposed site otherwise meets the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Ms. Johanne Edey appeared and testified as a Protestant in her capacity as President of the Northeast Baltimore County Protective Association consisting of approximately fifty-nine (59) members. Ms. Edey's property is adjacent to the subject site and her home is approximately 50 to 60 feet from the common property line. Ms. Edey's drinking water is drawn from a two foot hand dug well. She is concerned that when the golf course begins drawing water at capacity, her well will be adversely impacted. Ms. Edey also voiced concern regarding the anticipated adverse impact the golf course will have on the "unnamed tributary" and First Mine Branch Stream, and the adverse impact this golf course will have on the surrounding agricultural community. Further, she indicated her concern regarding increase traffic problems and the adverse affect this will have on wildlife. Ms. Edey was also concerned that the volunteer fire company and the police department

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currently serving this community might be over burdened should the Petitioners' requested relief be granted.

Mr. Walter Voit testified on behalf of Trout Unlimited and indicated the group's desire to see the "unnamed tributary" and First Mine Branch stream protected as a trout habitat. He believes the golf course will destroy the trout habitat.

Mr. Rick Powell, supervisor for the Department of Environmental Protection for Baltimore County, testified that the First Mine Branch Stream is a Class 3 trout stream with a reproducing population of brook trout. He testified that the majority of the trout in the First Mine Branch Stream remain in the stream for the majority of the year, but will migrate into first and second order tributaries ("unnamed tributary") to spawn. He testified regarding the integral part the "unnamed tributary" plays in providing insects and other food stuff for the trout to eat, plus providing a spawning area for eggs. Mr. Powell indicated that it is of the utmost importance for the continued health of the trout population in the First Mine Branch Stream to maintain the base flow of this stream and the "unnamed tributary".

Dr. Robert Bachman, who leads the Inland Fisheries Division of the Maryland Tidewater Administration, testified that the Gunpowder Falls has been recognized by Trout Magazine as one of the top 100 trout streams in the country, and that the First Mine Branch, which empties into the Gunpowder Falls, plays an important role in maintaining the trout population in the Gunpowder Falls. Dr. Bachman testified at length regarding the the base flow, substraight and water temperature of a trout stream and how these variables, if significantly altered, can have a dilatory effect on the trout population.

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Mr. Carter, a Fisheries Biologist, testified generally regarding the effect the reduction of base flow will have on the life cycle of the stream.

Mr. Richard Klein, President of Community Environmental Defense Associates, testified regarding stream quality assessment. Mr. Klein presented the results of a study he conducted on 11 golf courses; 8 in Baltimore County and 3 in York County, Pennsylvania. All 11 courses were traversed by streams. Although Mr. Klein testified that the streams traversing these golf courses were anywhere from "slightly degraded" to "severely degraded", as he defined them, it was never made clear what part, if any, the subject golf courses played in the degradation of the streams. Neither did Mr. Klein testify to what condition the streams were in before they entered the respective golf courses and the condition of the streams once they exited the golf courses. Mr. Klein stated that it is unlikely that a trout population would survive in a moderately to a severely degraded stream and concluded that the proposed golf course would have a detrimental impact on the "unnamed tributary" and the First Mine Branch Stream. Mr. Klein testified at length regarding the anticipated water requirements of the subject golf course and the impact that this water usage may have on the surrounding community and the aforementioned streams.

Mr. Klein testified to (1) that the existing shallow wells in the surrounding community may be adversely impacted as a result of water usage on the golf course; (2) that exhaust from the anticipated increased traffic will deposit toxic metals on the soil which will eventually leach into the subject streams, adversely affecting the trout population; and (3) that a substantial reduction in base flow of the "unnamed tributary" will severely impact said tributary and the First Mine Branch stream, and ultimately have a negative affect on the Gunpowder Falls. Mr. Klein testified very forceful-

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ly that golf courses are bad for all streams, and that all golf courses cause decreased water quality. The interesting fact is that Mr. Klein has no evidence regarding what causes the problem and can offer no assistance in identifying the problem areas so they may be corrected. In light of Schultz v. Pritts, 291 Md. 1, [illegible]d 1319 (1981), the evidence establishes that the Special Exception is the same in every location in the zone.

Mr. Fred Hubble, a local farmer, lives on the opposite side of White Hall Road from the proposed golf course. Mr. Hubble testified that he owns 66 acres adjacent to the subject site and he has been farming 60 of those acres since 1950. He indicated that he leases 18 acres of the subject property for growing corn. Mr. Hubble has been the recipient of numerous awards over the years for his outstanding crop yields. He testified that in 1967 all three (3) of his wells went dr[illegible] and he had to dig a pond to water his cattle. He testified that he is concerned about the impact the proposed golf course will have on his water supply, and also about increased traffic the country club will generate, as he is frequently required to move his farm equipment on the local roadways to get from field to field.

Mr. Rick Dills, who is with the United States Department of Agriculture, testified that it is his job to advise farmers on how to best utilize their land (i.e., soil erosion, sediment control, etc.). Mr. Dills testified that the subject site is surrounded by predominantly prime agricultural soil and, in his opinion, the agricultural viability of this area will be substantially reduced should the Petitioner's request be granted.

Mr. Thomas Gill, a local dairy farmer, leases approximately 50 acres of the subject site for growing grain. Mr. Gill concurred with Mr. Hubble's testimony and stated he was equally concerned with the increased traffic along White Hall Road.

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Mr. Robert Maenner lives south of the subject site and raises feed for farm animals. Mr. Maenner concurred with the testimony of Messrs. Hubble and Gill and indicated that, in his opinion, the Petitioner's request is in direct conflict with the predominantly agricultural character of this area.

Mr. Robert Taylor, whose property abuts the subject site, testified that he is concerned about possible water problems once the golf course begins pumping at full capacity. He indicated he was also concerned about the contamination of his well and the aforementioned traffic concerns.

Mrs. Dorothy E. Miller, who resides on Hunters Mill Road, owns 112 acres. She testified that she has a hand dug well only 30" deep which is approximately 1900 feet from test well No. 5. Mrs. Miller stated that she is concerned that her shallow well may run dry should the Petitioner be permitted to pump water at capacity during the dryer months. She also indicated that she is concerned with increased traffic in this area where the roads are extremely narrow.

Mrs. Lisa Weber, who resides on Hunters Mill Road, testified at length regarding her concern for the wildlife in this area and what she believes would be an adverse impact on said wildlife if Petitioner's request is granted.

Mr. Paul Solomon from the Department of Environmental and Resource Management for Baltimore County, testified regarding the anticipated impact the proposed golf course will have upon agriculture in this area. Mr. Solomon is an Administrator for the Maryland Argicultural Land Preservation Program (MALPP). He testified that the subject property, which is prime agricultural soil, would qualify for the MALPP. Mr. Solomon testified that this site was "uniquely unqualified" to be developed for a golf course, in that such use of prime agricultural land is not consistent with the

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Baltimore County Master Plan or the MALPP. He also testified that the Petitioners' intended use of this property would increase the pressure for suburban and urban intrusion into this agricultural community. He stated that the R.C.2 zone is suitable to accommodate golf courses, but suggested that there are more appropriate locations than the one proposed; such as closer to the urban-suburban fringe where the agricultural preservation areas are not as extensive.

The Petitioners called Mr. Donald Outen, Baltimore County Department of Environmental and Resource Management, as a rebuttal witness. Mr. Outen testified that the proposed golf course will have a lesser impact on the environment than if the site were developed residentially, which requires considerably more grading than the proposed "target-type" golf course.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.2 and R.C.4 zones by special exception. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 10 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz, supra. (Provided the restrictions set forth at the conclusion of this Order are complied with).

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The Protestants testified at length regarding the anticipated detrimental impact the proposed country club will have on the agricultural community in this area. The Protestants also thoroughly discussed their concerns regarding traffic, pollution, well water use and the future viability of wildlife in this community. However, the Protestants did not show that the "detrimental affect" created by the proposed country club would be quantitatively different from any other similarly situated golf course/country club in the R.C.2 and R.C.4 zones, thereby requiring a denial of the entire project.

The Protestants argue that if the site were to be developed residentially in lieu of the proposed country club, the negative impact on this community would be decreased substantially. However, the Schultz test does not balance the impact of different uses at the same location for the purpose of granting the "lesser of two evils", but rather requires the denial of a special exception use request where there are, "facts and circumstances that show that the special exception use proposed at the particular location would have any adverse affects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone". Schultz, supra. Further, in comparison to many of the other uses permitted in either the R.C.2 or R.C.4 zones by special exception (airports, excavations, sanitary landfills, rubble landfills and sludge disposal facilities) a golf course would appear to present a far less detrimental impact on the community and environment. In fact, Petitioners have agreed to remove a pre-existing air strip which is currently located on the site. Therefore, if a comparison system was used, this would be a lesser evil. However, this is not the law in Maryland and Section 502 of the B.C.Z.R. does not envision a comparison, and the Court of Appeals has never set forth such a test.

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A special exception use is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The test imposed in determining whether or a special exception will be allowed is found within Section 502 of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, the criteria established in B.C.Z.R. 502.1 provide that the Zoning Commissioner use the measuring stick to decide if the Petition should be granted.

The Petitioner bears the burden of producing evidence that the special exception complies with the standards enunciated within the regulations (see Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981). The Court in Schultz also mandates that the Zoning Commissioner must inquire if facts and circumstances exist which would show that the particular use, ". . . proposed at the particular location, would have any adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." (emphasis added) Schultz, p. 1327. Further, the standard by which the Zoning Commissioner must consider this petition is not whether the proposed special exception produces any positive benefit to the surrounding locale; but whether any real detriment, as measured by the guidelines of Section 502.1 of the B.C.Z.R. is present. (See Anderson v. Sawyer, 23 Md. App. 612, 329 A2d 716 (1974.)

The Protestants also provided extensive testimony regarding their concerns, which the Zoning Commissioner shares, relative to the streams and ground water on the subject property. However, the Protestants own expert testified that there are at least 8 other golf courses in Baltimore County that are similarly situated as the proposed course, and there was no testimony indicating that the proposed course would have any more detrimental impact on the environment than the other golf course in the study.

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The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community above and beyond that normally associated with the use to meet his burden. See Turner v. Hammond, 270 Md. 41, 310 A2d 543 (1973). In fact, the evidence generally shows the detriment at this location will be harmful, but no more harmful than that at many other locations. In fact, the real detriment will be much less because of the rigid control by the Department of Environmental Protection and Resource Management (DEPRM) and the restrictions of this Order. This proposed golf course complies with Schultz, and the requirements of Section 502.1 of the B.C.Z.R.

In considering the requested relief, the Zoning Commissioner must impose such conditions, restrictions, or regulations as may be deemed necessary and advisable for the protection of the surrounding neighboring properties and the environment (Section 502.2, B.C.Z.R.). Such restrictions are set forth below.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted in part, with certain restrictions as more fully described below.

Provided the Petitioner complies with the restrictions of this Order, the Petitioner will be permitted to construct an 18 hole golf course and country club above and to the north of the line drawn between the point intersected by North 75 deg. 22'17" West 123.38' and North 30 deg. 58' West 518.21', and the point intersected by North 14 deg. 53' West 820' and South 86 deg. 17' East 495' +/-, said line being approximately located at the narrowest portion of the subject property. Consequently, the Petitioner shall be prohibited from developing that portion of the subject property below said line in conjunction with the proposed country club/golf course. The Petitioner shall be limited to one 18 hole golf course above the aforementioned line. Tee, fairway, green placement and wetland crossings shall be limited in accordance with the restrictions set forth below.

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The limited relief granted herein will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in the roads, streets, or alleys therein, nor be inconsistent with the purposes of the properties zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

It is clearly understood that the restrictions contained within this Order will require the redesign of the golf course and support facilities. Therefore, new plans will be required before any permits will be issued. These new plans shall be in compliance with the restrictions contained herein, approved by the Department of Environmental Protection and Resource Management (DEPRM), the Department of Planning and Zoning and the Zoning Commissioner.

The Petitioner has also requested, pursuant to the Petition for Special Hearing, the right to use the existing buildings in the M.L. zone area on the subject site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and the golf course.

The Petitioner did not, to the satisfaction of the Zoning Commissioner, present evidence that indicated the proposed use of the buildings in the M.L. zone would be conducted without real detriment to the neighborhood and would not adversely affect the public interest, particularly, in view of the fact that the M.L. zoning regulations do not permit such uses. There is no evidence in the record to support an interpretation of the B.C.Z.R. that would expand golf courses or country clubs onto M.L. zoned land. The Petitioner has agreed to remove the M.L. zoning from the subject site. The

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Petitioners shall file a Petition for Reclassification to remove the M.L. zone. Consequently, the Petition for Special Hearing must be denied. If the reclassification is successful, then the buildings on the current M.L. zoned property may be incorporated into the golf course special exception. These buildings may be useful in the current operation of the golf course. However, M.L. zoned land may not be used for or in support of a golf course.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested, pursuant to the Petition for Special Exception, shall be granted in part and the relief requested, pursuant to the Petition for Special Hearing, shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of March, 1990 that a Petition for Special Hearing to approve the right to use the existing buildings in the M.L. zone area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club/golf course is hereby DENIED; and

IT IS FURTHER ORDERED, that the Petition for Special Exception for a country club (primarily a golf oriented facility) including a golf course, practice facilities, a clubhouse complex including without limitation a pro shop, lounge, eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, and improvements or facilities generally associated with golf or country clubs, as shown and described on Petitioner's Exhibit No. 10, is hereby GRANTED IN PART, subject, however, to the following restrictions which are conditions precedent to the aforegoing relief:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this

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Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. All greens, tees, and fairways shall be located no closer than fifty feet (50') from the nearest wetland buffer area as indicated on Petitioner's Exhibit No. 10.

3. The Petitioners shall be permitted only four tee-to-fairway-to-green (golf ball) crossings over the designated wetland areas, which has been previously established by the Department of Environmental Protection and Resource Management (DEPRM).

4. The Petitioners shall be permitted to construct one 18 hole golf course above and to the north of the line drawn between the point intersected by N 75 deg. 22' 7" W 123.38' and N 30 deg. 58' W 518.21'; and the point intersected by N 14 deg. 53' W 820' and S 86 deg. 17' E 495' +/-, said line being approximately located at the narrowest portion of the subject property. The Petitioners shall be prohibited from developing that portion of the subject property below or to the south of said line for use in conjunction with the proposed country club/golf course. There shall be no residential development within the area of the Special Exception golf course. The area to the south of the golf course shall be held in an undeveloped condition until July 1, 1994 at which time the Petitioners may request by Special Hearing any use permitted as a matter of right or by Special Exception.

5. The Petitioners shall be permitted only two golf cart/pedestrian crossing across the designated wetland. Said crossing shall be constructed on pilings and be of "boardwalk" character. Prior to the construction of the crossing, the Petitioner shall submit a proposal of said "boardwalk" to Department of Environmental Protection and Resource Management (DEPRM) for final approval. The Petitioners shall also be permitted to construct one golf cart/pedestrian path, which will traverse the south side of the existing pond located in the north corner of the existing wetlands. Prior to construction of said path, the

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Petitioners shall submit plans to Department of Environmental Protection and Resource Management (DEPRM) for approval.

6. All wells on the subject property shall be equipped with a computer monitoring system which shall record, among other pertinent data, the gallons of water pumped per day, the time of the pumping, the quality of the water and the depth of water in the well at the beginning and ending of each pumping. Such system shall be approved by Department of Environmental Protection and Resource Management (DEPRM). All data generated by said computer monitoring system shall be made available to Zoning Commissioner, Office of Planning and Zoning and the Department of Environmental Protection and Resource Management (DEPRM) upon demand. A full report of ground water usage and quality shall be produced by a professional monitoring company and supplied to the Office of the Zoning Commissioner and Department of Environmental Protection and Resource Management on July 31, 1991 and each year thereafter for ten (10) years and every three (3) years thereafter.

7. The Petitioners shall not pump more than 60,000 gallons of well water per day on and from the subject site. During a period of declared drought by the National Weather Service, the Petitioners may pump only 20,000 gallons of well water per day from the subject site.

8. The Petitioners shall install a water monitoring system at the location where the First Mine Branch stream enters the subject site, where said stream exits the site and where the "unnamed tributary" enters the First Mine Branch Stream. The monitoring system shall be of a type approved by Department of Environmental Protection and Resource Management (DEPRM), and all data generated by such system shall be made available to the Baltimore County Office of Planning and Zoning, Department of Environmental Protection and Resource Management (DEPRM) and the Zoning Commissioner for Baltimore County on July 31, 1991 and each year thereafter for 15 years.

9. There shall be no residential development on the subject site.

10. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection

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of the subject property to insure compliance with this Order.

11. Petitioners shall submit to the Zoning Commissioner's office by no later then September 1, 1990 new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies the subject golf course, all buildings, their size and area dimensions, their exact location on the subject property, their distances from all property lines, and any other information as may be required to be a certified site plan. Said plan shall be submitted to the Department of Environmental Protection and Resource Management, Department of Planning and Zoning and the Zoning Commissioner for final approval. The new plan shall incorporate and address the restrictions set forth above.

12. The Petitioners shall cease and desist any use and maintenance of the airstrip on the subject site, and shall remove all items from the site associated therewith.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel
cc: Counsel for Petitioner
Counsel for Protestants

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By M. Nevett

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 27, 1990

Thomas G. Bodie, Esquire
21 West Susquehanna Avenue
Towson, Maryland 21204

RE: Case No. 90-19-SPHX
Furman E. Hendrix, et al, Legal Owners
E. Donald Airey, Jr., Contract Purchaser
Petitioners

Dear Mr. Bodie:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied and the Petition for Special Exception has been granted, in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
attachment
cc: Peoples Counsel
cc: J. Carroll Holzer, Esquire

IN THE MATTER OF * BEFORE THE
GREYSTONE GOLF COURSE * ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING * OF BALTIMORE COUNTY
AND SPECIAL EXCEPTION * CASE NO.: 90-19-SPHX
* * * * * * * * * * * *

PROTESTANTS POST-HEARING MEMORANDUM

Protestants, by J. Carroll Holzer, their attorney, hereby submits their Post-Hearing Memorandum as requested by the Zoning Commissioner for Baltimore County.

Statement of the Case

The above captioned case came before the Zoning Commissioner of Baltimore County for a public hearing based upon a Petition for Special Hearing "requesting the right to use the existing buildings in the M-L Zone Area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and golf course." And for a Special Exception for a "a country club, primarily a golf oriented facility, including golf course, practice facilities, a club house complex including without limitation a pro shop, a lounge, an eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, improvements or facilities generally associated with a golf or country club".

The proposed facility is located in Northern Baltimore County in the White Hall area. It is located along White Hall Road and Vernon Road on the north and east and Hunters Mill Road on the south. It consists of 305 total acres (the total

site being acquired from 3 separate ownerships). 143.5 acres are in an RC2 Zone in which 3 lots are permitted and 161.5 acres are in RC4 Zone which would permit 32 lots. Existing residences are 2. The Greystone Country Club is proposing a 27 hole golf course along with a clubhouse including proposed parking, a number of proposed ponds, a swimming pool, and tennis courts.

The Protestants consist of adjacent, adjoining, and surrounding individual neighbors, as well as the Northeast Baltimore County Protective Association, Inc. which is comprised of community members and neighbors in the immediate vicinity of the proposed Greystone Golf Course. The Petitioners presented 7 witnesses during the course of this proceeding while the Protestants presented 13 witnesses, both sides recalling a number of their witnesses during the course of the extensive testimony and numerous days of hearings before the Zoning Commissioner. As a result of this testimony, there are significant issues which have been raised and defined, which result in the need for organization, clarification and summarization in this Memorandum. The Protestants do not intend to recite all of the testimony for the individual witnesses, but having acquired the taped proceedings of the hearing, there are a number of direct quotes from the testimony which will be referred to hereinafter in this Memorandum.

It is clear that the legal parameters of this case are set forth in the requirements for approval of the Special

Exception, Baltimore County Zoning Regulations, Section 502.1, and in Schultz v. Pritts, 291 Md. 1, 432A. 2d. 1319 (1981). The real key to the instant case is found in an analysis and evaluation of the factual testimony of the witnesses and the issues presented therein.

Issues

The issues generally to be addressed in this case are as follows: First, procedurally, Protestants would urge denial of this Petition for Special Hearing and Special Exception upon the basis that one of the three separate parcels as evidenced during the hearing belongs to Mr. Alexander Kaufmann. Procedurally, Mr. Kaufmann is not properly included as a Petitioner on either Petition and therefore the above request is not legally acceptable for the granting of the relief requested. Second, whether the proposed Greystone Golf and Country Club conflicts with the Baltimore County Master Plan if it fails to preserve for agricultural use the 305 acres designated for the project development. Third, whether or not the proposed Greystone Golf and Country Club conflicts with existing Baltimore County Law and Policy if it conflicts with the preservation of agricultural uses in that predominantly agricultural area. Fourth, whether or not the utilization of water by the Greystone Golf and Country Club will negatively impact the level and quality of the well water in surrounding wells in the neighborhood, thereby affecting the health, safety and welfare of the community. Fifth, whether or not the

Greystone Golf and Country Club will cause degradation of the First Mine Branch and the "unnamed tributary" and have a negative impact upon a major trout stream in Baltimore County, thereby affecting and negatively impacting the health, safety and welfare of the community. Sixth, that the Petitioners have failed to meet the requirements of Baltimore County Zoning Regulation 502.1 and Schultz v. Pritts, 291 Md. 1,432 Atlantic 2d. 1319 at 1327 (1981) in the respect that the facts and circumstances show the particular use, at the proposed location, does have an adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location in the zone. Seventh, other miscellaneous factors which impact the health, safety and welfare of the community thereby requiring denial of the requested Special Hearing and Special Exception, such as traffic on the roads (increase and safety), liquor license, exposure to crime, strain on public services and response time of fire and police, hours of operation, light and noise pollution, catalyst for future development.

Statement of Facts and Argument

A. Petitioners' Case.

1. Donald Airey. Mr. Donald Airey representing the developer testified in regard to their general purpose in acquiring this property and proposing the Greystone Golf and Country Club. It should be noted at this point that the plat illustrating the proposed facility changed many times during

the course of this extended hearing to the point that the final amended plat bears little resemblance to that referred to by Airey in his testimony. Nevertheless, it is significant to note that the developers are so desirous of proceeding with this site, that they were willing to submit during the course of their case in chief, that they will:

a) relinquish the 3.3 acres of ML Zone,

b) relinquish the right to utilize the airstrip (which apparently has seen little activity),

c) to build the club without the tennis courts and a swimming pool,

d) remove the many ponds that were being proposed and,

e) limit the maximum number of people permitted on the premises to 300.

Airey further acknowledged that some of the property was planted in corn and was therefore an agricultural use. He testified that the water needs for the golf course would be approximately 150,000 gallons per day to maintain the facility and perhaps 50% more or 225,000 gallons to establish the course during the early years of that facility.

Upon examination by the zoning commissioner, Airey admitted that this was a country club as opposed to simply a golf course facility and as such would have the accompanying and accessory uses of a country club.

2. Donald Kach. The Petitioners then called this witness as a civil engineer to testify that various tests had been conducted and test wells had been dug resulting in his conclusion that there would be sufficient water to satisfy the needs of the golf course. He offered the "Ground Water Supply Assessment" dated August 28, 1989. Upon cross-examination by Protestants, he provided the "draw down formula" which he utilized to produce the affect of the pumping of 150,000 gallons per day for the golf course facility upon surrounding and neighboring wells. That formula resulted in a 7/10 of a foot reduction at 2,000 feet and a 3 foot reduction at 500 feet. He further acknowledged stream depletion in the "unnamed tributary" supplying the First Mine Branch.

3. Ed Shaneybrook. Mr. Shaneybrook testified that he was not speaking on behalf of the members of the Wiseburg Community Association when he offered "cautious" support of the project. He acknowledged that he would accept the zoning commissioner's decision, whatever that decision might be in determining whether or not there was a negative impact on the community. For all practical purposes, the testimony of Mr. Shaneybrook was an acknowledgement that he did not know the particulars of this proposal nor its affect.

4. Gene Raphael. Gene Raphael - a registered land surveyor presented by the Petitioners, concluded that 32 lots were permitted on the RC4 acreage and 8 on the RC2 acreage for a total of 40 building lots for this entire site. He

acknowledged that the surrounding land area was utilized as farming. However, he pointed to scattered small subdivisions in the area to support his proposition that the farming operation was marginal.

5. Al G. Pulley. Golf course designer and builder, Mr. Pulley, testified in regard to a proposed plan and layout for the 27 hole course, which subsequently changed at least 3 times, resulting in an inability to accurately focus Mr. Pulley's testimony to the various holes related on the plat which he was using at the time. He did introduce the concept of "target" golf which means that the golfers play to a particular target unlike a normal golf course. This type of golf, as evidenced by Mr. Pulley's later testimony, does not alter the fact that the golfers must utilize carts along paths and bridges to move about the course during play.

Mr. Pulley testified upon cross-examination that approximately 8 acres would have to be "cleared", consisting of grading and filling in order to construct the holes as then proposed; and further, he testified that over 50 acres of the existing site would be impacted by grading operations in order to develop the course. The 50 acres of grading related to the location of the golf course did not encompass the necessary grading for the parking area, the new facility, the future tennis courts, the future swimming pool and the accompanying accessory facilities for those purposes.

6. Reed Hupman. Environmental Engineer from "Bio-Habitats, Inc.". Mr. Hupman was called by the Petitioners who suggested that the problems related to a golf course of spraying for pests and fertilizing for greens and tees could be handled by an "Integrated pest management program". (Later in Protestants' case, George Murphy, a Baltimore County employee, presently operating the Baltimore County Golf Course known as Diamond Ridge, testified that no matter how skillfully a pest management program is followed and applied, he does not have faith in the ability of that program not to impact environmentally the sensitive trout stream and the "unnamed tributary" flowing through the property as well as First Mine Branch.

7. Wes Guchert. - Traffic Consultant. Guchert acknowledged upon cross-examination that if the existing site was built out to its maximum residential potential, the site would generate 30 peak hour trips per day. He further testified that with the golf course possessing 330 parking spaces, it would generate 170 peak hour trips per day and 200 peak hour trips on a weekend. The conclusion that one can draw from this fact is that the traffic generated by the golf course will be 5 to 6 times what a residential development would pose for the existing roads and highways. The testimony of all parties, including Mr. Guchert, is that the roadway system consists of rural roads with no shoulders commonly defined as "narrow, hilly and winding".

B. Protestants' Case.

The following witnesses were presented on behalf of the Protestants and their testimony summarized herein:

1. Johanne Edey. Mrs. Edey testified as an individual residing at 1800 White Hall Road. Her home is approximately 55 feet from the proposed site property line; she also testified on behalf of the 59 members of the Northeast Baltimore County Protective Association, Inc. as President thereof. She testified as to the following concerns: a) - environmental, that according to the formula established by Protestants' witness Donald Kach, her well was approximately 2 feet deep and that it would be impacted by the use of the golf course wells to the extent proposed by the Petitioners. She was concerned about the "unnamed tributary" and First Mine Branch from the standpoint of drying up the stream, as well as pesticides and insecticides finding their way into it to negatively affect the trout population. b) - agriculture, she testified that the operation of a golf course provided a loss of agricultural land in the area which directly conflicts with the stated preservation purpose of the Master Plan and represents a loss of land being farmed as marketable crops are produced on the property and sold or fed to livestock, c) - she then testified in regard to the traffic concerns such as an increase in drinking and driving, interference with the movement of farm vehicles, quantity of traffic as relates to 7 days a week with the country club, d) -she commented upon the

impact of taxes due to the enhanced value of the property and the pressure for development that golf courses historically have had upon surrounding property. She further testified that the clubhouse and project was out of character and scale with the rural nature of the area; that it would have an effect on wildlife; that there would be a strain on public service as to the volunteer fire company, as well as the response time for the police department. She further testified that 30 to 40 homes would be less of an impact on the community than this proposed course.

2. Walter Voit. Mr. Voit testified on behalf of Trout Unlimited and they desired to see the "unnamed tributary" and First Mine Branch protected as a trout habitat.

3. Rocky Powell. Baltimore County Department of Environmental Protection. Rocky Powell testified concerning the significance of First Mine Branch and the "unnamed tributary" and their relationship. (Mr. Powell's testimony was transcribed from the tapes of the hearing and along with testimony from other witnesses will be identified in quotes within this Memorandum.) Mr. Powell testified that the First Mine Branch is a Class 3 trout stream with a reproducing population of brook trout and that the "unnamed tributary" would be the same classification; that is Class 3. He further testified that "First Mine Branch is where most of the trout live throughout most of the year and those first and second order tributaries, (which is the small "unnamed tributary") are

extremely important with regard to the lock nest and organic material, leaves, twigs, branches that fall from the trees, that support the acquatic insects on which the trout feed. It also may be very important, depending on the type of habitat that you have in any one of those streams the trout during spawning season may move up into those small streams to lay their eggs. They may move back down, eggs hatch in that area and the small trout that hatch may live in that stream for a long period of time until they reach a certain length or age and then move back to the main stream. Thus, through the testimony of Mr. Powell, it is clear that the "unnamed tributary" is as significant to the trout population and to the preservation thereof as is First Mine Branch. It will be recognized from that plat that while First Mine Branch is in contact with the proposed golf course on the southerly portion of the property along Hunters Mill Road, that the "unnamed tributary" to First Mine Branch actually enters the heart of the proposed site location and the golf facility, and in fact will be and is serviced by the whole golf course. That factor is very significant in the life of the "unnamed tributary".

Mr. Powell was then asked the question that "If you assume 150,000 gallons would be withdrawn as a result of the well operation and sprinkling system of the golf course and would reduce significantly the base flow of the "unnamed tributary" what affect would that have on the First Mine Branch?" Mr. Powell responded "how important is that stream to

First Mine Branch - well you might use the analogy how many fingers of your hand can you cut off before your hand is useless to you." (emphasis supplied.)

It is clear that Mr. Powell has significant concerns as to the life and the base flow and preservation thereof of the "unnamed tributary" and that these concerns have not been satisfied.

4. Dr. Bachman. Dr. Bachman, whose credentials and expertise as head of the Inland Fisheries Division of the Maryland Tidewater Administration and as a nationally respected authority on trout streams, testified that "First Mine Branch and the accompanying "unnamed tributary" certainly have trout in it, both brook and brown trout and they are naturally reproducing trout". That, "based upon the criteria set forth by Trout Magazine, I nominated and Trout Magazine accepted the Gunpowder Falls as one of the top 100 trout streams in the country and the thing that made it unique (along with the "unnamed tributary") is that it contained brook, brown and rainbow trout within virtually 20 miles of where we sit here today and a very healthy population of large brook, brown and rainbow trout to boot and that makes is pretty special." (emphasis supplied.) "The thing that makes First Mine Branch special is that it is the largest unobstructed tributary to this section of water of the Gunpowder Falls and that makes it special." He further went on to testify how unique First Mine Branch and the "unnamed tributary" really were and concluded by

saying that "it is a very, very scarce resource and I think that a good point was made when it was said that a naturally reproducing trout stream is one of the rarest and fragile natural resources we have in the world let alone Baltimore County." (emphasis supplied.)

Dr. Bachman in testifying as to the relationship of the "unnamed tributary" to the First Mine Branch, indicated that "the trout do run up these small tributaries to spawn and it is not uncommon to find young of the year trout in the small tributaries in the summer, whereas in the fall you might find a rather large 12 to 14 inch trout run up these tributaries to spawn." Dr. Bachman further testified that factors which may have a significant impact upon the viability of the trout stream would be "those two things that are very important to the trout, the base flow, the substraight and the water temperature and that in turn has an effect on the food supply." Dr. Bachman was then asked the following question by Holzer, "If the testimony which show that the ground water used by the proposed golf course would reduce the average base flow of First Mine Branch by 7% and the 7 day 10 year low flow by 21% to 33%, what impact would that have on the trout population the First Mine Branch?" Answer by Dr. Bachman, "I previously stated that the low flows are the principal determinant of the number of fish that a stream can support...and I can conclude that any decrease in the base flow of the stream that supports trout such as First Mine Branch would have a detectable and

from the numbers, a rather drastic effect. There would be a decrease, but again its not a linear type of thing, all I can say is that it would result in my opinion in a decrease standing crop of trout."

Coincidentally, when Counsel for the Petitioners asked the effect of a 7 day 10 year low flow impact of 10%, Dr. Bachman responded "well I'd be concerned about it...especially the 7 day 10 year low flow of 10%. It is those low flows that really do have an impact on trout population...the reduction in base flows does have an impact on the standing body of trout."

In summary, Dr. Bachman as an expert certainly connected the health of the First Mine Branch as a trout stream with the health of the "unnamed tributary" which feeds into it through the proposed golf course. I think it is safe to suggest that the Protestants here are urging the Zoning Commissioner to consider an impact upon the "unnamed tributary" in the same respect and in the same degree as an impact upon the First Mine Branch. (That has not been the attitude nor the position of the Petitioners who seem to feel that they can simply demonstrate a minimal effect on First Mine Branch and ignore the impact upon the "unnamed tributary.") It is submitted that that proposition is clearly false and that the more significant and realistic way of viewing this concern is that the "unnamed tributary" is an extension of First Mine Branch and any effect on it, is an effect on First Mine Branch.

5. Mr. Carter. Mr. Carter simply testified as to the life cycle and significance of streams in which a reduction in base flow could seriously alter and impair the acquatic life cycle.

6. Richard Klein. Richard Klein was qualified as an expert in "stream quality assessment" and technical and physical aspects of "storm water management". He authored the document "The Relationship between Stream Quality and Golf Courses" by Richard D. Klein, President of Community and Environmental Defense Associates, which document was submitted as an exhibit for the Protestants. That study, referred to herein was made of 11 golf courses, 8 in Baltimore County, 3 in York County, Pennsylvania; 8 of the study streams originated within golf courses, while in 6 streams, the dominant watershed land use was a golf course. After describing how his study was performed, Mr. Klein concluded that of the 6 streams where watershed land use was dominated by golf courses, 1 stream was slightly degraded, 1 was moderately degraded and 4 were severely degraded. He further testified that it is highly unlikely that a trout population could survive in a moderately to severely degraded stream and 5 of the 6 streams were degraded to this degree. He further testified that "the average impact on these 6 golf courses would equal a residential subdivision of single family homes on half acre lots. For residential development of Greystone to have equivalent impact, we would have to have 600 homes instead of

the 30 to 40 allowed under current zoning. (emphasis supplied.) He therefore drew the conclusion that the impact of this golf course would be extremely severe and detrimental to the site as well as being not within the intent of the zoning regulations as previously discussed.

He further testified that in many occasions causes of the degradation could not be attributed to obvious factors; some of the streams lack buffers and generally, while he concluded golf courses caused extensive degradation, the study was inconclusive as to revealing the precise causes of that degradation. He therefore concluded that if you do not know what exactly causes the degradation evidenced by the existence of golf courses upon local streams, then how can you design the degradation out.

Mr. Klein then referred in his testimony to the base flow issues and the Petitioners' report "The Ground Water Supply and Impact Assessment" study that was performed by the Petitioners. They indicated in that document that the golf course will use a maximum of 150,000 gallons per day and assumed 10 inches of recharge per year. Mr. Klein estimated the drainage area of the unnamed stream to be 197 acres, and in utilizing the figures from the Petitioners' own report he calculated that the unnamed stream will have an average base flow of 146,000 gallons per day. Therefore, Mr. Klein concluded that it certainly was within the realm of reasonable probability that the ground water used by the golf course will

cause the "unnamed tributary" to become a dry bed and significantly take out the base flow thereof. He referred to Dr. Bachman's testimony that Dr. Bachman would be concerned about even a 10% reduction in the 7 day, 10 year low flow. Mr. Klein further went on and testified that the 150,000 gallon per day of water used by the golf course would equal 23% of the 7 day, 10 year low flow of First Mine Branch.

Mr. Klein also commented upon the well issue in referring to the testimony of the Petitioners Donald Kach who testified that pumping of well number 1 would draw down adjacent wells 3 feet at a distance of 500 feet and .5 feet at 2,000 feet. Mr. Klein testified that a number of shallow wells are located in the vicinity, such as Johanne Edey's well where the depth of the water is only 22 inches. Her well is located within 500 feet of test well number 5. Mr. Klein then calculated that if the results of well number 1 are applicable to well number 5, then Mrs. Edey's 22" deep well will be drained dry when use of the golf course well number 5 drops the water level by 3 feet.

Mr. Klein further referred to the Petitioners' report indicating a maximum pumping rate would be 104 gallons per minute, yet well number 1 was tested at 48 to 70 gallons per minute and he concluded that the draw down at well number 1 would be greater if pumped at twice the rate (104 gallons per minute versus the actual 48 gallons per minute).

Mr. Klein then addressed the issue of traffic and testified that auto exhaust is a primary source of toxic metals, copper, lead and zinc found in runoff from roads and parking lots. He then indicated that according to a Virginia study, 6 to 7 fold increase in traffic would double the amount of toxic metals washed of parking lots and road affected by golf course/country club.

Mr. Klein reached the following conclusions: 1) - existing shallow wells in the vicinity may run dry due to ground water use at the golf course. 2) - traffic increases due to golf course and country club will double the quantity of toxic metals deposited on paved surfaces in the vicinity; it is questionable if storm water management measures can be applied to control increased toxic levels. 3) - the Petitioners proposed storm water measures to control pesticide and fertilizer runoff from the course, but only infiltration may capture dissolved toxins. Greens and tees and other areas of heavy chemical use should be confined to those areas that meet the county/state criteria for sewerage disposal areas (that is 4 feet of good loam soil between bottom of green or tee and top of bedrock or ground water and 200 feet from streams). 4) - that 100% reduction in base flow of the "unnamed tributary" will severely damage not only the tributary but First Mine Branch. 5) - 23% reduction in base flow of First Mine Branch will threaten viability in one of the best trout streams in the Big Gunpowder Falls system. 6) - That the proposed golf course

may have the same impact upon First Mine Branch as developing the site at 20 times the permitted residential density. 7) - the extent of degradation will be more than sufficient to devastate the "unnamed tributary" and damage First Mine Branch.

At a later date, Mr. Klein was recalled and questioned by the zoning commissioner in regard to the "uniqueness" of this site. Mr. Klein answered "The proposed Greystone Golf Course and its location at this particular site differs from other golf courses in the Piedmont Region and in the same zoning designations and is therefore unique due to its "proximity to First Mine Branch and the "unnamed tributary" and the fact that it of all the tributaries to Big Gunpowder Falls is the largest one that's unimpeded, that is fish would have free access to it and that its quite productive in terms of the number of brook and brown trout that it supports...the other thing that makes this particular site unique is that "unnamed tributary" you know that it will have a watershed that is virtually all golf course". Mr. Klein previously found that where golf courses provided the major portion of the watershed for a tributary or stream that that stream was usually found in moderate or severe degradation.

Upon recall, Mr. Klein further testified that the Agricultural Land Preservation Foundation had expended approximately 1.7 million dollars for easements in the immediate vicinity of the proposed golf course reflecting their concern and their desire to preserve this area in agriculture.

7. Rick Dill. Baltimore County Representative of the Soil Conservation District. Mr. Dill testified that substantial financial investment has been made in this immediate area in regard to the agricultural preservation program and that a substantial amount of land area is not protected. He testified that the soils were "prime and productive soils". He testified further that 1.7 million dollars represents a conservative estimate of the monies invested in the preservation program and that even more significant sums have been placed in the agricultural conservation program by the individual farmers themselves. His main concern was that the golf course proposal would reduce the agriculture use in the area. He indicated that "this is an area which is predominantly agricultural in nature...that particular area is predominantly agriculture...it consists mostly of soils that are being farmed or cropped up, there are Class 2 or Class 3 soils which would fall into the category of either prime farm soils or productive farm soils." He further testified that "I've been in Baltimore County for 12 years and we've worked with many of the farmers in that area to help them install conservation practices. Quite a few of the farmers are also involved in the agricultural preservation program which involves financial investment. They do have to carry out a conservation plan to get into that program, each farmer has put in quite a bit of money into that to try to keep their operations going and to conserve their soils and protect the

waters".

Mr. Dill then expressed his concerns about this project, "I guess basically there would be two concerns, one is as pressure to develop an area of the surrounding agricultural land becomes more economically viable to be developed, it becomes more valuable and there is more pressure on the neighbors and neighboring land to sell out for other development. That basically reduces your agricultural base which is eroding rather rapidly here in Baltimore County. (emphasis supplied.) There is also an inherent problem between farmers and other people and the roads as far as trying to get their equipment back and forth to the various fields. Most farmers in Baltimore County have to rent additional land beside their home farm and they have to travel over the roads and it makes it pretty difficult to get back and forth in a timely manner and it does cause problems for the farmer and commuters as well in the area."

Mr. Dill expressed his opinion of the proposed golf course, "I would think that just like any development it will reduce the agricultural resource base not just by taking the farm itself out but also by putting additional pressure on the lands in that area to also go into development. It will probably have a basically negative impact."

8. Harry Hubble. Harry Hubble is a farmer who resides at 1822 White Hall Road, an adjacent property. He has been farming since the age of 14, and has lived at the current

site for almost 40 years. Mr. Hubble owns 128 acres -66 acres adjacent to the proposed golf course. He raises dairy cows for sale, breeds and raises hogs for market and grows crops as well. He is concerned about the traffic and the volume of water usage from the facility. He testified that he grows corn, wheat, barley, alfalfa and mixed hay and that he has rented the 18 acres of Eichelberger's property which is on the subject site for the last 20 years. He testified that it was extremely good pasture and he had 35 head of cattle on 39 acres for the entire summer. The crop yields of Mr. Hubble have been the highest corn yield in Baltimore County per acre for 1984 and 1985 with over 216 bushels per acre. He has also for 11 consecutive years received Maryland State Awards for having over 100 bushels of corn per acre on this site. In 1988 he had 9,000 bails of hay and straw produced on his farm.

Mr. Hubble further testified that his wells went dry in 1967 when he originally had a spring fed well for home water utilization and a 30 foot drilled for livestock. He has had to truck in 2,000 gallons of water per day for his dairy herd plus water for home uses from an outside source. In 1969 he had a new well drilled at a depth of 117 feet. He was concerned about the use of the proposed golf course site and its utilization of water because it would reduce the water level and operations of his farm.

9. George Murphy. Mr. Murphy testified that he is the golf course manager of Baltimore County's golf course at

Diamond Ridge. He has extensive background and history of golf course management and his golf course if one of the better maintained and least affected golf courses from the standpoint of fertilizers and insecticides and pesticides and their use. Mr. Murphy was asked the question, "Assuming that the Pecitioner would come up with a plan, do you have any confidence in a plan that could protect the First Mine Branch and the "unnamed tributary""? (A plan referring to a pesticide and fertilizer application.) Answer, "In all honesty, IPM is very difficult and when you are dealing with a Class 3 stream, brook trout stream, I have no real confidence that even with IPM, a resource like brook trout stream could survive for long under the normal golf course regimen no matter how skillfully applied."

10. Messrs. Thomas Gill, Robert Manor and Lisa Weber. They testified in opposition to the proposed golf course. Mr. Maenner raised a number of questions concerning the safety and traffic for the site including the hilly nature of Hunters Mill Road, Vernon Road, White Hall Road, and Wiseburg Road with steep hills, sharp turns, narrow lanes, no shoulders and numerous embankments. He further testified in regard to a number of automobile accidents that have occurred on these roads and at these intersections over the last few years.

11. Paul Solomon. In a separate hearing, Mr. Paul Solomon, Department of Environmental Protection and Resource

Management, was called by the Protestants to testify as to his professional opinion in regard to the impact of this proposed golf course upon agriculture. Mr. Solomon has been an employee in the Department of Planning with Baltimore County for over 18 years as well as 2 years in DEPREM. He has always been responsible for the Northern Baltimore County area, as well as a program administrator for the Maryland Agricultural Land Preservation Program and other environmental matters dealing with agriculture. He testified that he was familiar with the proposed Greystone Golf Course and had the opportunity to review all of the aspects pertaining thereto. It was his professional opinion that based on the criteria that would normally be applied by his Department, that is, a) - soils - prime and productive-75%, b) - agricultural preservation districts, c) - the general area, d) - the master plan concerning agricultural preservation areas, and e) - Bill No. 134-89 enacted by the County Council, that under all of the above criteria the proposed site would qualify as an area to be preserved for agriculture and that as such, this project would have a negative impact and not be compatible with nor consistent with agriculture and the RC2 Zones protecting farming agriculture. (emphasis supplied.)

Mr. Solomon further went on to clarify that not all golf courses in RC2 Zones would negatively impact agriculture and therefore there might be appropriate RC2 Zoned land for a location of a golf facility. This testimony of Mr. Solomon

therefore meets the criteria as set forth in Schultz v. Pritts, previously cited, to reflect the uniqueness of this particular site as opposed to other sites in RC2 Zones.

Mr. Solomon further testified that he was familiar with the 1.7 million dollars expended for agricultural preservation easements in the area and he was familiar with Harry Hubbie's farm and crop yields. Mr. Solomon further went on and testified that this site was "uniquely unqualified" to serve as a proposed location for a golf course for the reasons that it was not consistent with the master plan, not consistent with the Maryland Preservation Program, not consistent with the appropriate flow of traffic mixing with agricultural traffic; that it would increase the value of residential lots and increase the pressure for development; that it would interfere with a productive farm currently in agriculture and that it would increase the pressure for suburban and urban intrusion which would make it more difficult and extensive to get development rights.

Mr. Solomon further testified that certainly golf courses could be placed in RC2 Zones and suggested other locations which would be acceptable: a) - closer to urban-suburban fringe where agricultural pressure is less, b) - where agricultural use is not as prevalent, c) - where the proposed use facility has better access, d) - where agricultural preservation areas are not as extensive and contiguous to the subject site.

C. Petitioners' Rebuttal.

Petitioners attempted to rebut this substantive testimony of Mr. Solomon which is particularly damaging to their case by calling Mr. Don Outten of the Department of Environmental Protection and Resource Management. In analyzing Mr. Outten's testimony, it became clear that the Department did not carefully analyze the projected effect of this golf course upon the agricultural use in the area in that it conflicted with every criteria they had for application in this particular decision making process. The Department relied upon the fact that they felt this golf course would be better than 30 or 40 units of residential home sites. They completely overlooked the fact that in addition to the proposal for a golf course there has been testimony by Mr. Airey that there well may be residential homes built. If that is the case, the Protestants are getting the worst end of the stick in both respects, that is, they have the residential units and they also have a golf course. That clearly cannot be an appropriate resolution in this case. Secondly, Mr. Outten was at a loss to explain why he did not utilize the provisions of Bill 134-89 in order to limit the impact of residential development. Finally, he indicated that the Department relied upon a promise by the developer not to build residences. However, that promise apparently is not in writing and there is no commitment by the developer thereto. In summary, Mr. Outten's testimony to support the Department's position lacked credibility, and was

certainly weak in terms of the project meeting the normal criteria of the Department.

Basically, the above concludes the substantive testimony from both parties. While there were other witnesses called by both parties, their testimony was not substantive to the issues above set forth.

Legal Argument

A special exception is a statutory grant of authority unto the Zoning Commissioner to test and review certain land uses, in each particular case where application is requested, against a prerequisite set forth within the text of the B.C.Z.R. to determine that the use complies with the spirit, content and letter of the various applicable regulations. It is subject to the guidelines and standards contained in the provisions in the Baltimore County Zoning Regulations. A special exception is a use which has been pre-determined by the County Council of Baltimore County to be conditional and compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner must, in each case, decide under the specific standards set forth in Section 502.1 of the B.C.Z.R, whether the presumptive compatibility does, in fact, exist in this case. Rockville Fuel and Feed Company, Inc. v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 Atlantic 2nd 499 (1970). Furthermore, ". . . there cannot be a grant of the special exception unless the B.C.Z.R. provide that the conditional use sought is permissible in the zone in which

the land involved is situated. . ." Schultz v. Pritz, 291 Md. 1 432 Atlantic 2nd 1319 (1981). . ."the duty of the Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use of the particular case is in harmony with the general purpose and intent of the zoning plan."

Section 502.1, sets forth the criteria which must be met before and special exception may be granted, it must appear that the use for which the special exception is requested will not:

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

B. tend to create congestion on roads, streets or alleys therein;

C. create a potential hazard from fire, panic or other danger;

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

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

F. interfere with adequate light and air;

G. be inconstant with the purposes of the property zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor

H. be inconsistent with the impermeable surface vegetation retention provisions of these zoning regulations."

The issue in the special exception hearing is whether or not the requirements of Section 502 of the B.C.Z.R. have been successfully fulfilled by the Petitioner. The case has clearly established that ". . . the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances and whether there are facts and circumstances that show the particular use at the proposed location, would have any adverse effect upon and beyond those inheritantly associated with such a special exception use irrespective of its location within the zone." (emphasis supplied.) Schultz v. Pritz, 291 Md. 1, 432 A 2nd 1319 at 1327 (1981).[1]

Protestants submit that the above language clearly sets forth the existing and applicable law guiding the instant case. The real question presented by all of the evidence is whether or not the Greystone Golf Course would have an adverse effect and therefore should be denied upon the proposed site located at Whitehall Road and Vernon Road and whether this adverse effect is above and beyond those inheritantly associated with such a special exception use irrespective of its location

[1] All of the above was set forth as the applicable law by the Zoning Commissioner of Baltimore County, In the matter of Petition for Special Exception Gordon K. Faulkner, Petitioner, Case No.: 88-240X.

within the zone. Clearly the testimony in this case supports the proposition that the location of this proposed Greystone Golf Club may well find a suitable home in another RC2 or RC4 zone but that on the particular site for which it is proposed it is clearly inappropriate and would have an adverse effect upon the surrounding community.

Without restating all of the testimony, it is clear that first, from an agricultural preservation standpoint, that this proposed facility, according to the testimony of Mr. Paul Solomon, will have a disastrous effect on agriculture and the state's agricultural preservation program in this area. Mr. Solomon drew the conclusion that there were other areas within appropriate RC2 and RC4 zones that could accept a proposed golf and country club without the same impact as this proposed use. All of the relevant factors sited by Mr. Solomon for drawing the uniqueness of this particular site to his conclusion are applicable for this argument.

Secondly, the testimony of Rocky Powell, Dr. Backman, Mr. Carter, Richard Klein, likewise support the proposition that the uniqueness of the unnamed tributary and the First Mine Branch as a special trout stream for not only Baltimore County but for the country and that the uniqueness of this type of stream certainly stand alone to support the proposition that the impact of this proposed golf course on this site will have a more deleterious affect than upon any other site similarly situated in an RC2 or RC4 zone.

Thirdly, the testimony of the relevant experts, even including those of the Petitioners, established that there will be health safety and welfare concerns in regard to the quantity of the ground water supply if the proposed golf course is allowed to develop. We have the very real possibility as evidenced by the formula created by the Petitioner's own expert, that there will be a dimunition of water in the surrounding wells, based upon the amount and degree of pumping necessary for starting and maintaining a golf course.

Fourth, the testimony again of the Protestants' witnesses support the proposition that the pumping of the well water by Greystone Golf Course to supply it's maintenance program will not only reduce the level of well water in the community, it will also reduce the base flow for the First Mine Branch and the "unnamed tributary" to degrees which will again impact the trout population for those two streams.

Clearly, these facts alone allow us to draw the conclusion that this proposed golf course will not even pass the first criteria of Section 502.1.a, in that it will be detrimental to the health, safety or general welfare of the locality involved.

In conclusion, Protestants submit that the Petitioners have not even passed the necessary hurdle of complying with Section 502.1 and would therefore respectfully request the Zoning Commissioner to deny the special exception and special hearing.

There is an additional legal argument which is appropriate to make at this point in regard to the request of Greystone Golf Course in developing its proposed site. The Zoning Commissioner must also find that pursuant to Section 1A01.2.C, Baltimore County Zoning Regulations, that "the use would not be detrimental to the primary agricultural uses in its vicinity."

Here, we have testimony from Mr. Paul Solomon, a qualified professional, the person in DEPREM who is responsible for the overseeing the agricultural areas in Baltimore County, who concludes that this project is "uniquely unqualified" for this particular site. As previously referred to in this Memorandum, Mr. Solomon drew upon the criteria already set forth by his Department as to the factors which they would review to determine whether a project negatively impacts and is detrimental to primary agricultural uses in the area. He concluded that this project met all of the tests that the department would utilize. He concluded that the heavy investment in agricultural preservation easements, the heavy crop yield, the fine soils, the nature of the entire area, and the master plan all require the conclusion that a golf course would make a negative impact upon agriculture. This testimony was supported by lay witnesses as well as Mr. Dills and others who are uniquely qualified to deal in the agricultural preservation arena.

In examining DEPREM's own guidelines as set forth in Issue: Intrusion of Non-Agricultural Uses, 1989-2000 Master

Plan (page 49), the seven factors listed under this heading are met by the instant site:

1. The areas predominated by prime productive soils or woodland classes one and two. The testimony is clear from Mr. Hubble and others as to the nature of the soils.

2. Areas outside existing or planned public water and sewer facilities. There is not existing public water or sewer facilities.

3. Areas without degrees of development that would seriously interfere with agricultural activity. It is clear the Maryland Agricultural Land Preservation Foundation has spent 1.7 Million Dollars to purchase easements on 1,898 acres of farmland in the facinity of Greystone Country Club, it is clear that this meets the requirement that this is an area without a degree of development.

4. Areas of significant capital investment in agricultural related improvements. Again, in this situation there has been a substantial investment of 1.7 Million Dollars for easements and also in individual investment by the farmers in conservation practices as set forth by Mr. Dill.

5. Areas of adequate size to insulate and protect non-farm and farm uses from conflict. It is clear that this site meets that requirement in that there are areas of adequate size to protect this farm or these farms from conflict.

6. Areas containing agricultural districts or preservation easements. As previously indicated this site

complies with this requirement.

7. Areas of historical agricultural significance. According to Mr. Hubbal, a number of families including his own have received awards for maintaining their farms in continuous operation for many years. The Greene farm has been in continuous operation for several hundred years, said farm being located opposite the proposed country club on White Hall Road.

The particular zoning provision requiring the Zoning Commissioner to find "no detrimental uses from an agricultural standpoint" have been referred to in Board of Childcare v. Parker 316 Md. 683.

For all of the foregoing reasons, the Protestants respectfully submit that the Petitioners have not established sufficient evidence to allow the Zoning Commissioner to draw the conclusion that agriculture and agricultural uses of this site would not be severely impacted and negated by the proposed Greystone Golf Course.

Conclusion

WHEREFORE, Protestants respectfully submit that the Petitioners have not satisfied the requirements of the RC2 section, nor of Section 502.1 and have not met the required standard. Therefore, it is respectfully requested that the Zoning Commissioner deny the Petition for Special Hearing and Special Exception in the above captioned matter.

Respectfully submitted,

J. Carroll Holzer
Holzer, Maher & Demilio
305 West Chesapeake Ave.
Suite 105
Towson, Maryland 21204
(301) 825-6960
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of December, 1989, a copy of the aforegoing Memorandum was mailed to Thomas G. Bodie, 21 W. Susqehanna Avenue, Towson, Maryland 21201, Attorney for Petitioners.

J. Carroll Holzer

IN THE MATTER OF GREYSTONE COUNTRY CLUB * BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY * ZONING ITEM #550 * Case No. 90-19-SPHX

SUBPOENA DUCES TECUM

This Subpoena is issued pursuant to Rule IV.C. of the Rules and Regulations of the Zoning Commissioner of Baltimore County.

To: Donald C. Outen, Bureau Chief
DEPRM
County Courts Building (Room 416)
401 Bosley Avenue
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO personally appear and produce documents or objects at Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on Wednesday, November 29, 1989 at 11:00 a.m.

YOU ARE HEREBY COMMANDED TO produce the following documents or objects: correspondence from DEPRM to the Zoning Commissioner of Baltimore County regarding Case No. 90-19-SPHX.

POWER & MOSNER, P.A.

Thomas G. Bodie
21 W. Susquehanna Avenue
Towson, Maryland 21204
(301) 823-1250
Attorney for Petitioner

Date Issued: 11-22-89

J. Robert Haines,
Zoning Commissioner

NOTICE:

(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.

(2) This Subpoena shall remain in effect until you are granted leave to depart by the Zoning Commissioner.

10-17-89

921 Corrigan

IN THE MATTER OF * BEFORE THE ZONING
Graystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

RECD-SHERIFF'S OFFICE 1989 OCT 17 P 4:07

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Richard Curran
Extension Director, Balto. Co. Coop. Extension Service
Agriculture Bldg.
Cockeysville, Md.

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 25th day of October,
19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., #105, Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-17-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-19-89 Fee:$ 15.00

Richard Malone
SHERIFF OF BALTO. CO., MD.
SHERIFF

10-17-89

921 Walsh

IN THE MATTER OF * BEFORE THE ZONING
Graystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

RECD-SHERIFF'S OFFICE 1989 OCT 17 A 9:11

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Jack Dillon
Office of Planning and Zoning
New Courts Bldg.
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 25th day of October,
19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., #105, Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-17-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-18 Fee:$ 15.00

SHERIFF

10-17-89

921 Corrigan

IN THE MATTER OF * BEFORE THE ZONING
Graystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

RECD-SHERIFF'S OFFICE 1989 OCT 17 A 9:11

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Rick Dills
Dist. Conservationist, Balto. Co. Soil Conser. District
Agriculture Bldg.
Cockeysville, Md.

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 25th day of October,
19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., #105, Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-17-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-18-89 Fee:$ 15.00

SHERIFF

10-17-89

921 Walsh

IN THE MATTER OF * BEFORE THE ZONING
Graystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

RECD-SHERIFF'S OFFICE 1989 OCT 17 A 9:11

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Jeff Jollie
Balto. Co. DEPREM
New Courts Bldg.
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

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J. Carroll Holzer, 305 W. Chesapeake Ave., #105, Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-17-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-18 Fee:$ 15.00

SHERIFF OF BALTO. CO., MD.
SHERIFF

DNY 10-23-89

10-17-89

921 Maynard

IN THE MATTER OF * BEFORE THE ZONING
Graystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: George Murphy
Diamond Ridge Golf Course
2309 Ridge Rd.
Balto., Md. 21207

RECD-SHERIFF'S OFFICE 1989 OCT 13 P 3:44

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 25th day of October,
19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., #105, Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-17-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-19-89 Fee:$ 15.00

Richard Malone
SHERIFF OF BALTO. CO., MD.
SHERIFF

10-17-89

921 Walsh

IN THE MATTER OF * BEFORE THE ZONING
Graystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

RECD-SHERIFF'S OFFICE 1989 OCT 13 A 9:44

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Rocky Powell
Balto. Co. DEPREM
New Courts Bldg.
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 25th day of October,
19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., #105, Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-17-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-18 Fee:$ 15.00

SHERIFF OF BALTO. CO., MD.
SHERIFF

10-17-89

921 Walsh

IN THE MATTER OF * BEFORE THE ZONING
Graystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

RECD-SHERIFF'S OFFICE 1989 OCT 13 P 1:30

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Paul Solomon
Balto. Co. Deprem
New Courts Bldg.
Towson, Md.

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 W. Chesapeake Ave. Towson
(Place where attendance is required)

on Wednesday the 25th day of October,
19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., #105, Towson 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-17-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-18-89 Fee:$ 15.00

Richard Malone
SHERIFF OF BALTO. CO., MD.
SHERIFF

10-17-89

921 Walsh

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Dr. Robert Bachman
Tawas State Office Bldg.
Maryland Tidewater Administration
Annapolis, Md. 21401

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Monday the 9th day of October,
19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., # 105, Towson, 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-3-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-4-89 Fee:$ 15.00

William R. Hoggins
SHERIFF
G. C. County

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Nick Carter
Tidewater Administration
Tawes State Office Bldg.
Annapolis, Md. 21401

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Monday the 9th day of October,

19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., # 105, Towson, 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-3-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10/4/89 Fee:$ 15

William P. Gregorio
SHERIFF
U.A. County

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
RECD-SHERIFF'S OFFICE * CASE NO. 90-19-SPHX
1989 OCT -3 A 10:13
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: G. Richard Curran
Extension Director, Balto. Co. Cooperative Extension Service
Agriculture Bldg.
Cockeysville, Md. 21030

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

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Date 10-3-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
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Date: 10-4-89 Fee:$ 15

J. Edward Dabler
SHERIFF SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
RECD-SHERIFF'S OFFICE * CASE NO. 90-19-SPHX
1989 OCT -3 A 10:13
* * * * * * * * * * * * *

SUBPOENA

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TO: Jack Dillon
Office of Planning and Zoning
New Courts Bldg.
Towson, Md. 21204

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Zoning Commissioner

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SHERIFF SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
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RECD-SHERIFF'S OFFICE * CASE NO. 90-19-SPHX
1989 OCT -3 A 10:13
* * * * * * * * * * * * *

SUBPOENA

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TO: Rick Dills
District Conservationist, Balto. Co. Soil Conservation District
Agriculture Building
Cockeysville, Md. 21030

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Robert Haines
Zoning Commissioner

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J. Edward Dabler
SHERIFF SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
RECD-SHERIFF'S OFFICE * CASE NO. 90-19-SPHX
1989 OCT -3 A 10:13
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Jeff Jolly
Balto. Co. DEPREM
New Courts Bldg.
Towson, Md. 21204

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Robert Haines
Zoning Commissioner

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J. Edward Dabler
SHERIFF SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
RECD-SHERIFF'S OFFICE * CASE NO. 90-19-SPHX
1989 OCT -3 A 10:13
* * * * * * * * * * * * *

SUBPOENA

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TO: George Murphy
Diamond Ridge Golf Course
2309 Ridge Rd.
Balto., Md. 21207

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(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-3-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-5-89 Fee:$ 15

J. Edward Dabler
SHERIFF SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
RECD-SHERIFF'S OFFICE * CASE NO. 90-19-SPHX
1989 OCT -3 A 10:13
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Rocky Powell
Balto. County DEPREM
New Courts Bldg.
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Monday the 9th day of October,

19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., # 105, Towson, 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-3-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-4-89 Fee:$ _____

J. Edward Dabler
SHERIFF SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
* BALTIMORE COUNTY
RECD-SHERIFF'S OFFICE * CASE NO. 90-19-SPHX
1989 OCT -3 A 10:13
* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Paul Solomon
Balto. Co. DEPREM
New Courts Bldg
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD
(Place where attendance is required)

on Monday the 9th day of October,

19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, 305 W. Chesapeake Ave., # 105, Towson, 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 10-3-89 J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 10-4-89 Fee:$ _____

J. Edward Dabler
SHERIFF SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
Furman E. Hendrix et al * BALTIMORE COUNTY
Petitioners * CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Mr. George Murphy
Diamond Ridge Golf Course
2309 Ridge Road
Woodlawn, Md. 21207

YOU ARE HEREBY COMMANDED TO: (x) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at County Office Building, 111 W. Chesapeake Ave., Hearing Rm. 106
(Place where attendance is required)

on Tuesday the 5 day of September,

19 89, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer 305 W. Chesapeake Ave., Towson, MD 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date August 28, 1989

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 9-1-89 Fee:$ 15.00

SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
Furman E. Hendrix et al * BALTIMORE COUNTY
Petitioners * CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Dr. Robert Bachman
Maryland Tidewater Administration
Tawes State Office Building
Annapolis, Maryland 21401 (301) 974-3061

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at County Office Building, 111 W. Chesapeake Ave., Hearing Rm. 106
(Place where attendance is required)

on Tuesday the 29 & 5 day of August & September,

19 89, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer 305 W. Chesapeake Ave., Towson, MD 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date August 23, 1989

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
Furman E. Hendrix et al * BALTIMORE COUNTY
Petitioners * CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: G. Richard Curran, Extension Director
Baltimore County Cooperative Extension Service
Agriculture Building
Cockeysville, Maryland 21030 (301) 666-1022

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at County Office Building, 111 W. Chesapeake Ave., Hearing Rm. 106
(Place where attendance is required)

on Tuesday the 29 & 5 day of August & September,

19 89, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer 305 W. Chesapeake Ave., Towson, MD 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date August 23, 1989

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8-24-89 Fee:$ 15.00

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
Furman E. Hendrix et al * BALTIMORE COUNTY
Petitioners * CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Mr. Rick Dills, District Conservationist
Baltimore County Soil Conservation District
Agriculture Building 9811 Van Buren Lane
Cockeysville, Maryland 21030 (301) 666-1188

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at County Office Building, 111 W. Chesapeake Ave., Hearing Rm. 106
(Place where attendance is required)

on Tuesday the 29 & 5 day of August & September,

19 89, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer 305 W. Chesapeake Ave., Towson, MD 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date August 23, 1989

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

(X)-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: 8-24-89 Fee:$ 15.00

SHERIFF OF BALTO. CO., MD.

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
Furman E. Hendrix et al * BALTIMORE COUNTY
Petitioners * CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Mr. Jeff Jolly
Department of Environmental Protection & Resource Management
New Courts Building
Towson, Maryland 21401 (301) 887-3980

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at County Office Building, 111 W. Chesapeake Ave., Hearing Rm. 106
(Place where attendance is required)

on Tuesday the 29 & 5 day of August & September,

19 89, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer 305 W. Chesapeake Ave., Towson, MD 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date August 23, 1989

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
Furman E. Hendrix et al * BALTIMORE COUNTY
Petitioners * CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Mr. Wally Lippincott
Office of Planning & Zoning
New Courts Building
Towson, Maryland 21204 (301) 887-3480

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at County Office Building, 111 W. Chesapeake Ave., Hearing Rm. 106
(Place where attendance is required)

on Tuesday the 29 & 5 day of August & September,

19 89, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer 305 W. Chesapeake Ave., Towson, MD 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date August 23, 1989

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF

IN THE MATTER OF * BEFORE THE ZONING
Greystone Golf Course * COMMISSIONER OF
Furman E. Hendrix et al * BALTIMORE COUNTY
Petitioners * CASE NO. 90-19-SPHX

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Mr. Paul Solomon
Department of Environmental Protection & Resource Management
New Courts Building
Towson, Maryland 21401 (301) 887-3980

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at County Office Building, 111 W. Chesapeake Ave., Hearing Rm. 106
(Place where attendance is required)

on Tuesday the 29 & 5 day of August & September,

19 89, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer 305 W. Chesapeake Ave., Towson, MD 825-6960
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date August 23, 1989

J. Robert Haines
Robert Haines
Zoning Commissioner

SHERIFF'S RETURN

( )-Served and copy delivered on date indicated below.
( )-Unserved, by reason of _____
Date: _____ Fee:$ _____

SHERIFF

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
SW Intersection White Hall & Vernon Roads
7th Election District

FURMAN E. HENDRIX, et al., Petitioners

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 90-19-SPHX

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

RECEIVED
JUL 17 1989
ZONING OFFICE

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 17th day of July, 1989, a copy of the foregoing Entry of Appearance was mailed to Thomas G. Bowie, Esquire, 21 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and E. Donald Airey, Jr., 1222 Corbett Rd., Monkton, MD 21111, Contract Purchaser.

Peter Max Zimmerman

SPECIAL EXCEPTION : BEFORE THE
FILE NO. 550 : ZONING COMMISSIONER
: OF
Case No. 90-19-SPHX : BALTIMORE COUNTY

REQUEST FOR POSTPONEMENT OF HEARING

The undersigned Robert Taylor, legal owner of property contiguous to that for which the above Special Exception is sought, and the Northeast Baltimore County Protective Association, Inc., representing numerous legal owners of property in the vicinity of the proposed Special Exception, respectfully request a postponement of the hearing on the above Special Exception, set for August 1, 1989, for the following reasons:

1. The property owned by Petitioners Louis Hay Eichelberger, Jr., and Dorothy C. Eichelberger has not been posted as required by Section 22-26 of Article III (Zoning), Title 22 of the Baltimore County Code.

2. The time available between July 6, 1989 (date of first publication) and July 17, 1989 (date of posting of Hendrix property) is insufficient to permit protesting area property owners to arrange for geohydrologists, traffic engineers, soil specialists, wildlife experts and other professionals, all of whom have been contacted, to complete the studies necessary for expert testimony by August 1, 1989.

3. Officials contacted at a number of state and local government departments and public boards (e.g., the Maryland Department of the Environment, Maryland Chapter of Trouts Unlimited, the Baltimore City Department of Public Works among others) have voiced their concern about the effect of the Special Exception on water supply, water pollution, wildlife, and watershed problems and stated their desire to provide input on the effect of the golf course on their areas of responsibility and jurisdiction. They have stated that they received no advance notification of the proposed golf course and are not able to prepare their testimony by August 1, 1989.

4. Surely the potential impact of the removal at one fell swoop of more than 271 acres of prime agricultural land from the center of the northern Baltimore County agricultural preservation zone is of such importance as to merit an extension of time to permit concerned property owners and public and governmental bodies adequately to prepare and present their case.

Respectfully submitted,

Robert Taylor
2015 White Hall Road
White Hall, Maryland 21161
(301) 357-4260

Northeast Baltimore County Protective Association, Inc.

By: Johanne L. Edey
Johanne L. Edey, President
1800 White Hall Road
White Hall, Maryland 21161
(301) 357-5959

Date: July 19, 1989

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
SW Intersection White Hall & Vernon Roads
7th Election District

FURMAN E. HENDRIX, et al.
Petitioners
(Graystone Country Club)

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-19-SPHX

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

BRIEF OF PETITIONERS

Petitioner, E. Donald Airey, Jr., through his attorneys, Thomas G. Bodie and Power & Mosner, P.A. respectfully represents:

I. PETITIONS

Petitions have been filed for a Special Exception under the Zoning Laws and Regulations of Baltimore County to use the property, located in R.C. 2 and R.C. 4 zones, for a country club (which would be a golf oriented facility), (including a golf course, practice facilities, a club house complex including, without limitation, a pro shop, lounge, eating facility and other appropriate recreational facilities - tennis courts and swimming pool), maintenance facilities associated with a country club, shelters and other structures, improvements or facilities associated with golf and country clubs. The Petition for Special Hearing requests approval for the right to use the existing buildings in a 3.3 acre area zoned M.L. within the R.C. 2 zone, on site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and the golf course.

II. PROPERTY - SITE

The 305 acre (more or less) parcel is made up of three parcels (Hendrix - 179 acres; Eichelberger - 90 acres; Kaufman - 37 acres) located in the White Hall area of Baltimore County (7th Election District) and is bounded by White Hall Road to the northwest and Vernon Road to the east and southeast. Approximately 143.5 acres are zoned R.C. 2 (in which is the 3.3 acre parcel zoned M.L.), which zoning is imposed on the north and west portion of the property, and approximately 161.5 acres are zoned R.C. 4, which is imposed on the southern portion of the property.

The Hendrix property is currently improved by a residence, barn, office building (converted house) which are located in the R.C. 2 zone and two maintenance/storage buildings which are located in the M.L. zone. Hendrix had conducted a business for the manufacturing, storage, and distribution of animal feed (primarily molasses based) on his property. The business required the use and maintenance of approximately fifteen (15) aboveground storage tanks and seven underground storage tanks. The operation of the business required regular tank truck traffic to and from the property. A small portion of Hendrix' acreage was rented out for crops during the past several years prior to 1989. The Hendrix property includes a licensed air strip on the western section, parallel to and several hundred feet south of White Hall Road. Also on the Hendrix property is a rifle/shooting range. A pond of approximately one acre is located to the south-southeast of the existing residence.

The Eichelberger property is not improved, except for a bridge over the First Mine Branch. The Kaufman property is improved by a dwelling house and a barn.

The Hendrix and Kaufman parcels have been transferred to, in fee and without contingency, to Blackstrap Development Company, a corporation of which the Petitioner Airey is a primary stockholder.

III. PROPOSED USE

The property is to be developed as a country club with a twenty-seven (27) hole golf course, tennis courts, swimming pool, and club house. The ownership of the club will remain with the stockholders of Blackstrap Development Company. Membership in the club is open to all persons, and use of the facilities is limited to members. It is expected that membership for the club will be approximately 300 - 400 while the golf course facility is eighteen (18) holes, and will expand to approximately 550 members when the twenty-seven (27) holes are completed. Membership categories will include Family Memberships and Corporate Memberships (limited to three (3) individuals per corporation).

The golf course is being designed by Algie M. Pulley, an international golf course architect who has designed several Maryland golf courses. The design of the golf course will be "target golf", which means that the individual holes will not have a standard tee-to-green fairway, but rather that the ground cover will be left alone, except for certain areas between each tee and green which will be "targets" for the golfers and which shall be maintained similar to a fairway. It is anticipated that this type of course will require minimal grading, as it is the intent of the architect to use the land and environment as it is found.

IV. PERSONS IN FAVOR OF PETITIONS

Witnesses who spoke on behalf of the Petitioner included representatives of the local community association, Trout Unlimited, and Baltimore County Department of Environmental Protection and Resource Management (DEPRM). Mr. Airey himself testified that prior to his filing these Petitions and purchasing these properties, he met with representatives of Baltimore County

government in regard to the feasibility of the proposed golf and country club. Mr. Airey testified that he approached the County, stating to those officials with whom he met that he needed their assistance and recommendations in order to fully comply with existing laws and regulations and to develop a facility that was compatible with the environment. Like Mr. Airey, those speaking in favor of the requested use had environmental concerns.

The Weisburg Community Association, Inc. was represented by its president, Ed Shaneybrook, and its legal counsel, Michael Gisriel, Esquire. The area represented by the Community Association encompasses the subject property. The issue of the requested golf and country club had been discussed and voted on at two general meetings of the membership, although there was no formal vote because of a lack of a quorum. In July, 1989, the board of directors, considering the concerns of its membership, voted six to one in favor of supporting these Petitions, provided that: the portion of the property zoned M.L. not be used for M.L. purposes and, if possible, said zoning to be removed; the licensed air strip and the rifle/shooting range be abandoned; and that appropriate restrictions regarding traffic and water be imposed by Baltimore County and followed by the property owner. Mr. Shaneybrook said that the board based its vote upon their opinion that the property was better used as a golf course, rather than continued possible use of the M.L. zone or the development of the permitted number of residential units on the property.

The representative of Trout Unlimited introduced that group's resolution (Protestant's Exhibit 4).

Initially, comments to the Zoning Commissioner from DEPRM indicated that sufficient information had not been provided to DEPRM in order for them to approve the proposed use of the property. However, testimony given by Rocky Powell (called as a witness by the Protestants) and by Donald Outten concluded that the environmental issues raised by the proposed use either had been or could be answered "with minimal impact to the resources on site". The testimony of DEPRM witnesses and Reed Huppman of Biohabitats clearly indicated that the response to environmental issues was an ongoing process, and that some issues could not be completely addressed at this time. However, all conditions and requirements which have been imposed by DEPRM either have been met or are being pursued at this time.

V. PERSONS OPPOSED TO PETITIONS

The primary opposition to the proposed use of Petitioner's property were members of the Northeast Baltimore County Protective Association, Inc., a group that was formed in May, 1989 for the sole purpose of defeating these zoning requests. Four of the witnesses who were homeowners and apparently members of this newly formed organization (Johanne Edey, Robert Maenner, Robert Taylor, Lisa Webber) were owners of relatively small tracts of land, who preferred that the property remain for agricultural use. As Mr. Taylor stated, he thought that the use proposed would be "an invasion of my privacy", since he moved to his present residence "in order to get out of the urban rat-race".

VI. PUBLIC NEED FOR GOLF COURSES IN BALTIMORE COUNTY

Judicial notice can be taken of the fact that the Baltimore Metropolitan area ranks in the lower ten percent (10%) nationwide for the number of golf courses per capita. This past summer has seen numerous articles in the local print media which have brought this fact to the attention of the public. The Director of the Baltimore County Department of Recreation and Parks has been

quoted at length concerning the need for additional golf courses to serve Baltimore County residents.

VII. APPLICABLE LAW

Section 1A01.2.C.10 permits a golf course or country club in an R.C. 2 zone by Special Exception, and Section 1A03.3B.7 permits a golf course or country club in an R.C. 4 zone by Special Exception. In Baltimore County, golf courses, country clubs and other outdoor recreation clubs are permitted to be developed, as a matter of right only upon land that is zoned either Business, Major (B.M.) or Business, Roadside (B.R.), or Manufacturing, Heavy (M.H.). It is not permitted, even by Special Exception, in Office zones; Residence, Apartment, Elevator zones; or in four of the six classifications of Residential zones. It is permitted by Special Exception in D.R. 1, D.R. 2, B.L. and the four Resource-Conservation (R.C.) zones. See, Baltimore County Zoning Regulations (Amended through July 1, 1989), Section 270 "Schedule of Special Exceptions" and Section 1B01.1C. Under Section 502.1, B.C.Z.R., before any Special Exception may be granted, it must appear to the Zoning Commissioner that the use for which the Special Exception is requested will not:

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

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

c. * * * *

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations.

Concerning "the purposes of the property's zoning classification" (Section 502.1.g), the general purposes of Resource Conservation zones are found at Section 1A00.2:

"a) discourage present land use patterns of development and to create a frame work for planned or orderly development;

b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development;

d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences."

The purpose for the R.C. 2 zone is set forth in Section 1A01.1.B: "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses". The purposes of the R.C. 4 zone is found in Section 1A03.1: "to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds."

B.C.Z.R. do not set forth the purpose of the Manufacturing, Light (M.L.) zone, although such purpose can readily be gleaned by reading the purposes of the Manufacturing, Restricted (M.R.) zone in Section 240.1 and of the Manufacturing, Light, Restricted (M.L.R.) zone in Section 247, along with a reading of the seventy-three (73) uses permitted as of right in an M.L. zone, set forth in Sections 253.1.A and 253.1.B.

The Court of Appeals of Maryland held in Schultz v. Pritts, 291 Md. 1, 15, 432 A.2d 1319 (1981) that:

> "...the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone."

The Court recently paraphrased the Schultz v. Pritts standard in Board of County Commissioners for Cecil County v. Holbrook, 314 Md. 210, 550 A.2d 664, 668 (1988):

> "In summary, where the facts and circumstances indicate that the particular special exception use and location proposed would cause an adverse effect upon adjoining and surrounding properties unique and different, in kind or degree, than that inherently associated with such a use regardless of its location within the zone, the application should be denied."

VIII. **ISSUES**

The pending Petitions raise the following issues:

1. Would the proposed use tend to create congestion in the neighboring roads?

2. Would the proposed use be detrimental to the health, safety or general welfare of the locality by the depletion of the amount of water available in the locality?

3. Would the proposed use be detrimental to the health, safety or general welfare of the locality by the contamination or impurification of the water in the locality?

4. Is the proposed use inconsistent with the purposes of the property's zoning classification as Resource-Conservation (Agricultural), Resource-Conservation (Watershed Protection) and Manufacturing, Light?

IX. **TRAFFIC**

The proposed entrance to the golf course and country club has been located to the west of the current entrance into the property. Sight distance at the proposed entrance exceeds 900 feet to the east and 500 feet to the west on White Hall Road, which is posted at 40 m.p.h.

The petitioner hired The Traffic Group to inspect the area and road system surrounding the site; to take traffic counts at selected times; to project the directional movement and amount of traffic to be generated by the proposed golf and country club; and to analyze the effect of the proposed use on the nearby road system. The results are contained in the report submitted as Petitioner's Exhibit G. The opinion was rendered at the hearing by Wes Guckert that the proposed use will not have an adverse effect on traffic in the locality. Specific questions were asked of Mr. Guckert concerning certain intersections which would be traversed by certain users of the proposed facility. Mr. Guckert compared the proposed golf and country club to other clubs here in Baltimore County, specifically, Diamond Ridge Golf Club, Baltimore Country Club and Hilldendale Country Club and drew the comparison that, as you

leave a metropolitan area and approach a golf course, the roads become more narrow and "more rural". Mr. Guckert expressed the opinion that the use proposed at the site would have no greater impact on traffic than any other golf or country club located in an area comprised primarily of R.C. 2 and R.C. 4 zones.

The Department of Traffic Engineering had no comment to offer on the proposed use, thereby indicating that the proposed golf and country club presented no danger to the safety of persons in the locality and further, did not tend to create congestion on the local road system.

The Protestants produced no expert testimony, but relied upon the testimony of residents who foresaw the increased traffic interfering with farm vehicles; causing additional accidents on the two lane, rural roads; and increased incidents of "DWI" if a liquor license were granted to the proposed club.

The Court of Special Appeals of Maryland noted in Miller v. Kiwanis Club of Loch Raven, Inc., 29 Md. App. 285, 347 A.2d 572, 579 (1975) that:

> "...there are many uses permitted as a matter of right in [the zone at issue] (without the requirement of a special exception therefor) which would undoubtedly create as much or more traffic than [the proposed use at the proposed location]."

Likewise, we must look to the permitted uses not only in the R.C. 2 and R.C. 4 zones, but also in the M.L. zone. As testified to, the Hendrix property was used for an animal feed manufacturing, storing and distribution business, with a small fleet of tank trucks. The entrance to this operation was at a point on White Hall Road that has less sight distance than does the proposed entrance to the proposed golf and country club.

While Protestants may argue that but 3.3 acres is zoned M.L., a perusal of the seventy-three (73) permitted uses in the M.L. zone in Sections 253.1.A and 253.1.B of B.C.Z.R. readily indicates many uses that would generate much more traffic on a regular basis at the site than would the proposed golf and country club. The Kiwanis Club Court quoted from Gowl v. Atlantic Richfield Co., 27 Md. App. 410, 417, 341 A.2d 832, 836 (1975):

> "...where the potential volume of traffic under the requested use would appear to be no greater than that which would arise from permitted uses, we believe it arbitrary, capricious and illegal to deny the application for Special Exception on vehicular traffic grounds."

IX. **WATER - QUANTITY**

The Greystone Country Club site is located over the Loch Raven schist. The nearest twenty-seven (27) hole golf course to the site is the Hunt Valley Golf Club, located almost due south of the site at the intersection of Paper Mill and Phoenix Roads. The Hunt Valley Golf Club also sits on the Loch Raven schist.

Seven wells were drilled on the site (Petitioner's Exhibits 5 and 9 and all seven were successful). These wells produced a total of 189 gallons per minute (g.p.m.) or a daily total of 272,000 gallons. This well system is drawing from three different ground water basins on the property (Petitioner's Exhibit 9). The Petitioner hired Engineering Technologies Associates, Inc. and its principals, Donald H. Koch, P.E. and Joseph M. Yano to determine the ground water supply at the site and the impact of water use by the proposed golf and country club on neighboring wells and on the two streams which are found on the property. Koch looked to the water usage records of the Hunt Valley Golf Course

(27 holes) to estimate the water usage at Greystone under the worst case scenario (Petitioner's Exhibit 5). The Hunt Valley records indicated that the highest monthly usage on record was for July 1987, during which month the water usage averaged 150,000 g.p.d. (while lesser quantities of water were used during the summer months of June, August and September, 1987 at Hunt Valley, for purposes of analyzing water usage at Greystone, a **worst case scenario** of 150,000 g.p.d. for a period of ninety (90) days was used.) Here is should be noted that the "target golf" concept will greatly diminish the "fairway" portion of the Greystone course as compared with the Hunt Valley course; only the greens, tees and target fairways will be irrigated at Greystone.

Koch determined the impact upon neighboring properties of the water usage at Greystone by calculating the anticipated draw down at the closest domestic water well (located at a residence on Vernon Road) to Test Well number 1 (located in the northeast section of the property). Test Well number 1 had an initial pumping rate of 70 g.p.m. When the seventy-two hour pumping test was performed on Test Well number 1, the pumping rate stabilized at approximately 48 g.p.m. (Petitioner's Exhibit 5, Page 4). To determine the draw down of the domestic well on Vernon Road, Koch assumed that Test Well number 1 would pump continuously at the rate of 50 gallons per minute (Id. P.8) Koch calculated the draw down at the domestic well for period of ninety (90) days and one year. The draw downs were less than five (5) feet, and Koch pointed out that these draw downs are larger than would be realistically anticipated because recharge and the location of streams within the property were ignored, and no well would be pumped for ninety (90) days continuously, much less 365 days. (P.8 and Figure 3) Koch concluded that "there will be negligible impacts on nearby water wells." (P.8)

The Protestants raised the issue of water usage at Greystone causing stream depletion (as opposed to well draw down). Koch testified that any pumping of wells on the site would diminish the volume of ground water flowing into the streams. However, he testified that as long as the average pumping rates at the site are less than the annual recharge rate, any impact is minor. (The annual recharge rate on the site, covering 305 acres, is 227,000 gallons per day, which exceeds the expected daily usage under the worst case scenario.) Koch employed three analyses to estimate the impact of pumping wells at Greystone on the First Mine Branch, a Class III trout stream:

1. Under the "steady state analysis", where it would be assumed that Greystone would use, on an annual average, 75,000 g.p.d., the depletion would amount to approximately three percent (3%) of the base flow in First Line Branch.

2. The second analysis used the Glover Equation, and assumed the peak monthly use of 150,000 g.p.d. for a period of ninety (90) continuous days. Under this equation, the base flow of the first mine branch was depleted by 1.6%.

3. The third analysis again used the Glover Equation, but applied it in conjunction with the seven (7) day, ten (10) year low flow of the first mine branch (rather than the normal flow, or base flow). The depletion of First Mine Branch, under these worst conditions was 9.7 percent. (Petitioner's Exhibit 9)

Concerning the unnamed stream at the site, Koch was of the opinion "that a quantitative analysis of stream depletion cannot be made in a reasonable manner, due to the small size of the watershed (185 acres), the presence of the farm pond and the fact that the pond is fed by a spring." (Petitioner's Exhibit

9) He did state that there would be "a measurable impact on the low flow in this tributary, but the exact magnitude cannot be determined."

Koch was cross-examined in regard to the attempt by the Protestants' expert, Richard Klein, to determine the effect of Greystone's well pumping on the 22 inch deep spring of Johanne Exley, who lived on White Hall Road, west of the site. Koch made it clear that the formula he had used in regard to the residential well on Vernon Road could not be applied to a spring. Furthermore, the Glover Equation determines the depletion of streams, but cannot be applied per se to determine the depletion of a spring. Koch did testify that a spring is a shallow point of natural discharge for an aquifer, and, in that respect, is similar to a stream. He further testified that impacts on base flow in streams are qualitative by similar to the impacts on springs. He concluded that the impact on springs used as water supplies would be negligible, even in the worst case scenario.

Concerning the expert testimony provided to the Zoning Commissioner in this case, Koch's credentials as a hydrologist render his opinions more reliable than that of Richard Klein whose experience would be classified in the area of water quality rather than water quantity. Certainly, Mr. Klein's education and experience does not qualify him as an hydrologist.

Most of the testimony and opinion in this case on the issue of water quantity centered on the worst case scenario. To compensate for drought conditions, the County has suggested the location of on-site collection ponds to store water for later irrigation use. At this time, there is an existing pond on the premises which does feed the unnamed stream. Use of the water in said pond for irrigation would depend upon its effect upon the unnamed stream. There are currently five (5) irrigation ponds proposed for the site

(Petitioner's Exhibit 10), and it is proposed that a total of six (6) acres would be utilized as irrigation ponds (Petitioner's Exhibit 9). Furthermore, the water usage at Greystone will be monitored by the installation of monitor wells under a program to be approved and supervised by DEPRM. If it is indicated to DEPRM that Greystone's water use for irrigation threatens the water supplies for neighboring residences, irrigation will be limited, or, if conditions require, halted altogether.

X. **WATER - QUALITY**

The Protestants called Dr. Robert Backman, the Chief of the Fresh Water Fisheries for the State Department of Natural Resources, as their witness. Dr. Backman's responsibility is the protection, preservation and enhancement of the trout population in the State of Maryland. He testified that he was very much encouraged by the policies of Baltimore County in protecting its resources by means of the steep slopes, stream buffers and wet lands legislation recently enacted. Such environmental legislation must be complied with by the Petitioners in developing the proposed golf and country club. The Zoning Commissioner is (painfully) aware of the modifications to the original plans that have been made by the Petitioners in order to comply with the law, through the requirements of DEPRM.

The Protestants also produced two witnesses who spoke specifically against the project. However, Richard Klein's testimony was inconclusive at best on the issue of stream quality, and his findings of fact in regard to the effect of Hunt Valley Golf Club on the trout stream that traverses said club indicated that the golf course **enhanced** the quality of that stream. George Murphy, III, employed at the Diamond Ridge Golf Course as a greenskeeper, gave

the testimony that he had "no confidence in an integrated pest management (IPM) program, when it came to a Class III stream. Three months before his testimony, Murphy was quoted in the Towson Times (July 26, 1989, Page 37):

> "...and golf courses don't necessary disrupt water quality, either. Golf course development can be done properly."

The Protestants also called a representative of Trout Unlimited in opposition to this proposed Special Exception. However, the statement of Trout Unlimited, introduced as Protestants' Exhibit 4, indicated that the group was not opposed to this project, but rather sought to ensure that certain conditions would be imposed by the County and met by the Petitioners.

XI. **USE - CONSISTENT WITH CURRENT ZONING**

As mentioned previously, part of the property is zoned M.L. and has been used for the production, storage and distribution of animal feed. DEPRM's representatives have visited the site on many occasions, and they are well aware of the rusting drums, tanks and equipment present on the site. They were also aware of the air strip and the rife/shooting range present on the property. Petitioner Airey testified that, if the Special Exception is granted, he will take appropriate action to have the M.L. zone removed from the property. Further, the Petitioners are willing to place an enforceable covenant upon the property to require its use as a golf course for a minimum of twenty-five (25) years. There was testimony as to the number of building lots permitted on this site, but the Petitioners seek only a Special Exception for a golf and country club. Petitioner Airey and Mr. Huppman from Biohabitats testified concerning the reforestation of portions of the site, including the shading, where appropriate, of the First Mine Branch. And of great importance to the issue of

Resource-Conservation is the fact that this golf course will protect much of the environment by leaving it alone, in that it will make use of the environment in the "target golf" development concept. DEPRM's representatives (Powell and Outten) testified concerning the stringent requirements that have been and will be enforced in protecting all aspects of the environment at the site. All of these factors were considered by DEPRM before **conditional** approval of this project was given. The purposes of the property's zoning classifications have been set forth above. DEPRM is keenly aware of the purpose for the R.C. 2 and R.C. 4 zones. One can readily see the damage that can be done to these zones by the continued use of the M.L. zone (for whatever specific use under B.C.Z.R. a new owner might initiated) and the increased use of the air strip and rife/shooting range. As Mr. Outten testified, there was no litmus test applied here, but rather a "balancing of the facts and circumstances" facing DEPRM. In the final analysis, the proposed use as a golf and country club would do less harm to the environment and to agriculture in this locality than would the continuation of the M.L. zone, for whatever authorized use, and continuation of the air strip and the rife/shooting range. At a minimum, the site could more readily be returned to agriculture from the proposed golf course, than it could be if it was developed residential.

The Protestants called Paul Solomon, an employee of DEPRM to give a "personal opinion" concerning a possible conflict of the proposed use with agriculture. Mr. Solomon did state that the Department's opinion was that the proposed use was "less destructive than the possible uses" of the property, under the current zoning. However, he personally believed that the site was in an agricultural area of the county that had been so designated of the Master Plan of 1990, and that the proposed use was a "significant urban intrusion" into

the area. He did admit however that the proposed use would be less objectionable that other uses permitted by Special Exception within the Resource-Conservation zones. He further testified that the other uses permitted by Special Exception were not necessarily violative of the Resource-Conservation zones where the uses "serve a public good" and a particular site may be the only location for the use.

The County Board of Appeals for Baltimore County held last week that all development of land must conform to the Master Plan, under Section 22-37 of the Baltimore County Code. The Petitioners to do not agree with this finding by the Board of Appeals, as such has not been demonstrated to be the intent of the Baltimore County Council (at least, not at this time). The Petitioners are of the belief that the zoning process must prevail when there is a conflict between the Master Plan and the zoning process. However, if one would assume that the Master Plan must be followed in this case, the fact remains that a portion of the property is zoned M.L., and other portions of the property have acquired permitted uses which are not compatible with agriculture. Section 22-37 states that development regulations "are designed and intended to ensure the safety, adequacy and convenience of proposed provision for...(4) prevention of environmental degradation and promotion of environmental enhancement, including adequacy of landscaping and energy conservation measures, and of the protection of flood plains, steep slopes, watersheds, wetlands, vegetation, other natural features, and historical sites or areas." In following its mandate to protect and promote the environment, DEPRM, as the appropriate arm of Baltimore County, must make the decision to permit or forbid certain uses in an instance such as this where the Master Plan and the zoning process may appear to be in conflict.

XII. **CONCLUSION**

The requested Special Exception will not be detrimental to the health, safety or general welfare of the locality involved, nor will it adversely effect the metropolitan water supply. The proposed use will in no way create congestion on the roads in the locality. When the proposed use is contrasted with possible permitted uses both in the Resource-Conservation zones and the Manufacturing, Light zone, it is clear that such use as a golf course and country club is consistent with the purposes of the zoning classifications, and with the spirit and intent of the zoning regulations. If there would be a conflict with the Master Plan, the zoning process must prevail. Finally, a significant portion of the community is in favor of the Greystone Golf and Country Club, provided that certain conditions are met.

Respectfully submitted,

Thomas G. Bodie
21 W. Susquehanna Avenue
Towson, Maryland 21204
(301) 823-1250

Attorney for Petitioners

550

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-19-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the

herein described property for a country club (primarily a golf oriented facility), including golf course, practice facilities, a clubhouse complex including without limitation a pro shop, lounge, eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, improvements or facilities generally associated with golf or country clubs.

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

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

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:	Legal Owner(s):
E. DONALD AIREY, JR. (Type or Print Name)	FURMAN E. HENDRIX (Type or Print Name)
Signature	Signature
1222 CORBETT RD Address	(Type or Print Name)
MONKTON, MD 21111 City and State	Signature
Attorney for Petitioner:	1926 HUNTERS MILL RD 329-6581 Address Phone No.
THOMAS G. BODIE (Type or Print Name)	WHITE HALL, MD. 21161 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
21 W. SUSQUEHANNA AVE Address	Name
TOWSON, MD. 21204 City and State	Address Phone No.
Attorney's Telephone No.: 823-1250	

ORDERED By The Zoning Commissioner of Baltimore County, this 28 day of June, 19 89, 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 1st day of August, 19 89, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date
By

Z.C.O.—No. 1 (over)

550

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-19-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

the right to use the existing buildings in the M-L zone area on the site as maintenance, storage and accessory buildings in conjuction with the operation of the country club and the golf course.

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:	Legal Owner(s):
E. Donald Airey, Jr. (Type or Print Name)	FURMAN E. HENDRIX (Type or Print Name)
Signature	Signature
1222 Corbett Road Address	(Type or Print Name)
Monkton, MD 21111 City and State	Signature
Attorney for Petitioner:	2115 WHITE HALL RD 343-0343 Address Phone No.
Thomas G. Bodie (Type or Print Name)	WHITE HALL, MD. 21161 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
21 W. Susquehanna Avenue Address	Name
Towson, MD 21204 City and State	Address Phone No.
Attorney's Telephone No.: 823-1250	

ORDERED By The Zoning Commissioner of Baltimore County, this 28 day of June, 19 89, 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 1st day of August, 19 89, at 2 o'clock P.M.

J. Robert Haines
Zoning Commisioner of Baltimore County

ORDER RECEIVED FOR FILING
Date
By

Z.C.O.—No. 1 (over)

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 828-3908 RESIDENCE: 771-4592

DESCRIPTION OF EXISTING ML ZONE

FOR SPECIAL HEARING

BEGINNING at a point located southwesterly 2,000'± along White Hall Road and South 20 degrees 10'00" East 140'from center line of White Hall Road and Vernon Road, running thence on the outline of the existing ML Zone the four following courses: 1) Northeasterly 250'± 2) Southeasterly 310'± 3) Southwesterly 470'± and 4) Northwesterly 240'± to the outline of the Hendrix Property thence on said outline North 60 degrees 50'00" East 220'± and North 20 degrees 10'00" West 20'± to beginning containing 3.3 Acres more or less.

BEING all of the area zoned ML within the outline of the Hendrix Property.

STATE OF MARYLAND — REGISTERED LAND SURVEYOR

CERTIFICATE OF POSTING 90-19-SPHX
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th Date of Posting 7/10/89
Posted for: Special Exception & Special Hearing
Petitioner: Furman E. Hendrix, et al & E. Donald Airey, Jr.
Location of property: SW/Intersection White Hall & Vernon Rds.

Location of Signs: Facing Intersection of White Hall & Vernon Rds.
approx. 20' Fr. roadway on property of Petitioner
Remarks:
Posted by [signature] Date of return: 7/21/89
Signature
Number of Signs: 2

90-19-SPHX

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
15th day of June, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Furman E. Hendrix Received by: James E. Dyer
Petitioner's Attorney Thomas Bodie
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING 90-19-SPHX
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th Date of Posting 11/3/90
Posted for: Appeal
Petitioner: Furman E. Hendrix, et al
Location of property: SW/cor. White Hall & Vernon Rds.

Location of Signs: Facing Intersection of White Hall & Vernon Rds.
approx. 20' Fr. roadway on property of Petitioner
Remarks:
Posted by [signature] Date of return: 11/20/90
Signature
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
№ 2255

Date 8/24/90

A9000053

SPECIAL FEES	QTY	PRICE
FILING OF A SPECIAL EXC. ORDER	1	X $175.00
FILING OF ALL OTHER ORDERS	1	X $125.00
020 - POSTING SIGNS / ADVERTISING	1	X $25.00
	TOTAL:	$325.00

LAST NAME OF OWNER: HENDRIX

B B 048*****32500:a 2245F

Cashier Validation:

Please make checks payable to: Baltimore County

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Special Exception
Case number: 90-19-SPHX
SW Intersection White Hall & Vernon Roads
(Grey Stone Country Club)
7th Election District
3rd Councilmanic
Legal Owner(s): Furman E. Hendrix, et al
Contract Purchaser: N/A
Hearing: Tuesday, Aug 1, 1989 at 2:00 p.m.

Special Exception: for a country club (or country a golf oriented land use including golf course, practice facilities, clubhouse complex including (without limitation a pro shop), lounge, eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, improvements or facilities generally associated with golf or country clubs. Special Hearing: To approve the right to use the existing, building in the M.L. zone area on the site as maintenance, storage and accessory buildings in connection with the existing golf (country) club and the golf course.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

T/J7/08 July 6

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 6, 1989.

THE JEFFERSONIAN
TOWSON TIMES,

S. Zahe Ordman
Publisher

PO 13659
req M30998
ca #90-19-SPHX
price $133.40

SW of the inter. of White Hall & Vernon Rds.
#90-19-SPHX FURMAN E. HENDRIX, ET AL
7th District Appealed: 3/30/90

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 087982

DATE 4/15/89 ACCOUNT R-01-615
AMOUNT $ 200.00
RECEIVED FROM: GENE RAITHEL
ITEM# (550)
FOR: Filing Special Exc. & Hearing. Code 04+05

B B 045*****20000:a 315eF

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
№ 1967

Date 8/20/90

A9000047

SPECIAL FEES	QTY	PRICE
FILING OF A SPECIAL EXC. ORDER	1	X $175.00
020 - POSTING SIGNS / ADVERTISING	1	X $25.00
	TOTAL:	$200.00

LAST NAME OF OWNER: HENDRIX

B B 051*****20000:a 302dF

Cashier Validation:

Please make checks payable to: Baltimore County

№ 210

C9000321

COPIES	QTY	PRICE
200 - AUDIO TAPE	07	X $15.00
	TOTAL:	$105.00

B B 130*****10500:a 312eF

Cashier Validation:

Please make checks payable to: Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 088393

DATE 8/1/89 ACCOUNT R-01-615-000
AMOUNT $ 183.40
RECEIVED FROM: (Greystone) Airey
FOR: P.A. 90-19-SPHX

B B 135*****18340:a 2024F

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DATE 7.21.89

E. Donald Airey, Jr.
1222 Corbett Road
Monkton, Maryland 21111

Re: Petitions for Special Hearing and Special Exception
CASE NUMBER: 90-19-SPHX
SW Intersection White Hall & Vernon Roads
(Grey Stone Country Club)
7th Election District - 3rd Councilmanic
Legal Owner(s): Furman E. Hendrix, et al
Contract Purchaser(s): E. Donald Airey, Jr.
HEARING SCHEDULED: TUESDAY, AUGUST 1, 1989 at 2:00 p.m.

Dear Petitioners:

Please be advised that $183.40 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional $50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Thomas G. Bodie, Esq.
File

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
TELEPHONE (301) 887-2413

COUNTER CASH

INVOICE NO. 192367
INVOICE DATE 8/20/90

Blackstrap Development Company
P. O. Box 295
White Hall, Maryland 21161

TERMS: DUE WHEN RENDERED / OTHER:

OUR ACCOUNT NUMBER: G-10-3060-00

OUR DEPARTMENT: Bureau of Public Services 71-01

QUANTITY	DESCRIPTION	TOTAL AMOUNT DUE
	Preliminary Plan Fee Greystone Golf Course 90353 7 C3	$5,921.00
		COST CENTER $5,921.00

04-CC-BDWPSC14023 BA $5,921.00

ORIGINATING DEPT. COPY

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
COURTHOUSE - TOWSON, MARYLAND 21204

MAKE CHECK PAYABLE TO: BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - COURTHOUSE ROOM 150
TOWSON, MARYLAND 21204-4665
TELEPHONE (301) 887-2413

INVOICE NO. 003905

RETURN THIS PORTION WITH YOUR REMITTANCE

Counter Cash

INVOICE DATE: September 27, 1990

TERMS: DUE WHEN RENDERED

Thomas G. Bodie, Esq.
Power and Hosmer
21 W. Susquehanna Avenue
Towson, Maryland 21204-5279

COMMENTS: CRG Appeal Fee

SUBMITTING AGENCY AND ORGANIZATION	PROVIDER CODE/SOC. SEC. NO.	INVOICE TYPE	TOTAL AMOUNT DUE
070-7101			$75.00

DETACH THIS PORTION OF INVOICE AND KEEP FOR YOUR RECORDS

LINE NO	FUND	AGENCY	ORG	SUB ORG	OBJ	REV SRCE	SUB REV	REPT CATG	SS ACCT	JOB NUMBER	QUANTITY	UNIT PRICE	LINE AMOUNT
01	010									3060			$75.00
02													
03													

DESCRIPTION: Received $75.00 for CRG Appeal in the matter of the Greystone Golf Course.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - COURTHOUSE ROOM 150 - TOWSON, MARYLAND 21204-4665

INVOICE NO. 003905

FRANCIS X KELLY
STATE SENATOR
10TH LEGISLATIVE DISTRICT
BALTIMORE COUNTY
COMMITTEE
VICE-CHAIRMAN BUDGET & TAXATION COMMITTEE
CHAIRMAN SUBCOMMITTEE ON EDUCATION HEALTH AND HUMAN RESOURCES
CHAIRMAN JT COMMITTEE ON MEDEVAC PROGRAM

ANNAPOLIS OFFICE:
JAMES SENATE OFFICE BUILDING
ROOM 100
841-3606
DISTRICT OFFICE:
FIVE SHARON ROAD
HUNT VALLEY, MARYLAND 21030
252 5025
HOME
252 3489

SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

May 2, 1989

Ms. Johanne L. Edey
1800 White Hall Road
White Hall, Maryland 21161

Dear Ms. Edey:

I am in receipt of your letter of April 24, 1989 in which you expressed your concerns abc . a proposed golf course in the White Hall area.

Since this is a County zoning matter in which I have no jurisdiction, I have taken the liberty of forwarding your letter to Councilman Dutch Ruppersberger for review and response.

If I can be of any assistance to you in the future on a State matter, please do not hesitate to contact me.

Sincerely,

Francis X. Kelly

FXK:tlc

RECEIVED
BY
ZONING OFFICE

JED

FILE (CASE OR HEARING)

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211

P. David Fields
Director

June 15, 1989

Dennis F. Rasmussen
County Executive

Mr. & Mrs. David Greene
2014 White Hall Road
White Hall, Maryland 21161

Dear Mr. & Mrs. Greene: 90-19-SPHX ~~90-138-SPHX~~

Thank you for your letter concerning the proposed golf course - country club on White Hall Road. I apologize for the delay in responding to your inquiry, but I hope the following information will be helpful.

The property you have concerns with has Resource Conservation Zoning which permits a golf course or country club by special exception. Special exception uses are permitted if the conditions of the particular site are appropriate.

The Zoning Commissioner will make the decision based on broad standards, comments from agencies, and the testimony at the hearing. Please find enclosed, a copy of the standards used for determining the suitability of the particular site for the proposed use. The Department of Environmental Protection and Resource Management (887-3733) is the lead agency for agricultural and environmental issues. The Department of Public Works (887-3306) will evaluate the adequacy of the roads in that location for the proposed project.

The petitioner must file for a special exception with the Zoning Office. Once the application is determined to be complete, a hearing date will be set and the site posted. To be assured of being informed of the hearing, you may wish to periodically call the Zoning Office at 887-3391. The hearings provide opportunity for both favorable and unfavorable comments.

Thank you again for expressing your concerns. Please do not hesitate to contact me or my office for further information.

Sincerely,

P. David Fields
Director

PDF:lf

cc: Robert W. Sheesley
Gene Neff
Robert Haines

RECEIVED
JUN 20 1989
ZONING OFFICE

File Copy

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

June 23, 1989

To: Councilman C.A. Dutch Ruppersberger, III

From: J. Robert Haines, Zoning Commissioner

Re: Proposed Golf Course in White Hall
(Blackstrap Farms Property)
Follow-up to our 6/7/89 reply to yours of 5/24/89.

Petitions for Special Hearing and Special Exception have been filed with regard to the above matter.

The case number assigned is 90-19-SPHX and the matter will be heard on Tuesday, August 1, 1989 at 2:00 p.m.

JRH:gs

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PURCHASER: E. DONALD AIREY, JR.

Location: SW INTERSECTION OF WHITE HALL AND VERNON ROAD

Item No.: 550 Zoning Agenda: JUNE 27, 1989

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: Capt. Joseph Kelly 6-26-89 Noted and Approved Capt. Wm. Brady
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

JN 27 AM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 27, 1989
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

Furman E. Hendrix, Item 550

SUBJECT: Zoning Petition No. 90-19-SPHX

RECEIVED
JUL 28 1989
ZONING OFFICE

The petitioner requests a special exception for a country club and a special hearing for the right to use the existing buildings in the ML zone area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and the golf course. In reference to this request, staff does not support the requested petition. There is a need for additional information in order to demonstrate that this specific location is suitable at this time are, but not limited to the following:

1. That the proposed use would not undermine the commitment to agriculture in this location as demonstrated by the Maryland Agricultural Land Preservation Foundation (MALPF) District and MALPF easement adjacent to this site (BCZR 1A01.1.A.1.b);
2. that the proposed use would not destroy the productive soils on the property (BCZR 1A01.1.A.1.a);
3. that the proposed use will protect the sensitive environmental constraints such as groundwater, wetlands and streams;
4. that the request will not promote additional residential and non-agricultural land use pressure in this specific location (BCZR 1A01.1.A.1.e);
5. documentation of the estimated number of users, average daily trips, origin of traffic, etc;
6. plan of operation including lighting, hours of operation protection of the site, etc; and
7. consideration of dedication of Department of Environmental Protection and Resource Management designated buffer area along the First Mine Branch for part of the Stream Valley Park System.

PK/sf

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 27, 1989
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

Furman E. Hendrix, Item 550

SUBJECT: Zoning Petition No. 90-19-SPHX

The petitioner requests a special exception for a country club and a special hearing for the right to use the existing buildings in the ML zone area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and the golf course. In reference to this request, staff does not support the requested petition and offers the following comments:

1. There is a need for additional information in order to demonstrate that this specific location is suitable for the requested use.
2. That the proposed use would not undermine the commitment to agriculture in this location as demonstrated by the Maryland Agricultural Land Preservation Foundation (MALPF) District and MALPF easement adjacent to this site (BCZR 1A01.1.A.1.b);
3. that the proposed use would not destroy the productive soils on the property (BCZR 1A01.1.A.1.a);
4. that the proposed use will protect the sensitive environmental constraints such as groundwater, wetlands and streams;
5. that the request will not promote additional residential and non-agricultural land use pressure in this specific location (BCZR 1A01.1.A.1.e);
6. documentation of the estimated number of users, average daily trips, origin of traffic, etc;
7. plan of operation including lighting, hours of operation, protection of the site, etc; and
8. consideration of dedication of Department of Environmental Protection and Resource Management designated buffer area along the First Mine Branch for part of the Stream Valley Park System.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 28, 1989

Dennis F. Rasmussen
County Executive

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
SW of the Intersection of White Hall and Vernon Roads
7th Election District - 3rd Councilmanic District
Furman E. Hendrix, et al - Petitioners
Case No. 90-19-SPHX

Dear Mr. Holzer:

In response to your letter dated July 25, 1989 requesting a postponement of the above-referenced case which is scheduled for Tuesday, August 1, 1989 at 2:00 PM, please be advised that your request is denied and the hearing will begin as scheduled.

Thank you for your consideration in this matter.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Ms. Johanne L. Edey, President
Northeast Baltimore County Protective Assoc., Inc.
1800 White Hall Road, White Hall, Md. 21161

Mr. Robert Taylor
2015 White Hall Road, White Hall, Md. 21161

Case File

7/28/89

FROM THE DESK OF J. ROBERT HAINES

TO: _____ Ann Nastarowicz
_____ James E. Dyer
_____ W. Carl Richards
_____ Jack H. Thompson
_____

_____ See me immediately
_____ Discuss with me
_____ Prepare draft response
_____ Please follow up
_____ Collect $20.00 fee
_____ Please handle
_____ Please attend meeting
_____ Prepare written report
_____ ~~Please~~ file and see me
_____ Set up conference
_____ Other _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: August 1, 1989
Zoning Commissioner

FROM: Mr. Donald C. Outen

SUBJECT: Greystone Country Club
Zoning Item #550

This Bureau has reviewed the preliminary plan submitted with the above referenced zoning item and offers the following comments:

1. This site is characterized by a mixture of cultivated land, old fields and forests on moderately sloping terrain, with steep forested slopes along stream valleys. The streams are first and second order tributaries to First Mine Branch (Class III Trout Waters) and Loch Raven Reservoir.
2. The plan shows tees, greens, fairways and a practice green along or on the steep slopes of the stream valleys. A series of ponds is shown on the headwaters of the main tributary. The plan does not show wetlands, forest buffers, proposed stormwater runoff and water quality management etc.
3. Although, insufficient information was provided for a complete review, it is our initial determination that, if the project is to proceed, it will require a major redesign of the plan submitted.
4. Given the sensitivity of this site and potential for significant environmental impacts it is recommended that this zoning item not be approved until additional information has been submitted for review and a determination can be made regarding the acceptability of locating a golf course on this site.

The following information must be submitted to the Department of Environmental and Resource management before a final determination can be made:

1. A plan showing:
   a. Field delineated wetlands and streams
   b. 100 year floodplain
   c. Existing land cover (forest, field, etc.)
   d. Slopes (differentiated as ≤ 10%, 11-19% and ≥ 20%)

MAKE CHECK PAYABLE TO: BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - COURTHOUSE ROOM 150
TOWSON, MARYLAND 21204-4665
TELEPHONE (301) 887-2413

INVOICE NO. 003911

RETURN THIS PORTION WITH YOUR REMITTANCE

INVOICE DATE: October 2, 1990

Counter Cash

TERMS: DUE WHEN RENDERED

J. Carroll Holzer, Esq.
Holzer, Maher & Demilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

COMMENTS: CRG Appeal Fee

SUBMITTING AGENCY AND ORGANIZATION	PROVIDER CODE/SOC. SEC. NO.	INVOICE TYPE	TOTAL AMOUNT DUE
-7101			$75.00

DETACH THIS PORTION OF INVOICE AND KEEP FOR YOUR RECORDS

LINE NO	FUND	AGENCY	ORG	SUB ORG	OBJ	REV SRCE	SUB REV	REPT CATG	BS ACCT	JOB NUMBER	QUANTITY	UNIT PRICE	LINE AMOUNT
01	010								3060				$75.00
02													
03													

DESCRIPTION
Received $75.00 for CRG appeal in the matter of the Greystone Golf Course

04A04#0093ACCREC $75.00
BA C011:11AM10-02-90

INVOICE NO. 003911 BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - COURTHOUSE ROOM 150 - TOWSON, MARYLAND 21204-4665

MAKE CHECK PAYABLE TO: BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - COURTHOUSE ROOM 150
TOWSON, MARYLAND 21204-4665
TELEPHONE (301) 887-2413

INVOICE NO. 003912

RETURN THIS PORTION WITH YOUR REMITTANCE

INVOICE DATE: October 2, 1990

Counter Cash

TERMS: DUE WHEN RENDERED

Weisburg Community Association, Inc.
c/o C. E. Shaneybrook, III, President
18200 York Road
Parkton, Maryland 21120

COMMENTS: CRG Appeal Fee

SUBMITTING AGENCY AND ORGANIZATION	PROVIDER CODE/SOC. SEC. NO.	INVOICE TYPE	TOTAL AMOUNT DUE
070-7101			$75.00

DETACH THIS PORTION OF INVOICE AND KEEP FOR YOUR RECORDS

LINE NO	FUND	AGENCY	ORG	SUB ORG	OBJ	REV SRCE	SUB REV	REPT CATG	BS ACCT	JOB NUMBER	QUANTITY	UNIT PRICE	LINE AMOUNT
01	010								3060				$75.00
02													
03													

DESCRIPTION
Received $75.00 for CRG appeal in the matter of the Greystone Golf Course

04A04#0092ACCREC $75.00
BA C011:10AM10-02-90

INVOICE NO. 003912 BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - COURTHOUSE ROOM 150 - TOWSON, MARYLAND 21204-4665

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge) (Extra charge)
3. Article Addressed to:
Donald Koch
Engineering Technologies Associates, Inc.
345-A Ellicott Center Drive, Ste 4
Ellicott City, MD 21043
4. Article Number P 580 491 105
Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Address X
6. Signature — Agent X
7. Date of Delivery
8. Addressee's Address (ONLY if requested and fee paid)
PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for certified requested.
1. ☒ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.
3. Article Addressed to:
Mr. Paul Solomon
DEPRM
County Courts - 401 Bosley Ave.
Towson, Maryland 21204
4. Type of Service: ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ COD
Article Number P 095 715 501
Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X
6. Signature — Agent X
7. Date of Delivery
8. Addressee's Address (ONLY if requested and fee paid)
Signed - Regina Douglas
PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

Del. 11/20/89 - Drop
desk at C.C.B.O.
signed yellow sheet
Regina Douglas -
Confirmed by phone
11/21/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 25, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Special Exception
CASE NUMBER: 90-19-SPHX
SW Intersection White Hall & Vernon Roads
(Grey Stone Country Club)
7th Election District - 3rd Councilmanic
Legal Owner(s): Furman E. Hendrix, et al
Contract Purchaser(s): E. Donald Airey, Jr.
HEARING SCHEDULED: TUESDAY, AUGUST 1, 1989 at 2:00 p.m.

Special Exceptions: For a country club (primarily a golf oriented facility) including golf course, practice facilities, a clubhouse complex including without limitation a pro shop, lounge, eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, improvements or facilities generally associated with golf or country clubs. Special Hearing: To approve the right to use the existing buildings in the M.L. zone area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and the golf course.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Furman E. Hendrix
Lewis H. Eichelberger, Jr., et ux
E. Donald Airey, Jr.
Thomas G. Bodie, Esq.
File

to: File 90-19-SPHX

Copies to hearing notice also mailed to:

Mr. & Mrs. David Greene, 2014 White Hall Road, White Hall, MD 21161

Ms. Johanne L. Edey, 1800 White Hall Road, White Hall, MD 21161

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM - Room 301
County Office Building

September 27, 1990

***** AMENDED 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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-19-SPHX — FURMAN E. HENDRIX, ET AL

SPH -use of existing bldgs. in ML zone as maint., storage, access., etc.
SE-Country/Golf Club

3/23/90 - Z.C.'s Order GRANTING Special Exception in part with restrictions; DENYING Special Hearing.

COMBINED WITH
CASE NO. CBA-90-165 — GREYSTONE GOLF COURSE
SW of inter. of White Hall & Vernon Rd.
7th Election District
3rd Councilmanic District

10/10/90 - Set for Day #2 10/19/90 @ 9:30

RE: CRG Decision

8/30/90 - CRG Meeting wherein the Plan was approved.

ASSIGNED FOR: TUESDAY, OCTOBER 9, 1990 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire — Counsel for Protestants/Appellants
~~Michael Gisriel, Esquire~~ — Counsel for Wiseburg Comm. Assoc.
~~Thomas J. Gisriel, Esquire~~ " " " "
Wiseburg Comm. Assoc., Inc. — Protestants/Appellants
Thomas G. Bodie, Esquire — Counsel for Petitioners/Appellants (CRG)
Furman E. Hendrix, et al — Petitioners
Blackstrap Dev. Co. — Developer/Appellant (CRG)
E. Donald Airey, Jr. " " (CRG)
P. David Fields — Current Planning
Pat Keller — Developers Engineering Division
J. Robert Haines — Economic Development Commission
Ann M. Nastarowicz — Robert E. Covahey
James E. Dyer — David L. Thomas
W. Carl Richards, Jr. — S. Wallis
Docket Clerk - Zoning
Nancy C. West, Asst. County Attorney — LindaLee M. Kuszmaul
Arnold Jablon, County Attorney — Legal Secretary
PEOPLE'S COUNSEL
M.V. Runkles, III-Sec./Treas. - Wiseburg Comm. Assoc., Inc. to appealed 9/21/90

G. MACY NELSON ESQUIRE (ENTERED APPEARANCE 10/4/90)

T. Bodie withdrew his appeal 10/4/90

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM - Room 301
County Office Building

October 10, 1990

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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-19-SPHX — FURMAN E. HENDRIX, ET AL

SPH -use of existing bldgs. in ML zone as maint., storage, access., etc.
SE-Country/Golf Club

3/23/90 - Z.C.'s Order GRANTING Special Exception in part with restrictions; DENYING Special Hearing.

COMBINED WITH
CASE NO. CBA-90-165 — GREYSTONE GOLF COURSE
SW of inter. of White Hall & Vernon Rd.
7th Election District
3rd Councilmanic District

DAY #2 - Continued from 10/9/90

RE: CRG Decision

8/30/90 - CRG Meeting wherein the Plan was approved.

ASSIGNED FOR: FRIDAY, OCTOBER 19, 1990 at 9:30 a.m.

cc: J. Carroll Holzer, Esquire — Counsel for Protestants/Appellants
G. Macy Nelson, Esquire — Counsel for Wiseburg Comm. Assoc.
M.V. Runkles, III
Wiseburg Comm. Assoc., Inc. — Protestants/Appellants
Thomas G. Bodie, Esquire — Counsel for Petitioners
Furman E. Hendrix, et al — Petitioners
Blackstrap Dev. Co. — Developer
E. Donald Airey, Jr. "
P. David Fields — Current Planning
Pat Keller — Developers Engineering Division
J. Robert Haines — Economic Development Commission
Ann M. Nastarowicz — Robert E. Covahey
James E. Dyer — David L. Thomas
W. Carl Richards, Jr. — S. Wallis
Docket Clerk - Zoning
People's Counsel for Baltimore County
Nancy C. West, Asst. County Attorney — LindaLee M. Kuszmaul
Arnold Jablon, County Attorney — Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM - Room 301
County Office Building

October 22, 1990

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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-19-SPHX — FURMAN E. HENDRIX, ET AL

Day #3 -continued from 10/19/90

SPH -use of existing bldgs. in ML zone as maint., storage, access., etc.
SE-Country/Golf Club

3/23/90 - Z.C.'s Order GRANTING Special Exception in part with restrictions; DENYING Special Hearing.

COMBINED WITH
CASE NO. CBA-90-165 — GREYSTONE GOLF COURSE
SW of inter. of White Hall & Vernon Rd.
7th Election District
3rd Councilmanic District

Day #4 12/28/90 @ 10:00 am

RE: CRG Decision

8/30/90 - CRG Meeting wherein the Plan was approved.

ASSIGNED FOR: TUESDAY, NOVEMBER 20, 1990 AT 1:00 P.M.

cc: J. Carroll Holzer, Esquire — Counsel for Prot /Appellants
G. Macy Nelson, Esquire
M.V. Runkles, III
Wiseburg Comm. Assoc., Inc. — Protestants/Appellants
Thomas G. Bodie, Esquire — Counsel for Petitioners
Furman E. Hendrix, et al — Petitioners
Blackstrap Dev. Co. — Developer
E. Donald Airey, Jr. "
P. David Fields — Current Planning
Pat Keller — Developers Engineering Division
J. Robert Haines — Economic Development Commission
Ann M. Nastarowicz — Robert E. Covahey
James E. Dyer — David L. Thomas
W. Carl Richards, Jr. — S. Wallis
Docket Clerk - Zoning
People's Counsel for Baltimore County
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

HEARING ROOM - Room 301 (301) ~~887-3180~~ 887-3180
County Office Building November 21, 1990

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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 56-75.

CASE NO. 90-19-SPHX FURMAN E. HENDRIX, ET AL

Day #4 -continued from 11/20/90
SPH -use of existing bldgs. in ML zone as maint., storage, access., etc.
SE-Country/Golf Club

3/23/90 - Z.C.'s Order GRANTING Special Exception in part with restrictions; DENYING Special Hearing.

COMBINED WITH
CASE NO. CBA-90-165 GREYSTONE GOLF COURSE
SW of inter. of White Hall & Vernon Rd.
7th Election District
3rd Councilmanic District
RE: CRG Decision
8/30/90 - CRG Meeting wherein the Plan was approved.

12/28/90 - Day #5 set for 12/18/90 @ 9:00

ASSIGNED FOR: FRIDAY, DECEMBER 28, 1990 AT 10:00 A.M.

cc: J. Carroll Holzer, Esquire — Counsel for Prot /Appellants
G. Macy Nelson, Esquire
M.V. Runkles, III
Wiseburg Comm. Assoc., Inc. — Protestants/Appellants
Thomas G. Bodie, Esquire — Counsel for Petitioners
Furman E. Hendrix, et al — Petitioners
Blackstrap Dev. Co. — Developer
E. Donald Airy, Jr. — "
P. David Fields — Current Planning
Pat Keller — Developers Engineering Division
J. Robert Haines — Economic Development Commission
Ann M. Nastarowicz — Robert E. Covahey
James E. Dyer — David L. Thomas
W. Carl Richards, Jr. — S. Wallis
Docket Clerk - Zoning
People's Counsel for Baltimore County
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. December 28, 1990

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-19-SPHX FURMAN E. HENDRIX, ET AL

Day #5 -continued from 12/28/90
SPH -use of existing bldgs. in ML zone as maint., storage, access., etc.
SE-Country/Golf Club

3/23/90 - Z.C.'s Order GRANTING Special Exception in part with restrictions; DENYING Special Hearing.

COMBINED WITH
CASE NO. CBA-90-165 GREYSTONE GOLF COURSE
SW of inter. of White Hall & Vernon Rd.
7th Election District
3rd Councilmanic District
RE: CRG Decision
8/30/90 - CRG Meeting wherein the Plan was approved.

ASSIGNED FOR: WEDNESDAY, JANUARY 2, 1991 AT 9:00 A.M.

cc: J. Carroll Holzer, Esquire — Counsel for Prot./Appellants
G. Macy Nelson, Esquire
M.V. Runkles, III
Wiseburg Comm. Assoc., Inc. — Protestants/Appellants
Thomas G. Bodie, Esquire — Counsel for Petitioners
Furman E. Hendrix, et al — Petitioners
Blackstrap Dev. Co. — Developer
E. Donald Airy, Jr. — "
P. David Fields — Current Planning
Pat Keller — Developers Engineering Division
J. Robert Haines — Economic Development Commission
Ann M. Nastarowicz — Robert E. Covahey
James E. Dyer — David L. Thomas
W. Carl Richards, Jr. — S. Wallis
Docket Clerk - Zoning
People's Counsel for Baltimore County
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

July 31, 1989

Thomas G. Bodie, Esquire
21 W. Susquehanna Avenue
Towson, MD 21204

RE: Item No. 550, Case No. 90-19-SPHX
Petitioner: Furman E. Hendrix
Petition for Special Hearing and Special Exception

Dear Mr. Bodie:

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. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. E. Donald Airey, Jr.
1222 Corbett Road
Monkton, MD 21111

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. J. Robert Haines
Zoning Commissioner
Date July 19, 1989

FROM Mr. Jeffrey B. Jollie

SUBJECT Greystone Country Club
Zoning Item #550

RECEIVED
JUL 20 1989
ZONING OFFICE

I recommend disapproval of Zoning Item #550, a special exception for the Greystone Country Club proposal. The subject site is located in an area that is not serviced by the metropolitan water and sewer system. Consequently, irrigation requirements must be satisfied via the withdrawal of ground water.

I have requested the developer's consultants to conduct aquifer testing on the proposed site. In addition, the following has also been requested:

1. Site specific irrigation requirements;
2. Completed and testcd supply wells;
3. A water balance analysis; and
4. An analysis of potential impacts of ground water withdrawal on adjacent users and stream baseflow.

Further recommendations of approval will depend on results of review of the information submitted. To date, that information has not been received. If you have any questions or comments, please contact me at 887-3980.

Jeffrey B. Jollie, Geohydrologist
Department of Environmental Protection and Resource Management

JBJ:tjg

cc: Mr. Donald C. Outen
Mr. Rocky O. Powell

CPS-008

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PURCHASER: E. DONALD AIREY, JR.
Location: SW INTERSECTION OF WHITE HALL AND VERNON ROAD
Item No.: 550 Zoning Agenda: JUNE 27, 1989

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: Capt Jerry Kelly 6-26-89 Noted and Approved Capt Wm Brady
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KER

JUN 27 AM

File Copy

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

June 7, 1989

To: Councilman C.A. Dutch Ruppersberger, III

From: J. Robert Haines, Zoning Commissioner

Re: Proposed Golf Course in White Hall
(Blackstrap Farms Property)

In response to your correspondence of May 24, 1989, please be advised that only initial inquiries as to regulations and requirements have been put to my staff regarding this proposed golf course.

It may be some time before the developer is ready to file a petititon. My staff has been instructed to forward notification to you when same is received and, further, to notify you of the date of hearing.

JRH:gs

5-1-89

FROM THE DESK OF J. ROBERT HAINES

TO:
___ Ann Nastarowicz
___ James E. Dyer
___ W. Carl Richards
___ James H. Thompson
___ Steve

✓ See me immediately
___ Discuss with me
___ Prepare draft response
___ Please follow up
___ Collect $20.00 fee
___ Please handle
___ Please attend meeting
___ Prepare written report
___ Pleease file
___ Set up conference
___ Other

Petition not filed as yet. Although Carl has written for it.

RECEIVED
MAY 26 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines
Zoning Commissioner
Date: May 24, 1989

From: Councilman C. A. Dutch Ruppersberger, III C.A.R.III

Subject: Proposed Golf Course in White Hall

As you will see from the enclosed correspondence, Senator Kelly has received an inquiry from Johanne Edey of 1800 White Hall Road concerning a special exception for a proposed golf course in the White Hall area on the Blackstrap Farms property.

I understand the developer has met with several community groups to discuss his proposal which has, of course, elicited a great deal of interest in the project.

I would appreciate it if you would advise me if you have received a petition for this special exception and, if so, have you scheduled a date for the hearing yet.

CAR:mtf
Encl.
cc: The Hon. Francis X. Kelly
Ms. Johanne L. Edey

April 24, 1989

The Honorable Francis X. Kelly
5 Shavan Road
Cockeysville, MD 21030

Dear Francis Kelly:

I am writing you concerning the proposed golf course in the White Hall area. Being a resident of White Hall all my life, I am interested in preventing the acquisition of the required zoning exception as the country roads in this area could not possibly handle the amounts of traffic a golf course, as well as the other proposed recreational facilities, would bring into this area. In addition, as I am sure you are aware, the past two droughts have severely affected the wells in this area and could not possibly support the water requirements of a golf course. I am also concerned that such a facility would bring an influx of people into the area thus incressing crime in the area. The current response time for the officers out of the Cockeysville station is thirty minutes, which would be totally unacceptable if the crime rate were to increase.

I urge your support in preventing the acquisition of the zoning exception required for this project as I am sure you will support your constituents.

Thank you.
Sincerely yours,

Johanne Edey
Johanne L. Edey

Johanne Edey
1800 White Hall Rd
White Hall MD
21161

RECEIVED
MAY 0 1989
BY COUNTY COUNCIL

e. Forest buffers (as outlined in the Executive Order, effective June 4, 1989)

f. Conceptual design for management of stormwater runoff and water quality including location and methods

g. Proposed buildings, parking areas, tees, greens, fairways, etc. with no encroachment on forest buffers.

2. An environmental impact report which includes:

a. An analysis of potential impacts of groundwater withdrawal for irrigation on wetlands and stream baseflow.

b. An analysis of potential impacts of the proposed ponds on the wetlands and stream (ie. organic transport, invertebrate drift, thermal pollution, loss of wetland functions, etc.)

c. A narrative on how stormwater runoff and water quality will be managed, with particular emphasis on nutrients and pesticides.

d. A sampling protocol for the surface water monitoring (baseline and follow up) that will be required.

e. Calculations on existing and proposed forest cover and details on how overall forest cover will be maintained at 25% of the total acreage (including forest preservation, afforestation etc).

The developer's consultant has been advised of this additional information required. If you have any questions regarding these comments or requirements, please contact Mr. Rocky Powell at extension 3980.

Donald C. Outen, A.I.C.P.
Bureau Chief
Water Quality & Resource Management

DCO:ROP:sp

cc: Mr. Rocky O. Powell
Mr. David Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: August 18, 1989
Zoning Commissioner

FROM: Mr. Donald C. Outen

SUBJECT: Greystone Country Club
Zoning Item #550

The Bureau of Water Quality and Resource Management has received and is continuing to review a portion of the information detailed in our first set of zoning comments, dated August 1, 1989. However, some of the information received is incomplete, some of the issues have not been addressed and in some cases we have not had adequate time to review the information provided.

Our preliminary analysis indicates that this site has adequate acreage for a golf course. However, a determination of whether a golf course, particularly one with 27 holes, is environmentally compatible with the site cannot be made until our review is completed.

Donald C. Outen 30P

Donald C. Outen, A.I.C.P.
Bureau Chief
Water Quality & Resource Management

ROP:DL:ju
cc: Mrs. Janice Outen
Mr. Jeffrey Jollie
Mr. Rocky Powell
Mr. David Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: October 9, 1989
Zoning Commissioner

FROM: Mr. Donald C. Outen

SUBJECT: Greystone Country Club
Zoning Item #550

The Bureau of Water Quality and Resource Management has reviewed most of the information submitted with the above referenced zoning item. Based on this review it has been determined that the majority of the environmental issues related to the proposed project have been or can be addressed with minimal impact to the resources on site. However, one major issue that remains unresolved is water usage for irrigation and its effects on stream base flow and in-stream habitat. While the requested information has been provided by the developer's consultant this Department was not given an opportunity to review their report.

The consultant has asserted that impacts on base flow and habitat are minimal. In addition, they have proposed methods for minimizing impacts (e.g. flow augmentation, stormwater collection ponds to reduce the well pumping to meet irrigation needs, etc.)

Provided these assertions can be supported by data this Bureau could approve a project of this type on this site.

An additional condition of approval is that the developer be required to conduct surface water and groundwater monitoring. The protocols for these monitoring programs must be developed in coordination with The Department of Environmental Protection and Resource Management.

Donald C. Outen, A.I.C.P.
Bureau Chief
Water Quality & Resource Management

cc: Mrs. Janice Outen
Mr. Jeffrey Jollie
Mr. Rocky Powell
Mr. David Lykens

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

October 10, 1989

Thomas G. Bodie, Esquire
21 W. Susquehanna Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esquire
Holzer, Maher & DeMilio
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No. 90-19-SPHX
Furman E. Hendrix, et al- (Greystone) Petitioners

Gentlemen:

Please be advised that the next hearing date for the above captioned case will be held on Wednesday, October 25, 1989 from 9:00 A.M. until approximately 5:00 P.M. I hope at that time, the hearing will be completed. Please notify all interested parties of this date and time.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 17, 1989

Dennis F. Rasmussen
County Executive

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Paul Solomon
Department of Environmental Protection
and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Graystone Golf Course
Petitions for Special Hearing and Special Exception
Case No. 90-19-SPHX

Dear Mr. Solomon:

You were subpoenaed to personally appear on October 25, 1989 at 9:00 A.M., before the Zoning Commissioner, in Room 106, County Office Building, to testify in the Graystone Golf Course matter. You failed to appear and you did not provide my office with an explanation, nor was a Motion to Quash the subpoena filed on your behalf. Rather than obtain a bench warrant to guarantee your appearance, I have reset this matter for hearing on Wednesday, November 29, 1989 at 11:00 A.M.

You are hereby commanded, by the authority vested in the Zoning Commissioner, an Administrative Law Judge, under the laws of the State of Maryland and Baltimore County, to personally appear in Room 106 of the County Office Building, at 11:00 A.M. Failure to appear will result in the request for a bench warrant and possible detention until your appearance can be guaranteed for the hearing and testimony in question.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: J. Carroll Holzer, Esquire

cc: Thomas G. Bodie, Esquire

P 095 755 501
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to: Paul Solomon
DEPRM - Co. Courts Bldg.
Street and No. 401 Bosley Ave
P.O., State and ZIP Code

Postage	$.25
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom & Date Delivered	.85
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$1.30

Postmark & Date
11/17

PS Form 3800, June 1985

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Date: December 19, 1989
Zoning Commissioner

FROM: Donald C. Outen

SUBJECT: Greystone Country Club
Zoning Item #550

RECEIVED
DEC 21 1989
ZONING OFFICE

The Bureau of Water Quality and Resource Management has reviewed all of the information submitted with the above referenced zoning item. Based on this review, it has been determined that all of the environmental issues related to this project have been or can be addressed with minimal impact to the resources on site. Therefore, it is the recommendation of this Bureau that the above referenced Special Exception be granted.

We also recommend that the following items be made a condition of approval:

1. The developer will implement a groundwater monitoring program, to be approved by Department of Environmental Protection and Resource Management prior to CRG approval.

2. The developer will implement a surface water monitoring program, to be approved by Department of Environmental Protection and Resource Management prior to CRG approval.

3. The developer will implement an Integrated Pest Management program, to be approved by Department of Environmental Protection and Resource Management after consultation with the golf course superintendent.

Donald C. Outen
Donald C. Outen, A.I.C.P.
Bureau Chief
Water Quality & Resource Management

DCO:DL:sp

cc: Mrs. Janice Outen
Mr. Jeffrey Jollie
Mr. Rocky Powell 30P
Mr. David Lykens

CPS-008

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 4, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and *Special Exception
SW of the intersection of White Hall & Vernon Roads
7th Election District, 3rd Councilmanic District
FURMAN E. HENDRIX, ET AL, Legal Owners
E. DONALD AIREY, JR. - Contract Purchaser
Case No. 90-19-SPHX

Dear Board:

Please be advised that an appeal of the Special Exception portion only concerning the above-referenced case was filed in this office on March 30, 1990 by J. Carroll Holzer, Attorney on behalf of the Protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Furman E. Hendrix, et al, 2115 White Hall Rd, White Hall, MD 21161

E. Donald Airey, Jr.1222 Corbett Road, Monkton, MD 21111

Thomas G. Bodie, Esquire, 21 W. Susquehanna Ave., Towson, MD 21204

J. Carroll Holzer, Holzer, Maher & Demilio
305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

RECEIVED
COUNTY BOARD OF APPEALS
90 APR 10 PM 1:33

APPEAL

Petition for Special Hearing and *Special Exception
SW of the intersection of White Hall & Vernon Roads
7th Election District - 3rd Councilmanic District
FURMAN E. HENDRIX, ET AL - Legal Owners
E. DONALD AIREY, JR. - Contract Purchaser
Case No. 90-19-SPHX

*Petition for Special Exception (Appealed only)

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Brief of Petitioners

Protestants Post-Hearing Memorandum

Petitioner's Exhibits:
1. Plat to accompany Zoning Petitions
2. Ground Water Supply and Impact Assessment
3. Zoning Map
4. Property Tax Map
5. Resource Inventory and Development Suitability Analysis
6. Traffic Impact Analysis
7. Report on Water Usage and Stream Depletion
8. Plat to accompany Zoning Petitions
9. No Exhibit marked as "9" in file
10. Plat to accompany Zoning Petitions

Protestant's Exhibits:
1. Property Tax Map
2. Certificate of Corporate Resolutions
3. Petition in opposition of the golf course
4. Testimony of Trout Unlimited
5. Qualifications related to the Assessment of Stream Quality Impacts associated with Golf Courses
6. Report of Relationship between Stream Quality and Golf Courses

7. Certificates of Merit for Bushels of Corn

8. Letter Re: landowners who sold easements

9. Report on Wildlife

10. Letter of opposition from Mr/Mrs Gerber

Zoning Commissioner's Order dated March 23, 1990 (Special Exception Granted in Part with Restrictions)

Notice of Appeal received March 30, 1990 from J. Carroll Holzer, Attorney on behalf of the Protestants

cc: Furman E. Hendrix, et al, 2115 White Hall Rd, White Hall, MD 21161

E. Donald Airey, Jr.1222 C bett Road, Monkton, MD 21111

Thomas G. Bodie, Esquire, 21 W. Susquehanna Ave., Towson, MD 21204

J. Carroll Holzer, Holzer, Maher & Demilio
305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 3, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Special Exception
SW of the intersection of White Hall & Vernon Roads
7th Election District, 3rd Councilmanic District
FURMAN E. HENDRIX, ET AL, Legal Owners
E. DONALD AIREY, JR. - Contract Purchaser
Case No. 90-19-SPHX

Dear Board:

Please be advised that a second appeal concerning the above-referenced case was filed in this office on April 20, 1990 by Michael Gisriel and Thomas J. Gisriel, Attorneys on behalf of the Wiseburg Community Association. All additional materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Furman E. Hendrix, et al, 2115 White Hall Rd, White Hall, MD 21161

E. Donald Airey, Jr.1222 Corbett Road, Monkton, MD 21111

Thomas G. Bodie, Esquire, 21 W. Susquehanna Ave., Towson, MD 21204

J. Carroll Holzer, Holzer, Maher & Demilio
305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204

RECEIVED
COUNTY BOARD OF APPEALS
90 MAY -3 PM 3:43

Michael Gisriel and Thomas J. Gisriel
Gisriel & Gisriel, 210 E. Lexington Street, Baltimore, MD 21202

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

C.R.G. Plan #90353
8/15/90

PRE-DEVELOPMENT CONFERENCE

PROJECT NAME Greystone G.C. DATE 11-7-89

OWNER Blackstrap Dev. Corp. COUNCILMANIC DISTRICT 7C-3 ADC MAP NO. 8C1D-3rd

DEVELOPER " " " LOCATION Whitehall Rd - SW of Vernon Rd

ENGINEER Eugene Gabel Assoc. 804c DISTURBED

NO. OF UNITS (RESIDENTIAL) ACREAGE (COMMERCIAL) 305 Sow. FEE 5921.00

CHECK LIST

For discussion of the following items, please see the Department of Public Works, Room 321, County Office Building.

- ✓ Master Plan Intent and/or Conflicts (Highways)
- ___ Tidal and/or Riverine Flooding, Water Courses
- ___ Proximity to water and sewer (incl. sewer and water plans)
- ___ Outline of CRG Review Process
- ___ State and/or Federal Permits, applicable
- ___ Agencies to contact (information sheet) DEPRM
- ___ Required for CRG submission
  - ✓ a. Plan checklist (cross reference notes from the Plan)
  - ✓ b. Certification of delinquent accounts
  - ✓ c. No. of Plans (approximate)

For discussion of the following items, please see the Office of Planning & Zoning, Current Planning Division, Room 107, County Office Building.

RC2, RC4, ML

- ___ a. Classification
- ___ b. RTA case has been heard
- ✓ c. Hearings (special exception, variances, etc.)
- ___ Master Plan Intent and/or Conflicts
- ___ Community Issues
- ___ Planning Board Referral
- ___ Landscape Plan
  - ___ Schematic
  - ___ Buffers
  - ___ Screening
  - ___ Tree Preservation
- ___ Historical and/or Archeological Sites
- ___ Agricultural Sites
- ___ Open Space (Dept. of Recreation & Parks)
- ___ Waiver Requests under Section 22-43
- ___ Vehicular and Pedestrian Circulation (Internal and External)

Capital Improvement Program
Basic Services Map
Park Sites
Master Plans
Areas of Study
Microwave Path
(Bldgs. > 60')

For discussion of the following items, please see the Department of Environmental Protection and Resource Management, Room 416, County Courts Building.

- ✓ Storm Water Management, Water Quality
- N/A Critical Areas
- ___ Wetlands, Streams, Stream Buffers
- ___ Schematic Grading
- ___ Mitigative Measures (Sec. 22-99)
- ✓ Hydrogeological Study, Environmental Effects Report

Next Step: Submit 1 check print and completed check list to Tom Watson, Room 321, County Office Building.

Comments:

APPLICANT'S SIGNATURE

OPZ REPRESENTATIVE Frances Morsey 11-7-89

DPW REPRESENTATIVE 11-7-89

DEPRM REPRESENTATIVE 11-7-89

11/7/89 Address the CRG checklist / Must be present to address

1st Sheet - Applicant 2nd Sheet - Public Services 3rd Sheet - PL & Z 4th Sheet - DEPRM 5th Sheet - Councilperson

BALTIMORE COUNTY, MARYLAND

PLAN CHECK LIST

IN ADDITION TO THE PLAN, HAVE THE FOLLOWING BEEN SUBMITTED?

YES	NO	N/A	
✓			1. Pre-development conference checklist ____ or waiver ___, pursuant to Section 22-54?
			2. Hydrogeologic study and environmental effects report?
			3. Notarized certificate indicating that there are no delinquent accounts?
			4. Fee?

THE PLAN SHALL CONTAIN THE FOLLOWING GENERAL INFORMATION:

YES	NO	N/A	
			1. Group the following items:
✓			a. Development name
✓			b. Applicant's name, address, and phone number
✓			c. Name, address and phone number of person who prepared the Plan, with appropriate seal
✓			d. Map scale
✓			e. Date
✓			2. North point
✓			3. Vicinity map, to scale
✓			4. Election district
✓			5. Councilmanic district
✓			6. Census tract
✓			7. Watershed and subsewershed
✓			8. Three (3) coordinate tics
			9. In chart form:
✓			a. Site acreage (gross and net area calculations)
		✓	b. Common open space, required and proposed, with acreage noted, and note if open space waiver will be requested
			c. Parking, required and proposed, including handicap spaces
		N/A	d. Density calculations by zoning classification, proposed dwelling units by housing type and indicate whether units are for sale or rental
✓			e. For all development, indicate quantity of landscape planting required and how quantity was calculated
			f. Floor area ratio in all commercial and industrial zones
✓			10. Plan outline, including bearings and distances
		✓	11. Proposed and existing well areas
		✓	12. Proposed and existing septic areas
		✓	13. Sewer and water lines, with reference drawing numbers
✓		✓	14. Fire hydrant locations
✓			15. Soil types; limitations for development in chart form
			16. Existing topography, with areas of 25% or greater slope crosshatched
✓			17. Grading proposed, shown schematically
			18. Existing wooded areas and vegetation proposed to be removed
			19. Location and quantity of proposed plantings for all development, with the exception of residential which need only indicate quantity

Sild reforestation Plan

OVER

CERTIFICATION AS TO
DELINQUENT ACCOUNTS

This Certification is submitted in connection with the development known as GREYSTONE GOLF COURSE and is given in accordance with the provisions of Section 22-55 (c) of the Baltimore County Code, 1978, as amended.

I, E. Donald Airey Jr., now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.

E. Donald Airey Jr.
Affiant

I HEREBY CERTIFY, that on this 13th day of August, 1990, before me, the subscriber, a Notary Public in and for the County and State aforesaid, personally appeared E. Donald Airey, Jr. and made oath in due form of law that the matters and facts hereinabove set forth are true.

Susan M. Martin
NOTARY PUBLIC

My Commission Expires:
11-1-93

NOTE:
If applicant is a corporation, this certification must be completed by an authorized officer and if applicant is a partnership or joint venture, it must be completed by a general partner or venturer or an officer thereof, if the partner or venturer is a corporation.

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

August 14, 1990

Dennis F. Rasmussen
County Executive

Blackstrap Development Company
2115 Whitehall Road
P. O. Box 295
Whitehall, Maryland 21161

ATTENTION: Mr. Don Airey

RE: Greystone Golf Course
District 7 C3

Dear Mr. Airey:

The referenced development proposal is scheduled for consideration by the County Review Group on August 30, 1990, at 10:00 a.m. in Room 301 of the Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204.

The Pre-County Review Group Meeting will be held in Room 321 of the County Office Building on August 20, 1990, at 10:30 a.m.

Please attend these meetings with appropriate representation.

Very truly yours,

David L. Thomas (Rm)
David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jha

cc: E.F. Raphel Assoc.
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Robert Covahey Date: August 16, 1990

From: Charles K. Weiss C.K.W.

Subject: Greystone Golf Course
LPJ Consultants
7c3
8/30/90
Central area

Baltimore County does not provide commercial refuse removal.

However, in review of this plan we see no accommodations for refuse.

jh

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

BALTIMORE COUNTY, MARYLAND

AUGUST 16, 1990

Dennis F. Rasmussen
County Executive

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: CAPTAIN JOSEPH KELLY
PLANS REVIEW DIVISION, FIRE PREVENTION BUREAU
BALTIMORE COUNTY FIRE DEPARTMENT

PROJECT NAME: GREYSTONE GOLF COURSE

PROJECT NUMBER: CRG AGENDA 8/30/90, 10:00 A.M.

LOCATION: WHITE HALL ROAD - VERNON ROAD

DISTRICT # 7

COMMENTS:

CRG 01
PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE, 1988 EDITION.

IT IS HIGHLY RECOMMENDED THAT WATER FOR FIRE PROTECTION BE PROVIDED IN ACCORDANCE WITH THE URBAN GUIDE FOR FIRE PREVENTION AND CONTROL MASTER PLANNING.

GREYSTONE

CRG - 8-30-90 at 10:00 a.m. Pre-CRG - 8-20-90 at 10:30 a.m.

STORM WATER MANAGEMENT COMMENTS:

1. The Storm Water Management Act:

   a. The Developer is responsible to address the requirements of Bill No. 105-84 presented on pages III-5 and III-5 (a) through (k) of the Development Procedures and Policy Manual.

   b. Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before CRG approval is given.

   c. Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The Developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.

2. General Engineering Requirements:

   a. Peak management of the 2 and 10-year storm events is normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, 100-year peak management may also be required.

   b. Please refer to the Storm Water Management Section of the Baltimore County Design Manual for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.

   c. Water quality measures are required to some degree on all projects not exempt from SWM. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.

   d. SWM facilities are also subject to review and approval by the Baltimore County Soil Conservation District.

   e. SWM Facilities outfalling to a Baltimore County storm drain system or when the road fill serves as a SWM pond embankment will be reviewed and approved concurrently by the Department of Public Works and the Department of Environmental Protection and Resource Management.

GREYSTONE
Page Two

3. Maintenance Requirements:

   a. SWM facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of the Department of Environmental Protection and Resource Management:

      (1) Residential subdivision in which all lots are for sale in fee.

      (2) Requirements for public ponds given in the Baltimore County Design Manual are all met.

      (3) SWM Facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in-fee to Baltimore County.

   b. Private maintenance of SWM facilities is acceptable. A Deed of Declaration must be executed by the Developer guaranteeing maintenance of and County access to SWM facilities before plats may be recorded and before grading or building permits may be granted. SWM facilities in residential subdivisions to be maintained privately by a Home Owners Association shall be designed according to the requirements for public ponds which provide an economical means of maintaining a SWM Facility.

4. Guidelines for CRG Approval:

   a. Show type, size and location of all SWM Facilities on the CRG plan.

   b. Show that all outfalls from SWM facilities and bypass areas are "suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

   c. Show that the SWM Facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, downstream life or property is endangered.

   d. List any waiver or variances and give date of approval by Baltimore County.

5. Site - Specific Comments:

In addition to the above, each project will be given a brief review by the D.E.P.R.M.'s Division of Design and Review, and a set of specific comments will be provided. The Developer is responsible for addressing these site-specific comments, which are enumerated as follows:

GREYSTONE
Page Three

   a. Storm Water Management quantity control must be provided for the 2 and 10 year storms.

   b. Water quality must be provided for the first 0.5 inch of runoff from all on-site impervious areas. Infiltration is the preferred method and its use must be investigated.

   c. All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving wetland, watercourse or adjacent property. Suitable outfalls from the storm water management facilities must be shown prior to CRG plan signature.

Ed Schmaus
8-29-90

REV. 7/89

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Robert J. Covahey, Chief, Bureau of Public Services — DATE: August 21, 1990

FROM: Shirley M. Murphy, Chief, Bureau of Land Acquisition

SUBJECT: CRG #90353, Greystone

As requested, we have reviewed and researched the subject CRG Plan and have the following comment to make:

1. This plat encompases Parcel 44 which is not included in this plat.

2. Baltimore County maintains both Whitehall Road and Vernon Road.

Subject CRG Plat should be noted accordingly.

If you have any questions, please feel free to contact me at 887-3252.

SMM:DMM:

REVISED 8/24/90: See above comments.

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS — CRG DATE: 8/30/90, PRE-CRG DATE: 8/20/90

FROM: ZONING OFFICE

PROJECT NAME: Greystone Golf Course — PLAN: 8/9/90, REV.: 8/24/90 REV.:

LOCATION: SW/cor White Hall Road and Vernon Road

DISTRICT: 7c3

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The zoning hearing and C.R.G. plans have been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify details necessary in order to determine compliance with these requirements. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer or developer's engineer to rectify all conflicts (whether previously identified or not) well in advance of any expected final zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning requirements, restrictions and details must be address on the C.R.G. plan. When the public hearing was requested, the assistance received at the time of filing the zoning petition and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of the previous or any possible future public hearing request:

1. ZONING HISTORY/RESTRICTIONS -- (Include on the plan) under reference to Zoning case number 90-19-SPHX by date:

✓ 6/15/89 - On approximately 300 acres zoned RC-2 and RC-4 application was made in the Zoning Office for:

   a. A special exception for a country club (primarily a golf oriented facility), including golf course, practice facilities, a clubhouse complex including without limitation a pro shop, lounge, eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, improvements or facilities generally associated with golf or country clubs.

   b. A special use hearing to request the Zoning Commissioner to approve the right to use the existing buildings in the M-L zone area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and golf course.

✓ 3/23/90 - The Zoning Commissioner granted the special exception (in part) on 217 acres (the northern portion of the original request). Also, the special use hearing/request was denied. All subject to 12 restrictions (list and address on the C.R.G. plan).

Greystone Golf Course
CRG DATE: 8/30/90
PRE-CRG DATE: 8/20/90
PAGE 2

✓ 3/30/90 - Appeal to the Board of Appeals by Protestants.

✓ 4/20/90 - Appeal to the Board of Appeals by Wiseburg Community Association (Protestants).

✓ 4/07/90 - Board of Appeals hearing set for Tuesday, October 9, 1990 at 10:00 a.m., Room 301 County Office Building.

2. C.R.G. CHANGES AND SITE SPECIFIC BUILDING AND USE PLAN-- When the final size, height, location, setbacks and separation of the proposed building and uses are available and if the C.R.G. plan is revised so as not to be in accordance with the zoning public hearing plan and restrictions. The changes and details must be included on a red-lined zoning hearing plan and submitted to the Zoning Commissioner for review and approval. The site-specific plan must be submitted for approval well in advance of any expected final zoning approvals (see above), due to the fact that any changes may require another public hearing if not found to be within the spirit and intent of the original plan and order.

BA

3. PARKING/DRIVEWAYS/SURFACE -- Dimension on the plan print and note that all driveways and parking aisles will comply with Section 409.4 (B.C.Z.R.). Driveways - 12 ft wide for oneway and 20 ft wide for two way traffic, Section 409.4.C. (B.C.Z.R.) 90 degree parking angle requires 22 ft for one or two way aisles. Provide a dimensioned parking space/aisle detail on the plan. Note that all parking, maneuvering, and aisle areas will be paved (indicate type) and permanently striped. Label proposed curbs and/or parking wheel stops on the plan.

BA

4. SIGNS-- Provide an engineering scale elevation on the plan of all proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their proposed location on the plan print and enough detail must be shown to determine compliance with Section 413.1.a. (B.C.Z.R.) and all zoning sign policies or a zoning variance is required. One, (1), one square foot sign is permitted. 8/24/90-Pursuant to zoning policy ST-1.B

✓

BA

5. GENERAL/PLAN COMMENTS-- Amend number 8,9,10,11,12,13 fairways, greens and tees to comply with restriction number 2; provide BOLD complete ball paths on all fairways, greens, and tees on the C.R.G. plan. Remove parking requirements for all private facilities except the golf course. Revise the M.L. building notes to clearly state - "Existing buildings in the M.L. zone may not be used in conjunction with the operation of the country club/golf course as long as the property is zoned M.L." Darken all golf cart/pedestrian paths as proposed. 8/24/90- Slightly amend #8,12,13 to comply with restriction #2.

BA

BA

6. Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of the pending appeals or any additional requested zoning hearing and finally, the inclusion of the blue commercial checklist information being included on the building permit site plan.

BA

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:jaw

Greystone Golf Course
CRG DATE: 8/30/90
PRE-CRG DATE: 8/20/90
PAGE 2

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✓

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BA

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:jaw REVISED COMMENTS FOR PLAN DATED 8/24/90 + 9/4/90 REVIEWED BY ZONING ON 9/15/90 : COMPLY WITH PREVIOUS COMMENTS.

8/20/90
JOHN J. LEWIS

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: 08/29/90

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: Greystone Golf Course

PROJECT NO: 90353

LOCATION: White Hall Road & Vernon Road

DISTRICT: 7C3

The CRG Plan for the subject site dated August 9, 1990, with latest revision dated August 24, 1990, has been reviewed by the Developers Engineering Division and our comments are as follows:

GENERAL COMMENTS:

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water maters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

GENERAL COMMENTS: (Con't)

The contours on the plan reveal rather excessive grading. The Developer's engineer is cautioned not to exceed the maximum set by Baltimore County Standards. Benching requirements shall be in accordance with Section 41.02, Item 3 of the 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

The 38 acre portion south and east of the golf course site shall be submitted for review and approval through the CRG process at the time of development and shall be subject to all development procedures, policies and regulations.

HIGHWAY COMMENTS:

Whitehall and Vernon Roads are existing County roads which shall ultimately be improved as 40-foot street cross-sections on 60-foot rights-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

a. The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.

b. The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.

c. The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.

d. The relocation of any utilities or poles as required by the road improvements.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

HIGHWAY COMMENTS: (Con't)

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

Ramps shall be provided for physically handicapped persons at all street intersections.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

It appears the proposed grading required for the entrance and parking areas will impact the Karst, Amos, Taylor, and Hanna Residences. Proposed improvements to prevent the flow of surface water to these properties must be clearly shown on the plan.

It appears a culvert exists at the Hanna Property and at the intersection of Vernon and Whitehall Roads. These must be shown on the plan. The Developer is advised that improvements to all existing drainage structures along Whitehall and Vernon Roads may be required and shall be done at his full cost responsibility. Computations indicating the adequacy of the existing culverts must be submitted for review and approval.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1" = 200', including all facilities and drainage areas involved, shall be shown on a plan and submitted to Baltimore County for review.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

The Developer 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 Developer.

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.

Floodplain studies and storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

The Developer must furnish the Bureau of Public Services with a floodplain study containing the following information :

a. A map of scale 1" = 200', for the entire drainage area which contributes to the open stream, including a tabulation of flow quantities. Hydrology computations shall be in accordance with the June, 1986 version of TR55.

b. Field run cross-sections of the stream with the flood plain of a 100-year design storm indicated on them. These sections are to be taken at 50-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

c. A profile of the stream.

d. A plan with the location of the field run cross-sections indicated.

e. Hydraulic computations which were used to establish the elevation of the flood plain for each cross-section based on "The Standard Step Method" or "The U.S. Corps of Engineers Computer Program HEC-2."

f. Hydraulic computations, including inlet and outlet control analysis, which determine the size of any proposed structure within the flood plain. The Developer's engineer shall submit economically comparable alternate designs (type, size and location), with estimated construction costs included, to verify his selection.

g. The stream is to be cleared of all fallen trees, stumps and debris.

In accordance with Bill No. 56-82, filling within a flood plain is prohibited.

When the quantity of drainage in roadside ditches is expected to exceed 2 c.f.s. or a velocity of 4 feet per second, concrete gutter or standard mountable curb is required to prevent erosion.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate 19D in the Baltimore County Design Manual, dated 1982 and adopted 1983.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

WATER AND SANITARY SEWER COMMENTS:

Public water is not available to serve this property. Therefore, private well systems must be provided in conformance with the Department of Environmental Protection and Resource Management requirements. A water appropriation permit must be approved prior to signature on the record plat.

Public sewers are not available to serve this property; therefore, private sewage systems must be provided. Soil tests must be conducted on each lot prior to approval of a record plat in accordance with Department of Environmental Protection and Resource Management requirements.

This Plan may be approved subject to compliance with all of the above comments and after the following are shown:

* All existing culverts
* Proposed parking lot and entrance road drainage improvements
* Computations indicating the adequacy of any existing culverts

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:DAB:pab

cc: Paul Hudson
File

GREYSTON/TXTCOMM2

OFFICE OF PLANNING & ZONING
COUNTY REVIEW GROUP COMMENT

NAME: GREYSTONE GOLF COURSE 10:00 A.M. PRE CRG: AUGUST 20, 1990
DATE: AUGUST 30, 1990

The Office of Planning and Zoning has reviewed the revised subject plan dated August 24, 1990 and submits the following comments:

1. On prime and productive soils within RC 2, 3 & 4 zones, no plan or plat may be approved unless the County finds that construction, excavations, buildings, structures, grading, clearing, or other disturbances of the soils will be limited or restricted in accordance with policies established by Department of Environmental Protection Resource Management to promote agricultural uses and protect Baltimore County's soil resources.

2. Clarify relationship and patterns of internal roads and paved pathways.

3. Show pedestrian access from all parking lots to buildings.

4. The 1989 Baltimore County Master Plan designates First Mine Branch as a significant link in the County wide stream valley greenway system. The entire flood plain or the stream buffer, which ever is greater, should be shown as dedicated to Baltimore County as part of the stream valley park system.

5. The designated greenway area shall be clearly identified and labeled "Baltimore County Greenway Reservation," and must be shown on the CRG Plan, Final Development Plan and Record Plat.

A:CRG121.TXT

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 29, 1990

TO: Mr. Robert Covahey

FROM: Stephen E. Weber

SUBJECT: C.R.G. Comments

PROJECT NAME: Greystone Golf Course

LOCATION: White Hall Road

Adequate reference points need to be provided for locating the proposed access point on White Hall Road so sight lines can be checked. Therefore it is recommended that the meeting be continued.

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RJF/jw

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Rocky O. Powell, Director
Environmental Impact Review Division DATE: August 29, 1990

FROM: David Lykens

SUBJECT: ENVIRONMENTAL EFFECTS REPORT: GREYSTONE GOLF COURSE

Meeting Date: August 30, 1990 Time: 10:00 A.M.

PLAN REVIEW NOTES:

Site Description: Proposed golf course on 217 acres of old field an forest.

Description of Streams: 1st order stream, tributary to First Mine Branch.

Description of Wetland soils: BaB and GnB soils along streams.

Storm Water Management required? YES

RESPONSES:

The Environmental Effects Report is approved, subject to the following items/conditions:

No development is allowed in Forest Buffer Easement.

The developer must follow the Environmental Protection and Resource Management's Wetland Guidelines.

Streams, stream buffers and wetlands should be noted on all subsequent development plans.

BEST MANAGEMENT PRACTICES:

All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such conditions.

Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule:
May through October, concurrent with grass mowing;
November through April; monthly.

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date: August 30, 1990

From: Department of Recreation and Parks

Project Name: Greystone Golf Course Preliminary Plan _____

Project Number: 90353 Development Plan _____

Location: White Hall Road Final Plat _____

Districts: 7 C 3 CRG X

COMMENTS:

1. Local Open Space is not required for RC zoning.

2. The Baltimore County Master Plan designates the First Mine Branch as part of the overall Open Space Network Plan. In order to comply with the Master Plan, the 100 year flood plain, contiguous wetlands, or limits of the forest buffer easement whichever is greater, must be labelled "Baltimore County Greenway Reservation -- To Be Dedicated to Baltimore County."

Walter P. Kincer
Facilities Coordinator

WPK:nad

COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, August 30, 1990

GREYSTONE GOLF COURSE

District 7 C3

COUNTY REVIEW GROUP - THOSE PRESENT

Les Schreiber, Chairman - Dept. of Public Works
Francis Morsey, Co-Chairman- Office of Current Planning

AGENCY REPRESENTATIVES

Dave Lykens	- DEPRM
David Bayer	- Developers Engineering Division
Larry Pilson	- DEPRM
Ed Schmaus	- DEPRM/Storm Water Management
Pat Kincer	- Recreation & Parks
Rahee Famili	- Traffic Engineering

DEVELOPER AND/OR REPRESENTATIVES

E. F. Raphel	- E. F. Raphel & Assocs.
Thomas J. Dolina	- Power & Mosner
Fred Thompson	- LPJ, Inc.
Wes Burton	- Burton Assoc. Architects, Inc.
Grant Anderson	- Engineering Technologies Assocs.
Reed Huppman	- Biohabitats, Inc.
E. Donald Airey	- Greystone
Paul O'Leary	- Greystone
Conrad E. Sump	- Power & Mosner

INTERESTED CITIZENS

Please See Attached

Mr. Schreiber, Chairman, opened the meeting at 10:45 a.m., introduced the staff, and explained the purpose of the meeting. Mr. Raphel presented the plan.

Mr. Morsey summarized the staff comments submitted from Fire Department, Developers Engineering Division, Storm Water Management, Department of Environmental Protection and Resource Management (DEPRM), Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks, Bureau of Sanitation, Bureau of Land Acquisition. These comments have been made a part of this summary, and a copy was also given to the developer and developer's engineer.

The Greystone Golf Course CRG plan proposes a country club (primarily a golf oriented facility) including a golf course, practice facilities, a clubhouse complex and supporting facilities, on 217 +- acres zoned RC 2 (143.5 acres) and RC4 (73.7 acres) located along White Hall Road and Vernon Road.

The CRG plan for the subject site dated August 9, 1990, with latest revision dated August 24, 1990, has been reviewed by the CRG staff. The following CRG staff comments were addressed with discussion at this CRG meeting:

Fire Dept. - Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1988 Edition. It is highly recommended that water for fire protection be provided in accordance with the Urban Guide for Fire Prevention and Control Master Planning.

Developers Engineering Division - The developer is responsible for the full cost of all highway and storm drain construction. A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a building permit may be approved. In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited. Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given: "All manmade embankments have been designed and/or certified for stability by a soils engineer." The contours on the plan reveal rather excessive grading. The developer's engineer is cautioned not to exceed the maximum set by Baltimore County standards. The 88-acre portion south and east of the golf course site shall be submitted for review and approval through the CRG process at the time of development and shall be subject to all development procedures, policies and regulations.

White Hall and Vernon Roads are existing County roads which shall ultimately be improved as 40-foot street cross-sections on 60-foot rights-of-way. The developer's responsibilities along the existing road frontage of the subdivision shall be as follows: 1) The preparation of the right-of-way plat for, and the dedication of, any widening and slope easements at no cost to the County; 2) The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the developer's expense; 3) The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the developer shall be financially responsible for the necessary repairs to these properties; 4) The relocation of any utilities or poles as required by the road improvements.

Street lights are required and ramps shall be provided for physically handicapped persons at all street intersections.

It appears the proposed grading required for the entrance and parking areas will impact the Karst, Amos, Taylor, and Hanna residences. Proposed improvements to prevent the flow of surface water to these properties must be clearly shown on the plan.

It appears a culvert exists at the Hanna property and at the intersection of Vernon and White Hall Roads. These must be shown on the plan. The developer is advised that improvements to all existing drainage structures along White Hall and Vernon Roads may be required and shall be done at his full cost responsibility. Computations indicating the adequacy of the existing culverts must be submitted for review and approval.

The developer is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

The developer must furnish the Bureau of Public Services with a floodplain study containing the information outlined in the comment package as listed from a. to g. When the quantity of drainage in roadside ditches is expected to exceed 2 c.f.s. or a velocity of 4 feet per second, concrete gutter or standard mountable curb is required to prevent erosion.

Storm Water Management - Quantity control must be provided for the 2- and 10-year storms. Water quality must be provided for the first 0.5 inch of runoff from all on-site impervious areas. Infiltration is the preferred method and its use must be investigated. All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving wetland, watercourse or adjacent property. Suitable outfalls from the storm water management facilities must be shown prior to CRG plan signature.

DEPRM - Metropolitan water and sewer is not available to this site; therefore, wells and septic systems must be utilized. Additional soil evaluation tests are required prior to building permit approval to accommodate a second repaired septic system. The amendment to the Master Water and Sewer Plan must be approved prior to building permit approval.

The Environmental Effects Report is approved, subject to the developer following the conditions listed and complying with the best management practices as stated in the comment package. The developer was also advised that the following issues must be addressed: 1) A variance of the Executive Order (effective June 4, 1989) must be approved for any encroachment(s) into the Forest Buffer Easement. No variance will be approved that indicates any grading or soil disturbance within fifty (50) feet of the existing pond; 2) Water quality facilities for all tees and greens, showing location and type, must be approved. Prior to design of the water quality facilities, permeability analysis and total organic carbon analysis should be provided. Additional testing and/or adjustments of these locations may be required by the Department of Environmental Protection and Resource Management prior to grading plan approval; 3) The developer must provide an operational program for irrigation wall use that is approved by the Department of Environmental Protection and Resource Management; 4) The developer must provide a plan showing areas for proposed afforestation including location and acreage. A detailed afforestation plan must be provided prior to grading plan approval.

Planning - The developer was advised that on prime and productive soils within RC 2, 3 & 4 zones, no plan or plat may be approved unless the County finds that construction, excavations, buildings, structures, grading, clearing, or other disturbances of the soils will be limited or restricted in accordance with policies established by Department of Environmental Protection Resource Management to promote agricultural uses and protect Baltimore County's soil resources. Clarify relationship and patterns of internal roads and paved pathways. Show pedestrian access from all parking lots to buildings. The 1989 Baltimore County Master Plan designates First Mine Branch as a significant link in the County wide stream valley greenway system. The entire floodplain or the stream buffer, whichever is greater, should be shown as dedicated to Baltimore County as part of the stream valley park system. The designated greenway area shall be clearly identified and labeled "Baltimore County Greenway Reservation", and must be shown on the CRG plan, Final Development Plan, and Record Plat.

Zoning - Include all zoning history on the plan. Dimension all driveways and parking aisles and note on the plan they will comply with B.C.Z.R. 409.4. Note that all parking, maneuvering, and aisle areas will be paved, indicating type and permanently striped. Label proposed curbs and/or parking wheel steps. Amend Number 10 and 11, Fairways, Greens & Tees to comply with Restriction No. 2. Provide bold complete paths on all fairways, greens and tees. Darken all golf cart/pedestrian paths as proposed. Slightly amend greens, tees and fairways on Numbers 8, 12 and 13 to comply with Restriction No. 2.

Traffic Engineering - Mr. Rahee Famili stated that he personally reviewed the site this morning, and has approved the plan as submitted.

Recreation & Parks - The Baltimore County Master Plan designates the First Mine Branch as part of the overall Open Space Network Plan. In order to comply with the Master Plan, the 100-year floodplain, contiguous wetlands, or limits of the forest buffer easement, whichever is greater, must be labeled "Baltimore County Greenway Reservation -- To Be Dedicated to Baltimore County."

Sanitation - Baltimore County does not provide commercial refuse removal.

Land Acquisition - This plat encompasses Parcel 44 which is not included in this plat. Mr. Raphel was advised to check with Land Acquisition concerning Parcel 44. Note on the plan that Baltimore County maintains both White Hall Road and Vernon Road.

The developer and his representative were asked if they understood the staff comments and would comply, and they responded that they would. There was no additional discussion on the staff comments.

The citizens were invited to comment, and their comments were reviewed:

Mr. Richard McQuaid of 1501 Harris Mill Road stated that the site has been farmed up until last year and is in Prime Productive Soils. With the proposed use of the ground water, this will adversely affect adjacent wells.

Response - Mr. Morsey explained that Dave Lykens of DEPRM stated that this site has been reviewed and has been determined to be in context with the law. Mr. Huppman of Biohabitats, Inc., stated that the performed tests on the ground water has no adverse results. Mr. Pilson of DEPRM stated that the information was reviewed and was found to be in compliance. Mr. Huppman stated that the withdrawal figures were given by the Dept. of Natural Resources.

Ms. Lisa Webber of 2122 Hunters Mill Road asked for an explanation of the zoning issues still unsettled. She also had traffic concerns such as site obscured, impact, etc. She asked how the storage of water in ponds on the site will affect streams and adjacent wells, etc., and stated that the site conflicts with the intent of the Master Plan in that the site is in a Prime and Productive Soil Preservation Area.

Response - All of Ms. Webber's concerns were previously discussed in the comments.

Ms. Dorothy E. Miller of 17 Hunters Mill Road advised that the site is on the Landmarks list. First Mine Branch is a trout stream and will be adversely affected. She asked how the extraction of water from streams to the holding ponds will impact the environment. The large usage of ground and stream water will impact the wells on adjacent properties.

Response - Mr. John McGrain has looked into this and found the site okay. Ms. Miller's property is in the Landmarks List area. Mr. Schreiber explained that First Mine Branch with its required buffer will be dedicated to Baltimore County as part of the Stream Valley Park System. Her other comments were previously addressed.

Ms. Lucy Wilmer of 2515 White Hall Road said that her property is adjacent to the site, and asked what affect will this site water usage have on her well. She also stated that this site is a violation of the Master Plan.

Response - Ms. Wilmer's remarks were previously addressed.

J. Carroll Hozler, Esq., attorney for the community, of 305 W. Chesapeake Avenue, stated that time of notification was less than 2 weeks, additional water was being requested to pump from the streams, and he submitted a package of evidence and concerns for CRG review.

Response - Mr. Schreiber stated that the posting date of 8/14/90 was within the Development Regulations Guidelines of Section 22-57. Other remarks were previously addressed.

M.V. Runkles of 18200 York Road stated that traffic will be impacted, and wanted to know how the historic site nearby will be impacted and protected.

Response - Remarks were previously addressed.

Michael Brown of 2425 Garrett Road stated that the intersection of Vernon and White Hall Roads is dangerous. He also asked about the impact to adjacent wells, and why the CRG meeting is being held when the zoning is under appeal.

Response - Mr. Rahee Famili of Traffic Engineering explained that any development will add to the existing traffic and further impact the area. However, the additional traffic will not create any failing intersections. Mr. Schreiber explained that if there is a problem at the intersection of Vernon and White Hall Roads, the citizens should contact both the Bureau of Traffic Engineering and the Bureau of Highways. Mr. Morsey explained that the upcoming hearing is for Special Exception. Mr. Schreiber explained that this plan is concept only and can be approved but not signed until all issues and comments have been addressed.

CONCLUSION: The plan was approved, the appeal process was explained, and the meeting was adjourned at 12:25 p.m..

Greystone Golf Course
August 30, 1990
10:00 a.m.

C.R.G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of plan by developer's representative
5. Comments of County agencies
6. Citizens' comments or questions
7. Developer's response
8. County Review Group decision
9. Adjourn meeting

SEE 2ND SHEET ATTACHED

PLEASE PRINT SIGN IN

NAME	ADDRESS
Dr. Richard W. McQuaid	1601 Harris Mill Rd Parkton, Maryland
Mrs. Gloria McQuaid	" "
Gordon Williams	21411 Dunks Ferland Rd. 21120
Lisa Webber	21120 Hunters Mill Rd. 21161
Dorothy E. Miller	1700 Hunter Mill Rd, White Hall 2116
Mrs Pearl Wilmer	2515 White Hall Rd, White Hall 211
J. Carroll Holzer	305 W. Chesapeake Towson Md 21204
M. V. Runkles, III	18,200 York Rd Parkton Md 211
Michael Brown	2425 Garrett Rd. White Hall, Md 2116
Harold Lloyd	21053 Millers Mill Rd Freeland, Md 21053
[illegible] Stafford	Green Rd White Hall Md

COUNTY REVIEW GROUP
CITIZENS' INFORMATION SHEET

Purpose of the CRG

The CRG is a meeting of the County's technical review staff that act on a proposed development. It is open to the public, but is not the kind of hearing at which public opposition in itself will result in a denial of the project. A proposed development must simply comply with the relevant County Regulations for it to be approved.

The CRG is very limited in scope and deals almost entirely with site specific elements: vehicular access to the site; storm water management; flood plain, wetland and stream protection; protective buffers; compatibility with adjacent residential uses where required; landscape planning; access for emergency vehicles, etc. The CRG cannot amend or revoke zoning already granted. The appropriate forum for the public to express concerns as to increased density, traffic congestion, property values, school capacity, police protection, etc. is at the advertised public hearings at the time of rezoning or at the public hearings on Special Exceptions or Variance Requests.

At the time of CRG, zoning is generally in place which allows the use proposed. If a zoning variance, special exception, etc. is required, CRG approval is contingent upon the developer successfully obtaining that variance or exception.

Format of CRG Meeting:

A. Convene Meeting
B. Introductory Statements
C. Introduce County Staff
D. Developers' Representative Presents the Plan
E. Summarize Baltimore County Agency Comments
F. Receive Citizens' Comments/Questions
G. Address Agency and Citizens' Comments/Questions
H. Render CRG Decision
I. Adjourn Meeting

Procedures for Public Participation:

A. Before the meeting, sign in on the appropriate sheet being circulated. Put your name and address on the first page; if you wish to speak, put your name on the last page also.

B. The meeting will be taped; please keep background noise to a minimum and one person speak at a time.

C. If the meeting is continued, you will be asked to address a postcard to yourself. This will be used to notify you of the date and time of the continued meeting.

D. If you wish to speak, please:

1. *State your name.*
2. *Keep your comments as brief as possible. Only say what is necessary to allow the CRG to understand your concern.*
3. *Limit your comments to issues that the CRG has the ability to address, i.e., issues that pertain to the Baltimore County Development Regulations.*
4. *Avoid repetition by limiting your comments to issues that were not yet raised by a previous speaker.*

Bureau of Public Services 9/86

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS

PROJECT NAME: GREYSTONE GOLF COURSE
LOCATION: White Hall and Vernon Roads
Developer: Blackstrap Development Company
Engineer: E.F. Raphel and Associates
Meeting Date: August 30, 1990 Time: 10:00 A.M.

RECOMMENDATIONS:

APPROVAL: X CONTINUANCE OF MEETING: DISAPPROVAL:

(See Site Specific Comments from:

DIVISION OF WATER AND SEWER
Land Development Section
887-2762

GENERAL COMMENTS:

Metropolitan water and sewer is not available to this site, therefore, wells and septic systems must be utilized.

SITE SPECIFIC COMMENTS:

1) Additional soil evaluation tests are required prior to building permit approval to accommodate a second repaired, septic system.

2) The amendment to the Master Water and Sewer Plan must be approved prior to building permit approval.

ENVIRONMENTAL EFFECTS REPORT:
Greystone Golf Course
Page 2

Snow removal will be by mechanical means except in severe snow and ice conditions, when de-icing compounds may be used.

Applications of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.

Filling will not occur in grassed or lined drainage ditches or swales.

COMMENTS:

The following issues must be addressed:

1) A variance of the Executive Order (effective June 4, 1989) must be approved for any encroachment(s) into the Forest Buffer Easement. No variance will be approved that incicates any grading or soil disturbance within fifty (50) feet of the existing pond.

2) Water quality facilities for all tees and greens, showing location and type, must be approved. Prior to design of the water quality facilities, permeability analysis and total organic carbon analysis should be provided. Additional testing and/or adjustments of these locations may be required by the Department of Environmental Protection and Resource Management prior to grading plan approval.

3) The developer must provide an operational program for irrigation well use that is approved by the Department of Environmental Protection and Resource Management.

4) The developer must provide a plan showing areas for proposed afforestation including location and acreage. A detailed afforestation plan must be provided prior to grading plan approval.

5) Outfalls for all proposed irrigation ponds, stormwater management facilities and water quality structures must be approved by the Department of Environmental Protection and Resource Management prior to grading plan approval.

Environmental Impact Review Division to review Grading and Sediment Control Plans.

Environmental Impact Review Division to review Storm Water Management and Water Quality Plans.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1989, Legislative Day No. 16
BILL NO. 134-89

Mr. William R. Evans, Councilman
By Request of County Executive

By the County Council, September 5, 1989

A BILL
ENTITLED

AN ACT concerning

Development Regulations-Agricultural Preservation

FOR the purpose of preserving agricultural lands and protecting prime and productive soils in the development process.

BY adding

Section 22-37(b)(5)
Division 1

Section 22-39 new definition "Prime and Productive Soils"
Division 1

Section 22-99(c)
Division 3

BY repealing and reenacting with amendments

Section 22-55(b)(3)
Division 2

All of Article IV.
Title 22 "Planning, Zoning and Subdivision Control"
Baltimore County County, 1978, 1987 Cumulative Supplement
as amended

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that Sections 22-37(b)(5), 22-39 new definition "Prime and Productive Soils, and 22-99 (c), be and they are hereby added to Article IV. title "Planning, Zoning and Subdivision Control" of the Baltimore County Code, 1978, 1987 Cumulative Supplement, to read as follows:

Sec. 22-37. Development policies.

(b) These regulations are intended to protect and promote public health, safety and welfare and to ensure provision for public facilities, services and amenities. To this end, these regulations are designed and intended to ensure the safety, adequacy and convenience of proposed provisions for the following:

(5) PRESERVATION OF AGRICULTURAL LANDS, INCLUDING ADEQUACY OF PROTECTION OF PRIME AND PRODUCTIVE SOILS FROM INAPPROPRIATE DEVELOPMENT.

Sec. 22-39. Definitions.

As used in these regulations, the following words and terms have the meaning indicated:

PRIME AND PRODUCTIVE SOILS MEANS SOIL TYPES DEFINED IN THE U.S.D.A. SOIL SURVEY OF BALTIMORE COUNTY, ISSUED MARCH 1976 AND AS UPDATED, AS AGRICULTURAL CAPABILITY CLASSES I, II OR III OR AS WOODLAND CLASSES 1 OR 2.

Sec. 22-99. Slope protection and soils.

(c) ON PRIME AND PRODUCTIVE SOILS WITHIN THE R.C. ZONES, EXCEPT WITHIN THE R.C.5 ZONE, NO PLAN OR PLAT MAY BE APPROVED UNLESS THE COUNTY FINDS THAT CONSTRUCTION, EXCAVATIONS, BUILDINGS, STRUCTURES, PAVEMENTS, GRADING, CLEARING OR OTHER DISTURBANCES OF THE SOILS WILL BE LIMITED OR RESTRICTED IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT TO PROMOTE AGRICULTURAL USES AND PROTECT BALTIMORE COUNTY'S SOIL RESOURCES. THIS REGULATION SHALL APPLY TO ALL DEVELOPMENT EXCEPT SUCH DEVELOPMENT WHICH HAS BEEN ACCEPTED FOR FILING UNDER SECTION 22-56 BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO OCTOBER 1, 1989.

SECTION 2. Be it further enacted, that Section 22-55(b)(3), Division 2, Article IV. of the Baltimore County Code, 1978, 1987 Cumulative Supplement, be and it is hereby repealed and reenacted, with amendments, to read as follows:

Section 22-55. Plan.

(b) The plan shall be filed with the department of public works and shall contain the following information:

(3) Soil types in accordance with the soil survey, Baltimore County, Maryland(;), INCLUDING, IDENTIFICATION OF PRIME AND PRODUCTIVE SOILS;

Section 3. And be it further enacted, that this bill, including all of Subsection 22-99(c) shall expire and be of no further effect on January 1, 1991.

SECTION 34. And be it further enacted, that this Act shall take effect forty-five days from the date of its enactment.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

-2-

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals DATE: September 27, 1990

FROM: David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

SUBJECT: Notice of Appeal for
Greystone Golf Course

On September 26, 1990, this office received a Notice of Appeal in the name of Thomas G. Bodie, Esq., of Power and Mosner, 21 W. Susquehanna Avenue, Towson, Maryland, 21204, on behalf of Blackstrap Development Company and E. Donald Airey, Jr., from the decision of the County Review Group made on August 30, 1990 in regard to the approval of the Plan of the Greystone Gold Course.

Attached is a copy of the Notice of Appeal, a copy of the receipt for $75.00 covering the filing cost, and a copy of the subdivision file.

If you would care to discuss this matter in any way, please contact me at your convenience.

David L. Thomas
David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jha
Attachments

cc: Blackstrap Development Company
Office of Law
Director of Planning
Current Planning Office
Developers Engineering Division
Economic Development Commission
S. Wallis
File

True Copy Test: David L. Thomas

RECEIVED
COUNTY BOARD OF APPEALS
90 SEP 27 AM 11:51

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals DATE: September 28, 1990

FROM: David L. Thomas, P. , Asst. Chief
Bureau of Public Services

SUBJECT: Notice of Appeal for
Greystone Golf Course

On September 27, 1990, this office received two more Notices of Appeal in the names as follows from the decision of the County Review Group made on August 30, 1990 in regard to the approval of the Plan of the Greystone Golf Course:

1. M.V. Runkles, III, Secretary/Treasurer of the Weisburg Community Association, Inc., c/o C.E. Shaneybrook, III, President, 18200 York Rd , Parkton, Md., 21120, for the board and members of the Weisburg Community Association, Inc.

2. J. Carroll Holzer, Esq. of Holzer, Maher & Demilio, 305 W. Chesapeake Ave., Suite 105, Towson, Md., 21204 on behalf of Northeast Baltimore County Protective Association, Johanne Edey, and William Holland Wilmer, II.

Attached are copies of the Notices of Appeal and copies of the receipts for $75.00 covering the filing cost. A copy of the subdivision file has already been forwarded to your office.

If you would care to discuss this matter in any way, please contact me at your convenience.

David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jha
Attachments

cc: Blackstrap Development Company
Office of Law
Director of Planning
Current Planning Office
Developers Engineering Division
Economic Development Commission
S. Wallis
File

True Copy Test David L. Thomas

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT -2 PM 2:00

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

October 9, 1990

Thomas G. Bodie, Esq.
21 W. Susquehanna Avenue
Towson, Maryland 21204

RE: Zoning Case #90-19-SPHX
Greystone Golf Course

Dear Mr. Bodie:

The Zoning Office has reviewed the revised plan, dated August 24, 1990, as received / this office on September 15, 1990.

The Zoning Commissioner has determined that this office will approve grading permits for the site if the Department of Environmental Protection and Resource Management (DEPRM) and other County agencies also give their required approvals. However, there are still conflicts and noncompliance with the hearing order as well as with the CRG comments.

Compliance with all hearing restrictions and CRG comments must be clearly indicated and shown on any building permit application plans. If any plan proposals are in noncompliance with the hearing order and restrictions, a special hearing to amend the original plan and order will be required and be aware that it is the responsibility of the owner/developer to identify and address these issues in a timely manner.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,
JAMES E. DYER
Zoning Supervisor
By: John J. Lewis
Planning and Zoning Associate

JJL:jat
cc: Furman E. Hendrix, 2115 Whitehall Road, Whitehall, Maryland 21161
Lewis Eichelberger, Jr., 1926 Hunters Mill Rd.,Whitehall, Md. 21161
E. Donald Airey, Jr., 1222 Corbett Rd., Monkton, Md. 21111
File

Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

August 8, 1991

Ted Zaleski, Jr., Director
Department of Permits & Licenses
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Greystone Golf Course
Furman Hendrix Property
SW Intersection White Hall & Vernon Rds., 7th Election Election District
3rd Councilmanic District (305+ acres)

91 AUG -7 PM 1:

Dear Mr. Zaleski:

Upon review of the Order of Judge Barbara Kerr Howe of the Circuit Court for Baltimore County dated July 29, 1991, it appears that the zoning premise f any permit relating to the proposed Greystone Golf Course is non-existent. Similarly, any work or land improvement directed to the construction of the golf course is without present legal authority.

Based on the Daily Record dated August 2, 1991, and the letter of J. Carroll Holzer of the same date, there appears to be a reasonable concern that work is going ahead. Under these circumstances, the county should clarify that any existing permits are inoperative. They should be suspended and/or revoked to the extent necessary to avoid any appearance of legal authority. In the absence of a final Order of the County Board of Appeals, there should be no field work on the project.

We have identified the grading permit as No. B085371. There may be other permits outstanding, but we are not aware of them.

Very truly yours,
Phyllis Cole Friedman
People's Counsel for Baltimore County
Peter Max Zimmerman
Deputy People's Counsel

- 2 -

August 8, 1991

Ted Zaleski, Jr., Director
Department of Permits & Licenses
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

cc: Gene L. Neff, Director
Dept. of Public Works

P. David Fields, Director
Office of Planning & Zoning

Merreen E. Kelly,
Administrative Officer

H. Emslie Parks, Esquire
Baltimore County Attorney

William T. Hackett, Chairman
County Board of Appeals

Thomas Bodie, Esquire
Attorney for Petitioner

J. Carroll Holzer, Esquire
Attorney for Protestants

PCF:PMZ:sh

Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

October 29, 1991

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Greystone Golf Course
#90-19-SPHX; Ckt. Ct. #91CG1402

Dear Chairman Hackett:

We trust that the Board of Appeals will, at a suitable time, schedule a hearing on the issues raised in Judge Barbara Kerr Howe's remand of the proposed golf course special exception and CRG approval. We will cooperate in the scheduling of the hearing, as necessary and appropriate.

Given the variety and complexity of matters currently surrounding the proposal, it might be helpful if the Board calls the attorneys in for a short conference one morning to set some ground rules as to the character and subject matter of the hearing.

Very truly yours,
Peter Max Zimmerman
Deputy People's Counsel

cc: Thomas G. Bodie, Esquire
J. Carroll Holzer, Esquire

PMZ:ab

RECEIVED
COUNTY BOARD OF APPEALS
91 OCT 29 PM 2:15

FURMAN E. HENDRIX, ET AL AND GREYSTONE GOLF COURSE
CASE NOS. 90-19-SPHX & CBA-90-165

SW of inter. o. White Hall & Vernon Rd. — 7th Election District, 3rd Councilmanic District

SE-Country/Golf Club
SPH-use of existing bldgs. in ML zone as maint., storage, access., etc.

August 30, 1990	CRG meeting wherein the Plan was approved.
September 26	Notice of Appeal received from Thomas G. Bodie, Esquire on behalf of the developer, Blackstrap Development Company and E. Donald Airey, Jr., individually.
September 27	Notice of appeal received from M.V. Runkles, III, Secretary/Treasurer of Wiseburg Community Association, Inc.
September 27, 1990	Notice of appeal received from J. Carroll Holzer, Esquire on behalf of Protestants/Appellants.
June 28, 1989	Petition of Furman E. Hendrix, et al for Special Exception for a country club (primarily golf oriented facility), etc. and Petition for Special Hearing for use of existing buildings in ML zone as maintenance, storage, etc.
March 23, 1990	Order of the Zoning Commissioner DENYING Petition for Special Hearing and GRANTING IN PART Petition for Special Exception with restrictions.
March 30	Notice of Appeal received from J. Carroll Holzer, Esquire on behalf of Protestants.
April 20, 1990	Notice of appeal received from Gisriel & Gisriel on behalf of Wiseburg Community Association, Inc.
October 9	Hearing before the Board of Appeals.
October 19	Hearing continued before the Board of Appeals.
November 20	Hearing continued before the Board of Appeals.
December 28	Hearing continued before the Board of Appeals.
January 2, 1991	Hearing completed before the Board of Appeals.
January 16	Plaintiff Wiseburg Community Association, Inc.'s Memorandum in Support of Appeal filed by James S. Aist, Esquire of Anderson, Coe & King.

FURMAN E. HENDRIX, ET AL AND GREYSTONE GOLF COURSE 2.
CASE NOS. 90-19-SPHX & CBA-90-165

January 16, 1991		Brief of Petitioners/Appellees filed by Thomas G. Bodie, Esquire.
January 16		Appellants/Protestants Post-Hearing Memorandum filed by J. Carroll Holzer, Esquire.
March 5		Opinion and Order of the Board of Appeals GRANTING Petition for Special Exception with restrictions and AFFIRMING the approval of the County Review Group.
April 1	JE	Order for Appeal filed in the CCt,BCo by J. Carroll Holzer, Esquire on behalf of Northeast Baltimore County Protective Assoc., Inc., et al.
		Petition to accompany appeal filed in the CCt,BCo by Mr. Holzer.
April 2	JE	Order for Appeal filed in the CCt,BCo by People's Counsel for Baltimore County. Petition to accompany appeal also filed.
April 3		Certificates of Notice sent to interested parties.
April 3	JE	Order for Appeal filed in the CCt,BCo by G. Macy Nelson, Esquire and James S. Aist, Esquire on behalf of M.V. Runkles, III and Weisburg Comm. Assoc., Inc. Petition to accompany appeal also filed.
April 4		Third Certificate of Notice sent to interested parties.
April 16	✓	Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.
July 29	✓	Order of the CCt,BCo REVERSING Board of Appeals and REMANDING case for determination consistent with said Opinion (Hon. Barbara Kerr Howe).
August 5	✓	Motion for Reconsideration filed in CCt,BCo by Thomas G. Bodie, Esquire.

12/17/91 -Letter to Judge Howe from WTHackett /clarification of intent of Order dated 7/29/91 /issues before Board at hearing scheduled for 1/02/92 on historic landmark issue /etc. (copy in Case No. CBA-91-203 /CRG appeal)

12/20/91 -Reponse from Judge Howe; testimony and evidence to be limited to Historic Landmark Preservation issue; Board correct in all other respects.

5/7/90 - Following parties notified of hearing set for October 9, 1990 at 10:00 a.m.:

J. Carroll Holzer, Esquire
~~Thomas J. Gisriel, Esquire~~ ~~c/o~~ app 10/11
E. Donald Airey, Jr.
Wiseburg Comm. Assoc., Inc.
P. David Fields
J. Robert Haines
James E. Dyer
Docket Clerk - zoning

~~Michael Gisriel, Esquire~~ c/o app
Furman E. Hendrix, et al
Thomas G. Bodie 10/11
People's Counsel
Pat Keller
Ann M. Nastarowicz
W. Carl Richards, Jr.
Arnold Jablon

9/28/90 - Above parties sent Amended Notice combining this case with Greystone Golf Course (CBA-90-165)

9/28/90 -T/C from C. Holzer objecting to consolidation of this matter with Greystone CRG appeal; left message for W. Hackett to telephone him regarding same. (Advised that WTH not expected in until 10/3/90)

10/10/90 - Above parties notified of Day #2 set for October 19, 1990 at 9:30 a.m.

10/22/90 -Notice of Assignment sent to above --Day #3 to be heard on Tuesday, November 20, 1990 at 1:00 p.m.

11/21/90 - Above parties notified of Day #4 set for December 28, 1990 at 10:00 am.

12/28/90 - Above parties notified of Day #5 set for January 2, 1991 at 9:00 a.m.

1/2/91 - Hearing completed. Memos due January 16, 1991.

FURMAN E. HENDRIX, ET AL AND GREYSTONE GOLF COURSE
CASE NOS. 90-19-SPHX & CBA-90-165

3.

January 2 and 7, 1992	Hearing before the Board on REMAND ORDER and subsequent appeals.
February 28	Order of the Board GRANTING SE, AFFIRMING CRG, Planning & Permits & Licenses.
March 26	Order for Appeal filed in CCt,BCo by J. Carroll Holzer, Esquire on behalf of Petitioners.
March 27	Order for Appeal and Petition filed in CCt,BCo by People's Counsel.
May 5	Order of the CCT,BCo AFFIRMING C.B. of A. (Howe)

90-19-SPHX

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Carlton E. Wolfe	17433 Wesley Chapel Rd. White Hall Md.
Clifton E. Worrell	17433 Wesley Chapel Rd Whitehall
Francis Hunnicutt	2980 White Hall Rd White Hall 21161

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Wilma Thomas	2122 Hunters Mill 21161
E. Parker & Mary Hough	19225 Greystone Rd 21161
Robert E. Brenner	2122 Hunter Mill Rd 21161
Frank Lorman	2922 Hunter Mill Rd 21161
Rev. Edward O. Brandon Sr.	2319 McComas Rd White Hall MD
Mr. Mrs. Lee	21111 DUKE EDGELAND RD. 21120
Robert Taylor	2015 White Hall Rd White Hall Md 21161
Mary T. Taylor	2015 White Hall Rd White Hall 21161
Pete Streeter	2111 Garrett Rd - White Hall MD 21161
Eileen Hamblett	2119 Hunter's Hill Rd Whitehall
Nancy Marchetti	2119 Hunters Mill Rd White Hall 21161

Gene Raphael is Surveyor

Hearing 90-19-SPHX (Whitehall Rd & Iverna Rd - Hendrix)
12 Restrictions in Order

Mary Ann Burford

Check for Bob Staab

115' Town Taxes

X 8216

Pay for all permits

Grey Stone Golf Course

24' x 60' trailer for c/u/b house - need a ?

1. Needs Trailer Permit - NO FEE
2. Site Plan

Laws for Bathrooms ?

1. Handicapped Accessible Ramp
2. Handicapped Accessible Bathroom

Can they have a grill outside for general public to cook ?

1. Must be certain distance from building (Capt. Long)
2. 15' would be appropriate, but
3. Don't see the purpose in law

Also, they plan on building a Pavillion

Is it temporary ?

20' x 45' - need a ?

1. Needs A Bldg Permit - NO FEE
2. Construction Plans need Plan ?
3. Site Plan
4. Handicapped Accessible

Site has well water

1. Need permit to see if well and septic can handle additional load

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Johanne Hedrick	15000 White Hall Rd White Hall MD 21161
Richard J. Klein	P.O. Box 206 Maryland Line MD 21105
10 Thomas Wilson	2515 Nine Mile Road Lineboro Md 21102
Dr. Alex Baxter	17900 Big Falls Rd. White Hall MD 21161
Lee Eden	18000 White Hall MD 21161
William J. Fox	18532 Vernon Rd 21161
Joe Taylor	18532 Vernon Rd 21161
Robert Wolfe	18531 Vernon Rd 21161
Teresa Black	20332 Windlestraw Rd 21117
USA Webber	2122 Hunters Mill Rd 21161
Dorothy E. Miller	1700 Hunter Mill Rd. 21161
Libby Eagber	2308 McComas Rd 21161
Ernestine R. Chambers	2310 McComas Rd 21161
Michelle D. Geyer	2308 McComas Rd 21161
Brenda L. Cutler	2336 McComas Rd 21161
John Almond	2812 McComas Rd 21111
Margaret N. Almond	2812 McComas Rd 21111
Wm. A. Williams	7515 White Hall Road 21161
Nancy M. Smith	831 Wiseburg Rd. 21161
Betty Wilmer	2815 White Hall Rd White Hall
Margaret Groton	17925 Bacon Rd, White Hall 21161
Gloria McCord	1501 Harris Mill Rd Parkton MD 21120
Richard W. McLeod	1501 Harris Mill Rd Parkton MD 21120
Dorothy M. Christy	17800 Big Falls Rd. White Hall 21161
Robert E. Christy	17800 Big Falls Rd - White Hall 21161

90-19-SPHX

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
John Dove	2225 W. Joppa Rd 21093
William Ritchie Jr.	4530 Hearne Farm Rd. 21227
George C. Litz - IV Esquire	1600 Stablersville Rd 21161
B.J. Litz	1600 Stablersville Rd. 21161
William P. Sudemann	10305 Kenny Mill Rd. 21057
John Kousouris	36 Oakridge Ct. 21093
KEITH B. NEFF	13 CROSS CREEK CT 21131
Ruth Dixon	3900 White Hall Rd Bel Air Md. 21014
Ellen Bertke	2401 Harnett Rd. White Hall MD 21161
Susan Bartkowski	814 Upper Glencoe Rd Sparks 21152
Edward C. Bartkowski	814 Upper Glencoe Rd. Sparks 21152
Irene M. Hunt	1222 Corbett Rd, Monkton 21111
Christopher Sue Hyl	

90-19-SPHX — 8-29-89

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Roy Dove	2221 Woodsboro RD 21093
[illegible]	16120 Dark Hollow Rd Hydro MD
Keith B. Neff	13 Cross Creek Ct. Phoenix MD 21131
[illegible]	P.O. 21093
John McGuckian	1018 W. Joppa Road 21204
Joyce H. McGuckian	1018 W Joppa Road 21204

90-19-SPHX — 8-29-89

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
George Litz	White Hall, MD. 21161
Ken Braun	2003 Smith Ave Balt. Md. 21209
Clement Mercaldo	3 Southerly Ct. Towson 21204
Ray Adolph	York Rd 21093
Nick Jackson	Phoenix Md 21131
Ray Jackson	" " 21131
Joe Jackson	" " 21131
Dave J. Lyons Ki	Phoenix Md 21131
Gerard S. Bartkowski	SPARKS MD 21152
M. Delmar Ritchie Jr.	Sherwood Forest, Md 21405
Bill Heefernon	6003 Hollins Ave Balt. 21210
Paul J. Fuller	1 Norwich Circle 21093
[illegible]	36 Oakridge Ct. 21093
Peter Nalitanal	" " "
Tom M. Donnoch	30 Pickett Road 21093
C.P. Maryknoll Priest	18200 York Rd.
Weisburg Assoc.	
M.V. Ruddle, III	18,200 York Rd Parkton
Lisa M Airey	1222 Corbett Rd Monkton MD 21111
Ruth Dixon	3900 White Hall Rd - White Hall Md.
Beverly Nelson	1900 White Hall Rd White Hall Md 21161
Ruth M. Pearce	2121 White Hall Rd, White Hall 21161
Eleanor Doster	1700 White Hall Rd - White Hall 21161
Barry Fuller	16175 Sparkle Rd Sparks MD 21152
Scott Airy	1222 Corbett Rd Monkton MD 21111

90-19-SPHX — 8-29-89

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Gloria McCord	1501 Harris Mill Rd - Parkton, Md. 21120
Dorothy M. Christy	17800 Big Falls Rd. 21161
Robert E. Christy	17800 Big Falls Rd 21161
Dorothy E. Miller	1700 Hunter Mill Rd 21161
Frances W. Hunnicutt	2980 White Hall Rd. 21161
Robert E. Mesner	2122 Hunters Mill Rd. 21161
Dr. Richard W. McLeod	1501 Harris Mill Rd, Parkton MD 21120
Mrs. Gloria McLeod	1501 Harris Mill Rd Parkton MD 21120
Gerald K.C. Charendon Sr.	2319 McComas Rd. White Hall MD 21161
Mr. + Mrs. Marco Marchetti	2119 Hunters Hill Rd White Hall
Nancy M. Smith	831 Wiseburg Rd. White Hall
Brenda L. R. Cutler	2336 McComas White Hall
Rebecca E. Cooper	" " " "

90-19-SPHX

Sept 18, 1989

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Edward F. Black	20332 Windstraw Rd,
Theresa Airey	1222 Corbett Rd
John Doster	831 Wiseburg Rd 21161

90-19SPHX

Sept 19, 1989

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Robert E. Dragoumis	2122 Hunters Mill Rd. 21161
Dr. Richard W. Mc Ewen and	1501 Harris Mill Rd Parkton MD 21120
Gloria McEwen	1501 Harris Mill Rd. Parkton, Md. 21120

90-19 SPHX

Oct. 9-1989

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Tom Bostwick	533 Priscilla Rd 21204
M. Delmar Ritchie	Annapolis Md 21401
Eleanor Dostal	2122 White Hall Rd
Ruth B. Cannon	2121 White Hall Rd
Ruth Dolan	2400 White Hall Rd.
Harry Pulben	1675 Sparks Rd 21155
Edward M. Gray	1222 Orbit Rd, Hunton 21111
Theresa Gray	1222 " "
Wesley Button	901 OLD PATH RD PARKTON 21120

90-19-SPHX

Oct. 9-1989

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Nancy M. Smith	821 Wiseburn Rd. Whitehall
Ruth B. Hubble	1501 Harris Mill Rd Parkton
Gloria McEwen	1501 Harris Mill Rd Parkton
Dorothy E. Miller	1700 Hunter Mill Rd White Hall
Sterling Close Jr.	15601 Middletown Rd Freeland (Md)
Nancy L. MacRobbie	2119 Hunters Mill Rd White Hall Md
Robert E. Dragoumis	2122 Hunters Mill Rd. White Hall MD 21161
Robert Taylor	2015 White Hall Road White Hall Md
W. R. Carter III	MD DNR Tidewater Adm 580 Taylor Ave Rd White Hall MD 21161
Suzanne Kelly	
Richard D. Klein	P.O. Box 206, Medford 21105
Robert A. Bachman	Rt 4, Box 143, Centreville MD 21617

90-19-SPHX — 10-25-89

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Thelma Ruble	533 Priscilla Rd 21204
Tom Bostwick	533 Priscilla Rd 21204
Bob Dolan	2400 White Hall Rd 21161
Eleanor Dostal	1700 White Hall Rd - 21161
Ted Davis	2400 White Hall Rd. 21161

90-19-SPHX — 10-25-89

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Vincent Gray	1900 White Hall Rd White Hall MD 21161
Richard D. Klein	P.O.B.O.6 Medford Md 21105
George Murphy	6806 Lewisdale Mill Rd. 21207
Robert E. Dragoumis	2122 Hunters Mill Rd. White Hall, 21161
Richard W. McEwen	1501 Harris Mill Rd Parkton MD 21120
Gloria McEwen	1501 Harris Mill Rd Parkton, Md 21120
Nancy M. Smith	821 Wiseburn Rd. White Hall MD 21161
Harry Hubble	1822 White Hall Rd. White Hall Md 21161
Kenneth W. Way	1822 White Hall Rd. Whitehall Md. 21161
Francis Hummel	2900 White Hall Rd. White Hall MD 21161
Frances Hummel	2611 Hunters Mill Rd. White Hall MD. 21161
Lisa Wobber	2122 Hunters Mill Rd White Hall Md. 21161
Robert Bailey	2015 White Hall Road White Hall Md 21161
Dorothy E. Miller	1700 Hunter Mill Rd. White Hall Md 21161
Fiona Hill	4825 Harford Commons Rd White Hall MD 21161

90-19-SPHX — 11-29-89

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
E. Dallas Allen Jr.	1222 Orbit Rd Hunton, Md 21111

90-19-SPHX — 11-29-89

PLEASE PRINT CLEARLY — ~~PETITIONER(S)~~ PROTESTANTS SIGN-IN SHEET

NAME	ADDRESS
Dr. Richard W. McEwen	1501 Harris Mill Rd, Parkton, MD
Mrs. Gloria M. McEwen	"
Nancy M. Smith	821 Wiseburn Rd. White Hall, MD.
Donald C. Dalton	Baltimore Co. Dept. of Soil Conservation
William Wallace Jr.	2515 Whitehall Road White Hall MD 21161
Robert E. Dragoumis	2123 Hunters Mill Rd White Hall MD 21161

County Board of Appeals of Baltimore County
ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

PRESORTED
FIRST-CLASS

U.S. POSTAGE
$.21
6245-748G

G. Macy Nelson, Esquire
Anderson, Coe & King
Central Savings Bank Bldg.
Suite 2000
20 N. Calvert Street
Baltimore, MD 21201

No Such #

201 N. Charles St.
11/7/90
Mailed letter to above address for file.

John Meldenberger
301-798-5361

12/28/90 - Cannot get to Hearing due to weather. Will call Counsel & his own office.
K.

LAW OFFICES
ANDERSON, COE & KING
SUITE 2000
CENTRAL SAVINGS BANK BUILDING
201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301 752 1630
FAX DIRECT DIAL 301 752 0085
CABLE ASKO

OCEAN CITY OFFICE
P.O. BOX 539
7804 COASTAL HIGHWAY #5
OCEAN CITY, MD 21842
TELEPHONE 301 524 6411
FAX DIRECT DIAL 301 524 9478

WASHINGTON SUBURBAN OFFICE
8957-A EDMONSTON ROAD
GREENBELT, MD 20770
TELEPHONE 301 441 8742
FAX DIRECT DIAL 301 474 0650

ROBERT H. BOUSE, JR.
E. DALE ADKINS, III
JAMES A. ROTHSCHILD
W. BRADLEY HALLWIG
J. MICHAEL SLONEKER
G. MACY NELSON
JEANETTE A. PLANTE
COUNSEL
WARD B. COE, JR.
FRANK J. VECELLA
JOHN F. KING
G. C. A. ANDERSON
(1888-1985)

E. PHILIP FRANKE, III
LYNNE E. MALONE
T. MICHAEL PRESTON
GREGORY L. WAGGERSON
PHILIP C. JACOBSON
WENDY L. SHIFF
CONSTANCE D. BURTON
BARBARA M.C. STANLEY
MATTHEW T. ANGOTTI
HUGH CROPPER, IV
DEBRA L. WYNNE
JILL R. LEINER
DEBORAH J. CLARKE
JAMES S. AIST
WILLIAM C. HUDSON

December 21, 1990

William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-19-SPHX
Combined with Case No. CBA-90-165
Furman E. Hendrix, et al
SPH - use of existing buildings in ML zones as maint., storage, access, etc.
S/E - Country/Gulf Club

90 DEC 26 PM 12:35
COUNTY BOARD OF APPEALS

Dear Mr. Hackett:

I represent the Weisburg Community Association in the above-captioned case. Your office has scheduled the last day of the hearing for December 28, 1990. I will be unable to attend the hearing on that date because I am scheduled to be out of town. I had planned to introduce some evidence at that hearing concerning the historical landmark status of the Weisburg Inn which is located at the corner of York and Weisburg Roads. The Weisburg Community Association has, of course, a very strong interest in the preservation of that historical landmark. The presence of this historical landmark at this location is relevant because the major access road to the golf course will go right by this landmark. It is my client's position that pursuant to Section 22-59 of the Baltimore County Code, the CRG should have referred the plan to the Planning Board because: "the plan involves a building, structure or site included on the landmark's preservation commission preliminary or final list or is located within the Baltimore County historic district."

Since I will be out of town, and since I do not wish to further delay this proceeding, I have asked Mr. Holzer to introduce this evidence through my client on Friday, December 28, 1990. He has graciously agreed to do so.

William T. Hackett, Chairman
Re: Weisburg Community Association
December 21, 1990
Page 2

In accordance with what I believe to be your standard practices, I would like to have the opportunity to file a written brief within a reasonable time after the conclusion of the evidence. I would therefore request that I have the opportunity to file such a brief thirty (30) days after December 28, 1990.

Very truly yours,

G. Macy Nelson

GMN/js

cc: Thomas G. Bodie, Esquire
Carroll Holzer, Esquire

LAW OFFICES
ANDERSON, COE & KING
SUITE 2000
CENTRAL SAVINGS BANK BUILDING
201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301 752 1630
FAX DIRECT DIAL 301 752 0085
CABLE ASKO

OCEAN CITY OFFICE
P.O. BOX 539
7804 COASTAL HIGHWAY #5
OCEAN CITY, MD 21842
TELEPHONE 301 524 6411
FAX DIRECT DIAL 301 524 9478

WASHINGTON SUBURBAN OFFICE
8957-A EDMONSTON ROAD
GREENBELT, MD 20770
TELEPHONE 301 441 8742
FAX DIRECT DIAL 301 474 0650

ROBERT H. BOUSE, JR.
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W. BRADLEY HALLWIG
J. MICHAEL SLONEKER
G. MACY NELSON
JEANETTE A. PLANTE
COUNSEL
WARD B. COE, JR.
FRANK J. VECELLA
JOHN F. KING
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GREGORY L. WAGGERSON
PHILIP C. JACOBSON
WENDY L. SHIFF
CONSTANCE D. BURTON
BARBARA M.C. STANLEY
MATTHEW T. ANGOTTI
HUGH CROPPER, IV
DEBRA L. WYNNE
JILL R. LEINER
DEBORAH J. CLARKE
JAMES S. AIST
WILLIAM C. HUDSON

November 16, 1990

William T. Hackett
Chairman
County Board of Appeals
Room 315
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-19-SPHX
Combined with Case No. CBA-90-165
Furman E. Hendrix, et al
SPH - use of existing buildings in ML zones as maint., storage, access, etc.
S/E - Country/Gulf Club

Dear Mr. Hackett:

I am writing to advise you that I will not be present at the continued hearing in the above-captioned which is currently scheduled for November 20, 1990. I will be pending in a case in the Circuit Court for Anne Arundel County on that date. I see no reason to request a postponement of the above-captioned case in light of that conflict because Mr. Holzer will be putting on evidence that's relevant to his clients' position. However, I may, on behalf of my client, request permission to introduce evidence at the December 28, 1990 hearing.

Very truly yours,

G. Macy Nelson

GMN/js

cc: Thomas G. Bodie, Esquire
Carroll Holzer, Esquire

90 NOV 20 AM 11:53
COUNTY BOARD OF APPEALS

90-19-

LAW OFFICES
POWER AND MOSNER
A PROFESSIONAL ASSOCIATION
21 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204-5279
(301) 823-1250
FAX (301) 296-0432

THOMAS G. BODIE
C. ARTHUR EBY, JR.
JOHN J. NAGLE III
THOMAS J. DOLINA
ROBERT A. MCFARLAND
RICHARD W. DRURY
CHESTER H. HOBBS IV
MARGARET E. SWAIN
PATRICIA A. GRACE
BARBARA A. GAUGHAN

GORDON G. POWER (1912-1987)
WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

June 16, 1989

RECEIVED
JUN 16 1989
ZONING OFFICE

HAND-DELIVERED

J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Greystone Golf and County Club
(Account #R-01-615; Item #550)

Dear Bob:

On behalf of my clients, thank you so much for your efforts in expediting the filing of the Petitions in the above referenced matter!

As mentioned in my prior correspondence, we have almost impossible time constraints in this case. In addition to the foreclosure problem on one parcel, the sellers of the second parcel are elderly and in failing health. Additionally, the total acreage necessary for the planned golf course requires a very substantial capital investment by my clients. The carrying charges after purchase of the parcels are staggering.

I will be happy to discuss this matter more in detail with you, but at this time, I wish to formally request that the hearing before you or your deputy be expedited and scheduled 30 days after the acceptance of the Petitions by the Zoning Plans Advisory Committee (or as close to 30 days as possible).

Thank you for your consideration of this request.

Very truly yours,

Thomas G. Bodie

TGB:kag
cc: E. Donald Airey, Jr.

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

July 25, 1989

RECEIVED
JUL 25 1989
ZONING OFFICE

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 90-19 SPHX, Hearing Date: August 1, 1989

Dear Mr. Haines:

Please be advised that I have just been contacted by Mr. William Holland Wilmer, II and Johanne L. Edey in regard to representing them in the above captioned matter currently set for August 1. I have been provided a request for postponement by Mr. Wilmer concerning the date in question.

I have not yet had the opportunity to consult in regard to the merits of this matter with Mr. Wilmer or with Ms. Edey but I am given to understand that there are a large number of witnesses who are involved in this case concerning the effects of a golf facility on the property in question. Since I have not had the opportunity to talk with my clients or interview the various witnesses who would be appropriate for this hearing I would respectfully request the case be postponed and reset at a mutually agreeable time in the future. If I may provide any additional information in this regard, please do not hesitate to contact me.

Very truly yours,

J. Carroll Holzer

cc: Wm. Holland Wilmer, II
Johanne L. Edey

JCH/blt

LAW OFFICES
POWER AND MOSNER
A PROFESSIONAL ASSOCIATION
21 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204-5279
(301) 823-1250
FAX (301) 296-0432

THOMAS G. BODIE
C. ARTHUR EBY, JR.
JOHN J. NAGLE III
THOMAS J. DOLINA
ROBERT A. MCFARLAND
RICHARD W. DRURY
CHESTER H. HOBBS IV
MARGARET E. SWAIN
PATRICIA A. O'ICE
BARBARA A. GAUGHAN

GORDON G. POWER (1912-1987)
WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

August 28, 1989

J. Robert Haines, Esquire
Zoning Commissioner for
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

HAND DELIVERED

RE: Country Club and Golf Course
White Hall
Item No. 550 (90-19-SPHX)

Dear Commissioner Haines:

The following is the list of witnesses who will be produced by the petitioner in regard to the above:

1. E. Donald Airey, Jr.
2. Eugene F. Raphel - Land Surveyor
3. Arnold H. Koch, P.E. (Engineering Technologies Associates, Inc.) and/or
4. Joseph M. Yano, Geologist (same firm) - Water Resources
5. L. Reed Huppman (Biohabitats, Inc.) - Environmental Resources
6. Algie M. Pulley - Golf Course Architect and Designer
7. John W. Guckert (the traffic group) - traffic study
8. Two (2) or Three (3) residents of the surrounding community

---

Page Two
August 28, 1989

J. Robert Haines, Esquire

RE: Country Club and Golf Course White Hall
Item No. 550

Of course, I would reserve the right to call other witnesses whose testimony may be deemed relevant and necessary.

Very truly yours,

Thomas G. Bodie

TGB:meh
cc:
Phyllis C. Friedman, Esquire
Peoples Counsel for Baltimore County

Michael U. Gisriel, Esquire

J. Carroll Holzer, Esquire

LAW OFFICES
POWER AND MOSNER
21 W. SUSQUEHANNA AVE.
TOWSON, MD. 21204

LAW OFFICES
POWER AND MOSNER
A PROFESSIONAL ASSOCIATION
21 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204-5279
(301) 823-1250
FAX (301) 296-0432

THOMAS G. BODIE
C. ARTHUR EBY, JR.
JOHN J. NAGLE III
THOMAS J. DOLINA
ROBERT A. MCFARLAND
RICHARD W. DRURY
CHESTER H. HOBBS IV *
MARGARET E. SWAIN
PATRICIA A. GRACE
BARBARA A. GAUGHAN
JOHN S. COBB **

GORDON G. POWER (1912-1987)
WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN FLORIDA

December 18, 1989

J. Robert Haines, Zoning Commissioner
for Baltimore County
111 W. Chesapeake Avenue, Room 109
County Office Building
Towson, Maryland 21204

Re: **Petition for Special Hearing and Special Exception**
SW Intersection of White Hall & Vernon Roads
7th Election District; Furman E. Hendrix, et al., Petitioners
Case No. 90-19-SPHX

Dear Commissioner Haines:

Enclosed please find BRIEF OF PETITIONERS for consideration in the above entitled matter.

Thank you for your attention to this matter.

Very truly yours,

Thomas G. Bodie

RECEIVED
DEC 18 1989
ZONING OFFICE

TGB/jcc
Enclosure
cc: Phyllis C. Friedman, People's Counsel
for Baltimore County
J. Carroll Holzer, Esquire
Mr. E. Donald Airey, Jr., Contract Purchaser

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION SW Intersection White Hall & Vernon Roads 7th Election District FURMAN E. HENDRIX, et al. Petitioners (Greystone Country Club)	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-19-SPHX

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

BRIEF OF PETITIONERS

Petitioner, E. Donald Airey, Jr., through his attorneys, Thomas G. Bodie and Power & Mosner, P.A. respectfully represents:

I. PETITIONS

Petitions have been filed for a Special Exception under the Zoning Laws and Regulations of Baltimore County to use the property, located in R.C. 2 and R.C. 4 zones, for a country club (which would be a golf oriented facility), (including a golf course, practice facilities, a club house complex including, without limitation, a pro shop, lounge, eating facility and other appropriate recreational facilities - tennis courts and swimming pool), maintenance facilities associated with a country club, shelters and other structures, improvements or facilities associated with golf and country clubs. The Petition for Special Hearing requests approval for the right to use the existing buildings in a 3.3 acre area zoned M.L. within the R.C. 2 zone, on site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and the golf course.

II. PROPERTY - SITE

The 305 acre (more or less) parcel is made up of three parcels (Hendrix - 179 acres; Eichelberger - 90 acres; Kaufman - 37 acres) located in

---

IN THE MATTER OF GREYSTONE GOLF COURSE PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO.: 90-19-SPHX

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

PROTESTANTS POST-HEARING MEMORANDUM

Protestants, by J. Carroll Holzer, their attorney, hereby submits their Post-Hearing Memorandum as requested by the Zoning Commissioner for Baltimore County.

Statement of the Case

The above captioned case came before the Zoning Commissioner of Baltimore County for a public hearing based upon a Petition for Special Hearing "requesting the right to use the existing buildings in the M-L Zone Area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club and golf course." And for a Special Exception for a "a country club, primarily a golf oriented facility, including golf course, practice facilities, a club house complex including without limitation a pro shop, a lounge, an eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, improvements or facilities generally associated with a golf or country club".

The proposed facility is located in Northern Baltimore County in the White Hall area. It is located along White Hall Road and Vernon Road on the north and east and Hunters Mill Road on the south. It consists of 305 total acres (the total

---

LAW OFFICES
POWER AND MOSNER
A PROFESSIONAL ASSOCIATION
21 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204-5279
(301) 823-1250
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RICHARD W. DRURY
CHESTER H. HOBBS IV *
MARGARET E. SWAIN
PATRICIA A. GRACE
BARBARA M. GAUGHAN
JOHN S. COBB **

GORDON G. POWER (1912-1987)
WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN FLORIDA

April 4, 1990

J. Robert Haines, Zoning Commissioner
Baltimore County Office Building
Room 113
Towson, Maryland 21204

Attention: Mr. Jun Fernando

Re: **Case No. 90-19-SPHX**

Dear Mr. Fernando:

Enclosed is our check in the amount of $15.00, payable to Baltimore County, Maryland for the transcript of the tape in the above referenced case. This case covered several different days, the last date being in November, 1989. If you need more specific information, please call me at the above telephone number.

Thank you for your cooperation in this matter.

Very truly yours,

Thomas G. Bodie

TGB:jc
Enclosure - check

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JOHN S. COBB **

GORDON G. POWER (1912-1987)
WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

April 11, 1990

HAND DELIVERED

J. Robert Haines, Zoning Commissioner
Baltimore County Office Building
Room 113
Towson, Maryland 21204

Attention Mr. Jun Fernando

Re: Case No. 90-19-SPHX

Total of Transcripts 90.00

Dear Mr. Fernando:

Enclosed is an additional check in the amount of $90.00 representing the cost for copies of transcripts (see attached list).

Thank you once again for your attention to this matter.

Very truly yours,

Thomas G. Bodie

TGB/jcc
Enclosure - Check

LAW OFFICES
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MARGARET E. SWAIN
BARBARA M. GAUGHAN
ANN M. POTTHAST *
* ALSO ADMITTED IN D.C.

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WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

OF COUNSEL
C. ARTHUR EBY, JR.

September 25, 1990

Mr. Robert Covahey
Chief of the Bureau of Public Services
County Office Building Room 321
Towson, Maryland 21204

Re: Greystone Golf & Country Club Project
CRG Project No. 903-53

Dear Mr. Covahey,

Please accept this letter as notice of appeal to the decision of the County Review Group (CRG) of August 30, 1990 regarding the proposed construction of this project.

Appellant is appealing this decision on the grounds that the red-line and buffer requirements set forth by the CRG prior to the approval of the project are unacceptable to appellant.

Appellants are filing this appeal jointly, as follows:

1) Blackstrap Development Company
E. Donald Airey, Jr., President
P.O. Box 295
Whitehall, Maryland 21161

2) E. Donald Airey, Jr. (as an individual)
1222 Corbett Road
Monkton, Maryland 21111

Also please find attached a check in the amount of $75.00 payable to Baltimore County, Maryland as the necessary registration fee.

Thank you for your assistance in this matter.

Very truly yours,

Thomas G. Bodie
Attorney for Appellant

TGB/jc
cc: EDA Corporation
Attn: E. Donald Airey, Jr.

RECEIVED
SEP 25 1990
BUREAU OF PUBLIC SERVICES

LAW OFFICES
POWER AND MOSNER
21 W. SUSQUEHANNA AVE.
TOWSON, MD. 21204

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
J. HOWARD HOLZER (1907-1989)

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-4760
FAX (301) 823-4906

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DeSALES STREET, N.W.
WASHINGTON, D.C. 20036

September 27, 1990
#6441

Mr. Robert Covahey
Chief of Baltimore County Public Services
Baltimore County Office Building
Towson, Maryland 21204

RECEIVED
SEP 27 1990
BUREAU OF PUBLIC SERVICES

Re: CRG #90353
Proposed development of Greystone Golf Course
7th Election District
3rd Councilmanic District

Dear Mr. Covahey:

This letter is to notify your office that my clients, Northeast Baltimore County Protective Association, Johanne Edey and William Holland Wilmer, II, are herewith noting an appeal of a CRG approval granted on August 30, 1990 in the above captioned case.

Specific reasons for this appeal will be articulated at a later date. Enclosed is a certified check for $75 made out to Baltimore County to cover the cost of the appeal.

If you have any questions, please feel free to contact me at the above number.

Very truly yours,

J. Carroll Holzer

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
J. HOWARD HOLZER (1907-1989)

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WASHINGTON, D.C. OFFICE
SUITE 700
1725 DeSALES STREET, N.W.
WASHINGTON, D.C. 20036

October 1, 1990
#6389

COUNTY BOARD OF APPEALS RECEIVED 90 OCT -1 PM 12:20

Mr. William Hackett, Chairman
Baltimore County Appeals
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Graystone Zoning Appeal & CRG Appeal

Dear Mr. Hackett:

Please be advised that I received a call from the Board indicating that the CRG Appeal which was just taken yesterday has been consolidated with an Appeal from the Zoning Commissioner in regards to Graystone Gulf Course. I am extremely disturbed in that I had talked with Mr. Bodie earlier in the week in regard to my objection to combining these two cases.

First, in regard to the combining of the two Appeals, as you know there are legal tests which differ in regard to each of the Appeals and to make a combined record I believe would be extremely difficult if not impossible for preservation of my rights if that be needed at a later time. As you know Rosslyn Station and George's Transfer are both in the Court of Special Appeals in regard to the requirement of the Board and its standard of review of a CRG Appeal. I do think it will be impossible to have a record of a combined CRG and Zoning Appeal which would satisfy the legal burden for either side and more particularly for the Board in resolving these issues.

Secondly, I am concerned abouth the schedule on Tuesday, October 9, 1990. I would like to excuse my witnesses in view of the fact I would expect Mr. Bodie to take most, if not all of the day.

I had expected to be able to discuss this matter pursuant to my conversation with Mr. Bodie earlier this week however, I now find that the matter has been combined without the opportunity to express my concern.

I fully intend to request that this Board sever the Hearing on

the two (2) Appeals pursuant to my legal concerns expressed in this letter, as well as matters which will be presented on Tuesday, October 9, 1990.

Very truly yours,

J. Carroll Holzer

JCH/slk

cc: Mr. Thomas Bodie

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ANN M. POTTHAST *
* ALSO ADMITTED IN D.C.

GORDON G. POWER (1912-1987)
WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

OF COUNSEL
C. ARTHUR EBY, JR.

October 2, 1990

HAND DELIVERED

COUNTY BOARD OF APPEALS RECEIVED 90 OCT -2 PM 3:42

County Board of Appeals
of Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: William T. Hackett, Chairman

Re: Greystone Golf and Country Club
(Combined Cases 90-19-SPHX and CBA-90-165)

Dear Chairman Hackett:

I have just read the letter of J. Carroll Holzer, Esquire, dated October 1, 1990, which is addressed to you and which complains of the combined Zoning and CRG appeals, referenced above.

Frankly, it was Mr. Holzer who initially suggested the combining of the appeals for hearing before Board. He made this suggestion to my partner, Thomas J. Dolina, immediately after the CRG meeting on August 30, 1990. I did speak with Mr. Holzer last week concerning the consolidation of the two appeals. By this time, at least one of his clients had instructed him not to agree to a consolidation of the appeals, as the client believed that a delay in the CRG appeal would be in the protestants' best interests. I did inform Mr. Holzer that separate appeals would be a waste of the time and money of our clients, as well as the time of the County Board of Appeals.

Previously, I had spoken with Judge Thomas J. Bollinger in regard to his experience while on the County Board of Appeals. He advised that appeals from Zoning decisions and CRG decisions had been combined at the Board level, for reason that many of the issues and witnesses presented are the same. Based on this information, I requested that the two appeals be heard within the same hearing.

I do not share Mr. Holzer's opinion that his clients' future rights will be in any way jeopardized by the Board hearing both appeals within the same hearing. On the contrary, the overall rights of the protestants, the petitioner and the Board will be served by this consolidation.

Respectfully yours,

Thomas G. Bodie

TGB/jc

cc: J. Carroll Holzer, Esquire

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POWER AND MOSNER
21 W. SUSQUEHANNA AVE.
TOWSON, MD. 21204

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GORDON G. POWER (1912-1987)
WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

OF COUNSEL
C. ARTHUR EBY, JR.

October 4, 1990

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT -9 PM 12: 14

William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Case No. 90-19-SPHX; combined with Case No. CBA-90-165**
Furman E. Hendrix, et al.
SPH - use of existing buildings in ML zones as maint., storage, access, etc.
S/R - Country/Golf Club

Dear Chairman Hackett:

I have in front of me the letter of Mr. Nelson, who has "just been **engaged**" to represent the Weisburg Community Association, Inc. in the above referenced matter set for October 9, 1990. I think the word "**engaged**" was a well considered one on Mr. Nelson's part. Generally, an attorney uses the word "**retained**" rather than "**engaged**". In short, Mr. Nelson appears to be facing a **Rule I** problem, and therefore seeks a postponement.

The record before the Zoning Commissioner reflects that the Weisburg Community Association, Inc. has been ably represented by Michael U. Gisriel, Esquire and Thomas J. Gisriel, Esquire since July, 1989 until the filing of the Association's appeal of the CRG decision on September 27, 1990 --- a period of over fourteen (14) months. For the Association to change horses at this time and request a postponement of this hearing is nothing short of a **dilatory tactic** of the meanest kind! Of course, Mr. Holzer "has no objection to a postponement", as it is in Carroll's clients' interest to delay this case and have the property owner incur additional, burdensome carrying costs.

Letter to William T. Hackett, Chairman
October 4, 1990
Page 2

We vigorously oppose a postponement of the October 9, 1990 hearing date.

Very truly yours,

Thomas G. Bodie

TGB/jc
cc: J. Carroll Holzer, Esquire
Michael U. Gisriel, Esquire
Thomas J. Gisriel, Esquire
G. Macy Nelson, Esquire

LAW OFFICES
POWER AND MOSNER
21 W. SUSQUEHANNA AVE.
TOWSON, MD. 21204

Mr. H:

Attached is a series of correspondence and messages from Messrs Bodie and Holzer regarding Tuesday's hearing on Greystone Golf Course.

Included are: 1) telephone call from Thomas Bodie requesting pre-hearing conference prior to 10/9/90 hearing

2) summary of conversation with Carroll Holzer on 9/28/90 objecting to consolidation of zoning appeal and CRG appeal; also, indicated he would not be available Friday morning should a meeting be arranged for that date/time

3) Letter from Carroll Holzer setting out objections to consolidation of above cases and reasons for same

4) Letter from Thomas Bodie in response to above letter

I've spoken with both Mr. Holzer and Mr. Bodie (Mr. Bodie will be available on Friday morning; also, he is expecting a call from you on Wednesday regarding his request for pre-hearing meeting; I also advised Mr. Holzer that you would be contacting him) and they are awaiting your call regarding this entire matter.

kathi

9/28/90

Mr. H:

Carroll Holzer telephoned regarding the consolidation of Greystone Golf Course with the Furman Hendrix zoning case on 10/9/90 --

He most strenuously objects to the consolidation --two separate cases.

Also, he had spoken with Mr. Bodie and was under impression that a meeting would be arranged with you and counsel to discuss the consolidation.

In any event, he would appreciate a call from you next week to voice his objections and to explain to you why he believes the two cases should be heard separately.

Also --he would need to know if all witnesses should be present, what actually is being heard on 10/9/90, etc. I told him the first you would be in the office would most likely be Wednesday, October 3. He asks if you would call him then.

kathi

LAW OFFICES
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SUITE 2000
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BALTIMORE, MARYLAND 21201
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FAX DIRECT DIAL 301-752-0085
CABLE ABKO

OCEAN CITY OFFICE
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7904 COASTAL HIGHWAY 85
OCEAN CITY, MD 21842
TELEPHONE 301-524-8411
FAX DIRECT DIAL 301-524-8479

WASHINGTON SUBURBAN OFFICE
8257-A EDMONSTON ROAD
GREENBELT, MD 20770
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JOHN F. KING
ROBERT H. BOUSE, JR.
E. DALE ADKINS, III
JAMES A. ROTHSCHILD
M. BRADLEY HALLWIG
J. MICHAEL SLONEKER
G. MACY NELSON
JEANETTE A. PLANTE
PATRICIA F. O'CONNOR

COUNSEL
WARD B. COE, JR.
FRANK J. VECELLA

G. C. A. ANDERSON (1898-1985)

E. PHILIP FRANKE, III
LYNNE B. MALONE
T. MICHAEL PRESTON
FAITH E. THOMAS
GREGORY L. VANDYKE
PHILIP C. JACOBSON
WENDY L. SHIEV
CONSTANCE D. BURTON
BARBARA M.C. STANLEY
MATTHEW T. ANGOTTI
HUGH CROPPER, IV
DEBRA L. WYNNE
JILL R. LENER
DEBORAH J. CLARKE
JAMES S. AIST
WILLIAM C. HUDSON

October 4, 1990

VIA HAND DELIVERY

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT - 4 PM 4: 28

William T. Hackett
Chairman
County Board of Appeals
Room 315
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-19-SPHX
Combined with Case No. CBA-90-165
Furman E. Hendrix, et al
SPH - use of existing buildings in ML zones as maint., storage, access, etc.
S/E - Country/Gulf Club

Dear Mr. Hackett:

I have just been engaged by the Weisburg Community Association, Inc. to represent it in the above-captioned case. My client informed me that it was notified of the October 9, 1990 hearing date on September 29, 1990. After receiving that notice, it took steps to engage new counsel which it has done by hiring me. I respectfully request a brief postponement of this hearing so that I can have an opportunity to review the file (which I have not yet seen) and present evidence at that hearing. If my client is forced to proceed on October 9, 1990, it will be unduly prejudiced because it will be unable to present any meaningful opposition to the proposal due to the time constraints.

Carroll Holzer has authorized me to state that he has no objection to a postponement.

I respectfully request a conference call prior to October 9, 1990 during which time you could resolve this issue. If you think a conference call will be appropriate, I would be willing to

Mon 1 1990
Order to appellants
Counsel allow them

William T. Hackett
Chairman
Re: Weisburg Community Association
October 4, 1990
Page 2

schedule it. I will take the liberty of calling your office later this afternoon to determine whether or not you have had an opportunity to review this request.

Very truly yours,

G. Macy Nelson

GMN/js

cc: Thomas G. Bodie, Esquire (via facsimile & first class mail)
Carroll Holzer, Esquire (via facsimile & first class mail)

10/5/90

Mr. H:

Mr. Bodie telephoned regarding Tuesday's hearing.

Cannot obtain final signatures on CRG plan before the hearing commences on Tuesday because of the holiday on Monday (County offices closed Monday).

However, would obtain as soon as possible and then enter plan with all signatures at next continued hearing date, which would mean that he would begin Tuesday's hearing by presenting Zoning appeal, holding off on CRG until signatures are obtained.

kathi

P.S.
Also, attached is his response to Mr. Nelson's letter re postponement request.

LAW OFFICES
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ANN M. PUTTHAST *
* ALSO ADMITTED IN D.C.

GORDON G. POWER (1912-1987)
WILLIAM F. MOSNER (1927-1988)
WILLIAM J. HART, JR. (1922-1987)

OF COUNSEL
C. ARTHUR EBY, JR.

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT -5 AM 10: 54

October 5, 1990

HAND DELIVERED

William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Case No. 90-19-SPHX; Combined with Case No. CBA-90-165**
Furman E. Hendrix, et al.
SPH - use of existing buildings in ML zones as maint., storage, access, etc.
S/R - Country/Golf Club

Dear Chairman Hackett:

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Letter to William T. Hackett, Chairman
October 5, 1990
Page 2

We vigorously oppose a postponement of the October 9, 1990 hearing date.

Very truly yours,

Thomas G. Bodie

TGB/jc
cc: J. Carroll Holzer, Esquire
Michael U. Gisriel, Esquire
Thomas J. Gisriel, Esquire
G. Macy Nelson, Esquire

LAW OFFICES
POWER AND MOSNER
21 W. SUSQUEHANNA AVE.
TOWSON, MD. 21204

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0900

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

October 9, 1989
#6441

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Greystone

Dear Mr. Haines:

Please be advised that after I returned to the office and checked my calendar the morning of Monday, October 23rd, which you had not previously given us as potential hearing date, had already been taken on my calendar by two depositions that I am taking in the case of Brosh v. Harford County in Harford County. My witness is being deposed so this is not a deposition that I could easily reschedule. In addition, I have another appointment in the office at 11:00. In reviewing my notes and my files the only two hearing dates that you gave us last time were Monday, October 9th and Wednesday, October 25th, all day. I would appreciate your postponing the October 23rd date.

Very truly yours,

J. Carroll Holzer

JCH/blt

cc: Tom Bodie

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

J. HOWARD HOLZER
1907-1989

LAW OFFICES
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TOWSON, MARYLAND 21204
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FAX (301) 823-0844

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DeSALES STREET, N.W.
WASHINGTON, D.C. 20036

August 2, 1991
#6441

HAND DELIVERED

Director of Permits & Licenses
of Baltimore County

RE: Greystone Golf Course
Furman Hendrix Property

Dear Sir:

Please be advised that I represent the Protestants, Northeast Baltimore Protective Association in the above captioned matter, which was just decided by Circuit Court Judge Howe this week. Judge Howe remanded this matter to the Board of Appeals to reverse the CRG approval of Baltimore County on this property and require that this issue be referred to the Baltimore County Planning Board (See attached opinion).

As a result of that Order, the attached newspaper article quoting Mr. Donald Airey, concerning his intention to proceed with permits issued by Baltimore County was published (See attached Daily Record).

It is clear from Judge Howe's decision that the CRG approval in this matter has been declared null and void subject to proceeding in the appropriate fashion before the Planning Board. Therefore, any permits already issued to Mr. Airey and the Petitioner in this case, would likewise be illegal. It is therefore, our request that Baltimore County, in light of Judge Howe's Order, revoke any and all permits issued to Greystone Golf Course concerning the Furman Hendrix property immediately.

91 AUG -2 PM 3:37

Director of Permits & Licenses
August 2, 1991
Page two

It also my position that the law requires a final CRG before any permits may be issued. In this case, it is my position that permits should never have been issued until the CRG approval was final. It is clear here that this matter has always been actively pursued and that there was no final approval of the CRG; therefore, the permits, if any, should not have been issued.

In any event, because the effect of Judge Howe's Order is to make the CRG approval null and void, it is clearly incumbent upon Baltimore County to immediately revoke any and all existing permits as heretofore requested. I would request that this be done immediately, to avoid any disturbance of the property as indicated by Mr. Airey in the news reports.

In that, time is of the essence, I would appreciate hearing immediately from the County as to your position in regard to these permits.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Director of Public Works
Director of Planning
M. Kelly, Administrative Officer
Emslie Parks, Baltimore County
Attorney
Chairman Hackett
Baltimore County Board
of Appeals
Thomas Bodie, Esquire
Attorney for Petitioner
Peter Max Zimmerman, Esquire
Phyllis Friedman, Esquire
People's Counsel

LAW OFFICES
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SUITE 400
210 E. LEXINGTON STREET
BALTIMORE MARYLAND 21202-3514

W. THOMAS GISRIEL
MICHAEL GISRIEL
THOMAS J. GISRIEL

PHILIP O. TILNMAN
VAN H. ZIMMERMAN

TELEPHONE
(301) 539-0818

FAX LINE
(301) 685-3888

October 5, 1990

Clerk
County Board of Appeals of Baltimore County
Room 315, County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Furman E. Hendrix, et al.
Case No. 90-19-SPHX
Greystone Golf Course
CBA-90-165

Dear Ms. Clerk:

Please strike the appearance of Michael Gisriel and Thomas J. Gisriel as counsel for Wiseburg Community Association, Inc. in this matter.

Very truly yours,

Michael Gisriel

Thomas J. Gisriel

f:658t

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT 11 AM 11:06

Burton Associates Architects, Inc. 3000 Chestnut Avenue Suite 101 Baltimore, Maryland 21211 301 889 1172

August 31, 1990

Baltimore County Department of Zoning
Office of the Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attn: Mr. Robert Haines

RE: Greystone Golf Course
CRG
BAA Project No. 9039.01

Dear Mr. Haines:

Please accept the accompanying plat dated August 24, 1990 in accordance with your request in the March 23, 1990 Special Exception Hearing Decision for the Greystone Golf Course.

Sincerely yours,

BURTON ASSOCIATES ARCHITECTS, INC.

Wesley David Burton, AIA
Principal

bsp/wdb01

Enclosure

RECEIVED
AUG 31 1990
ZONING OFFICE

9/15
Sophi
Les to J.LL. See
CRG Comments + Zoning Case - set
out case for J.LL.
John - I signed out
90-19(XA) (9/12) to
you. Sophia
9-13-90

LPJ INC CONSULTING ENGINEERS
16 WEST 25TH ST. BALTIMORE, MD 21218 PHONE: 301-366-7800 FAX: 366-3636

TRANSMITTAL SHEET

To: Les Schreiber
Baltimore County
ATTENTION:

Date: 8/29/90 Job No:
Re: Greystone

We are enclosing the following:

NO. COPIES	DWG. NO.	DESCRIPTION	ACTION
2	24x36	Draft CRG Plan for Greystone	For your review

1. No Exception Taken —
2. Make Corrections Noted —
3. Revise and Resubmit —
4. Meets Structural Criteria —
5. Drawings Incomplete —
6. Reprints of Contract Drawings Not Acceptable —
7. Contractor Must Review & Approve —
8. Not Reviewed —
9. Returned —
10. For Review and Comment —
11. For Your Use —
12. As Of The Above —
13. None Of The Above —
14. FAX Transmission —

REMARKS Les,
Per your conversation with Wes Burton.
We appreciated your responsiveness

Copy to: Wes Burton
D. Airey

By: Jack Thompson

LPJ INC CONSULTING ENGINEERS
16 WEST 25TH ST. BALTIMORE, MD 21218 PHONE: 301-366-7800 FAX: 366-3636

TRANSMITTAL SHEET

To: Robert Haines
Office of the Commissioner
111 W. Chesapeake
ATTENTION:

Date: 9.4.90 Job No:
Re: Greystone

RECEIVED SEP 12 1990

We are enclosing the following:

NO. COPIES	DWG NO.	DESCRIPTION	ACTION
1	1 OF 1	SITE PLAN	FOR YOUR REVIEW

1. No Exception Taken —
2. Make Corrections Noted —
3. Revise and Resubmit —
4. Meets Structural Criteria —
5. Drawings Incomplete —
6. Reprints of Contract Drawings Not Acceptable —
7. Contractor Must Review & Approve —
8. Not Reviewed —
9. Returned —
10. For Review and Comment —
11. For Your Use —
12. As Of The Above —
13. None Of The Above —
14. FAX Transmission —

REMARKS

Copy to:

By: Jack Thompson

GREYSTONE
White Hall, Maryland 21161
301-343-0300

August 22, 1990

Mrs. JoAnn Edey
1800 White Hall Road
White Hall, MD 21161

Dear Mrs. Edey,

E. Donald Airey, Blackstrap Development Co., Inc., 2341 York Road, Timonium, MD 21093, has filed with the Maryland Water Resources Administration, application No. BA89S058/1, which seeks to appropriate and use an annual average of 22,000 gallons of surface water per day (gpd), with a maximum withdrawal of 320,000 gallons in any one day; and BA89G058/1, which seeks to appropriate and use an annual average of 60,000 gallons of ground water per day (gpd), and an average of 320,000 gpd during the month of maximum use. The surface water is to be withdrawn from six man-made ponds, and is to be used for golf course irrigation at the Greystone Country Club. The ground water is to be withdrawn from seven wells in the Loch Raven Schist, and is to be used for golf course irrigation, and a potable supply for a clubhouse and restaurant. The country club is to be located at the southwest corner of Vernon Road and White Hall Road, at Gem Mills, Baltimore County, Maryland.

This notice is required by the Maryland Annotated Code Article 8-806.

Since you are a contiguous property owner or an appropriate local official, WRA has automatically placed your name on the "List of Interested Persons" for the above referenced project. At a later date, WRA will mail you a more detailed description of the proposed project and provide you with an opportunity to make written comments or request a public informational hearing on the matter before a decision is rendered by the State to issue or deny the permit.

Plans for the proposed project have been submitted to the Waterway Rights Division of WRA for evaluation. Persons wishing to review the plans for this project may do so by contacting me at the address listed above. If you wish to review the State's application File or make comments on the application at this time, you may contact the Maryland Water Resources Administration, Water Rights Division, D-3 Tawes State Office Building, 580 Taylor Avenue, Annapolis, MD. 21401, (301) 974-2456. If you have any questions concerning the application, please contact me at (301) 343-0300.

Sincerely,

GREYSTONE
White Hall, Maryland 21161
301-343-0300

Paul W. O'Leary
Golf Course Superintendent

GREYSTONE
White Hall, Maryland 21161
301-343-0300

July 27,1990

Mr. and Mrs. Lee Edey
1800 White Hall Road
White Hall, MD 21161

Dear Mr. and Mrs. Edey

As part of the permit process we, the developers of Greystone, are required to apply to the State for a waterway construction permit. Notification of this request must be made to the property owners within 500 feet of our property line and we must prove that we have notified everyone. Thus the reason for this certified mail delivery to your residence.

We also believe that you, our neighbors, have a right to know exactly what we intend to do.

The application for the waterway construction permit is so we can build six ponds to supplement the existing pond on the property. These ponds will serve several functions, such as, storm water management, irrigation supply sources, and enhancing our landscape. It is important to understand that all of these ponds are out of the wetlands. None will be constructed in already existing stream courses.

As your neighbor, we encourage you to visit us at anytime. Our offices are located in the old Hendricks residence and our phone number is 343 - 0300.

If at anytime we can be of service or help to you, please do not hesitate to call.

Sincerely,

John Haines
Director of Golf

Paul O'Leary
Golf Course Superintendent

Cassie Anrzejeski
Membership Director

GREYSTONE
White Hall, Maryland 21161
301-343-0300

July 30,1990

Mr. and Mrs. Lee Edey
1800 White Hall Road
White Hall, MD 21161

Re: Waterway Permit Application
WRA File No. 91-PO-0013

Dear Mr. and Mrs. Edey,

Greystone has submitted an application to the Maryland Department of Natural Resources, Water Resources Administration (WRA), for a Permit to construct six (6) ponds. The project site is located at 2115 White Hall Road, White Hall, MD. 21161. The proposed work consists of construction of six (6) ponds to store 30,000,000 gallons of water for golf course irrigation. The ponds will be designed to collect surface runoff and will be replenished with well water. The ponds will be designed to hold storm water up to a 2 year storm. Pond designs will incorporate a runoff bypass to allow some or all runoff to bypass ponds.

Since you are a contiguous property owner or an appropriate local official, you are being notified of the proposed project and may make written comments or request a public informational hearing on the matter before a decision is rendered by the State to issue or deny the permit.

Plans for the proposed project have been submitted to the Waterway Permits Division for evaluation. Persons wishing to review the plans for this project may do so by contacting me at the address listed above. If you wish to review the State's application File or make comments on the application at this time, you may contact the Waterway Permits Division, 580 Taylor Avenue, Tawes State Office Building, Annapolis, MD. 21401, (301) 974-2265. If you have any questions concerning the application, please contact me at (301) 343-0300.

Sincerely,

Paul W. O'Leary
Golf Course Superintendent

August 22, 1990

County Review Group
Department of Public Works
Bureau of Public Services
111 W. Chesapeake Ave.
Towson, Maryland 21204

Attention: Mr. David Thomas

Dear Mr. Thomas:

The Northeast Baltimore County Protective Association requests the CRG Hearing for the Greystone Golf Course/Country Club, scheduled on Thursday, August 30, 1990 be postponed to a future date. Upon receiving notice of the scheduled hearing, the Association has been attempting to schedule our expert witnesses to appear at this hearing with no success. The short notice of this hearing date has not allowed sufficient time for our witnesses to rearrange their schedules to appear on August 30. Our witnesses have made previous commitments which they have been unable to re-schedule.

Please advise me of the results of this request at the address below.

Thank you.
Sincerely yours,

Johanne L. Edey
NBCPA
1800 White Hall Road
White Hall, Maryland 21161
357-5959

** TOTAL PAGE.003 **

August 22, 1990

County Review Group
Office of Planning and Zoning
Division of Current Planning
111 W. Chesapeake Ave.
Towson, Maryland 2120-

Attention: Mr. Frank Fisher

Dear Mr. Fisher:

The Northeast Baltimore County Protective Association requests the CRG Hearing for the Greystone Golf Course/Country Club, scheduled on Thursday, August 30, 1990 be postponed to a future date. Upon receiving notice of the scheduled hearing, the Association has been attempting to schedule our expert witnessss to appear at this hearing with no success. The short notice of this hearing date has not allowed sufficient time for our witnesses to rearrange their schedules to appear on August 30. Our witnesses have made previous commitments which they have been unable to re-schedule.

Please advise me of the results of this request at the address below.

Thank you.
Sincerely yours,

Johanne L. Edey
NBCPA
1800 White Hall Road
White Hall, Maryland 21161
357-5959

August 30, 1990

County Review Group
Office of Planning and Zoning
Division of Current Planning
111 West Chesapeake Avenue
Towson, Maryland 21204
Attention: Mr. Frank Fisher

Dear Mr. Fisher:

The Northeast Baltimore County Protective Association (NBCPA) and area property owners wish to express their concerns relative to the development of Greystone, a private Golf Course/Country Club. This issue was heard by Commissioner Haines as a Special Exception which was granted with various restrictions due to the impacts associated with this type of development. NBCPA wishes to reiterate their concerns relative to this issue.

In testimony before the Zoning Commissioner, Dr. Robert Bachman, of the Maryland Tidewater Administration, stated that Gunpowder Falls was rated as one of the top 100 trout streams in the nation with the First Mine Branch being extremely important to the continuance of the Gunpowder's rating. The First Mine Branch runs through the property site and an unnamed tributary, which feeds into the First Mine Branch, is contained within the property boundaries. The developers propose the extraction of massive amounts of ground and surface water to replenish thirty (30) million gallons of water held in ponds. Removal of these large quantities of ground and surface waters may dry up the unnamed tributary, however, simply a substantial reduction in the low-flow of the unnamed tributary will lower the quality of the First Mine Branch. Warm water run-off will elevate the stream's temperature and destroy the naturally producing trout population. This development poses a serious threat to the continued viability of First Mine Branch, the unnamed tributary and the Gunpowder Falls.

Within the community, a number of homes utilize shallow, hand dug surface wells, less than twenty-four (24) inches deep, as their only source of water on their property. An analysis presented at the Special Exception hearings, by Engineering Technology Associates, on behalf of Greystone, showed that the proposed groundwater appropriation required for Golf Course/Country Club maintenance would lower the water table elevation by up to three (3) feet. This decline in water table elevation would leave neighboring properties with no household water source. Area residents are looking to Baltimore County officials to guarantee their water supply should this development be approved.

Additionally, utilization of RC2/RC4 zoned property for a Golf Course/Country Club is in direct conflict with the intended use of such property as outlined in the 1990 Master Plan. This predominantly agricultural community would be greatly affected by the increase in traffic associated with a Golf Course/Country Club operation since the farmers must move their equipment over the narrow roads to reach the various properties they farm.

NBCPA requests you consider the above concerns before approving any site plans for a Golf Course/Country Club in this area.

Johanne L. Edey, President
NBCPA, 1800 White Hall Road
White Hall, Maryland 21161

** TOTAL PAGE.003 **

August 30, 1990

County Review Group
Department of Public Works
Bureau of Public Services
111 West Chesapeake Avenue
Towson, Maryland 21204
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NBCPA requests you consider the above concerns before approving any site plans for a Golf Course/Country Club in this area.

Johanne L. Edey, President
NBCPA, 1800 White Hall Road
White Hall, Maryland 21161

WEISBURG COMMUNITY ASSOCIATION, INC
c/o C. E. Shaneybrook, III, Pres.
18,200 York Road
Parkton, Md.
21120
27 September 1990

Mr. Robert E. Covahey
111 W. Chesapeake Ave.
Room No. 321
County Office Bldg
Towson, Md., 21204

Dear Mr. Covahey:

We, the board and members of the Weisburg Community Association, Inc., wish to appeal the C.R.G. for Greystone Golf Course, that was held on 30 August 1990.

We further found that the granting of the C.R.G. both arbitrary and capricious in that it failed to address adequately the effect of the proposed golf course on the surrounding area.

You will find enclosed a certified check from the Weisburg Community Assoc., Inc. in the amount of $75.00.

Very truly yours,

M. V. Runkles, III, Sec'ty/Treas
WEISBURG COMMUNITY ASSOC., INC.

RECEIVED
SEP 27 1990
BUREAU OF PUBLIC SERVICES

Wally
Please talk to
DEPRM + unit
Mystus Greene
for 4/21

2014 White Hall Road
White Hall, MD 21161

April 5, 1989

RECEIVED
APR 12 1989
OFFICE OF
PLANNING & ZONING

David Fields, Director
Baltimore Co. Dept. of Planning and Zoning
401 Bosley Avenue, Room 406
Towson, MD 21204

Dear Mr. Fields:

As the farmers most affected by the golf course and houses that are proposed to be built on the Furman Hendrix property, White Hall Road, White Hall, MD, we are writing to voice our objection to any variance which may be granted to the current agriculture zoning the farm now has. We have one of the larger sheep farms in northern Baltimore County and are concerned about the possible conflict our operation may have to an exclusive golf club. We are sure you realize that our type of farming operation yields certain odors and noises which non-farm people may find objectionable.

With the Hendrix property being next to the largest block of land in the Maryland Agriculture Land Preservation Program, it doesn't make much sense to establish an exclusive resort-like activity next door to properties designated to be preserved as farm-land! In addition, the roads leading to this property can in no way handle the additional traffic! It is extremely difficult to travel these roads with farm machinery now!

We hope the Planning and Zoning Department will give this issue serious consideration. If you would like to talk to us more about this issue, you may reach us at 329-6241.

Sincerely,

David L. Greene

David and Nancy Greene

Pd-2

July 10, 1989

RECEIVED
JUL 10 1989
EXECUTIVE OFFICE

Dennis Rasmussen
Baltimore County Executive Office
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Rasmussen:

Having read the article in the July 4, 1989 issue of the Record Advertiser, we wanted you to know we were quite impressed with your administration's committment to "preserving, protecting and restoring Baltimore County's waterways..." as we need YOUR support to be successful. As you are aware, a petition has been filed with the Zoning Commissioner of Baltimore County (Item 550, Case No. 90-19-SPHX) to allow a twenty-seven hole golf course on RC2/RC4 watershed-protected property. Because we are extremely concerned with preserving and protecting our water supply, we feel the location of this type of development to be unsuitable. The proposed course slopes downhill to the First Mine Run Branch of the Gunpowder River, which would allow run-off of pesticides, herbicides and fungicides into the stream.

Although we recognize the need for additional golf courses within the state, we believe the concerns far outweigh any private benefit achieved by the addition of a golf course at this location. In order to effectively protect our water supply, we must insist upon enforcing the intent of the Watershed Protection Zone by prohibiting unsuitable uses of RC4 zoned property.

We have contacted Save Our Streams in an effort to aid the success of your program. We hope you will examine the golf course proposal and provide influence to protect our water supply. Your written statement supporting our concerns would be of immeasurable value at the August 1, 1989 hearing on this issue. We anxiously await your reply.

Sincerely yours,

Johanne L. Edey

Johanne L. Edey, President
Northeast Baltimore County Protective Association
1800 White Hall Road
White Hall, Maryland 21161

11/15/89

J. Robert Haines
Zoning Commissioner
Towson, Md.

RECEIVED ZONING OFFICE
DATE: 11-17-89

Dear Mr. Haines,

I urge that you approve the zoning exception applied for by the Greystone Corporation. The development of this type of recreational facility is important to Baltimore County. As a resident of Balto. Cty. for 42 years, a registered voter, a concerned citizen and a local business owner, I feel that a new golf course is much more desirable than another housing development or industrial park.

Thank you for your consideration.

Respectfully submitted,

Bunker Hill Quarter Horses
World Class Quarter Horses

Werner Uebersax
Parkton, MD
301-343-1577

Joe-File

November 30, 1989

Commissioner J. Robert Haines
Office of Planning and Zoning
New Court House
401 Bosley Ave.
Towson, Maryland 21204

Dear Commissioner Haines,

I am writing to you as a resident of White Hall regarding the proposed Graystone Country Club. I am concerned about the rapid development of this area, particularly in light of the fact that other areas of Baltimore County have been specifically targeted for development and growth, and golf courses are currently being proposed for other,more appropriate locations.

There is no reason to permit a zoning exception for Graystone. If this golf course is allowed to go in, it will mean the beginning of development for the whole area. This goes against earlier conservation efforts by Baltimore County and the State. I, like many others, moved to this area specifically because of the beautiful and relatively untouched environment. If development follows, caring and involved citizens will be forced to move out of the county, and only investors, speculators and developers will remain.

I urge you to use your power and influence to help protect our county from being overdeveloped.

Please consider the future in you decision.

Sincerely,

Frances W. Hummell
2900 White Hall Road
2611 Hunter's Mill Road
White Hall, Maryland 21161

RECEIVED
DEC 4 1989
ZONING OFFICE

RICHARD D. KLEIN — President

COMMUNITY & ENVIRONMENTAL DEFENSE ASSOCIATES

Helping People To Defend The Home and Community From Land Development and Environmental Threats.

P.O. Box 206
Maryland Line, Maryland 21105 (301) 329-8194

90-19-SPHX

Greystone decision reversed

Pat van den Beemt

A 1990 Board of Appeals' decision affirming county approval of Greystone Golf Course in White Hall has been reversed by Circuit Court Judge Barbara Kerr Howe.

Howe also determined that an error of law had been made at last year's County Review Group hearing regarding the proposed 18-hole private golf course. Howe said the project should have been studied by the Planning Board to determine whether it would affect the Weisburg Inn, which is on the Baltimore County Landmarks Preservation list.

The Inn, now a private residence, is located about two miles from the proposed golf course at the intersection of York and Wiseburg Roads, and its owners contend it will be adversely impacted by increased traffic brought on by the golf course. Normally, the Planning Board reviews projects only when a historic site is located on the project site.

The Circuit Court opinion remanded the case back to the three-member Board of Appeals so it could make specific findings of fact to support its decision. The opinion also said the Board must prove that the proposed golf course would not be detrimental to agricultural uses in the viciniy. Another finding of fact must address the protection of prime and productive soils.

"We're pleased we finally got somebody to listen to the facts and see that preserving agriculture is one of the main issues."

Johanne Edey, president
Northeast Baltimore County
Preservation Association

somebody to listen to the facts and see that preserving agriculture is one of the main issues," said Johanne Edey, president of the Northeast Baltimore County Preservation Association. That group, along with the Wiseburg Community Association, has fought the golf course on the grounds that it would harm agricultural operations and the local water supply.

Greystone president E. Donald Airey Jr. hopes to build a golf course facility on 217 acres in White Hall, 143 acres of which are zoned RC2, agricultural preservation.

The project received a special exception from the zoning commissioner and CRG approval, both of which were appealed by the two community groups. Following five days of testimony, the Board upheld the county approvals in March.

"In effect, Judge Howe is saying the Board did not articulate its reasons for its conclusions," said J. Carroll Holzer Jr., attorney for the Northeast Baltimore County Preservation Association. "But more importantly, she said the Board has to pay specific attention to the agricultural issues and prime and productive soils legislation."

Greystone's attorney, Thomas G. Bodie, said a strengthening of the Board's opinion "might be beneficial in the long run because it'll make its position more clear. Howe is just asking them to put more meat on the bones of their opinion," he added.

Bodie said he was concerned about the ruling that the Planning Board should have looked at the CRG plans. He noted the Weisburg Inn is more than two miles from the proposed golf course. "If historic landmarks two miles away have to be considered, this could really hamper development in Baltimore County," he said.

Greystone president Airey said he is moving ahead with plans to open next summer. "Nothing has really changed; this is just another delay. We're disappointed, but we still believe that the golf course's open space is the best use for the property. Every department in the county has approved this project. We already have grading permits and we intend to proceed on schedule."

JEFFERSONIAN
AUGUST 8, 1991

CASE NO. 92-CV-2876

IN THE MATTER OF FURMAN E. HENDRIX, ET AL
v.

RECEIVED FROM THE COUNTY BOARD OF APPEALS CERTIFIED DOCUMENTS, EXHIBITS, AND BOARD'S RECORD EXTRACT FILED IN THE ABOVE-ENTITLED CASE.

G. Botts
Clerk's Office

Date: 4/2/93

1

ORIGINAL

IN THE MATTER OF	*	BEFORE THE
FURMAN E. HENDRIX, et al	*	COUNTY BOARD OF APPEALS
and	*	OF BALTIMORE COUNTY
GREYSTONE GOLF COURSE	*	Case No. 90-19-SPHX
	*	Case No. CBA-90-165

* * * * *

The above entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building at 10 o'clock a.m., October 9, 1990.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman

MICHAEL B. SAUER

JOHN B. DISNEY

Reported by:

C.E. Peatt

BOARD OF APPEALS

TOWSON REPORTING COMPANY, INC. (301) 828-1148 502 Baltimore Avenue, Suite 207 Towson, Maryland 21204-4014

ORIGINAL

IN THE MATTER OF	*	BEFORE THE
FURMAN E. HENDRIX, et al	*	COUNTY BOARD OF APPEALS
and	*	OF BALTIMORE COUNTY
GREYSTONE GOLF COURSE	*	Case No. 90-19-SPHX
	*	Case No. CBA-90-165

* * * * *

The above entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building at 9:30 a.m., October 19, 1990.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
MICHAEL B. SAUER
JOHN G. DISNEY

Reported by:
C.E. Peatt

TOWSON REPORTING COMPANY, INC
600 Baltimore Avenue, Suite 201
Towson, Maryland 21204-4034
(301) 828-4148
Court and General Reporting

ORIGINAL

IN THE MATTER OF	*	BEFORE THE
FURMAN E. HENDRIX, et al	*	COUNTY BOARD OF APPEALS
and	*	OF BALTIMORE COUNTY
GREYSTONE GOLF COURSE	*	Case No. 90-19-SPHX
	*	Case No. CBA-90-165

* * * * *

The above entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building at 1 o'clock p.m., November 20, 1990.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
MICHAEL B. SAUER
JOHN B. DISNEY

Reported by:
C.E. Peatt

TOWSON REPORTING COMPANY, INC
600 Baltimore Avenue, Suite 201
Towson, Maryland 21204-4034
(301) 828-4148
Court and General Reporting

ORIGINAL

IN THE MATTER OF	*	BEFORE THE
FURMAN E. HENDRIX, et al	*	COUNTY BOARD OF APPEALS
and	*	OF BALTIMORE COUNTY
GREYSTONE GOLF COURSE	*	Case No. 90-19-SPHX
	*	Case No. CBA-90-165

* * * * *

The above entitled matters came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building at 10 o'clock am., December 28, 1990.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
MICHAEL B. SAUER
JOHN G. DISNEY

Reported by:
C.E. Peatt

TOWSON REPORTING COMPANY, INC
600 Baltimore Avenue, Suite 201
Towson, Maryland 21204-4034
(301) 828-4148
Court and General Reporting

ORIGINAL

IN THE MATTER OF	*	BEFORE THE
GREYSTONE GOLF COURSE	*	COUNTY BOARD OF APPEALS
	*	OF BALTIMORE COUNTY
	*	Case No. CBA-90-165

* * * * *

The above entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building at 9 o'clock am., January 2, 1991.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
MICHAEL B. SAUER
JOHN G. DISNEY

Reported by:
C.E. Peatt

TOWSON REPORTING COMPANY, INC
600 Baltimore Avenue, Suite 201
Towson, Maryland 21204-4034
(301) 828-4148
Court and General Reporting

ORIGINAL

IN THE MATTER OF	*	BEFORE THE
FURMAN E. HENDRIX, et al	*	COUNTY BOARD OF APPEALS
(On Remand from the	*	OF BALTIMORE COUNTY
Circuit Court for	*	Case No. CBA-91-183
Baltimore County)	*	Case No. CBA-91-199
	*	Case No. CBA-91-203
	*	January 2, 1992

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Towson, Maryland 21204 at 10 o'clock a.m., January 2, 1992.

* * * * *

Reported by:
C.E. Peatt

 90-19-SPHX

[illegible] OF	*	BE[illegible]
[illegible] HENDRIX, et al	*	COUN[illegible]
[illegible]nd from the	*	OF [illegible]
[illegible]t Court for	*	[illegible]A-91-183
[illegible]altimore County)	*	Case No. CBA-91-199
	*	Case No. CBA-91-203
	*	January 7, 1992

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Towson, Maryland 21204 at 9 o'clock a.m., January 7, 1992.

* * * * *

Reported by:
C.E. Peatt

 90-19-SPHX

PETITIONER'S EXHIBIT 2

GROUND WATER SUPPLY
AND IMPACT ASSESSMENT
GREYSTONE COUNTY CLUB
BALTIMORE COUNTY

Submitted to:
Biohabitats Inc.
P.O. Box 935
Brooklandville, Maryland, 21022

Submitted by:
Engineering Technologies Associates, Inc.
3458 Ellicott Center Drive
Ellicott City, Maryland, 21043

August 28, 1989

RESOURCE INVENTORY

AND

DEVELOPMENT SUITABILITY ANALYSIS

FOR

GREYSTONE GOLF COURSE

Prepared for

BLACKSTRAP DEVELOPMENT COMPANY
2341 York Road
Timonium, Maryland 21093

JULY, 1989

Prepared by

BIOHABITATS, INC.
416 York Rd.
Towson, MD 21204

(c) Copyright: DATE: JULY, 1989
BIOHABITATS, INC.
This report may not be used, copied, or reproduced for any reason without prior written consent from Biohabitats, Inc.

PETITIONER'S EXHIBIT 5

Traffic Impact Analysis
for

GREYSTONE COUNTRY CLUB
White Hall, Maryland

Prepared for

GREYSTONE COUNTRY CLUB

PETITIONER'S EXHIBIT 6

July 19, 1989

THE TRAFFIC GROUP, INC.

October 20, 1989

Baltimore County Department of Environmental Protection
and Resource Management
County Court Building
Towson, MD 21204
ATTN: Rocky Powell, Dave Lykens

RE: Greystone Golf Course Water Usage and Stream Depletion

Dear Messrs. Powell, Jollie, and Lykens:

Per your request at our October 18th meeting, we have readdressed the well supply issue and performed some additional analyses of stream depletion incorporating planned surface water storage capacity. We will address changes in the well supply system and its effects on stream depletion first and then discuss the ameliorating effect of surface storage water supply on stream depletion. All of these analyses are made under the assumption that our worst case water demand will be 150,000 gallons per day for 90 days. Please remember that this number was taken from the Hunt Valley Golf Course records, and that it is the daily average for the highest monthly usage on record, July 1987. Lesser quantities of water were used during the 1987 months of June, August, and September and during the entire dry summer of 1988. Hunt Valley is also a 27 hole course.

Adjustments to Well System - Based on the assumption that surface water drainage basins and groundwater basins are essentially the same, the Greystone property can be divided into four groundwater basins (see attached site map). Three of the basins flow towards First Mine Branch. The stream draining the existing pond flows over the central basin. The fourth basin flows north to Second Mine Branch.

Seven wells were drilled on the property during July, 1989. Well No. 6 was not included in the original analyses because it was connected to the Kaufman residence in order to convey the property to Greystone. (The previous water supply for the Kaufman residence was a spring). The developer, Blackstrap Development Co., has agreed to drill one more well near the Kaufman house and use the higher yielding of the two wells for water supply for the golf course.

PETITIONER'S EXHIBIT 9

PROTESTANT'S EXHIBIT 3

PETITION

TO: ALL ELECTED OFFICIALS AND EMPLOYEES OF THE OFFICE OF PLANNING AND ZONING OF BALTIMORE COUNTY, MARYLAND

We, the undersigned residents of Baltimore County, protest the proposed Greystone Country Club and Golf Course on White Hall Road as an intrusion on the rural atmosphere of the community which will not accord with the long established primary agricultural use of land in the vicinity. The establishment of this golf course will endanger the local water supply, greatly increase the incidence of herbicides, pesticides and fungicides in watershed areas and diminish our natural resources, including ground and surface waters, wildlife habitat and woodlands, to the detriment of the health, safety and general welfare of the local area. We believe if the golf course is permitted it will only be a matter of time until residential development will expand and surround this facility, destroying the agricultural character of the area, causing congestion on the roads, overcrowding the land and substantially increasing the population.

We request that the special exception (File no. 550, Case No. 90-19-SPHX, Zoning Commissioner of Baltimore County) be denied and the usage of these properties be thereby continued in purely agricultural endeavors in order to preserve the intent of the RC2/RC4 zones in accordance with the present and proposed master plans and consistent with the spirit and intent of present Zoning Regulations.

PROTESTANT'S EXHIBIT 3

	NAME	ADDRESS	PHONE and DATE
1.	Steve Sawyer (Signature)	Sawyer Rd. (Road)	301-357-4636 (Phone)
	(Printed)	WHITE HALL (Town) 21161 (Zip)	10/4/89 (Date)
2.	Edward Sawyer (Signature)	Sawyer Rd (Road)	(301)357-5744 (Phone)
	(Printed)	WHITE HALL (Town) 21161 (Zip)	10/4/89 (Date)
3.	David H. Sawyer (Signature)	17821 Sawyer Rd (Road)	(Phone)
	(Printed)	White Hall Md. (Town) 21161 (Zip)	10/4/89 (Date)
4.	Linda Eichholtz (Signature)	18021 Sawyer Rd. (Road)	557-8588 (Phone)
	(Printed)	White Hall, MD. (Town) 21161 (Zip)	(Date)

TESTIMONY OF TROUT UNLIMITED
REGARDING GREYSTONE COUNTRY CLUB, WHITEHALL, MARYLAND

Trout Unlimited is here to register our concerns regarding the proposed construction and operation of the Greystone Golf Course in the 7th Election District in White Hall. The 305 acres contain wetlands and form an important part of the watershed of First Mine Branch, a Class III Trout Stream. This stream through most of its length has a naturally wooded environment that maintains the temperature and water quality in which the native brook trout can thrive.

We are concerned about any construction that could thermally pollute, change the water quality, or deplete and dry up the water in the springs feeding this important resource.

Before this exception is granted, Trout Unlimited wants both the developer and Baltimore County to prove that the use will not degrade the trout habitat. We recognize that this is perhaps the first time that Baltimore County has had the opportunity to impose full environmental constraints in the construction of a golf course. Therefore, we expect that the following restraints and conditions will be answered before a zoning exception is given or the project is approved.

1. We expect the developer to show how much ground water is to be appropriated for the golf course. We consider it of utmost importance that the water use for the golf course does not diminish the underground supplies or affect the hydrological flow of underground springs into the First Mine Branch or its tributaries. Therefore, we would expect the developer to supply and the county to verify, water balance calculations using an acceptable model. We would also expect the developer

PROTESTANT'S EXHIBIT 4

Community & Environmental
Defense Associates
P.O. Box 206
Maryland Line, Maryland 21105

Richard D. Klein,
President

(301) 329-8194

RICHARD D. KLEIN

QUALIFICATIONS RELATED TO THE ASSESSMENT OF
STREAM QUALITY IMPACTS ASSOCIATED WITH GOLF COURSES

1969 - 1973: Anadromous Fish & Stream Survey Project, Maryland Fisheries Administration. Investigated streams for fish spawning activity, migration barriers, and other factors which might impact anadromous fish.

1973 - 1978: Water Quality Services Section, Maryland Water Resources Administration. Collected and analyzed data on the physical, chemical, and biological characteristics of streams. Compiled data into reports of the quality of streams and other waters.

1978 - 1987: Executive Director, Save Our Streams, Maryland Department of Natural Resources (DNR). Developed a simplified means of using aquatic insects to assess the health of nontidal waterways; compiled a key to the identification of aquatic insects occurring in Maryland streams; managed more than 60 major studies of the quality of streams and rivers throughout Maryland; developed a manual on the collection and interpretation of stream quality data; established a computer database containing records of fish and insects collected in Maryland waterways; drafted a 400-page manual (From Brook To Bay) on stream and river protection; published a professional paper on the effects of urbanization upon stream quality; prepared a position paper for DNR on the effects of sediment and stormwater runoff upon aquatic ecosystems; developed a new stream classification system for DNR; developed a training program on to the collection and analysis of stream quality data; compiled a set of water quality criteria for the protection of Maryland's recreational and commercial fish species; and I developed a strategy for assessing the health of the Chesapeake Bay by simultaneously sampling the quality of 1,200 points throughout the Bay watershed.

PROTESTANT'S EXHIBIT 5

Helping people to defend their home and community from land development and environmental threats.

THE RELATIONSHIP BETWEEN STREAM QUALITY

AND GOLF COURSES

BY

Richard D. Klein *

ABSTRACT

A study was conducted of 11 golf courses located in Baltimore County, Maryland and York County, Pennsylvania. Macroinvertebrate samples were collected with a kick seine from streams affected by the golf courses. Seven of the study streams originated within the confines of a golf course. The other four streams originated above a golf course. While all 11 streams exhibited degradation, 8 were moderately to severely impaired. The moderate to severe degradation found in 6 of the 8 streams was attributable to the presence of a golf course. In some cases the degradation could be traced to a pond, a substantial reduction in base-flow, or an intermittent pollution incident. In other situations the lack of a streamside buffer or channelization may have contributed to degradation. Yet no one factor or combination of factors could be cited as the cause of the degradation.

INTRODUCTION

The counties surrounding Baltimore, Maryland have been experiencing a dramatic increase in the number of golf courses proposed for construction. This trend was spawned by a report released by the National Golf Foundation which showed that the greater Baltimore region was 28Sth out of 317 U.S. metropolitan areas in terms of the availability of golf courses (McManus and Nugent, 1989). The paucity of golf courses is seen as a potential hindrance to the economic growth of the region; not to mention the impact upon golf enthusiasts.

* The author is president of Community & Environmental Defense Associates, P.O. Box 206, Maryland Line, MD 21105, (301)329-8194.

PROTESTANT'S EXHIBIT 6

Serving People and Maryland's Number One Industry - Agriculture

William Donald Schaefer
Governor
Melvin A. Steinberg
Lt. Governor

Wayne A. Cawley, Jr.
Secretary
Robert L. Walker
Deputy Secretary

STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

August 30, 1989

Mr. Richard Klein
P. O. Box 206
Maryland Line, MD 21105

Dear Mr. Klein:

Attached are maps of the two areas you requested indicating our program's participants.

Also attached to each map is a list of those landowners, by file number, who have sold easements to the State along with acreage and easement value.

If we can be of further assistance, please do not hesitate to call.

Sincerely,

Sandra Bellman
Office Clerk II

SB/sb

Enclosures

PROTESTANT'S EXHIBIT 8

50 HARRY S TRUMAN PARKWAY, ANNAPOLIS, MARYLAND 21401

(301) 841-5700
Baltimore/Annapolis Area

Maryland Relay Service

(301) 261-8106
Washington Metro Area

WILDLIFE

PROTESTANT'S EXHIBIT 9

Lisa J. Webber
2122 Hunters Mill Road
White Hall, MD 21161

August 29, 1989

Mr. J. Robert Haines, Zoning Commissioner
c/o Mr. J. Carroll Holzer, Attorney at Law
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

Dear Mr. Haines:

Being unable to attend the Special Exception Hearing continued on 10/19 & 10/25 for case number 90-19-SPHX, we desire to submit our opposition to the Golf Course/Country Club in writing. Our concerns include environmental issues, water required, traffic, wildlife habitat, catalyst for future development, the fact that the Golf Course is only for a very "select" few and does not benefit the community and increases the property taxes.

We reside at 2308 McComas Road, White Hall, Maryland 21161 which is approximately .5 or less miles south and west of the proposed site and own 23 acres.

Please help our community maintain the rural environment and stop over development.

Thank you for your consideration in this matter.

Sincerely yours,

Elizabeth C. Gerber
Elizabeth C. Gerber

Louis J. Gerber
Louis J. Gerber

PROTESTANT'S EXHIBIT 10

Protestant's Ex #1

NORTHEAST BALTIMORE COUNTY PROTECTIVE ASSOCIATION, INC.

CERTIFICATE OF CORPORATE RESOLUTIONS

I, the undersigned Secretary of Northeast Baltimore County Protective Association, Inc., a Maryland corporation (the "Association"), do hereby certify that by vote of the Members present at a meeting held on June 27, 1989, at Hereford High School in Baltimore County, the following resolutions were adopted and have not been amended or superseded and are in full force and effect:

RESOLVED: That the Association does hereby oppose the establishment of a golf course/country club on certain parcels of farmland now zoned RC-2 and RC-4 between White Hall Road, Vernon Road and Hunters Mill Road; and

FURTHER RESOLVED: That the Board of Directors and Officers of the Association be and they are hereby authorized to take such actions as they may deem advisable to make known to the appropriate Baltimore County officials the opposition of the Association to such non-agricultural use and to raise funds necessary for such purpose.

IN WITNESS WHEREOF, I have hereunto set my hand, as Secretary of Northeast Baltimore County Protective Association, Inc. this 29th day of June, 1989.

WITNESS:
Barbara Sidney

Robert E. Maenner
Secretary of Northeast
Baltimore County
Protective Association, Inc.

Z.C. #

PROTESTANT'S EXHIBIT 2

Protestant's Ex #3

Maryland Corn Program

Harry Hubble
Ken Wirtz

having produced

167.75 Bushels of Corn per Acre

is awarded this

Certificate of Merit

Frank T. Burch
VICE PRESIDENT FOR AGRICULTURAL AFFAIRS

John M. Cuthrell
DIRECTOR OF EXTENSION

James R. Miller
AGRONOMY DEPARTMENT

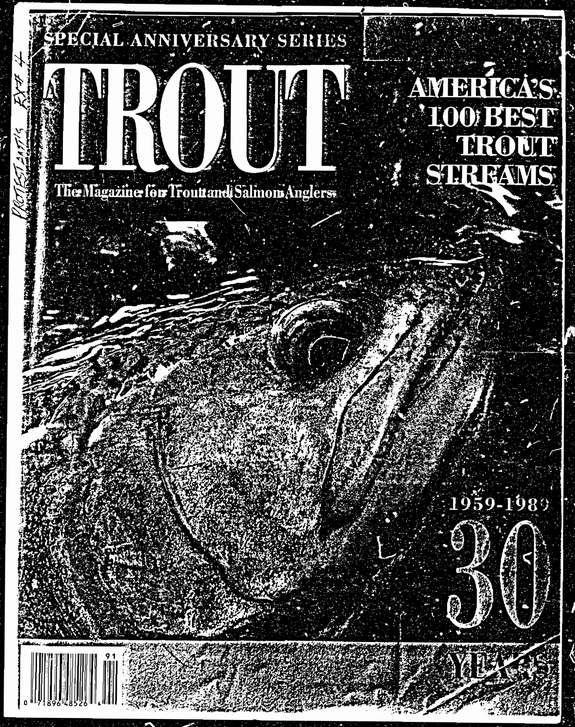
CHAIRMAN, COUNTY CORN CLUB

D. Richard Clemson
EXTENSION AGENT

December 14, 1978
DATE

UNIVERSITY OF MARYLAND

PROTESTANT'S EXHIBIT 7



Protestant's Ex #4

Capturing the souls of our favorite trout streams...

TROUT 1959-1989 30 YEARS

What qualities would your ideal trout stream have? Does this perfect water exist? Or is there no single best?

These are the questions *Trout* asked two noted fisheries biologists and two devoted anglers. Their thoughtful commentary, which begins on page 14, sets the tone for this spring 1989 issue, second in our series of four 30-year-anniversary issues.

The focus of this special issue is the 100 best trout streams in America.

We asked lovers of these streams to share their most vivid memories in the tightest, most polished prose they could muster. How could we possibly expect any honest lover to tell all about the Beaverkill or Beaverhead in six paragraphs? The reader will barely make it out of the driveway! We couldn't. And we didn't.

What we *did* want our writers to do is cleanly capture some revealing aspect of their streams – a touch of natural or cultural history, an especially fine fishing anecdote. We asked each to stick to one piece of the puzzle, and not be afraid to add a little humor.

These separate snapshots of angling experience have been pieced together, like seemingly unrelated bits of stained glass. The result is a brilliant

Baltimore County, Maryland

Date Dec 26/90

To: Carroll Holtzer

From: John McGrain

- ☐ Please Note & File
- ☐ For Your Information
- ☐ Please Note & Return
- ☐ Please Handle
- ☐ To be Signed
- ☐ Please Comment
- ☐ Please See Me
- ☐ Investigate & Report
- ☐ Please answer, Sending me Copy of your letter
- ☐ Please Prepare reply for my Signature

Remarks:

Some papers requested by Marion Runkles for the Dec. 27 issue.

CPS-004 Recycled Paper

Community & Environmental Defense Associates
P.O. Box 206
Maryland Line, Maryland 21105
(301) 329-8194

Protestant's Exhibit #5

Richard D. Klein, President

RICHARD D. KLEIN

QUALIFICATIONS WITH RESPECT TO THE EFFECTS OF GOLF COURSES UPON AQUATIC ECOSYSTEMS

I HAVE QUALIFIED AS AN EXPERT BEFORE:

the Maryland Wetlands Administration with respect to the effects of marinas, estuarine dredging, golf courses, and stormwater runoff from a proposed subdivision known as the Riddle Farm project,

the Worcester County Commissioners with respect to the effects of the proposed Lighthouse Sound golf course upon Isle of Wight Bay,

the Baltimore County Zoning Commissioner with respect to the effects of the proposed Greystone golf course,

the Maryland Critical Areas Commission with respect to the effects of the proposed Quennstown golf links upon Queenstown Creek.

EMPLOYMENT HISTORY

February 1988 - Present: Independent consultant assisting citizens in their efforts to resolve concerns related to zoning, land development, and environmental issues. Assistance includes: searching for win-win solutions; evaluating activities for compliance with local, state, and federal laws; fund-raising; and community organizing.

1986 - January 1988: Executive Director - Save Our Streams, Inc., supervised a staff of five professionals; responsibilities included fund-raising, coordinating programs with the executive branch of government, preparation and administration of the organizational budget, legislative liaison, community organizing, developing volunteer recruitment and training programs, and a variety of problem-solving roles.

Helping people to defend their home and community from land development and environmental threats.

Protestant's (Weisburg) Exhibit "A"

LAW OFFICES
ANDERSON, COE & KING
SUITE 2000
CENTRAL SAVINGS BANK BUILDING
201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301-752-1630
FAX DIRECT DIAL 301-752-0085
CABLE ABKO

OCEAN CITY OFFICE
P.O. BOX 535
7604 COASTAL HIGHWAY 21
OCEAN CITY, MD 21842
TELEPHONE 301-524-6411
FAX DIRECT DIAL 301-524-8478

WASHINGTON SUBURBAN OFFICE
8997-A EDMONSTON ROAD
GREENBELT, MD 20770
TELEPHONE 301-441-8742
FAX DIRECT DIAL 301-474-0650

ROBERT H. BOUSE, JR.
E. DALE ADKINS, III
JAMES A. ROTHSCHILD
W. BRADLEY HALLWIG
J. MICHAEL ELDENKER
G. MACY NELSON
JEANETTE A. PLANTE

COUNSEL
WARD B. COE, JR.
FRANK J. VECELLA
JOHN F. KING

G. C. A. ANDERSON
(1898-1985)

E. PHILIP FRANKE, III
LYNNE B. MALONE
T. MICHAEL PRESTON
GREGORY L. HADDESON
PHILIP C. JACOBSON
WENDY L. SHIFF
CONSTANCE D. BURTON
BARBARA McC. STANLEY
MATTHEW T. ANGOTTI
HUGH CROPPER, IV
DEBRA L. WYNNE
JILL P. LEINER
DEBORAH J. CLARKE
JAMES S. AIST
WILLIAM C. HUDSON

December 21, 1990

William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-19-SPHX
Combined with Case No. CBA-90-165
Furman E. Hendrix, et al
SPH - use of existing buildings in ML zones as maint., storage, access, etc.
S/E - Country/Golf Club

Dear Mr. Hackett:

I represent the Weisburg Community Association in the above-captioned case. Your office has scheduled the last day of the hearing for December 28, 1990. I will be unable to attend the hearing on that date because I am scheduled to be out of town. I had planned to introduce some evidence at that hearing concerning the historical landmark status of the Weisburg Inn which is located at the corner of York and Weisburg Roads. The Weisburg Community Association has, of course, a very strong interest in the preservation of that historical landmark. The presence of this historical landmark at this location is relevant because the major access road to the golf course will go right by this landmark. It is my client's position that pursuant to Section 22-59 of the Baltimore County Code, the CRG should have referred the plan to the Planning Board because: "the plan involves a building, structure or site included on the landmark's preservation commission preliminary or final list or is located within the Baltimore County historic district."

Since I will be out of town, and since I do not wish to further delay this proceeding, I have asked Mr. Holzer to introduce this evidence through my client on Friday, December 28, 1990. He has graciously agreed to do so.

Protestant (Weisburg) Exhibit #B

RECEIVED
OCT 2 1990
COUNTY EXECUTIVE OFFICE

Maryland Historical Trust

September 30, 1980

Mr. Marion V. Runkles III
18200 York Road
Parkton, Maryland 21220

RE: Half-Way House, Baltimore County

Dear Mr. Runkles:

It is a pleasure to inform you that the Half Way House, Parkton, Baltimore County, Maryland has been accepted onto the National Register of Historic Places, a division of the Heritage Conservation and Recreation Service, U.S. Department of the Interior.

This listing carries with it certain protections at the federal level and in time will help measurably with preservation and protection at the state and local levels. Listing on the National Register makes all property owners eligible to be considered for federal matching grants-in-aid for historic preservation. Listing also affects the federal tax status of restoration or demolition of National Register structures used for commercial purposes and the state tax status of restoration of all National Register structures.

A certificate is available from the Maryland Historical Trust for properties listed on the National Register. If you wish to have such a paper, please write to us at 21 State Circle, Annapolis, Maryland, 21401.

If you should have any questions, please feel free to contact me at the Trust.

Respectfully,

Ronald L. Andrews
Ronald L. Andrews
National Register
Coordinator

RLA/lkm
Enclosures
cc: Mr. McGrain, Mr. Kelly, Mr. Hutchinson
Ms. Clemens, Mr. Pearre, Mr. Lauenstein
Mr. Purnell, Mr. Wagandt, Mr. Kirwin
Mr. Merrin, Mr. Spencer

Shaw House, 21 State Circle, Annapolis, Maryland 21401 (301)269-2212, 269-2438
Department of Economic and Community Development

BA-62 PROTESTANT EXHIBIT #C

United States Department of the Interior
Heritage Conservation and Recreation Service

National Register of Historic Places Inventory—Nomination Form

For HCRS use only
received
date entered

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Half-Way House

and or common The Wiseburg Inn

2. Location

street & number 18200 York Road (west side of Maryland Route 45, 2.5 miles north of Hereford and 1.3 mi. south of Parkton ___ not for publication

city, town Parkton ___ vicinity of congressional district Second

state Maryland. code 24 county Baltimore code 005

3. Classification

Category	Ownership	Status	Present Use	
___ district	___ public	X occupied	___ agriculture	___ museum
X building(s)	X private	___ unoccupied	___ commercial	___ park
___ structure	___ both	___ work in progress	___ educational	X private residence
___ site	Public Acquisition	Accessible	___ entertainment	___ religious
___ object	___ in process	X yes: restricted	___ government	___ scientific
	___ being considered	___ yes: unrestricted	___ industrial	___ transportation
		___ no	___ military	___ other:

4. Owner of Property

name Marion V. Runkles III

street & number 18200 York Road

city, town Parkton ___ vicinity of state Maryland 21120

5. Location of Legal Description

courthouse, registry of deeds, etc. Baltimore County Courts Building

street & number Bosley Avenue

city, town Towson state Maryland 21204

6. Representation in Existing Surveys

title Historic American Buildings Survey has this property been determined elegible? ___ yes ___ no

date 1930s X federal ___ state ___ county ___ local

depository for survey records Library of Congress

city, town Washington state D. C.

Protestant (Wiseburg) Exhibit #E

Sec. 22-59. Referral to Planning Board. (From Balto Co. C.R.G. regs)

(a) In accordance with section 22-58(b) or (c), the CRG shall refer the plan to the Planning Board in the following circumstances:

(4) The plan involves a building, structure or site included on the landmarks preservation commission preliminary or final list, or is located within a Baltimore County Historical District.

Q. What is the Weisburg Inn?

A. It is an historic site consisting of the former Inn itself and 9 outbuildings, plus the 8 Acres this is situated on. The site is listed on the National Register of Historic Places, the Maryland Historic Trust, and the Baltimore County Landmarks List.

Q. What do all of these listings mean?

A. In short, it means that the Federal, State, and County governments recognise that the site possesses outstanding merit as an historical site, and it encourages the owner as well as all three governments, to aid in the preservation of this site as a national, State and County treasure, not to be destroyed.

Q. What is the Inn's Historic importance?

A. Nationally, it is the last Federal-era Inn th at has survived that is in a practically untouched setting. It has survived with a majority of its outbuildings intact, and has not been remodelled or modernized. Architecturally the brick Inn is pure. It is a perfect example of a brick Federal building such as one would see in Philadelphia, Georgetown, or Williamsburg. In its day, the Inn was the political and social centre of the North County. It was the official stopping place for the stagecoach, it was the post office, court was held at the Inn, and such notables as LaFayette and Andrew Jackson were feted at the Inn. Archeologically, the grounds are a treasure-trove of artifacts.

Q. How will the proposed golf course affect the Weisburg Inn?

A. The main route to the golf course runs through the Inn property, and runs between the house, barn, and cornerib. The site, in other words, surrounds the intersection of York and Weisburg roads. At a previous session of this hearing Wes Guckert (sic?) of Baltimore County testified that 82 cars per minute will be turning from York Road into Weisburg road during a golf course function. This is a good time to mention that the Inn is still a working farm, as it was when it was built. Local traffic alone makes it difficult moving livestock back and forth from barn to pastures. Golf course traffic will make it impossible.

Q. Are there any other problems at this intersection?

A. This intersection is a blind intersection. Vehicles coming southbound on York Road that turn into Weisburg Road, and all vehicles coming out of Weisburg road onto York Road cannot see northbound York Road traffic until it is on top of them. It is a constant source of accidents now, with mainly local traffic. I fear that there will be loss of life if this traffic is increased. Allready, the corner of our barn foundation has had to be rebuilt due to cars and trucks hitting it. Our fence on the opposite side of Weisburg Road is hit two to four times each year.

Q. Why has not Baltimore County improved the intersection?

A. Any improvement of this intersection will be at the expense of grave historic impact to this site. Buildings would have to be moved, bypass lanes installed, a portion of York Road would have to be regraded—all of which would practicallt destroy the Inn as an historical cite.

Q. What is the position of the Weisburg Community Association, Inc., on this issue?

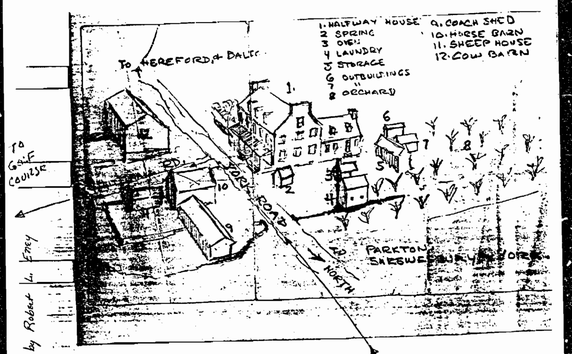
A. The Weisburg Community Association has requested that Baltimore County take whatever measures required to provide for and relocate this intersection. There a) at least two options that are open at this time for relocation. One is to move the intersection to the South side of the barn, the other is to extend the road through the Coachman's Field Development. The Community Association has gone on record with notification to Baltimore County, and a press release published in THE JEFFERSONIAN and other local papers, that it will oppose all future development East of the York/Weisburg Road intersection that will increase traffic until such a time as the intersection is relocated.

Q. Was this mentioned to the owners of the proposed golf course?

A. The Community Association met with Mrsrs Airy and Pullen on two separate occasions, and they were advised of the problem at that time. We have gotten nowhere.

Protestants (Wiseburg) Exh F

WEISBURG INN NATIONAL (STATE AND COUNTY) HISTORIC SITE



SHORTEST ROUTE TO GOLF COURSE FROM I-83

THE RELATIONSHIP BETWEEN STREAM QUALITY AND GOLF COURSES

Protestant Exhibit #7

BY

Richard D. Klein

ABSTRACT

A study was conducted of 11 golf courses located in Baltimore County, Maryland and York County, Pennsylvania. Macroinvertebrate samples were collected with a kick seine from streams affected by the golf courses. Seven of the study streams originated within the confines of a golf course. The other four streams originated above a golf course. While all 11 streams exhibited degradation, 8 were moderately to severely impaired. The moderate to severe degradation found in 6 of the 8 streams was attributable to the presence of a golf course. In some cases the degradation could be traced to a pond, a substantial reduction in base-flow, or an intermittent pollution incident. In other situations the lack of a streamside buffer or channelization may have contributed to degradation. Yet no one factor or combination of factors could be cited as the cause of the degradation.

INTRODUCTION

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* The author is president of Community & Environmental Defense Associates, P.O. Box 206, Maryland Line, MD 21105, (301)329-8194.

Protestants Exhibit #8

Protecting the Aquatic Environment from the Effects of Golf Courses

Community & Environmental Defense Associates
P.O. Box 206 Maryland Line, MD 21105
(301)329-8194

Protestants Exhibit #9

FOCUS

A Ground Water Monitoring Study for Pesticides and Nitrates Associated with Golf Courses on Cape Cod

by Stuart Z. Cohen, Susan Nickerson, Robert Maxey, Aubry Dupuy Jr., and Joseph A. Senita

Abstract

Scientists and regulators in the United States began emphasizing the study of pesticides in ground water in 1979 and 1980. The scientific community began to emphasize the study of nitrates in ground water as a result of fertilization in the mid to late 1970s. By the mid 1980s, tens of thousands of wells were found to contain elevated nitrate concentrations and detectable concentrations of pesticides. Few, if any, of the data were collected from wells associated with the nation's 13,000 golf courses.

Golf is popular on Cape Cod, an area that depends on a hydrogeologically vulnerable aquifer system as its principal source of drinking water. Pesticides and fertilizers are applied to golf courses, often at high rates on greens and tees. Therefore the EPA, the Barnstable County government, and several local golf course superintendents collaborated on a study of the impact of golf course turf management on ground water quality.

Nineteen monitoring wells were installed upgradient and in greens, tees, and fairways on four golf courses. Selected soil core samples were collected and analyzed. Four to six rounds of ground water samples were collected over one and a half years and analyzed for 17 pesticides and related chemicals; nitrate-N samples were collected at least monthly. Seven of the 17 chemicals were never detected. The most frequently detected chemical — dichlorobenzoic acid — probably had been an impurity in herbicide formulations. Chlordane was detected in several wells at concentrations exceeding the health advisory level, perhaps due either to repeated heavy applications coupled with preferential flow of the bound/particulate phase and/or cross contamination during well installation. The results show no cause for concern about use of these currently registered pesticides.

Nitrate-N concentrations were generally below the 10 ppm federal MCL, with some exceptions. Overall, nitrate-N concentrations decreased in response to lower application rates and use of slow-release fertilizer formulations.

Introduction and Background

Scientists and regulators in the United States began to emphasize the study of pesticides in ground water in 1979 and 1980 following detections of three pesticides. The nematicide 1,2-dibromochloropropane (DBCP) was found in the ground water of California, Arizona, South Carolina, and Maryland, and the insecticide/nematicide aldicarb (Temik) was detected in the ground water of New York and Wisconsin (Zaki et al. 1982, Cohen et al. 1984(a), Holden 1986, Lorber et al. 1989). Atrazine was also found in ground water during this time period (Spalding et al. 1980, Wehtje et al. 1981). EPA has implemented or proposed several regulatory actions as a result of these findings (U.S. EPA 1979, U.S. EPA 1983, U.S. EPA 1987(a), U.S. EPA 1988(a)).

The scientific community began to emphasize the study of nitrates in ground water as a result of fertilization in the mid to late 1970s (e.g., Olson et al. 1973, Hallberg 1986).

By the mid 1980s there had been extensive detections of pesticides and nitrates in ground water in many agricultural areas (USGS 1984, Cohen et al. 1986, Hallberg 1986, U.S. EPA 1988(b)). However, few if any of the data were collected from wells associated with the nation's 13,000 golf courses.

Rates of pesticide application to golf course greens and tees are usually much greater than analogous rates for farmland, but the greens and tees usually cover less than 3 percent of the total golf course (GCSAA/NGF 1985).

Golfing is a popular sport on Cape Cod, and golf courses are key factors in the local economy. Most of Cape Cod is underlain by a sole source aquifer, which supplies most of the area's drinking water (U.S. EPA 1982(a), Guswa and LeBlanc 1985). Cape Cod's hydrogeology is characterized by a shallow, unconfined, highly transmissive aquifer, high recharge, and sandy soils (Guswa and LeBlanc 1985). Consequently, local citizens and town officials began questioning whether new golf courses could be constructed without impacting ground water quality. Initially, these questions were evaluated by "paper" risk assessments involving environmental fate, toxicity, and Pesticide Root Zone Model assessments (Cohen 1984, Severn 1986). These EPA assessments

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GREYSTONE COUNTRY CLUB
Permeability Tests
ETA J.O. # 89304.11

Day 2

Prot Exh XI C

Submitted to:

BIOHABITATS INC.
P.O. Box 935
Brooklandville, Maryland 21022

Submitted from:

ENGINEERING TECHNOLOGIES ASSOCIATES, INC.
3458 Ellicott Center Drive, Suite 101
Ellicott City, Maryland 21043
(301) 461-9920

August 24, 1990

COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, October 24, 1991

GREYSTONE GOLF COURSE

District 7 C3

VII-246

COUNTY REVIEW GROUP - THOSE PRESENT

David L. Thomas, Chairman - Dept. of Public Works
Joe Maranto, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

Rahee Famili	- Traffic Engineering
Jennifer Macek	- Councilman Ruppersberger's Aide
David Bayer	- Developers Engineering Division
Ed Schmaus	- DEPRM/Storm Water Management
Larry Pilson	- DEPRM
Les Schreiber	- Department of Public Works

DEVELOPER AND/OR REPRESENTATIVES

Thomas G. Bodie, Esq.	- Attorney
Paul O'Leary	- Greystone Golf & Country Club
Fred Thompson	- LPJ, Inc.
Eugene F. Raphel	- E. F. Raphel & Associates
Robert A. Hoffman, Esq.	- Attorney

INTERESTED CITIZENS

J. Carroll Holzer, Esq., 305 W. Chesapeake Ave., 21204

Mr. Thomas, Chairman, opened the meeting at 10:53 a.m., introduced the staff, and explained the purpose of the meeting. Mr. Raphel presented the plan.

Mr. Maranto explained the history of meetings and approvals for this project and summarized the staff comments submitted from Fire Department, Developers Engineering Division, Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks. These comments have been made a part of this summary, and a copy was also given to the developer and developer's engineer.

Staff comments to be addressed and reviewed:

Planning - Mr. Maranto explained the Planning Board's review and referral back to the CRG, and also explained that prime and productive soils issues were addressed and are shown in the record. CRG approval is therefore recommended.

Petitioner

RECEIVED
OCT 25 1991
OFFICE OF PLANNING AND ZONING
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

887-3211

October 4, 1991

TO: Leslie Schreiber, Co-chairman
County Review Group

FROM: P. David Fields, Secretary
to the County Planning Board

SUBJECT: Greystone Golf Course (#90353)

At yesterday's special meeting, the Baltimore County Planning Board adopted the enclosed September 17, 1991 staff report to constitute the Board's decision to the CRG, in accordance with Sections 26-207 (b)(2) and 26-208(c) of the Development Regulations, regarding the "involvement" between the proposed Greystone Golf Course and the Half Way House (Weisburg Inn) property.

In adopting the staff's recommendations, the Board concluded that, even if the traffic projected to be generated by the Golf Course would be enough to constitute "involvement" with the Inn complex, the expected effects of the traffic would not necessitate changes to the approval conditions already imposed on the Golf Course project by the CRG, the Zoning Commissioner and the County Board of Appeals.

P. David Fields

P. David Fields

PDF/TD/prh
GREYSTNE.TD/TXTPRH

Enclosure

cc: Joseph V. Maranto, Co-chairman CRG
Thomas G. Bodie, Esq.
J. Carroll Holzer, Esq.
Phyllis Cole Friedman, Esq.

Petitioner 2A

SEP-17-'91 TUE 16:15 ID:PLANNING TEL NO:301-887-5862 #621 P02

Baltimore County Government
Planning Board

Petitioner 2B

401 Bosley Avenue
Towson, MD 21204

887-3211

TO: Baltimore County Planning Board

FROM: Office of Planning & Zoning

SUBJECT: Proposed Development (Greystone Country Club)
Involving a Structure on the Baltimore County
Landmarks List (Weisburg Inn)

DATE: September 17, 1991

Background - Planning Board's Role

The CRG plan for the Greystone Golf Course has been remanded to the Planning Board through a decision in the Circuit Court of Baltimore County (Case No. 91 CG 1402). Judge Barbara Kerr Howe held that "it was an error of law in this case for this matter not to have been referred to the Planning Board" pursuant to the then Section 22-59 of the Development Regulations which, in the Judge's words, requires action by the Planning Board on "any plan that 'involves' a site included on the Landmarks Preservation Commission List."

The referenced Section requires referral to the Planning Board before the CRG may take final action. The Board then has 45 days to "file its written decision with the CRG, including the reasons therefor." The Board's "decision" will be "binding upon the CRG and shall be incorporated as a part of the CRG final action on a plan." These requirements, as specified in the Development Regulations, are now codified as Sections 26-207(a)(4), 26-208(b)(2) and 26-208(c).

It may be noted that the Planning Board's authority in this case is very broadly conferred, and is independent of the role of the Landmarks Preservation Commission; in relation to individual structures on the Landmarks List, the Commission has authority only to control changes to the exterior of the structure (or its demolition).

Background - Determining the Site in Question

The case before Judge Howe was an appeal from the CRG's approval, as upheld by the County Board of Appeals, of the proposal to develop the Greystone Country Club (i.e., Golf Course) on an approximately 300-acres tract southwest of the White Hall Road/Vernon Road intersection (see Location Map). No relationship to any

C.H. Protestant's Ex 1

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 17, 1991

The Honorable Barbara K. Howe
Judge, Circuit Court for Baltimore County
Courts Building, 401 Bosley Avenue
Towson, MD 21204

Re: Case No. 91-CG-1402/92/231
Greystone Golf Course

Dear Judge Howe:

Enclosed is a photocopy of your Opinion and Order dated July 29, 1991 in the above-captioned matter. Pursuant to your Opinion and Order, the issue concerning the historic landmark preservation has been heard and ruled upon by the Planning Board and County Review Group (CRG). An appeal has been filed by the Protestants/Appellants from both the ruling of the Planning Board and the ruling of the CRG. This Board has scheduled a hearing for those appeals on January 2, 1992.

It is the opinion of this Board that these appeals be limited to the historic landmark preservation issue and that the CRG appeal will not be open to receiving evidence and testimony on all the other issues which were previously decided by this Board. In discussing the matter of handling these pending appeals, a Board member thought it would be prudent to seek Your Honor's guidance on the use of the phrase "is reversed and remanded" in your Order. The Board is of the opinion that you did not intend to have this Board re-hear the prior issues, but rather require this Board only to make "specific findings of fact" to support our conclusion, and to make findings of fact concerning the agricultural use issue and the protection of prime and productive soils issue, based on the testimony and evidence previously presented to this Board.

The Board is in the process of rewriting our findings of fact and conclusions on the above issues.

We respectfully request Your Honor to advise this Board whether the Court intended that the Board, on reversal and remand, hear any issue other than the historic landmark

C.H. Protestant's Ex 2

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

BARBARA KERR HOWE
JUDGE

December 19, 1991

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 887-6607

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91 CG 1402
Greystone Golf Course

Dear Mr. Hackett:

It is my intention that the Board will only receive evidence and take testimony on the Historic Landmark Preservation issue. It is not my intention that the Board rehear any other issue previously determined. The Board's understanding is correct in all other respects.

Very truly yours,

Barbara Kerr Howe

BKH:ldj

12/20/91 Copies to: J. Carroll Holzer, Esquire
Thomas G. Bodie, Esquire
People's Counsel for Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
DEC 20 AM 11:02

Protestants' Ex 3

HEARING ON JANUARY 2, 1992

1. Dorothy E. Miller, 1700 Hunters Mill Road
White Hall, Maryland 21161

2. Ownership: My husband, John L. Miller, and I are owners of the residence at the above address. We purchased our farm in December 1949 (42 years ago) and the house was in a state of neglect and disrepair. Over the years we have restored and refurbished the house in the style of the 18th century. Our house appears on the 1798 Baltimore County tax list and has been listed on the Maryland Historical Trust Inventory for many years. On October 10, 1991 it was also added to the Baltimore County Landmarks Preservation List No. 45.

3. Location: Our home is located approximately 1/2 mile from the proposed site of the Greystone Golf Course and Country Club. Our road is only 30 feet wide and consists of two lanes which narrows to only one lane before it crosses a newly constructed bridge over the First Mine Branch stream.

4. Concerns: Our first concern regarding the proposed Greystone Golf Course and Country Club is the impact it will have on the water supply to our property and to other homes and farms in the vicinity. We have a hand-dug, shallow well which has served the residents of our house for almost 200 years and is only 3 feet deep. It is fed by underground springs and no one can positively assure us and our neighbors that our water supply will not be affected by the huge amounts of water needed to establish and maintain the proposed golf course and country club with its proposed restaurant, swimming pool, kitchen needs, shower facilities,etc.

Our second concern is the affect this project will have on our narrow, winding roads and the influx of traffic it will attract with its projected membership of more than 350 plus children and guests. Our roads are not designed or equipped to handle a surge of traffic without danger to our community residents and farmers.

Lastly, this proposed development will surely lead to increased appraisals of existing properties and increased real estate taxes which can force the sale of farms in our rural, agricultural village and change the entire atmosphere of our community with additional development.

Petitioner's Ex #15

COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, August 30, 1990

GREYSTONE GOLF COURSE

District 7 C3

COUNTY REVIEW GROUP - THOSE PRESENT

Les Schreiber, Chairman - Dept. of Public Works
Francis Morsey, Co-Chairman- Office of Current Planning

AGENCY REPRESENTATIVES

Dave Lykens	- DEPRM
David Bayer	- Developers Engineering Division
Larry Pilson	- DEPRM
Ed Schmaus	- DEPRM/Storm Water Management
Pat Kincer	- Recreation & Parks
Rahee Famili	- Traffic Engineering

DEVELOPER AND/OR REPRESENTATIVES

E. F. Raphel	- E. F. Raphel & Assocs.
Thomas J. Dolina	- Power & Mosner
Fred Thompson	- LPJ, Inc.
Wes Burton	- Burton Assoc. Architects, Inc.
Grant Anderson	- Engineering Technologies Assocs.
Reed Huppman	- Biohabitats, Inc.
E. Donald Airey	- Greystone
Paul O'Leary	- Greystone
Conrad E. Sump	- Power & Mosner

INTERESTED CITIZENS

Please See Attached

Mr. Schreiber, Chairman, opened the meeting at 10:45 a.m., introduced the staff, and explained the purpose of the meeting. Mr. Raphel presented the plan.

Mr. Morsey summarized the steff comments submitted from Fire Department, Developers Engineering Division, Storm Water Management, Department of Environmental Protection and Resource Management (DEPRM), Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks, Bureau of Sanitation, Bureau of Land Acquisition. These comments have been made a part of this summary, and a copy was also given to the developer and developer's engineer.

The Greystone Golf Course CRG plan proposes a country club (primarily a golf oriented facility) including a golf course, practice facilities, a clubhouse complex and supporting facilities, on 217 +- acres zoned RC 2 (143.5 acres) and RC4 (73.7 acres) located along White Hall Road and Vernon Road.

Pet Ex XI B Day 2

ADDENDUM TO
GROUND WATER SUPPLY AND IMPACT ASSESSMENT
GREYSTONE COUNTRY CLUB
BALTIMORE COUNTY, MARYLAND

A previous report entitled Ground Water Supply and Impact Assessment, Greystone Country Club, Baltimore County, August 28, 1989, discussed the impact of pumping the wells at the Greystone Country Club. Since that time, the pumpage estimates have been revised and questions have arisen regarding the impact of pumping on nearby wells and springs.

One of the important distinctions that must be made in the impact analysis is the difference between a well and a spring. We characterize impacts on wells as drawdowns and we characterize impacts on springs as depletion. The reason for the difference is how ground water exits from the aquifer. At a well, ground water is removed by pumping. At a spring, ground water flows naturally to a low point in the topography.

The yield of a well is dependent on a number of factors, one of which is the depth of standing water in the well. The typical domestic well has 50 to 100 feet of standing water in the well. Pumping from this domestic well may reduce the depth of water by some amount, but typically a substantial depth of water would remain in the well. The report referenced above predicted a worst case drawdown of less than four feet at the closest neighboring well caused by the largest proposed irrigation well. Neighboring wells that were farther away would have even smaller drawdowns. Under typical conditions, these drawdowns would have no noticeable impact on neighboring well yields. Adequate water would remain in the well for pumping and the actual effect would not be noticed. Even in the case of an extremely marginal well which frequently is pumped dry, the reduction in yield would be extremely small. A well with a very small depth of water, on the order of ten feet, could be significantly impacted by pumping at the Greystone Country Club, but this well would be extremely marginal for domestic use. There are no known wells around the Greystone Country Club with very small depths of water, and thus the impact of proposed pumping on the Greystone Country Club on domestic water wells is negligible.

The above discussion only refers to wells with pumps that extract water from the well and cause significant drawdowns. There are several springs currently used for domestic supplies around the Greystone County Club. Springs are shallow points of natural discharge for an aquifer. The impact of pumping on these springs is not measured by drawdown, but rather by depletion. Depletion is the reduction in spring flow caused by the pumping wells. The calculation of drawdown assumes the absence of recharge or discharge from the aquifer. Drawdown predictions are not relevant to spring flow depletion predictions. An analogy may be made to a reservoir. In a reservoir with no flow in or out, the impact of pumping from the reservoir is measured by the amount of water removed from the reservoir which is reflected by the water level in the reservoir. Aquifers, however, have water flowing through them (or else there would be no springs). The analogy would be to a reservoir with a river flowing both into the reservoir and out of it. Pumping of water from the reservoir does not appreciably lower the water level in the reservoir or does it dry up the stream exiting from the reservoir; it merely reduces the flow of water from the reservoir. Obviously if we pump more water from the reservoir than is entering the reservoir, then eventually the stream drys up. At the Greystone Country

Pet Ex XIII

DAY 2

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

INTERIM APPLICATION OF
BALTIMORE COUNTY COUNCIL BILL No. 134-89

April 1, 1990
(Revised June 4, 1990)

County Council Bill No. 134-89 requires this agency to establish policies "to promote agricultural uses and protect Baltimore County's soil resources". In order to prevent unnecessary and/or unwarranted delays in processing plans and/or plats and for the purpose of avoiding uncertainty in regard to the effect of this legislation in general, the following interim policy is effective immediately.

Any plan and/or plat submitted to this agency for development approval that involves RC-2, RC-3 or RC-4 zoning needs to be reviewed by the Baltimore County Department of Environmental Protection and Resource Management to determine its consistency with the interim policy detailed below. All other existing requirements of the Baltimore County Zoning Regulations continue to be applicable.

RC-2 and RC-4 zoned land within the "Agricultural Preservation Areas" as established in the draft Baltimore County Master Plan, 1989-2000 shall be subject to the following additional requirements. (No RC-3 exists within "Agricultural Preservation Areas".)

1. Lots created within RC-2 zoned areas shall be 60,000 square feet or less or greater than 50 acres in size except that exceptions can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.

2. Lots created within RC-2 and RC-4 zoned land shall not be located on prime and productive soils as referenced in the Baltimore County Soil Survey unless it is demonstrated that no other suitable area for lot placement exists and the location of lots shall not seriously impact the utility of a farming operation or significantly diminish the agricultural land resources.

3. In regard to prime and productive soils within RC-4 zoned land, the residential density calculated shall be the same as for RC-2. In addition, provisions for lot size and location in regard to all lots allowed within RC-4 zoned areas shall be similar to #1 and #2 above.

Page 1

Ex XIII

In regard to areas zoned RC-2, RC-3 and RC-4 outside of "Agricultural Preservation Areas" the following provisions shall apply:

1. RC-2 zoned land will be administered in a similar fashion as outlined for "Agricultural Preservation Areas". (See above.)

2. RC-4 zoning will be amended as follows:

   a) Lot size is not to exceed 60,000 square feet nor be less than 25 acres unless the accommodation of on-lot sewer and/or water requires additional acreage except that variances can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.

   b) Lots can be placed on prime and productive soils if it is demonstrated that this will promote reservoir watershed protection by locating lots a greater distance from watercourses including floodplains, seeps and springs and by avoiding the location of lots on steep slopes (>15%). (The primary purpose of RC-4 outside of the "Agricultural Preservation Areas" is to promote watershed protection, albeit, wherever possible prime and productive soils shall be protected.)

   c) Clustering shall be required wherever possible.

3. RC-3 zoning shall be amended so that lot size shall not exceed one (1) acre or be less than 25 acres. Clustering of lots shall be required wherever possible. Lots shall be excluded from prime and productive soils unless it is demonstrated that no other suitable location exists.

DISC #4: "INTERIM.APP" TJG 6-4-90

Page 2

Ex XIII

JUN-22-90 FRI 9:51

Petitioner's Ex

APPLICATION FOR A PERMIT TO APPROPRIATE AND USE WATERS OF THE STATE

Water Resources Administration
Water Supply Division
Tawes Office Building
Annapolis, Maryland 21401

X Surface Water ☐ Groundwater X New Application ☐ Change in Existing Permit

Number

APPLICATION

Greystone (E. Donald Airey) 301-343-0300
(Owner's Name) (Telephone Number)
P. O. Box 295 White Hall MD 21161
(Owner's Address) (Street) (Town) (State) (Zip Code)

WITHDRAWAL

GROUNDWATER

Appropriate and use a yearly average of
gallons per day,
(Total annual use ÷ 365 days)
and gallons
(Highest total monthly use divided by days in month)
for the average day of the maximum month, from
(Number)
well(s) having a diameter of
(Number)
inches, and a depth of
(Estimate)
ft.

SURFACE WATER

Appropriate and use a yearly average of
82,000 gallons per
(Total annual use ÷ 365 days)
day, and a maximum use of 330,000
gallons in any one day, from:
Reservoir Ponds
(Name of stream)
Constructed on property & one existing
(Exact location of withdrawal)
pond at the head of an unnamed tributary to first mine branch.

PROJECT LOCATION

Two miles east of White Hall, MD, south side of White Hall Rd.
(Location — be specific)
County Baltimore Subdivision or town White Hall Phone number 301-343-0300
Name and type of business Golf Course

ALL APPLICATIONS MUST INCLUDE A COPY OF LOCATION MAP SHOWING THE PROJECT SITE

PURPOSE

The water will be used for:
Community Water Supply
Non-Potable supply (sanitary uses, not for drinking water)
Potable Supply (drinking water, etc.)
Cooling Water
Irrigation
Process Water
Other
(explain)

WASTEWATER TREATMENT AND DISPOSAL

☐ Public Sewer
(Name of system)
☐ Groundwater
☐ Subsurface (tilefield, seepage pit, etc.)
☐ Spray Irrigation
☐ Other, explain
☐ Surface Water
(Name of stream)
Discharge Permit # or applied for

SIGNATURE

Please sign here
(signature)
L. Reed Huppman, Proj. Mgr., Biohabitats, Inc- 6/22/90
(please print name, title and date here)

THIS APPLICATION WILL NOT BE PROCESSED WITHOUT A SIGNATURE AND A LOCATION MAP

REVIEW BY COUNTY HEALTH DEPARTMENT OR DESIGNATED AGENCY

THIS SECTION NOT TO BE COMPLETED BY APPLICANT

Is this Project consistent with the County Water and Sewerage Plan and local planning and zoning?

☐ YES ☐ NO, explain

Signature of county representative
(Signature) (title)

BIOHABITATS/ERM TEL NO.301-363-3078 DEC 3:50 13:15 NO.001 P.02

Petitioner's Ex 10
12-6-90

APPLICATION FOR A PERMIT TO APPROPRIATE AND USE WATERS OF THE STATE

Water Resources Administration
Water Supply Division
Tawes State Office Building
Annapolis, Maryland 21401

Surface Water X Ground Water New Application Change in Existing Permit

Application Number

APPLICATION

Blackstrap Development Co., Inc. (301)561-4758
(Owner's Name) (Telephone Number)
2341 York Road Timonium Maryland 21093
(Owners' Address) (Street) (City) (State) (Zip Code)

WITHDRAWAL

GROUND WATER

Appropriate and use a yearly average of
150,000 gallons per day,
(Total annual use divided by 365 days)
and 225,000 gallons
(Highest total monthly use divided by days in month)
for the average day of the maximum month, from
7 well(s) having an diameter of
(Number)
6½ inches, and a depth of
(Estimate)
200 feet.
(Estimate)

WITHDRAWAL

SURFACE WATER

Appropriate and use a yearly average of
gallons per
(Total annual use divided by 365 days)
day and a maximum use of
gallons in any one day, from
(Name of stream)
(Exact location of withdrawal)

PROJECT LOCATION

Northern Baltimore County at Southwest corner of intersection of White Hall Rd & Vernon Rd.
(Location — be specific)
County Baltimore Subdivision or Town Phone Number
Name and type of business Greystone Country Club - Country Club w/Golf Course & Club House.

ALL APPLICATIONS MUST INCLUDE A COPY OF LOCATION MAP SHOWING THE PROJECT SITE.

PURPOSE

The water will be used for:
Community Water Supply
Non-Potable supply (sanitary uses, not for drinking water)
Potable Supply (drinking water, etc.)
Cooling Water
Irrigation
Process Water
Other, explain

WASTEWATER TREATMENT AND DISPOSAL

Public Sewer
(Name of system)
X Ground Water
X Subsurface (tilefield, seepage pit, etc.)
Spray Irrigation
Other, explain
Surface Water
(Name of system)
Discharge Permit No. or applied for

SIGNATURE

Please sign here
Joseph M. Yano - Agent for Owner 8-10-89
(please print name, title and date here)

THIS APPLICATION WILL NOT BE PROCESSED WITHOUT A SIGNATURE AND A LOCATION MAP

REVIEW BY COUNTY HEALTH DEPARTMENT OR DESIGNATED AGENCY

THIS SECTION NOT TO BE COMPLETED BY APPLICANT

Is this Project consistent with the County Water and Sewerage Plan and local planning and zoning?

YES NO, explain

Signature of county representative
(Signature) (title)

7A

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES

William Donald Schaefer
Governor

Maryland Department of Natural Resources
Water Resources Administration
Tawes State Office Building
Annapolis, Maryland 21401

Torrey C. Brown, M.D.
Secretary

Catherine P. Stevenson
Director

AUG 06 1990

E. Donald Airey, Jr.
Blackstrap Development Co., Inc.
2341 York Road
Timonium, MD 21093

RE: BA89G058/1 and BA89S058/1
Assigned WRA Geologist:
Matthew Pajerowski

Dear Mr. Airey:

Your request for a Permit To Appropriate And Use Surface Waters of The State has been received. A file number and geologist have been assigned as indicated above. Please refer to this number in any correspondence. A test well has been drilled in support of the previously received application for a Permit To Appropriate And Use Ground Waters Of The State No. BA89G058/1, and a report on the aquifer test is under review by the Administration.

IT WILL BE NECESSARY FOR THE APPLICANT TO DEMONSTRATE TO THE WATER RESOURCES ADMINISTRATION THAT ISSUING THE PERMITS WILL NOT JEOPARDIZE THE STATE'S NATURAL RESOURCES; THAT THE PROPOSED APPROPRIATION PROVIDES THE GREATEST FEASIBLE UTILIZATION OF THE WATER; THAT THE PUBLIC SAFETY IS PRESERVED AND THAT SUCH USE PROMOTES THE GENERAL PUBLIC WELFARE. THE PROPOSED APPROPRIATION MUST NOT BE INADEQUATE, WASTEFUL, DANGEROUS, IMPRACTICAL, OR DETRIMENTAL TO THE BEST PUBLIC INTEREST. THIS PROPOSED APPROPRIATION MUST BE FEASIBLE IN EVERY RESPECT. THE QUANTITY OF WATER REQUESTED MUST BE REASONABLE, COMMENSURATE WITH THE PROPOSED USE, AND THE PROPOSED APPROPRIATION MUST NOT HAVE AN UNREASONABLE IMPACT UPON THE WATER RESOURCE OR OTHER USERS OF THAT RESOURCE. The assigned WRA geologist will contact the applicant regarding additional information required to process this application. Later in the process, advertising notices will be required and you will be billed for those costs. ADVOCACY AND DEFENSE OF THE PROPOSED APPROPRIATION AT A PUBLIC INFORMATIONAL HEARING SHALL BE THE SOLE RESPONSIBILITY OF THE APPLICANT.

Telephone: 974-2456
DNR TTY for the Deaf: 301-974-3683

7B

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES

AUG 06 1990
MGP

William Donald Schaefer
Governor

Maryland Department of Natural Resources
Water Resources Administration
Tawes State Office Building
Annapolis, Maryland 21401

Torrey C. Brown, M.D.
Secretary

Catherine P. Stevenson
Director

Please sign and date the form below and return to the above address, to ATTENTION: Kenward H. McKinney. Retain the receipts from certified mail for your records.

CERTIFICATION OF NOTIFICATION

I hereby certify that I have properly notified the owners of contiguous property, either in person or by certified mail, and by certified mail the County Executive and the presiding officer of the County Commission/Council of the county in which the appropriation is proposed, and analogous town or municipal officials of any town or municipality which may be affected by Application No. - BA89S058/1, which seeks to appropriate and use an annual average of 22,000 gallons of surface water per day (gpd), with a maximum withdrawal of 320,000 gallons in any one day; and BA89G058/1, which seeks to appropriate and use an annual average of 80,000 gallons of ground water per day (gpd), and an average of 320,000 gpd during the month of maximum use. The surface water is to be withdrawn from six man-made ponds, and is to be used for golf course irrigation. The ground water is to be withdrawn from seven wells in the Loch Raven Schist, and is to be used for golf course irrigation, and a potable supply for a clubhouse and restaurant. The country club is to be located at the southwest corner of Vernon Road and White Hall Road, at Gem Mills, Baltimore County, Maryland.

Please indicate all parties notified by filling in complete name and address including zip code, following the style shown by your name and address below. If more space is required, please use the attached sheet.

NAME AND ADDRESS

E. Donald Airey, Jr., Blackstrap Development Co., Inc., 2341 York Road, Timonium, MD 21093

If delivery was not effected to certain parties, list those parties and reasons for non-delivery on the attached sheet(s).

Applicant's Name (Please Print)

(Signature of Applicant) (Date)

Telephone:
DNR TTY for the Deaf: 301-974-3683

Petitioners
Ex IX
Day 2

The Traffic Group

WES GUCKERT
PRESIDENT

Wes Guckert is a recognized and well respected expert in the field of traffic engineering. Serving as a technical advisor in the areas of traffic impact analysis, traffic signal design, traffic circulation, access studies and transportation planning, Mr. Guckert has played a major role in projects that span the urban and suburban areas of Maryland and Virginia. As President of The Traffic Group, Mr. Guckert has managed over 1300 studies for more than 800 clients, including the Towsontown Centre Mall, Bowie New Town Centre and Port America.

Prior to founding The Traffic Group, Mr. Guckert served as a traffic engineering consultant. As Project Manager for various public agency projects, he was responsible for the Maryland 210 Bus Stop Study, the Capital Centre Access Study and the University of Maryland Access Study. In addition, he directed the design and implementation of traffic access systems for regional projects such as National Business Park, Presidential Corporate Center, Largo Town Center, the Milestone Property, Wheaton Plaza and Salisbury Centre. Early in his career, Mr. Guckert served for 5 years with the Maryland SHA Traffic Division.

A renowned expert in the field, Mr. Guckert is often asked to serve as an independent expert witness, testifying before county and municipal boards and district courts in Maryland, Virginia and Pennsylvania on traffic engineering and transportation planning issues.

JOB HISTORY

1977–present
Consultant

1972–1977
Maryland State Highway Administration—Traffic Division
Assistant Regional Traffic Engineer

EDUCATIONAL BACKGROUND

Civil Engineering Preparation: Johns Hopkins University, Towson State University, and Essex Community College
Traffic Engineering Courses: Northwestern University Traffic Institute, University of Tennessee Transportation Center, University of Maryland

AFFILIATIONS

Institute of Transportation Engineers (I.T.E.)
Urban Land Institute (U.L.I.)
American Planning Association (A.P.A.)
Transportation Research Board (T.R.B.)

I.T.E. PROFESSIONAL COMMITTEES

Traffic Considerations for Special Events
Parking Facilities for Industrial Plants
Internal Transportation Systems for Major Activity Centers

EXAMPLES OF PLACES WHERE MR. GUCKERT HAS QUALIFIED AS AN EXPERT WITNESS

Maryland

Planning Board, Allegheny County
Zoning Hearing Examiner, Board of Appeals and Circuit Court, Anne Arundel County
Planning Commission and City Council, City of Annapolis
City Council and Planning Commission, Baltimore
Board of Appeals, Circuit Court, Planning Board, Zoning Hearing Examiner, Baltimore County
Planning Board, Town Commissioners Town of Bel Air
Planning Board and Board of Appeals, Carroll County
Planning Board and Board of Appeals, Charles County
Planning Commission, City of Frederick
Planning Board, Frederick County
Zoning Hearing Examiner, Harford County
Planning Board and Zoning Board, Howard County
Zoning Hearing Examiner, Montgomery County
Board of Appeals, Montgomery County
Park and Planning Commission, Montgomery County
County Council, Zoning Hearing Examiner, Prince Georges County
Park and Planning Commission, Prince Georges County
Planning Board, St. Mary's County

New Jersey

Holmdel Township Planning Board

Virginia

Arlington County Board of Supervisors
Loudoun County Planning Board
Prince William County Planning Board and Board of Supervisors

Pennsylvania

West Whiteland Township Planning Board, Town Council
City of Scranton Board of Appeals

The Traffic Group, Inc. Suite 600 40 W. Chesapeake Avenue Towson, Maryland 21204 301-583-8405 Fax 301-321-8458

Petitioners
Ex X
Day 2

The Traffic Group

Traffic Impact Analysis

for

GREYSTONE COUNTRY CLUB

White Hall, Maryland

Prepared for

GREYSTONE COUNTRY CLUB

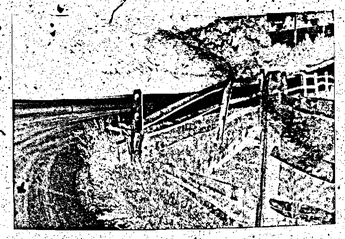
October 17, 1990

Day 2 Pet Ex XI A

GROUND WATER SUPPLY
AND IMPACT ASSESSMENT
GREYSTONE COUNTY CLUB
BALTIMORE COUNTY

ENGINEERING TECHNOLOGIES ASSOCIATES, INC.

3458 ELLICOTT CENTER DRIVE
ELLICOTT CITY, MD. 21043
(301) 461-9920 BALT.
(301) 621-4690 WASH.

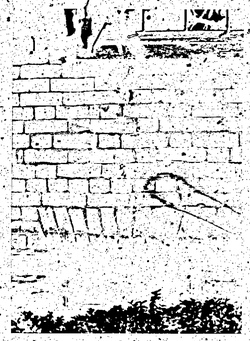


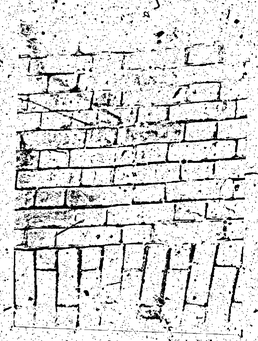


















Petitioners # 4A-4F
8A-8I } photos

90-19-SPHX
Hendrix

The Pennsylvania State University
The Graduate School
College of Agriculture

EFFECTS OF TURFGRASS ESTABLISHMENT METHOD AND MANAGEMENT
ON THE QUANTITY AND NUTRIENT AND PESTICIDE CONTENT
OF RUNOFF AND LEACHATE

A Thesis in
Agronomy

by

Scott A. Harrison

Copyright 1989 Scott A. Harrison

Submitted in Partial Fulfillment
of the Requirements
for the Degree of

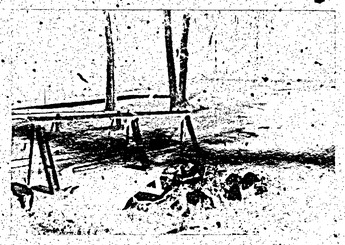
Master of Science

August 1989













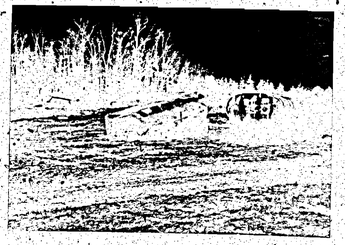






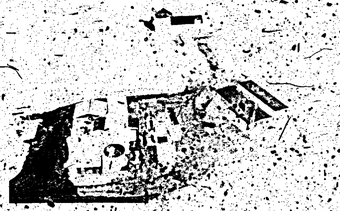


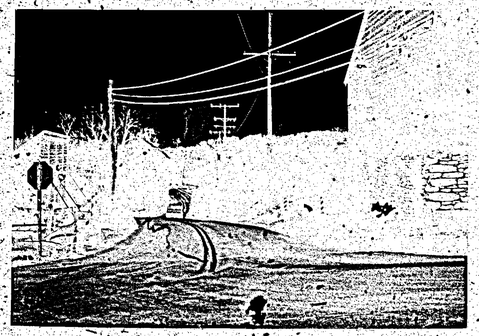




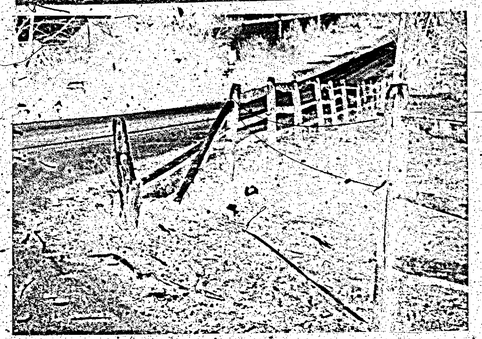






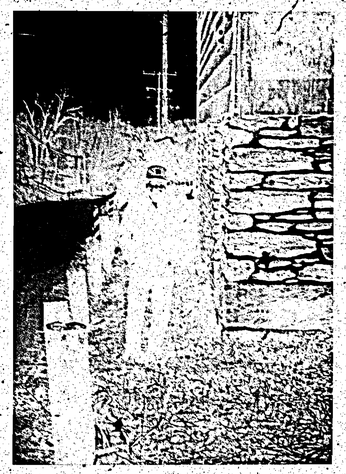


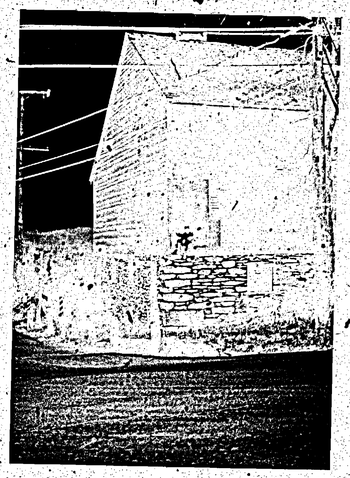


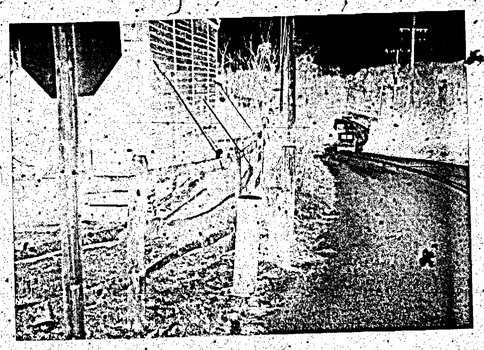


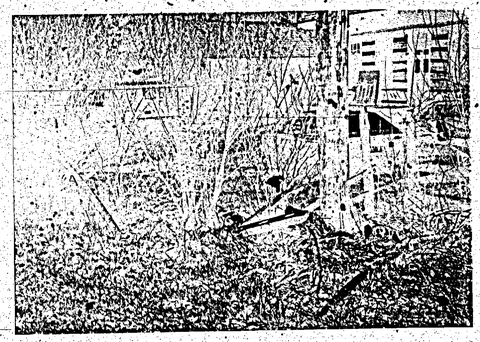












Community & Environmental
Defense Associates

P.O. Box 206
Maryland Line, Maryland 21105

Richard D. Klein,
President

(301) 329-8194

F

Protestants Ex #11

PROJECTED WATER BALANCE FOR IRRIGATION PONDS PROPOSED FOR THE GREYSTONE GOLF COURSE

The accompanying tables present a water balance for ground water withdrawals and runoff collection ponds intended to satisfy the irrigation requirements for the proposed Greystone golf course. This analysis was performed to determine if the ponds and ground water withdrawal could satisfy irrigation requirements under normal rainfall conditions. Following is a description of the assumptions underlying this analysis.

1. The Parkton station has the closest precipitation monitoring gage to the proposed golf course site.

2. The 1984 rainfall data set was used because it was a slightly wetter than average year. Other gages in the area received an additional 2.4 to 7.5 inches of precipitation when compared to an average year. May, July, August, and September were slightly wetter than average months. June was a bit drier than normal.

3. The column headed RAINFALL presents the inches of rainfall by day as presented in the monthly summaries published by the National Climatic Data Center. T = "Trace. An amount too small to measure."

4. The column headed SURFACE RUNOFF provides the amount of rain, in gallons, which flowed to the ponds as overland flow. The six ponds drain a total of 151 acres. The applicant determined that the runoff curve number for the drainage area will be 69. Equation 2.1, in "Urban hydrology for small watersheds", published by the U.S. Soil Conservation Service (TR-55), was used to estimate the volume of runoff flowing to the ponds. According to this equation a minimum of 1.0 inches of rain is needed to produce surface runoff.

5. DIRECT RAINFALL INPUT is the amount of precipitation, in gallons, falling upon the surface of the ponds. The six ponds have a cumulative surface area of 21.5 acres (936,540 square feet).

Helping people to defend their home and community from land development and environmental threats.

May 1, 1987

Office of Water
Regulations and Standards
Washington, DC 20460

EPA 440/5-86-001

EPA

Protestants Ex #12

QUALITY CRITERIA for WATER 1986



Library
U.S. Environmental Protection Agency
Region III
Central Regional Laboratory
839 Bestgate Road
Annapolis, Maryland 21401

United States Environmental Protection Agency

Office of Water
Regulations and Standards
Criteria and Standards Division
Washington DC 20460

EPA 440/5-86-005
September 1986

Water

EPA

Ambient Water Quality Criteria for

Chlorpyrifos - 1986

213-204
202-382-2690
475
7315

Protestants Ex #13

Library
U.S. Environmental Protection Agency
Region III
Central Regional Laboratory
839 Bestgate Road
Annapolis, Maryland 21401

Protestants Ex # 14

Reprinted from
the Fall 1989 Issue of *Ground Water Monitoring Review*

Ground Water Loading of Pesticides in the Atlantic Coastal Plain

by A. Shirmohammadi, W.L. Magette, R.B. Brinsfield, and K. Staver

Abstract

Pollution of ground water by agricultural practices has gained considerable attention in recent years. Mathematical models have been developed to evaluate the effects of agricultural best management practices on pesticide transport to ground water. The GLEAMS model was evaluated to determine its suitability for use in predicting managerial effects on pesticide leaching from agricultural systems in the Atlantic Coastal Plain. Model predictions of pesticide concentrations in percolation from the root zone were compared to observed concentrations in ground water beneath field-sized areas. The model underpredicted runoff from these areas. Model predictions were used to produce rankings of the magnitudes of pesticide losses that paralleled rankings of observed ground water data in some cases but not others. Differences in observed and predicted rankings were assessed to be the result of sampling schedule inefficiences. The magnitudes of predicted pesticide concentrations in leachate from the root zone were three to seven times higher than observed concentrations in shallow ground water. Results support the use of GLEAMS for comparison of managerial effects on pesticide movement to ground water if appropriate limitations are recognized.

Introduction

Ground water contamination is a crucial concern in almost all areas of the United States. Once an aquifer is contaminated, the effects may last for many years because of the slow rate of ground water movement and possible shortage or absence of biologically or chemically active zones that can promote degradation and dissipation of contaminants.

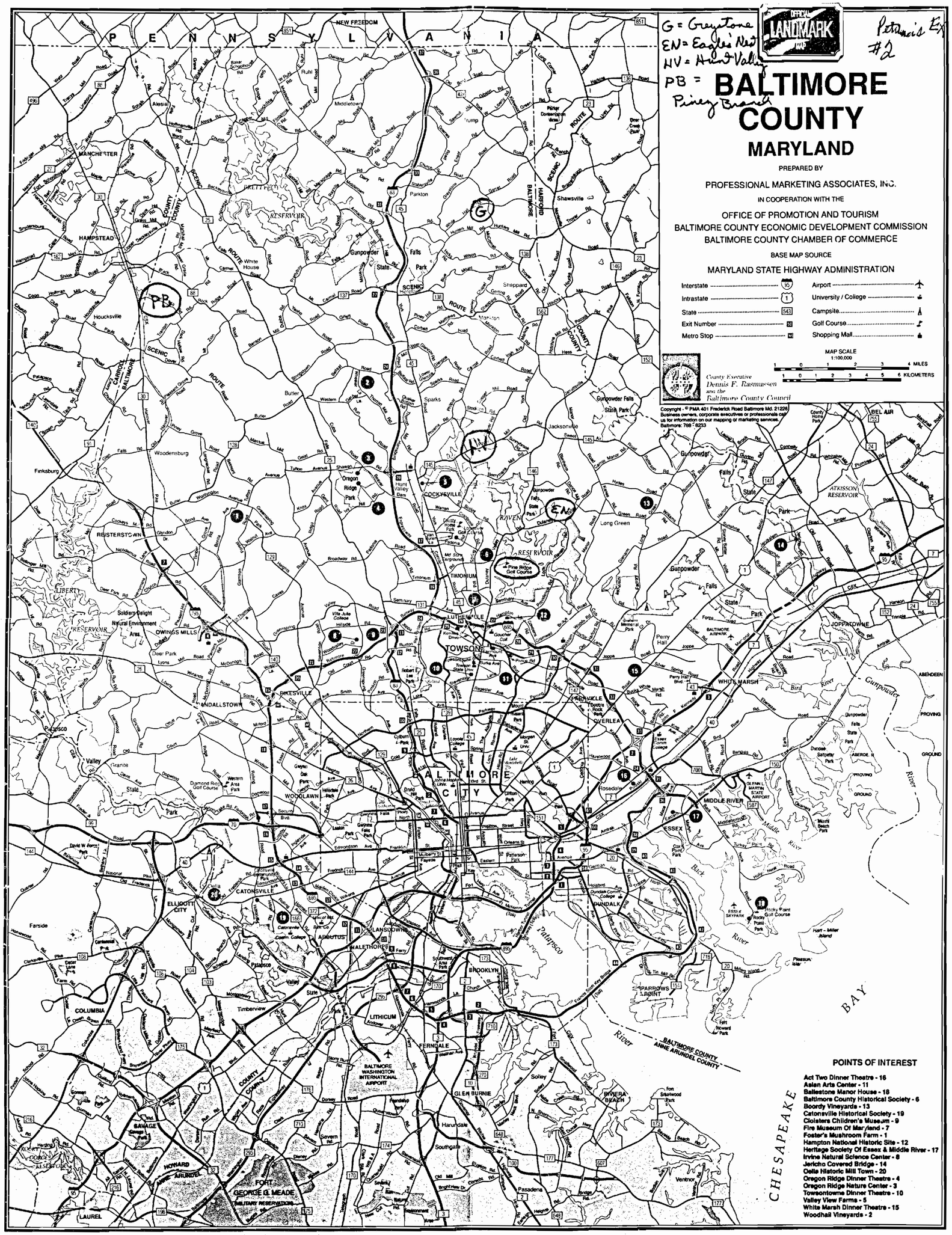
Evaluation of agricultural non-point source pollution is important when assessing regional water quality. Agrochemicals (pesticides and fertilizers) are an indispensible component of most current, economically sound agricultural production practices. Emphasis on high productivity in the midst of increased problems from plant pests (weeds, diseases, insects) has resulted in greater use of fertilizers and pesticides. Agricultural pesticide usage in the United States totaled 390,030 metric tons of active ingredient (a.i.) in 1985, accounting for 77 percent of the total pesticides used (U.S. Environmental Protection Agency 1987a). Cornbelt states used 33.5 percent of the total pesticides; northeast states used 4.0 percent (Shirmohammadi and Knisel 1988).

Pollution of ground water by agricultural practices has gained considerable attention in recent years, especially after detection of pesticides in the water supply of Long Island, New York, in 1985. A total of 17 pesticides have been reported to be found in ground water in 23 states (Cohen et al. 1986). As a result, extensive federal and state resources have been allocated to study the nature and occurrence of pesticide problems. The National Water Quality Assessment Program (U.S. Geological Survey 1987) and the National Pesticide Survey (U.S. Environmental Protection Agency 1987b) are examples of such efforts.

Agricultural best management practices (BMPs) have a major influence over water and chemical movement on the land surface, as well as through the soil profile and into ground water. BMPs include structural, cultural, and managerial farming techniques designed to prevent or reduce non-point source pollution (U.S. Environmental Protection Agency 1987c). Many studies have evaluated the impact of different tillage systems as BMPs on surface losses of pesticides (Ritter et al. 1974, Baker et al. 1978, and Baker and Johnson 1979). However, studies addressing the impact of these practices on the movement of pesticides to ground water are site-specific, making extension of findings to other conditions (different soils and geologic settings) difficult or impossible.

Mathematical models have been developed to aid scientists and engineers in using site-specific research findings to evaluate water quality effects of BMPs (Shoemaker and Magette 1987, DeCoursey 1985, U.S. Environmental Protection Agency 1987b). However, most of these models have been validated to describe the impacts of BMPs on surface water quality and not ground water quality. Examples of such models are ANSWERS (Beasley et al. 1977), CREAMS (Knisel 1980), and HSPF (Donigian et al. 1983). Simulation models for environmental screening of pesticide movement through soil also exist (Lindstrom et al. 1968, Davidson and McDougal 1973, Nofziger and Hornsby 1984, Wagenet and Hutson 1986, Enfield et al. 1982), but most of these models describe pesticide movement through porous media without considering the impact of BMPs.

Recently, process-oriented models have been developed that describe the influence of BMPs on pesticide transport to ground water. Most notable among these are PRZM (Carsel et al. 1984) and GLEAMS (Leonard et al.



Petitioner's Ex #2

Prot's. I

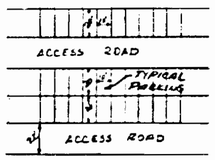
Petitioners shall file a Petition for Reclassification to remove the M.L. zone. Consequently, the Petition for Special Hearing must be denied. If the reclassification is successful, then the buildings on the current M.L. zoned property may be incorporated into the golf course special exception. These buildings may be useful in the current operation of the golf course. However, M.L. zoned land may not be used for or in support of a golf course.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested, pursuant to the Petition for Special Exception, shall be granted in part and the relief requested, pursuant to the Petition for Special Hearing, shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of March, 1990 that a Petition for Special Hearing to approve the right to use the existing buildings in the M.L. zone area on the site as maintenance, storage and accessory buildings in conjunction with the operation of the country club/golf course is hereby DENIED; and

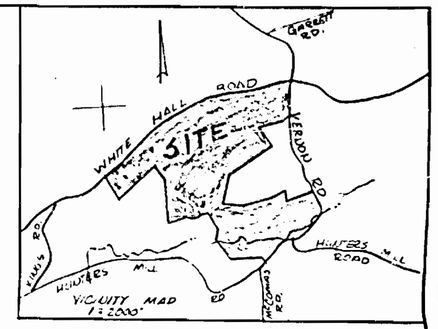
IT IS FURTHER ORDERED, that the Petition for Special Exception for a country club (primarily a golf oriented facility) including a golf course, practice facilities, a clubhouse complex including without limitation a pro shop, lounge, eating facility and other appropriate recreational facilities, maintenance facilities associated with the aforegoing, shelters and other structures, and improvements or facilities generally associated with golf or country clubs, as shown and described on Petitioner's Exhibit No. 10, is hereby GRANTED IN PART, subject, however, to the following restrictions which are conditions precedent to the aforegoing relief:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this



TYPICAL PARKING
(NO SCALE)

ALL PARKING AREAS TO BE MACADAM SURFACE WITH PAINTED STRIPES FOR PARKING SPACES



GENERAL DATA

AREA OF SITE	305 AC ±
EXISTING ZONE	RC 2 - RC 4 + ML
PROPOSED ZONE	RC 2 - RC 4 SPEX. FOR GOLF COURSE

DENSITY

TOTAL AREA	305 AC ±
RC 2 ZONE	143.5 AC ± @ 3 LOTS PERMITTED
RC 4 ZONE	161.5 AC ± X 2 = 32 LOTS PERMITTED
NUMBER EXIST. RESIDENCE	RC 2 ZONE: 1
" " "	RC 4 ZONE: 1

PARKING
TOTAL NUMBER GOLF HOLE = 27 X 8 SPACES = 216 REQUIRED
TOTAL SHOWN = 330 SPACES
TEMPORARY SPACES SHOWN = 217 SPACES

GENERAL NOTES

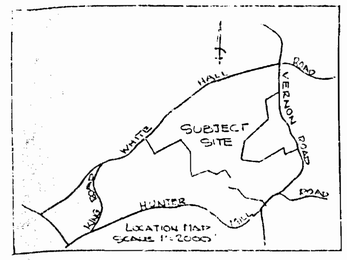
1. ALL TALUS IN THE ML ZONE ARE TO BE REMOVED
2. GOLF GREENS, TEES, & FAIRWAY LOCATIONS SHOWN ARE APPROXIMATE LOCATIONS, AND ARE SUBJECT TO REALIGNMENT.
3. EXISTING BUILDINGS WITHIN THE ML ZONE ARE SUBJECT TO A SPECIAL HEARING FOR USE AS ACCESSORY TO A GOLF COURSE USE FOR MAINTENANCE & STORAGE FACILITIES. AND TO PERMIT THE TEMPORARY PARKING FOR THE TEMPORARY CLUB HOUSE

PETITIONER'S EXHIBIT 1

550

PLAT TO ACCOMPANY ZONING PETITION FOR A
SPECIAL EXCEPTION & A SPECIAL HEARING
GREYSTONE COUNTRY CLUB
WHITE HALL, MD
7TH ELECTION DIST. SCALE 1"=200' BALTO. CO. MD. MAY 25, 1989

E. F. RUSSEL & ASSOC.



MATCH LINE

A.F. KAUFMAN
417/69
R.C. 4 ZONE

USE VACANT

Where does water come from to fill this pond?

EX. HOUSE TO BE REMOVED

PROPOSED CADDIESTAKERS RESIDENCE

EX. SHACK TO BE REMOVED

EX. WELL

EX. SEPTIC

EX. DRIVE

PROP. HIGH CAT

PROP. CART PATH

PROP. BRIDGE

PROP. CULVERT

PROP. PARKING

PROP. TEMP. PARKING

PROP. TEMP. CLUB HOUSE

PROP. CLUB HOUSE

PROP. MAINTENANCE & STORAGE FACILITIES

PROP. PUTTING GREEN

PROP. TEE

PROP. FAIRWAY

PROP. BUNKER

PROP. WATER HAZARD

PROP. TREE LINE

PROP. CONTOUR

EX. CONTOUR

EX. TREE LINE

EX. WETLANDS

EX. STREAM

EX. WETLANDS BUFFER

EX. STREAM BUFFER

EX. 100 YR. FLOOD PLAIN

EX. WETLANDS & STREAM BUFFER

EX. 25' WETLANDS BUFFER

EX. 50' STREAM BUFFER

EX. 100' STREAM BUFFER

EX. 25' WETLANDS & STREAM BUFFER

EX. 50' WETLANDS & STREAM BUFFER

EX. 100' WETLANDS & STREAM BUFFER

EX. 25' WETLANDS BUFFER

EX. 50' WETLANDS BUFFER

EX. 100' WETLANDS BUFFER

EX. 25' STREAM

MATCH LINE

H.L. EICHELBERGER
7111/774
RC 4 ZONE

A.F. KAUFMAN
4170/69
R.C. 4 ZONE
USE VACANT

Where does water come from to fill this pond?

EX. HOUSE
PROPOSED CARETAKERS RESIDENCE

EX. WELL

WETLANDS BUFFER

STREAM

INTERMITTENT STREAM

OF

MINE

WETLANDS

BUFFER

BRANCH

S 68°06' W 511.2'

N 73°15' W 231.82'

S 71°30' W 200.04'

S 55°54' W 193.72'

N 17°22'17" W 123.38'

S 86°17' E 405'

N 77°32' E 417'

N 70°57' E 129'

N 70°04' E 365'

N 57°31' E 423'

S 55°54' E 350'

N 69°59' E

N 12°14' E 324.51'

S 86°19' W 856.11'

N 32°19' W 62.66'

MILL ROAD

S 50°40'34" W 470.15'

WM. PATRIDGE
2097/171
RC 2 ZONE

HUNTERS

VERNON

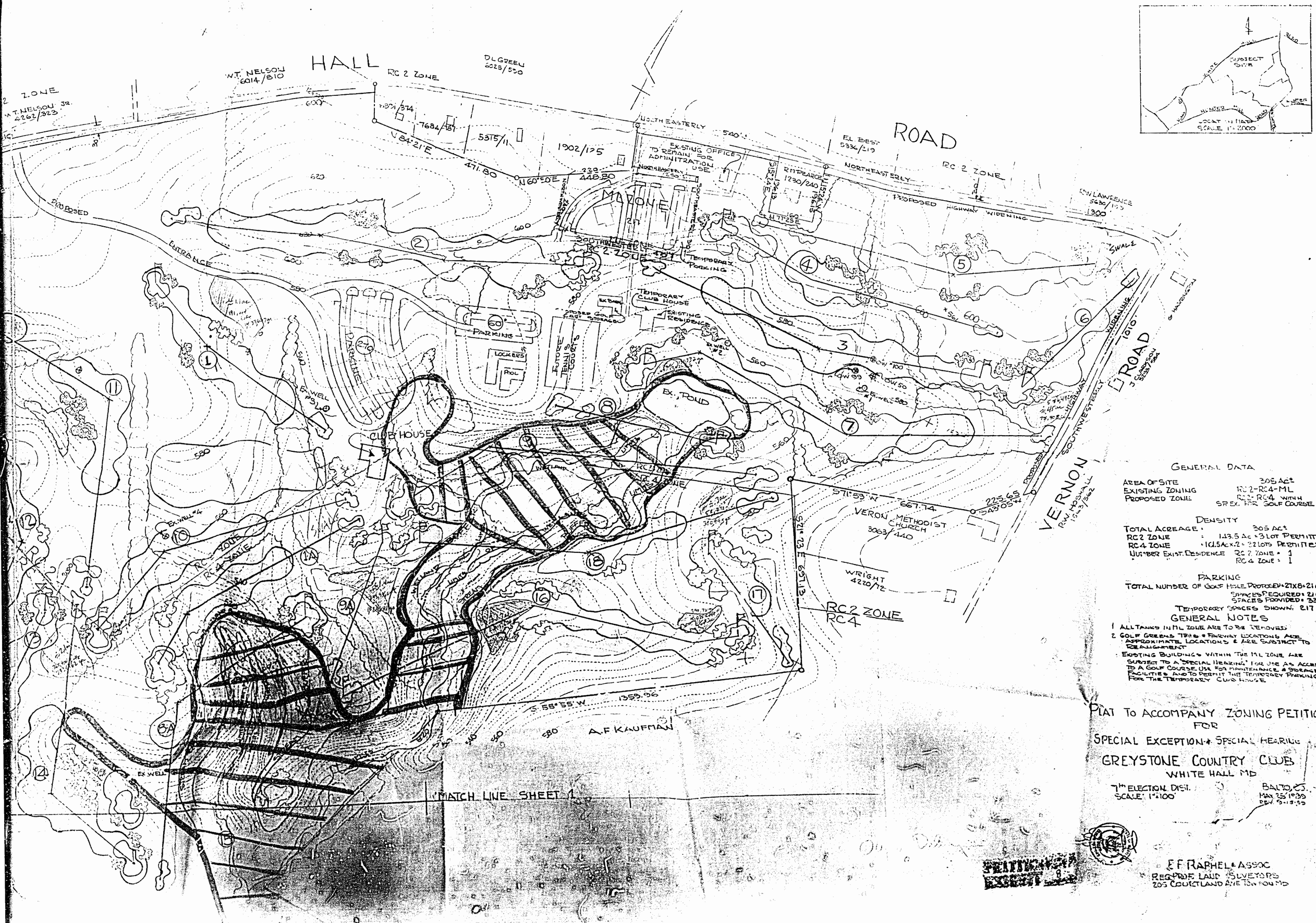
HUNTER MILL WOODS
DTG 55/51

SOUTHWESTERLY 1160'

120,000

22.1 ac
just NW of
27.9 ac

13 14 3A 4A 5A 7A



GENERAL DATA

AREA OF SITE	305 Ac±
EXISTING ZONING	RC 2-RC 4-ML
PROPOSED ZONE	RC 2-RC 4 WITH SP. EX. FOR GOLF COURSE

DENSITY

TOTAL ACREAGE	305 Ac±
RC 2 ZONE	143.5 Ac ÷ 3 LOT PERMITTED
RC 4 ZONE	161.5 Ac × 2 = 322 LOTS PERMITTED
NUMBER EXIST. DESIDENCE	RC 2 ZONE = 1 RC 4 ZONE = 1

PARKING

TOTAL NUMBER OF GOLF HOLE PROPOSED = 27 X 8 = 216
SPACES REQUIRED: 216
SPACES PROVIDED: 330
TEMPORARY SPACES SHOWN: 217

GENERAL NOTES

1. ALL TANKS IN ML ZONE ARE TO BE REMOVED
2. GOLF GREENS TEES & FAIRWAY LOCATIONS ARE APPROXIMATE LOCATIONS & ARE SUBJECT TO REALIGNMENT
3. EXISTING BUILDINGS WITHIN THE ML ZONE ARE SUBJECT TO A 'SPECIAL HEARING' FOR USE AS ACCESSORY TO A GOLF COURSE USE FOR MAINTENANCE & STORAGE FACILITIES AND TO PERMIT THE TEMPORARY PARKING FOR THE TEMPORARY CLUB HOUSE

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION & SPECIAL HEARING

GREYSTONE COUNTRY CLUB

WHITE HALL MD

7TH ELECTION DIST.
SCALE: 1" = 100'

BALTO. CO.
MAY 25 1989
REV 9-19-89

E.F. RAPHEL & ASSOC
REG. PROF. LAND SURVEYORS
205 COURTLAND AVE TOWSON MD

WHITE
K.M. HUBBLE
1879/369

HALL
W.T. NELSON
6014/810

D.L. GREEN
6225/550

R.C. 2 ZONE
W.T. NELSON JR
4262/323

PROPOSED HIGHWAY WIDENING

PROPOSED ENTRANCE

J.L. EBB
7856/155

N 32° 01' W 780'

S 54° W 1345'

R.C. 4 ZONE

H. HUBBLE 1879/639

EX. WELL

EX. TANK

EX. SHED

EX. BARN

EX. WELL #2

EX. POND

LOW MESA LN

N 84° 21' E 471.80

N 60° 50' E 448.80

1902/125

7684/187

5375/11

N 71° 34'

NORTHEASTERLY 540'±

EXISTING OFFICE TO REMAIN FOR ADMINITRATION

MALONE

200 THIRTEEN LOT R.C. 2 ZONE

TEMPORARY PARKING

TEMPORARY CLUB HOUSE

EXISTING RESIDENCE

PROPOSED GOLF CART STORAGE

PARKING

LOCKERS

POOL

FUTURE TENNIS COURTS

CLUB HOUSE

PARKING

WETLANDS

RC 4 ZONE

WHITE AVENUE

S 21° 23' E 667.13'

S 55° 55' W 1359.96

A.F. KAUFMAN

N 35° 52' W 1215'

S 68° 06' W 511.27'

MATCH LINE

MATCH LINE SHEET 1

MATCH LINE

A.F. KAUFMAN
1170/69
USE VACANT
R.C. 4 ZONE

N77°42'E 417'
N70°57'E 129.7'
N70°04'E 365'
N57°31'E 423'
S5°54'E 350'
N69°59'E 743'
S5°19'W 856.77'
N32°19'W 62.05'
S32°19'W 1041.5'
N12°16'E 324.51'
N27°37'E 1335.5'
N65°06'W 1289.5'
S63°54'W 1937.2'
N75°22'17"W 1233.38'
N 27° E 195'

PROPOSED IRRIGATION POND 10.9 ACRES±
PROPOSED CARETAKERS RESIDENCE
EX. HOUSE
EX. BARN TO BE REMOVED
EXIST. WELL
BUFFER
PROPOSED IRRIGATION POND 0.30 ACRES±
STREAM
BUFFER
WETLANDS
MINIMUM
BRANCH
SOUTHWESTERLY
1160
480
460
440
420
400
520
1A
2A
3A
4A
5A
6A
ROAD
RC 2 ZONE
RC 4 ZONE
HUNTERS MILL ROAD
VERNON
HUNTER MILL WOODS
DTG 35/51
PIPER HIGHWAY
SLAGLE FARM
HW HO-HALL
1553/262
RC 2 ZONE
RC 4 ZONE
RC 2 ZONE

NOTE: COURSE REALIGNMENT IN ACCORDANCE WITH DEPRM COMMENTS - 10/24/89

GENERAL DATA

AREA OF SITE	305 Ac±
EXISTING ZONING	RC2 - RC4 ML
PROPOSED ZONE	RC2 - RC4 with SP. EX. FOR GOLF COURSE

DENSITY

TOTAL ACREAGE = 305 Ac±
RC 2 ZONE = 143.6 Ac± = 3 LOTS PERMITTED
RC 4 ZONE = 161.9 Ac± x 2 = 32 LOTS PERMITTED
NUMBER EXIST. RESIDENCE RC-2 ZONE = 1
" " RC 4 ZONE = 1

PARKING

TOTAL NUMBER OF GOLF HOLES PROPOSED = 27
27 HOLES x 8 SPACES/HOLE = 216 REQUIRED
SPACES PROVIDED = 330
TEMPORARY SPACES SHOWN 217

GENERAL NOTES

1. ALL TANKS IN ML ZONE ARE TO BE REMOVED
2. GOLF GREENS, TEES & FAIRWAY LOCATIONS ARE APPROXIMATE LOCATIONS & ARE SUBJECT TO REALIGNMENT
3. EXISTING BUILDINGS WITHIN THE ML ZONE ARE SUBJECT TO A "SPECIAL HEARING" FOR USE AS ACCESSORY TO A GOLF COURSE USE FOR MAINTENANCE & STORAGE FACILITIES AND TO PERMIT THE TEMPORARY PARKING FOR THE TEMPORARY CLUB HOUSE

PLAT TO ACCOMPANY ZONING PETITION
FOR
SPECIAL EXCEPTION + SPECIAL HEARING
GREYSTONE COUNTRY CLUB
WHITE HALL MD

7TH ELECTION DIST.
SCALE 1"=100

BALTO CO MD
MAY 25 1989
REV. 9-15-89

PETITIONER'S EXHIBIT 10

E.F. RAPHEL & ASSOC.
REG. PROF. LAND SURVEYORS
205 COURTLAND AVE TOWSON MD

SHEET 1 OF 2

MATCH LINE

H.L. EICHELBERGER
7111/774
RC 4 ZONE

A.F. KAUFMAN
4110/43
R.C. 4 ZONE

USE VACA

N 77° 42' E 417'
N 70° 57' E 129'
N 70° 04' E 365'
N 57° 31' E 423'

S 68° 06' W 511.27
N 73° 15' W 281.82
S 71° 30' W 200.05
S 53° 54' W 193.72
N 19° 22' 17" W 123.33
N 85° 36' E 172.86
N 29° 37' W 556.75
S 36° 19' W 356.11
N 32° 19' 42.86

N 69° 50'

540
520
500
480
460
440
420

1A
2A
3A
4A
5A
6A

PROPOSED IRRIGATION POND 10.75 ACRES±

PROPOSED CARETAKERS RESIDENCE

EX. BARN TO BE REMOVED

EX. HOUSE

EX. DRIVE

PROPOSED IRRIGATION POND 0.30 ACRES±

STREAM BUFFER

STREAM

BUFFER

WETLANDS

MINE

BRANCH

FIRST

FIRST

WETLANDS

WETLANDS

STREAM

STREAM

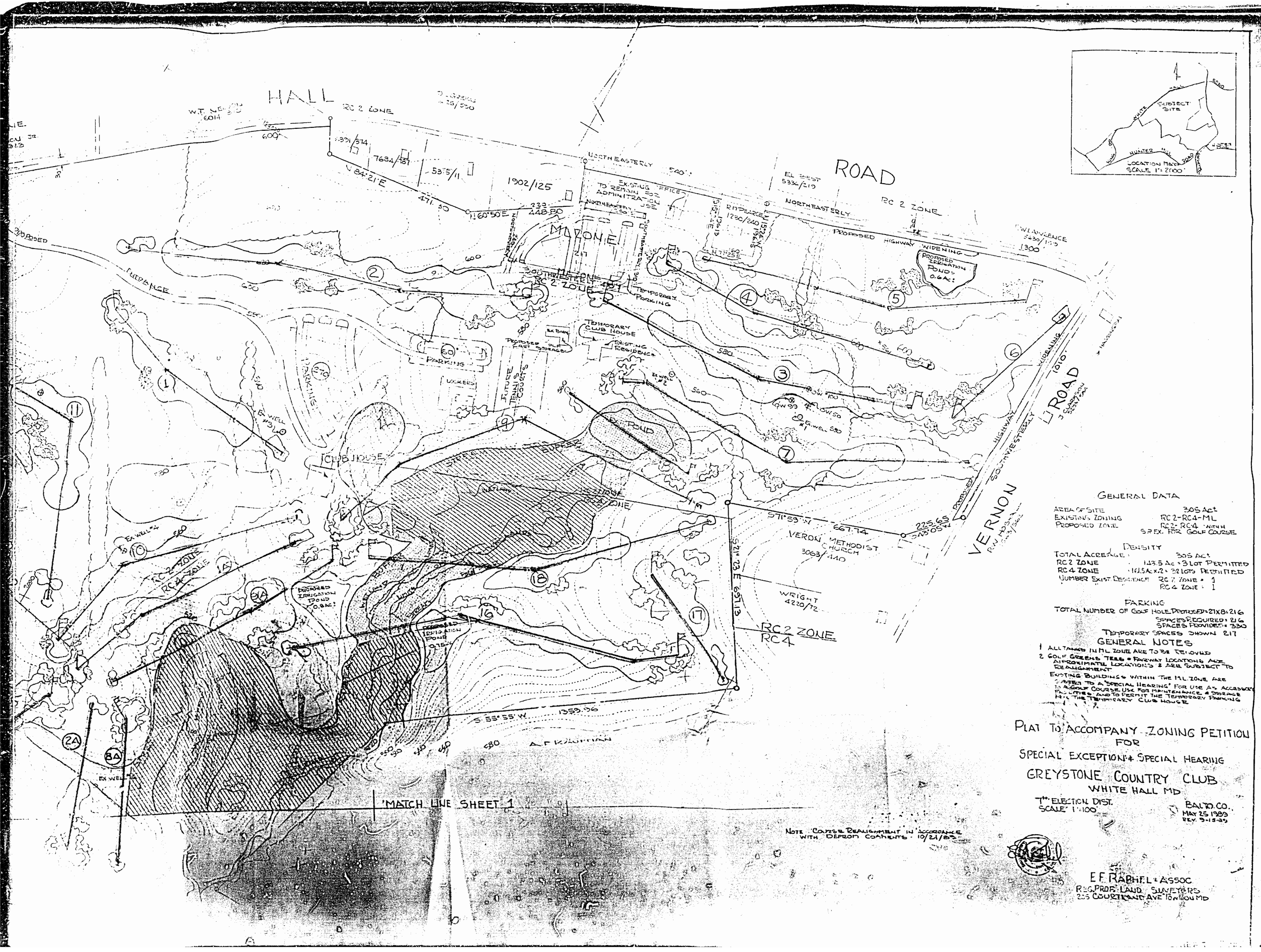
SOUTHWESTERLY

VERNON

HUNTER MILL WOODS
DTD 35/01

HUNTERS MILL ROAD
50' WIDE
R.O.W. VARIABLE
6007/117
RC 2 ZONE

NOTE: COURSE REALIGNMENT
WITH DEPRM COMMEN



GENERAL DATA

AREA OF SITE	305 Ac±
EXISTING ZONING	RC 2-RC 4-ML
PROPOSED ZONE	RC 2- RC 4 WITH S.P.EX. FOR GOLF COURSE

DENSITY

TOTAL ACREAGE	305 Ac±
RC 2 ZONE	143.5 Ac ÷ 3 LOT PERMITTED
RC 4 ZONE	161.5 Ac x 2 = 32 LOTS PERMITTED
NUMBER EXIST. RESIDENCE	RC 2 ZONE = 1 RC 4 ZONE = 1

PARKING

TOTAL NUMBER OF GOLF HOLE PROPOSED = 21 X 8 = 216

SPACES REQUIRED = 216

SPACES PROVIDED = 330

TEMPORARY SPACES SHOWN 217

GENERAL NOTES

1. ALL TANKS IN ML ZONE ARE TO BE REMOVED
2. GOLF GREENS, TEES & FAIRWAY LOCATIONS ARE APPROXIMATE, LOCATIONS 2 ARE SUBJECT TO REALIGNMENT
3. EXISTING BUILDINGS WITHIN THE ML ZONE ARE SUBJECT TO A 'SPECIAL HEARING' FOR USE AS ACCESSORY TO A GOLF COURSE USE FOR MAINTENANCE & STORAGE FACILITIES AND TO PERMIT THE TEMPORARY PARKING AND THE TEMPORARY CLUB HOUSE

NOTE: COURSE REALIGNMENT IN ACCORDANCE WITH DEPRM COMMENTS - 10/21/89

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION & SPECIAL HEARING

GREYSTONE COUNTRY CLUB

WHITE HALL MD

7TH ELECTION DIST.
SCALE 1" = 100'

BALTO. CO.
MAY 25 1989
REV. 9-15-89

E.F. RAPHEL & ASSOC.
REG. PROF. LAND SURVEYORS
255 COURTLAND AVE TOWSON MD

WHITE
K.M. HUBBLE
1/369

HALL
W.T. NELSON
4014/310
RC 2 ZONE
D 1252/500

W.T. NELSON
4262/323
RC 2 ZONE

PROPOSED HIGHWAY WIDENING

2910'

J.L. EBEY
7856/165

PROPOSED ENTRANCE

N 32° 01' W 780

N 54° W 1345'

RC 4 ZONE

H. HUBBLE 1871/633

N 60° 50' E 471.80

S 24° 21' E

7684/187

5375/11

1902/125

NORTHEASTERLY 740'

EX. STING OFF
TO REMAIN FOR
ADMINISTRATION
USE

NORTHEASTERLY 230

S 60° 50' W 448.80

SOUTHEASTERLY 240'

SOUTHWESTERLY 240'

MALONE
1250/241

MALONE
RC 2 ZONE

SOUTHWESTERLY 471'

TEMPORARY PARKING

TEMPORARY CLUB HOUSE

EX BARN

PROPOSED GOLF CART STORAGE

EXISTING RESIDENCE

EX WELL #2

PARKING

LOCKERS

FUTURE TENNIS COURTS

EX WELL #3

EX POND

CLUB HOUSE

SWIMMING POOL

BUFFER

WETLANDS

RC 2 ZONE

EX WELL #4

RC 4 ZONE

PROPOSED IRRIGATION POND 0.8 AC.

WETLANDS

STREAM

N 32° 52' W 1215'

S 21° 23' E 697.13

S 55° 55' W 1359.96

A.F. KAUFFMAN

EX WELL #5

S 66° 06' W 511.27

MATCH LINE

MATCH LINE SHEET 1

LPJ INC. CONSULTING ENGINEERS
16 WEST 25th STREET BALTIMORE, MARYLAND 21218 (301)366-7800

E.F. RAFFEL & ASSOC.
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

VICINITY MAP
SCALE 1" = 2000'

SUBJECT SITE

WHITEHALL ROAD
HUNTERS WOODS ROAD
VERNON ROAD
MOUNT WELL ROAD

W.T. NELSON JR.
4262/323
SINGLE FAMILY RESIDENCE

FUTURE ROAD WIDENING
40' PAVING/60' R/W

WHITEHALL ROAD
10' NORTHEASTWAY ZONE

EX. WELL 220' NORTH

W.T. NELSON
6014/900

SINGLE FAMILY RESIDENCE
R. GREEN
8025/

R. TAYLOR
45/11

EX. WELL
EX. SEPTIC TANK & FAMILY RESIDENCE

BUILDING SETBACK LINE

24' WIDE DRIVEWAY

312 SPACES

CLUBHOUSE PARKING

SWM - PIPE STORAGE (TYP)

CURB (TYP)

STRUCTURED PARKING WITH SOME PART STORAGE BELOW

HANDICAP SPACES

HANDICAP ACCESS

DROP OFF & PROP. WC

PROPOSED RESTROOM BUILDING

H/C
PERMANENT CLUBHOUSE

EF 600

SEPTIC AREA "B/C" (N/T TO BE USED)

20' WIDE SERVICE DRIVEWAY

24' WIDE DRIVEWAY

SEPTIC AREA "H"

PROPOSED POOL BLDG.

PROPOSED POOL

PROPOSED TENNIS COURTS 2 WITH POSSIBILITY FOR 4

SEPTIC AREA "E"

TENNIS COURTS & POOL PARKING 34 CARS

EX. BLDG. TO BE USED FOR CART STORAGE

EX. BLDG. TO BE SEEN AS TEMPORARY CLUBHOUSE

EX. SEPTIC TANK

EX. WELL

BUFFER VARIANCE

EXISTING POND E

OBSERVATION WELL

BUFFER VARIANCE

WATER SAMPLE FROM SPRING

RECREATIONAL FAIRWAY TO REMAIN

BUFFER VARIANCE

PROPOSED RESTROOM

EX. SEPTIC TANK

EX. WELL

VERNON METHODIST CHURCH
3063/440

R.W. MITCHELL
5867/362
SINGLE FAMILY RESIDENCE

WRIGHT
4220/72

A.F. HAUFMAN
4 10/89

PROPOSED IRRIGATION POND A

PROPOSED IRRIGATION POND B

PROPOSED IRRIGATION POND C

PROPOSED IRRIGATION POND D

PROPOSED IRRIGATION POND E

PROPOSED IRRIGATION POND F

PROPOSED SHELTER

PROPOSED BRIDGE BUFFER VARIANCE

BUFFER VARIANCE IN RECREATIONAL FAIRWAY TO NEW LOCATION AND EXPAND EXISTING BYPASS POND

SEPTIC AREA "D"

PROPOSED RESTROOM

EX. WELL

SWM DATA POINT F

SWM DATA G

SWM DATA POINT A

SWM DATA POINT H

EX. 36" RCP

EX. WELL

SINGLE FAMILY RESIDENCE
R.W. LAWRENCE
5630/459

HARRINGTON
SINGLE FAMILY RESIDENCE

EX. SEPTIC TANK

EX. WELL

J. GLANVILLE
5331/564
SINGLE FAMILY RESIDENCE

EX. SEPTIC TANK

EX. WELL

EX. SEPTIC TANK

EX. WELL

EX. SEPTIC TANK

EX. WELL

WHITEHALL

SWM DATA POINT D

EX SPRING (100' WEST OF THIS POINT)

EX 4' X 4' CULVERT

K M HUBBLE 1879/269

J L CREY 7856/185 SINGLE FAMILY RESIDENCE

W T NELSON 5014/800

W T NELSON JR 4262/323 SINGLE FAMILY RESIDENCE

EX THREE ROAD WIDTH PAVING TO B.A.

BUILDING SETBACK LINE

24' WIDE DRIVEWAY

CLUBHOUSE PARKING 112 SPACES

SWM - PIPE STORAGE (TYP)

SEPTIC AREA "B/C" (NOT TO BE USED)

20' WIDE SERVICE DRIVEWAY

STRUCTURED PARKING WITH UNDERGROUND STORAGE BELOW

HANDICAP SPACES

HANDICAP ACCESS

DROPOFF

PROPOSED RESTROOM AND SHADE BAR

PERMANENT CLUBHOUSE

12' WIDE CART PATH

24' WIDE DRIVEWAY

SEPTIC AREA "H"

PROPOSED POOL BLDG.

EX BLDG TO BE USED FOR CART STORAGE

EX BLDG TO BE USED AS TEMPORARY CLUBHOUSE

EX WELL

EX SEPTIC TANK

PROPOSED POOL

TENNIS & POOL PARKING 34 CARS

PROPOSED TENNIS COURTS 2 WITH POSSIBILITY FOR 4

SEPTIC AREA "E"

BUFFER VARIANCE

EXISTING POND C

BUFFER VARIANCE V

SWM DATA POINT B

SEPTIC AREA "D"

PROPOSED RESTROOM

EX WELL

PROPOSED IRRIGATION POND C

PROPOSED IRRIGATION POND D

PROPOSED IRRIGATION POND A

PROPOSED IRRIGATION POND B

BUFFER VARIANCE VII

PROPOSED BRIDGE BUFFER VARIANCE

PROPOSED SHELTER

BUFFER VARIANCE IX

EX SEPTIC TANK

BUILDING SETBACK LINE

EX BLDG TO BE CONVERTED TO GATEHOUSE

GATEHOUSE PARKING 6-SPACES

EXISTING BUILDING TO THE N.E. OF THE GATEHOUSE TO BE USED FOR OPERATION OF THE GOLF COURSE ZONED M.L. AFTER GOLF USE CEASES, STORAGE INCLUDING RENT LIMITED RE-CLASSIFICATION. THE BUILDING FUNCTIONS.

PAVED AREA AROUND MAINTENANCE BUILDING TO BE CONVERTED TO LANDSCAPE ISLAND WHEN BUILDING IS DEMOLISHED

NORTH ASHLEY ROAD

SINGLE FAMILY RESIDENCE

EX SEPTIC TANK

BUILDING SETBACK LINE

EX BLDG TO BE CONVERTED TO GATEHOUSE

SEPTIC AREA "A"

EX WELL

EX SEPTIC TANK

EX BLDG TO BE USED FOR CART STORAGE

EX BLDG TO BE USED AS TEMPORARY CLUBHOUSE

PROPOSED POOL

BUFFER VARIANCE

EXISTING POND E

SEPTIC AREA "G"

BUFFER VARIANCE VI

SWM DATA POINT F

SWM DATA G

SWM DATA POINT E

SWM DATA POINT A

EICHELBERGER SINGLE FAMILY RESIDENCE

SWM DATA POINT C

STONE WALL

SIGN DETAIL

STANDARD PARKING SPACES

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft

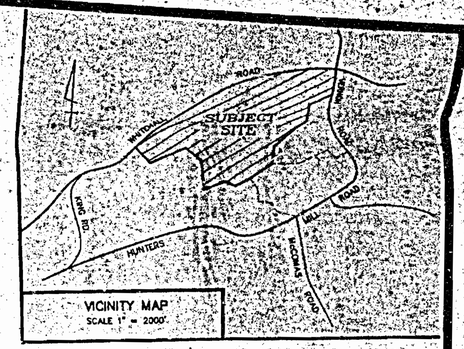
Match Line

NO DEVELOPMENT PROPOSED IN THIS AREA

LEGEND

- SWM - PIPE STORAGE
- PROPERTY LINE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- CART PATH
- BUILDING SETBACK LINE
- LIMIT OF DISTURBANCE
- ZONING LINE
- BUFFER
- SOIL TYPE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- MEANDS
- PAVED PARKING
- TEE/GREEN TREATMENT (WATER QUALITY)
- TEST PITS
- TEST PIT (UNUSABLE)
- SEPTIC TANK

Match Line



NO DEVELOPMENT PROPOSED FOR THIS PORTION OF SITE !!!

Total Area of Site: 305 Acres +/-
Area this portion: 88 Acres +/-

NOTE:
NO DEVELOPMENT PROPOSED
THIS PORTION OF SITE!

GRAPHIC SCALE

HUNTERS HILL ROAD

MCCOMAS ROAD

WHITEHALL ROAD

CRG PLAN | SHEET 2 OF 2

GREYSTONE

ELECTION DISTRICT NO. 7 | WHITEHALL, MARYLAND
SCALE: 1"=100'
CRG PLAN NO. 90-353 | PLANNING NO. 78-248

OWNER/DEVELOPER:
BLAKESLEE DEVELOPMENT CO.
2148 WHITEHALL ROAD
P.O. BOX 295
WHITEHALL, MARYLAND 21161
ATTN: DON AICEY, PRESIDENT
(301) 343-0300

ELECTION DISTRICT: 7
COUNCILMANIC DISTRICT: 3
CENSUS TRACT: 4077
WATERSHED: 14-11-2
SUBDIVISION: SEC. 21
DEED REFERENCE: LIBER SM 8246
FOLIO 544-559

AUGUST 6, 1990

RECEIVED
ZONING OFFICE

LPJ INC. CONSULTING ENGINEERS
16 WEST 25th STREET BALTIMORE, MARYLAND 21218 (301)366-7800

E.F. RAFFEL & ASSOC.
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

VICINITY MAP
SCALE 1" = 2000'

WHITEHALL ROAD
VERNON ROAD
MONTEVIEW ROAD
SUBJECT SITE
ZONED RC-2

W.T. NELSON JR
4262/323
SINGLE FAMILY RESIDENCE

EXIST. PAVING 22' WIDE
FUTURE ROAD WIDENING
AVING, 60' R/W

EX. WELL (220' NORTH)

W.T. NELSON
6014/800

SINGLE FAMILY RESIDENCE
PETERSEN
6025/

PAVED AREA AROUND MAINTENANCE BUILDING TO BE CONVERTED TO LANDSCAPE ISLAND WHEN BUILDING IS DEMOLISHED

EXISTING BUILDING IN THE M.L. ZONE WILL NOT BE USED IN CONJUNCTION WITH THE OPERATION OF THE GOLF COURSE OR OTHER FUNCTIONS AS LONG AS THE PROPERTY IS ZONED M.L. AFTER DECLASSIFICATION, THIS BUILDING WILL BE USED FOR EQUIPMENT STORAGE INCLUDING FERTILIZERS, PESTICIDES AND MIXING AREAS. PRIOR TO DECLASSIFICATION, THE BARN OUTSIDE THE M.L. ZONE, WILL BE USED FOR THOSE FUNCTIONS.

GATEHOUSE PARKING 6 SPACES

SITE ENTRANCE ALL OTHER EXISTING ENTRANCES TO BE CLOSED

PROPOSED ENTRANCE SIGN SEE DETAIL THIS SHEET

PROPOSED WIDENING (STANDARD R-36 DETAIL)

SINGLE FAMILY RESIDENCE
5336/219

EX. WELL
EX. SEPTIC TANK
EX. BLDG TO BE CONVERTED TO GATEHOUSE
EX. BUILDINGS TO BE DEMOLISHED
EX. BLDG TO BE USED FOR CART STORAGE
EX. BLDG. TO BE USED AS TEMPORARY CLUBHOUSE
EXISTING GARAGE TO REMAIN
EXISTING SEPTIC AREA
PROPOSED IRRIGATION POND
OBSERVATION WELL
EX. 36" RCP
EX. DRAINAGE DATA POINT H

PROPOSED RESTROOM-SNACKBAR
PROPOSED CLUBHOUSE
PROPOSED POOL BLDG.
PROPOSED POOL
PROPOSED TENNIS COURTS
TENNIS & POOL PARKING 34 CARS
PROPOSED RESTROOM
PROPOSED SHELTER
PROPOSED IRRIGATION POND C
PROPOSED IRRIGATION POND D
PROPOSED IRRIGATION POND B
PROPOSED IRRIGATION POND A
PROPOSED BRIDGE BUFFER VARIANCE A

STRUCTURED PARKING WITH CART STORAGE BELOW
HANDICAP SPACES
HANDICAP ACCESS
12' WIDE CART PATH
20' WIDE SERVICE DRIVEWAY
24' WIDE DRIVEWAY
EX. WIDE DRIVEWAY
BUILDING SETBACK LINE
CLUB HOUSE SETBACK LINE
SWM - PIPE STORAGE (TYP.)
SEPTIC AREA "B/C" (NOT TO BE USED)
SEPTIC AREA "A"
SEPTIC AREA "D"
SEPTIC AREA "E"
BACK TEE MAY BE RELOCATED TO CAUSE LESS DISTURBANCE

BUFFER VARIANCE
BUFFER VARIANCE - WATER SUPPLY FROM WELL
BUFFER VARIANCE - RELOCATE FAIRWAY TO NEW LOCATION AND REMOVE EXISTING MAIN CREEK CROSSING
BUFFER VARIANCE - RELOCATE FAIRWAY TO REDUCE NUISANCE
EXISTING POND E

VERNON METHODIST CHURCH
3063/440
EX. SEPTIC TANK
EX. WELL
PROPOSED RESTROOM
SEPTIC AREA "F"
R.W. HOSHALL
5457/283
SINGLE FAMILY RESIDENCE

A. GUNNION
5357/298
EX. WELL
EX. SEPTIC TANK
SINGLE FAMILY RESIDENCE

EXIST. PAVING 20' WIDE

ZONED RC-4
WRIGHT
4220/72

A.F. KAUFMAN
4170/69

1359.99
S 55°55' W

SWM DATA POINT F
SWM DATA G
SWM DATA POINT A
N 121,000 E 6,000

Watch Line
NO DEVELOPMENT PROPOSED IN THIS AREA

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

NOTE: ALL SURFACES SHALL BE PERMANENTLY STABILIZED AS FOLLOWS:
ROADS, PARKING LOTS, AND CART PATHS SHALL HAVE BITUMINOUS CONCRETE SURFACE COURSE (SOME CART PATHS IN WETLAND AND BUFFER AREAS WILL BE WOOD CHIP)
GOLF COURSE, BUILDING AREAS, AND ALL SLOPES SHALL BE VEGETATED WITH LAWN. SOME WETLAND AND BUFFER AREAS WILL BE VEGETATED WITH WETLAND AND TRANSITION MATERIALS. UNDISTURBED AREAS SHALL TYPICALLY BE LEFT IN THEIR NATURAL STATE. NO SLOPES SHALL BE STEEPER THAN 2:1.

LEGEND

- WETLANDS
- PROPOSED PAVING
- 25% & STEEPER SLOPES
- TEE/GREEN TREATMENT (WATER QUALITY)
- TEST PITS — ●X/X TEST PIT (UNSUITABLE)
- SEPTIC TANK
- WELL
- SPRING
- SWM - PIPE STORAGE
- PROPERTY LINE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- CART PATH
- BUILDING SETBACK LINE
- LIMIT OF DISTURBANCE
- ZONING LINE
- BUFFER
- SOIL TYPE
- PROPOSED WELL

LPJ	8/29/90	3	PRE-CRC COMMENTS
BY	DATE		DESCRIPTION
			REVISIONS

OWNER/DEVELOPER
BLACKSTRAP DEVELOPMENT CO.
2115 WHITEHALL ROAD
P.O. BOX 245
WHITEHALL, MARYLAND 21161
ATTN: DON JURY, PRESIDENT
(301) 343-0300

ELECTION DISTRICT 7
COUNCILMANIC DISTRICT 3
CENSUS TRACT 4071
WATERSHED 14
SUBDIVISION 61
TAX MAP 39 GRID 9 PARCEL 155

ISS., ES FROM 8/24/90 COMMENTS
SEPTEMBER 4, 1990 SHEET 1 OF 1

SITE PLAN

GREYSTONE

ELECTION DISTRICT NO. 7 WHITEHALL, MARYLAND
SCALE 1" = 100' PLANNING NO. VIII-246
CRG PLAN NO. 90-353

90-19

WHITEHALL

ZONED HC-2

W.T. NELSON JR
4262/323
SINGLE FAMILY RESIDENCE

W.T. NELSON
6014/800

EXIST. PAVING 22' WIDE±

FUTURE ROAD WIDENING
40' PAVING/50' R/W

SWM DATA POINT D

K.M. HUBBLE
1879/969
SINGLE FAMILY RESIDENCE

EX. 4' X 4' CULVERT

EX. SPRING
(100' WEST OF
THIS POINT)

J.L. EDEN
1858/180
SINGLE FAMILY RESIDENCE

K.M. HUBBLE
1879/969

PROPOSED SHELTER

BUFFER VARIANCE V

N 122,000

N 121,200

S 37°01' W 1377.10'

S 46°54' W 1345'

STRUCTURED PARKING WITH CART STORAGE BELOW

HANDICAP SPACES

HANDICAP ACCESS

11' WIDE CART PATH

PROPOSED RESTROOM & SNACK BAR

PROPOSED CLUBHOUSE

SEPTIC AREA "B/C"
(NOT TO BE USED)

20' WIDE SERVICE DRIVE WAY

24' WIDE DRIVEWAY

PROP. STORM DRAIN (TYP.)

SWM - PIPE STORAGE (TYP.)

BUILDING SETBACK LINE

EX. WELL (20' NORTH)

SINGLE FAMILY RESIDENCE
DEC. GREEN
6025/

PAVED AREA AROUND MAINTENANCE BUILDING TO BE CONVERTED TO LANDSCAPE ISLAND WHEN BUILDING IS DEMOLISHED

EXISTING BUILDINGS IN THIS OPERATION OF THE GOLF COURSE ZONED H.L. AFTER RECLASSIFICATION, STORAGE INCLUDING FUNCTIONS.

GATEHOUSE PARKING
6 SPACES

EX. BLDG. TO BE CONVERTED TO GATEHOUSE

EX. BUILDINGS TO BE DEMOLISHED

EXISTING GARAGE TO REMAIN SEPTIC AREA

EX. BLDG. TO BE USED FOR CART STORAGE

EX. BLDG. TO BE USED AS TEMPORARY CLUBHOUSE

EX. SEPTIC TANK

EX. WELL

SEPTIC AREA "H"

1 STORY PROPOSED POOL BLDG.

PROPOSED POOL

TENNIS & POOL PARKING
34 CARS

PROPOSED TENNIS COURTS
2 WITH POSSIBILITY FOR 4

SEPTIC AREA "E"

BUFFER VARIANCE

EXISTING POND E

PROPOSED IRRIGATION POND C

PROPOSED IRRIGATION POND D

PROPOSED IRRIGATION POND B

PROPOSED IRRIGATION POND A

PROPOSED BRIDGE
BUFFER VARIANCE IV

PROPOSED SHELTER

BUFFER VARIANCE III
REGRADE AND REPLANT EXISTING SWALE AS SHOWN

SEPTIC AREA "A"

EX. WELL

SEPTIC AREA "G"

SEPTIC AREA "F"

SEPTIC AREA "D"

PROPOSED RESTROOM

SWM DATA POINT B

SWM DATA POINT C

SWM DATA POINT E

SWM DATA POINT F

SWM DATA G

ZONED RC-4

R. TAYLOR
6315/11

A.F. KAUFMAN
4170/69

EICHELBERGER
SINGLE FAMILY RESIDENCE

N 121,300 E 4,900

S 60°30' E 448.90'

S 55°55' W 1359.96'

S 46°54' W 1345'

S 37°01' W 1377.10'

S 68°30' E 311.37'

S 21°30' W 220.05'

S 58°34' W 193.72'

S 45°27' W 356.92'

S 37°01' W 1377.10'

HEIGHT NOTE:
ALL NEW BUILDINGS ARE TO BE LESS THAN 35' HIGH AT ALL POINTS ADJACENT THE PERMANENT CLUBHOUSE WHICH, HOWEVER, WILL COMPLY WITH BALTCO HEIGHT LIMITATION OF 35' FOR BASIC AND AVERAGE HEIGHT

SIGN DETAIL

GREYSTONE

STANDARD PARKING SPACES

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

NOTE: ALL SURFACES SHALL BE PERMANENTLY STABILIZED AS FOLLOWS
ROADS, PAIRING LOTS, AND CART PATHS SHALL HAVE BITUMINOUS CONCRETE SURFACE COURSE (SOME CART PATHS IN WETLAND AND BUFFER AREAS WILL BE WOOD CHIP)
GOLF COURSE, BUILDING AREAS, AND ALL SLOPES SHALL BE VEGETATED WITH LAWN. SOME WETLAND AND BUFFER AREAS WILL BE VEGETATED WITH WETLAND AND TRANSITION MATERIALS. UNDISTURBED AREAS SHALL TYPICALLY BE LEFT IN THEIR NATURAL STATE. NO SLOPES SHALL BE STEEPER THAN 2:1.

Match Line

NO DEVELOPMENT PROPOSED IN THIS AREA

LEGEND

- SWM - PIPE STORAGE
- PROPERTY LINE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- CART PATH
- BUILDING SETBACK LINE
- LIMIT OF DISTURBANCE
- ZONING LINE
- BUFFER
- SOIL TYPE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- WETLANDS
- PROPOSED PAVING
- TEE/GREEN TREATMENT (WATER QUALITY)
- TEST PITS
- X/X TEST PIT (UNUSABLE)
- SEPTIC TANK
- WELL
- PROPOSED WELL

NOTE: THERE WILL BE NO DIVERSION OF SURFACE WATER OR INCREASE OF DRAINAGE AS A RESULT OF PAVING SMALL PARKING AREA WITHIN THE ROAD R/W.

NOTE: ALL DRAINAGE FROM PARKING AREAS ADJACENT TO PROPERTY LINE TO BE DIRECTED TO SWM FACILITY

PAVED AREA AROUND MAINTENANCE BUILDING TO BE CONVERTED TO LANDSCAPE WHEN BUILDING IS DEMOLISHED

EXISTING BUILDING IN THE M.L./ ZONE WILL NOT BE USED IN CONJUNCTION WITH THE OPERATION OF THE GOLF COURSE OR OTHER FUNCTIONS AS LONG AS THE PROPERTY IS ZONED M.L. AFTER RECLASSIFICATION, THIS BUILDING WILL BE USED FOR EQUIPMENT STORAGE INCLUDING FERTILIZERS, PESTICIDES AND MIXING AREAS. PRIOR TO RECLASSIFICATION, THE BARN OUTSIDE THE M.L. ZONE, WILL BE USED FOR THOSE FUNCTIONS.

NOTE: AREA NECCESSARY TO MAINTAIN A 500' SIGHT DISTANCE, TO BE CLEARED GRADED AND KEPT CLEAR OF ALL OBSTRUCTIONS ALONG WHITEHALL ROAD AT ENTRANCE

LEGEND

- TREE/GREEN TREATMENT (WATER QUALITY)
- TEST PITS (P-1/P-2 TEST PIT CONDUCTED)
- SEDIMENT TRAP
- WELL
- SPRINGS
- SWM - PIPE STORAGE
- PROPERTY LINE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- CART PATH
- BUILDING SETBACK LINE
- LIMIT OF DISTURBANCE
- ZONING LINE
- BUFFER
- SOIL TYPE
- EXISTING TREE LINE
- PROPOSED TREE LINE

EFF.	10-1-94	Hydrostatic Reliability Perf. Tests
EFF.	10-5-94	CRG Comments
(D)	9/26/94	Pre-CRG Comments
BY	DATE	DESCRIPTION
(D)	10/14/94	REVISIONS

OWNER/DEVELOPER
BLACKSTRAP DEVELOPMENT CO.
2115 WHITEHALL ROAD
P.O. BOX 2981
WHITEHALL, MARYLAND 21161
ATTN: DON AMEY, PRESIDENT
(301) 343-0300

ELECTION DISTRICT: 7
COUNCILMANIC DISTRICT: 5
CENSUS TRACT: 4079
ACRES: 169.1
SHEETS NEEDED: 03
DEED REFERENCE: LIBER SM 6286 FOLIO 544-559

BALTIMORE COUNTY, MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 10-24-94 With The Following Actions Taken:
PLAN APPROVED
Plan Approved DPW
Plan Approved OPZ
Approval Extension Date: 10-24-96
Plan Disapproved
Continued
Plan Referred To CRG PLAN

GREYSTONE

ELECTION DISTRICT NO. 7 — WHITEHALL, MARYLAND
SCALE: 1" = 100' — CRG PLAN NO. AO-353 — PLANNING NO. VIII-248

E. H. BAUER, JR. & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
209 COURTLAND AVENUE
TOWSON, MARYLAND 21204

LPJ INC CONSULTING ENGINEERS
40 WEST 25th STREET BALTIMORE, MARYLAND 21218 (301)366-7600
SUBDIVISION PLANNING LANDSCAPE ARCHITECTURE
201 COURTLAND AVENUE TOWSON, MARYLAND 21204

VICINITY MAP
SCALE 1" = 2000'

WHITEHALL

NOTE: THERE WILL BE NO DIVERSION OR SUPPLY OF WATER OR INCREASE OF DRAINAGE AS A RESULT OF GRADING SHALL BE PERMITTED INTO WHITEHALL ROAD

NOTE: ALL DRAINAGE AREAS ADJACENT TO [illegible] TO BE DIRECTED TO S[illegible]

W.T. NELSON 6014/800

W.T. NELSON JR. 4262/323 SINGLE FAMILY RESIDENCE

FUTURE ROAD WIDENING 40' PAVING/60' R/W

TOP OF SLOPE

BUILDING SETBACK LINE

24' WIDE DRIVEWAY

CLUBHOUSE

SWM DATA POINT D

K.M. HUBBLE 1879/049 SINGLE FAMILY RESIDENCE

EXIST. 4' X 4' CULVERT

TOP WEST OF THIS POINT

EX. DWELLING FAMILY RESIDENCE

STRUCTURED PARKING WITH GOLF CART STORAGE BELOW

HANDICAP SPACES

WIDE CART PATH

PROPOSED RESTROOM AND SNACKBAR

HANDICAP ACCESS

DROP OFF & PICK UP

20' WIDE SERVICE DRIVEWAY

PROPOSED CLUBHOUSE

24' WIDE DRIVEWAY

EXISTING GARAGE TO BE REMOVED

SEPTIC AREA 'H'

PROPOSED POOL BLDG.

EX. BLDG. TO BE USED FOR CART STORAGE

EX. BLDG. TO BE USED AS TEMPORARY CLUBHOUSE

SWM - PIPE STORAGE (TYP.)

PROPOSED POOL (FINAL LOCATION SUBJECT TO FIELD SURVEY)

TENNIS COURTS & POOL PARKING 34 CARS

PROPOSED TENNIS COURTS 2 WITH POSSIBILITY FOR 4

SEPTIC AREA 'I'

BUFFER VARIANCE V

SWM DATA POINT B

PROPOSED RESTROOM

EX. WELL

PROPOSED IRRIGATION POND C

PROPOSED IRRIGATION POND D

PROPOSED IRRIGATION POND B

PROPOSED IRRIGATION POND A

BUFFER VARIANCE VI

PROPOSED BRIDGE BUFFER VARIANCE IV

BUFFER VARIANCE III

PROPOSED SHELTER

K.M. HUBBLE 1879/049

DOWLEBERGER SINGLE FAMILY RESIDENCE

SWM DATA POINT C

SWM DATA POINT A

SWM DATA POINT E

SWM DATA POINT F

SWM DATA POINT G

A.F. KAUFMAN 4170/89

FUTURE DEVELOPMENT SUBJECT TO CREC

Match Line

TYPICAL PARKING SPACES

GRAPHIC SCALE

LEGEND

WETLANDS

PROPOSED PAVING

25% OR STEEPER SLOPES

TEE/GREEN TREATMENT (WATER QUALITY)

TEST PITS

X/4 TEST PIT (UNLINED)

SEPTIC TANK

WELL

PROPOSED WELL

SPRING



HH-NE II-NW
KK-SE NN-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY SUCHART-HORN, INC. BALTIMORE, MD. 21219

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill No.: 146-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	GEMMILLS	N.E. 31-A
DATE OF PHOTOGRAPHY JANUARY 1986		

R. C. 4

R. C. 4

R. C. 2

R. C. 4

R. C. 4

R. C. 2

R. C. 2

R. C. 4

R. C. 2

R. C. 2

R. C. 4

R. C. 2

R. C. 2

R. C. 2

FIRST BRANCH

MILL RD

HUNTER MILL RD

HUNTERS MILL

HUNTER MILL RD

MCCOMAS RD

CLARENDON RD

LANE

138

N 120,000

N 119,000

N 118,000

N 117,000

E 1,500

E 3,000

E 4,500

E 6,000

(SHEET # 30-1)

(SHEET # 30-A)

(SHEET # 30-B)

HH-NE II-NW
KK-SE NN-SW

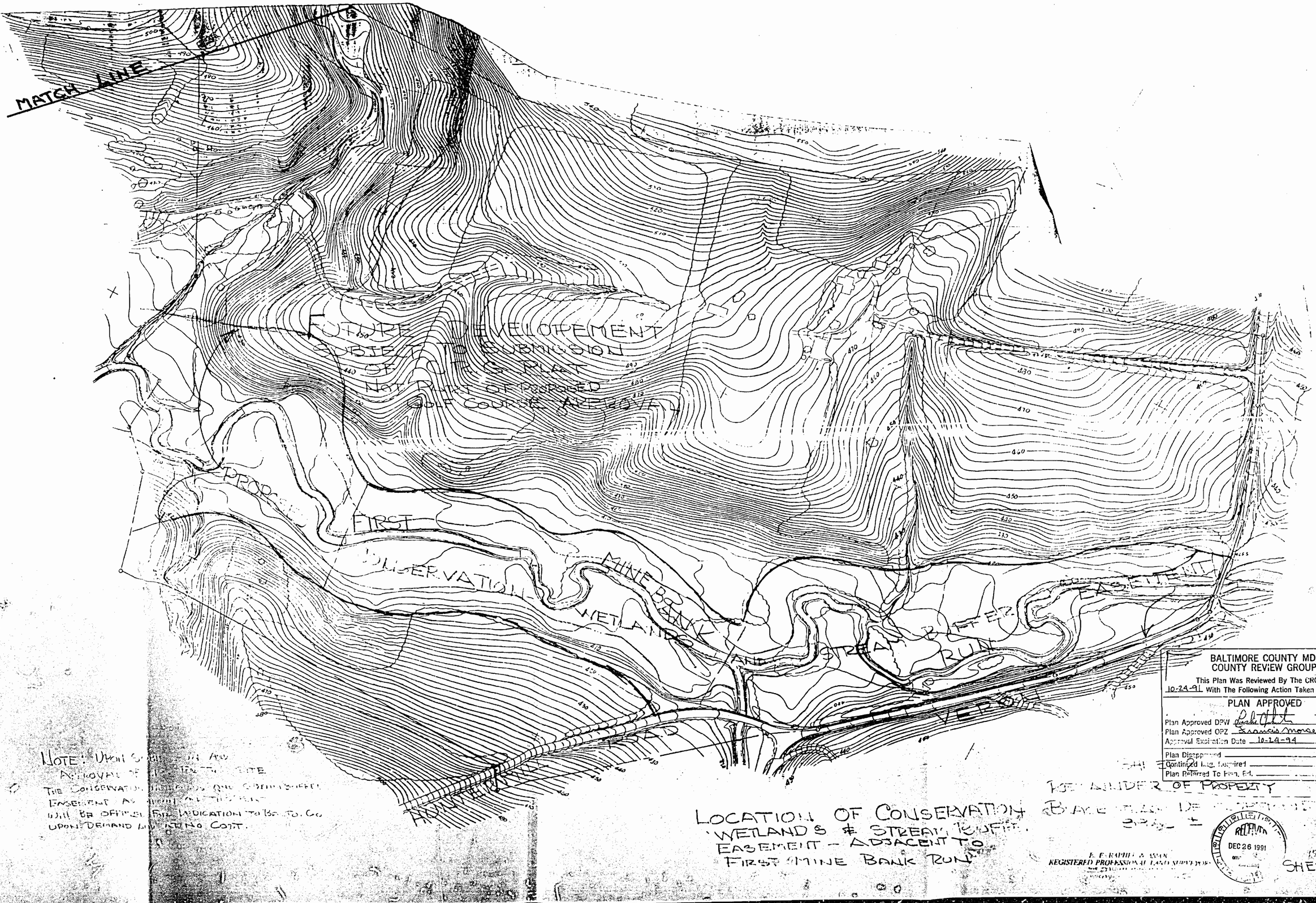
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY RICHART-WYNN, INC. BALTIMORE, MD. 21218

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	HUNTERS MILL	N.E. 30-A
DATE OF PHOTOGRAPHY JANUARY 1986		



NOTE: Upon S[illegible] Approval of [illegible] Site. The Conservation [illegible] Easement As [illegible] Will Be Offered For Dedication To Be To Co Upon Demand And [illegible] Cost.

LOCATION OF CONSERVATION WETLANDS & STREAM BUFFER EASEMENT - ADJACENT TO FIRST MINE BANK RUN

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
10-24-91 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW
Plan Approved OPZ Francis Morsey
Approval Expiration Date 10-24-94
Plan Disapproved
Continued Info. Required
Plan Referred To Plan. Ed.

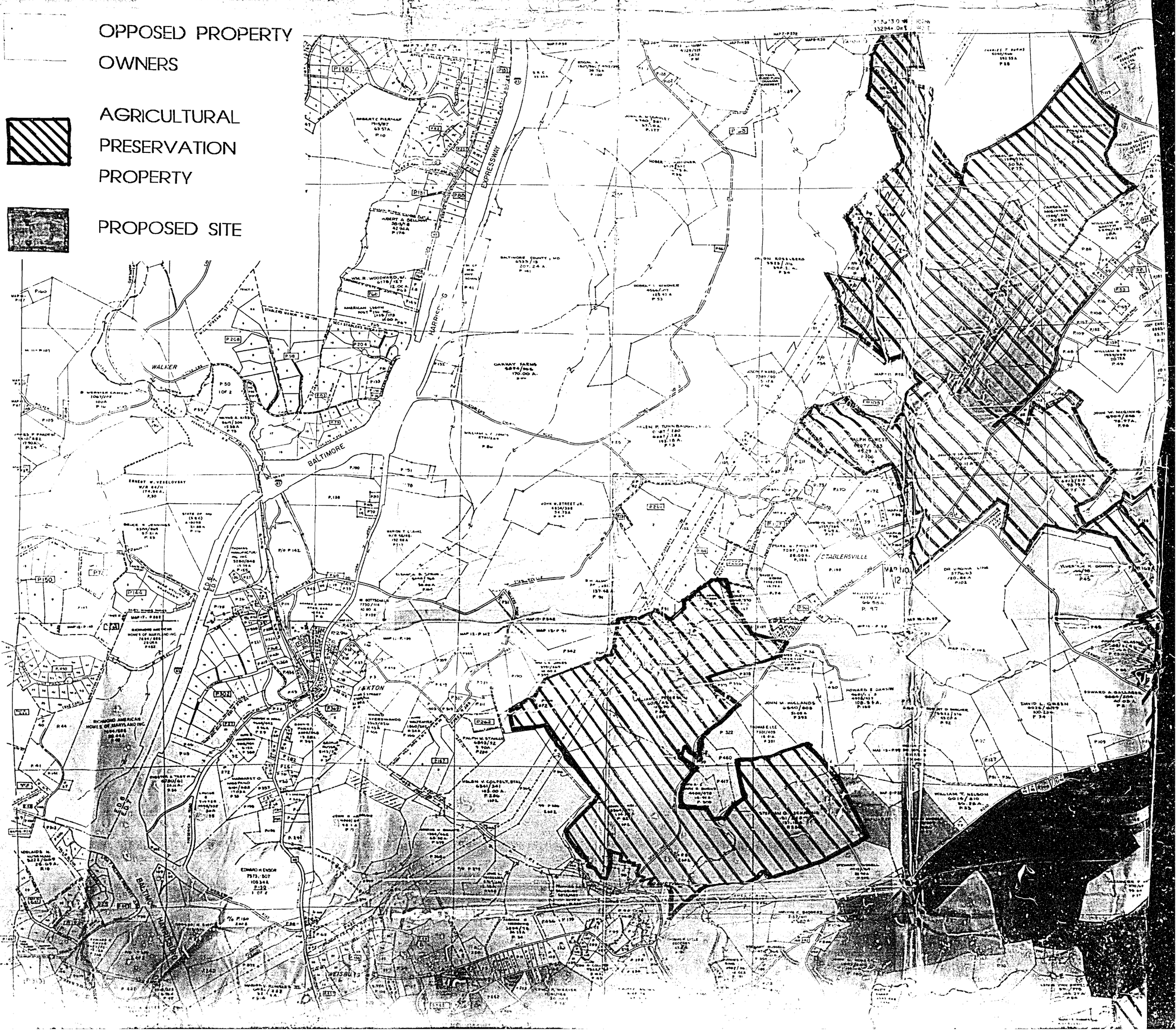
RECEIVED
DEC 26 1991

SHEET 2 OF 2

OPPOSED PROPERTY OWNERS

AGRICULTURAL PRESERVATION PROPERTY

PROPOSED SITE


EXPRESSWAY
HARRISON
WALKER
BALTIMORE
FARTON
EDSALL
OAKWAY FARMS
6894/166
170.00 A.
P.141
P.50
1 OF 2
P.132
1 OF 2
P.206
P.204
P.202
P.150
P.144
P.130
P.131
P.180
P.181
P.190
P.151
P.138
P.153
P.210
P.211
P.73
P.170
P.172
P.105
P.107
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P.167
P.182
P.126
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P.460
P.450
P.440
P.434
P.430
P.417
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P.36
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P.30
P.28
P.26
P.24
P.22
P.20
P.18
P.16
P.14
P.12
P.10
P.8
P.6
P.4
P.2
MAP 10
12
STABLERSVILLE
JOHN W. STREET JR.
6534/338
54.10A
P.64
P.66
P.68
P.70
P.72
P.74
P.76
P.78
P.80
P.82
P.84
P.86
P.88
P.90
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P.100
P.102
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P.112
P.114
P.116
P.118
P.120
P.122
P.124
P.126
P.128
P.130
P.132
P.134
P.136
P.138
P.140
P.142

223343.0mN
432944.0mE

223343.1mN
433430.5mE

672

669

666

663

660

657

654

651

HARFORD COUNTY
MAP 14

HARFORD CO.
MAP 22

STAPLERSVILLE

COLD BOTTOM FARM
6488/183
2 Pcs.

MAP NO 12

MAP 10

100 YEAR FLOOD PLAIN CHANGING ENVIRONMENT

JASON ROSENBERG
9623/015
37.21 A.

JOHN M. HOLLANDS
6640/808
80.00 A.

WILLIAM T. NELSON
6016/810
P.35

DR VIRGINIA LING
5776/63
150.84 A.

HALEN C. WEST
6297/283
26.39 A.

JOHN ENGELMEYER
1985/660
2.02 A.

JOHN ENGELMEYER
6951/680
83.78 A.

JOHN S. MACINCIL
6249/241
15.00 A.

DONALD S. MOORE
6516/646
15.00 A.

ANNIE S. TAYLOR
339/187
37.00 A.

CHARLES L. PIEPER, ETAL
T.M. PIEPER
3908
6823/751
37.10 A.

MAP NO. 17

HARRISBURG EXPRESSWAY

WEISBURG

WHITE HALL

BLUE MOUNT

HEREFORD

BALTIMORE

GUNPOWDER FALLS

BEAVERDAM

BACON

WILSON ROAD

CLARENDON LANE

MAP 16 - P 146

MAP 22 - P 142

MAP 33 - P 159

MAP 33 - P 157

MAP 33 - P 158

MAP 33 - P 160

MAP 25 - P 168

MAP 25 - P 8

MAP 21 - P 153

MAP 21 - P 151

MAP 21 - P 152

MAP 28 - P 210

MAP 28 - P 215

MAP 28 - P 216

MAP 28 - P 217

MAP 28 - P 218

MAP 28 - P 219

MAP 28 - P 220

MAP 22 - P 475

MAP 22 - P 476

MAP 22 - P 477

MAP 22 - P 478

MAP 22 - P 479

MAP 22 - P 480

MAP 22 - P 481

MAP 22 - P 482

MAP 22 - P

MAP NO. 17

MAP NO. 18

HARFORD CO. MAP 30

HARFORD CO.

HARFORD CO.

MALTO CO.

WHITE HALL

BLUE MOUNT

SHEPPARD

TROYER

651

645

642

639

636

24

23

926

MAP NO 23

SCALE IN FEET 212370.1mN 436450.5mE

SCALE 1" = 600'

BALTIMORE COUNTY, MARYLAND 908-636

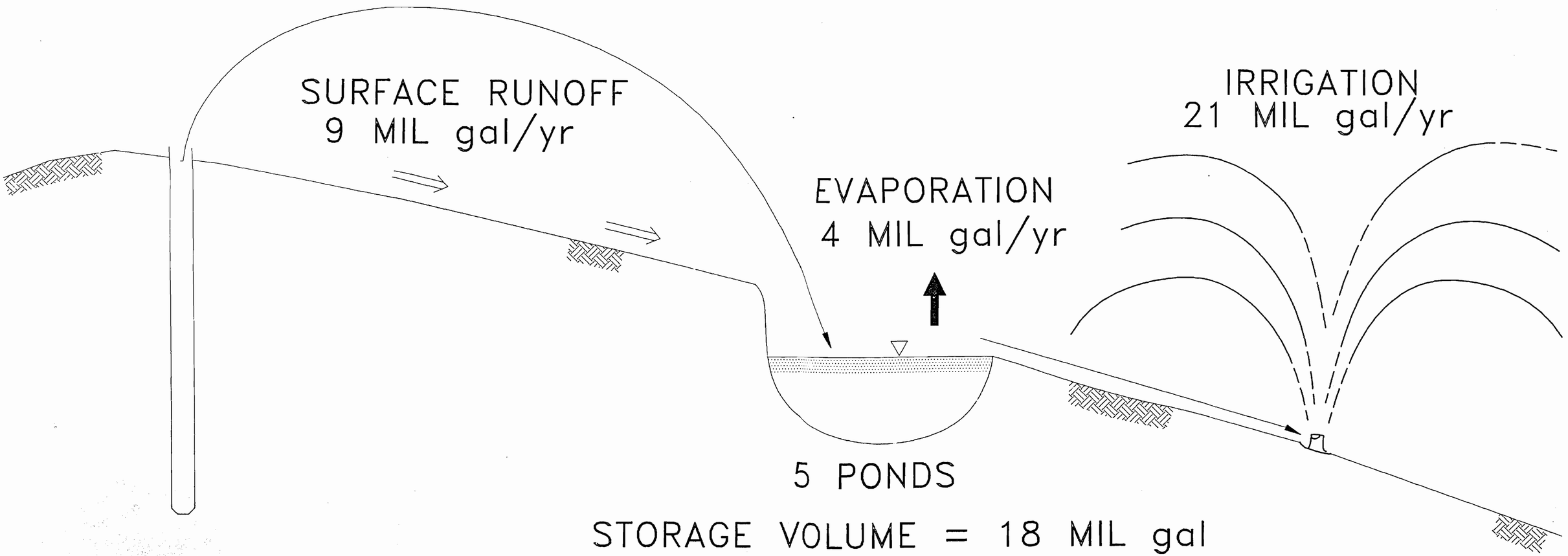
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PROTESTANT'S EXHIBIT 1

GREYSTONE COUNTY CLUB

Irrigation Water Sources

PERMITTED
WELL PUMPAGE
21.9 MIL gal/yr

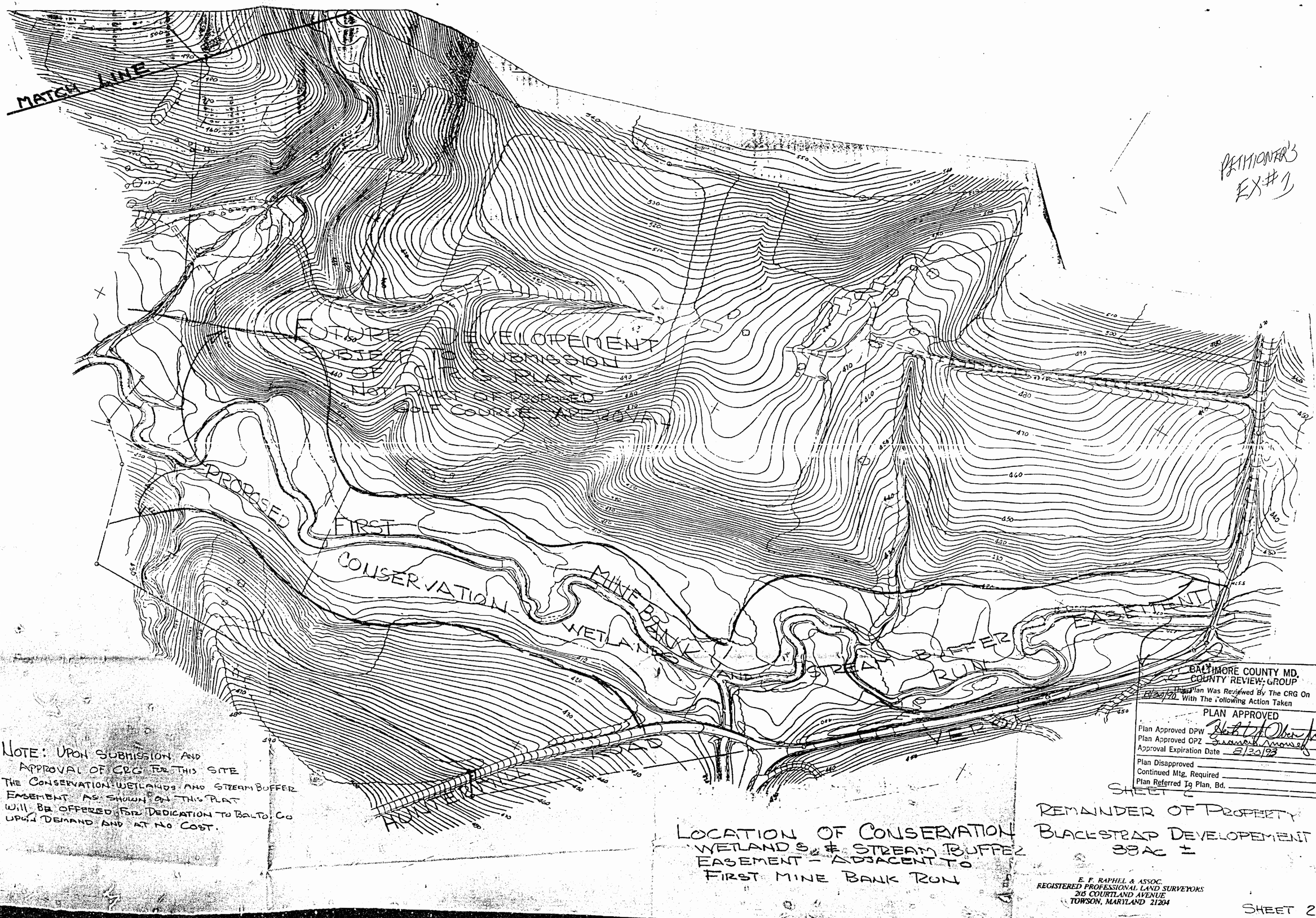


5 PONDS

STORAGE VOLUME = 18 MIL gal

MAX. WELL FIELD PUMPING RATE = 60,000 gpd

Pet Ex XII
Day 2



PETITIONER'S EX. #1

NOTE: UPON SUBMISSION AND APPROVAL OF CRG FOR THIS SITE THE CONSERVATION: WETLANDS AND STREAM BUFFER EASEMENT AS SHOWN ON THIS PLAT WILL BE OFFERED FOR DEDICATION TO BALTO. CO UPON DEMAND AND AT NO COST.

LOCATION OF CONSERVATION WETLANDS & STREAM BUFFER EASEMENT - ADJACENT TO FIRST MINE BANK RUN

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 8/20/90 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW
Plan Approved OPZ
Approval Expiration Date 8/20/93
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

REMAINDER OF PROPERTY
BLACKSTRAP DEVELOPEMENT CO.
38 Ac ±

E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
215 COURTLAND AVENUE
TOWSON, MARYLAND 21204

SHEET 2

R.C. 2
R.C. 4
R.C. 2
R.C. 2
R.C. 2
GEMMILLS
142
R.C. 2
M.L.
3.8 Ac
R.C. 2
R.C. 2
143.5 Ac
R.C. 2
R.C. 4
R.C. 2
R.C. 2
R.C. 4
R.C. 4
R.C. 2
R.C. 2
R.C. 4
R.C. 4 = 161.5 Ac
R.C. 4
R.C. 2
R.C. 4
R.C. 4
R.C. 4
BRANCH
R.C. 4
R.C. 2
FIRST
138
HUNTERS MILL
R.C. 4
R.C. 4
R.C. 2
R.C. 2
R.C. 4
R.C. 2
R.C. 2
CLARENDON
R.C. 2
R.C. 2

Petitioner's Ex #3

PETITIONER'S EXHIBIT 3

HH-NE 11-NW
KK-SE NN-SW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY HOWARD HORN, INC. BALTIMORE, MD. 21218

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	HUNTERS MILL	NE 30-A
DATE OF PHOTOGRAPHY JANUARY 1986		

219685.1mN
432944.0mE

219685.4mN
438430.5mE

660

657

654

651

648

HARFORD CO.
MAP 22

HARFORD CO.

MAP12 P.87
Map 13 - P.102
MAP 13 - P.45
JOSEPH G. GERATH
6562/365
20.11A.
P.103
JOHN C. KLASNIC
4886/624
20.06A
P.83
VERNON
GARRETT
MAP 13 - P.163
MAP13-P.79
WHITEFORD ROAD
P.78
P.47
P.118
P.100
WILLIAM T. NELSON, JR.
6273/663
69.04 A.
P.82
MAP13-P.7
OWEN P. BRICKER
5642/811
82.09 A
P.114
P50
V. CHARLES RINAUDO
6458/407
25.01A.
P.101
OWEN P. BRICKER III
5011/500
55.00 A.
P.96
P/O P.17
(BK 3)
PAUL MILLER
1095/467
114A (BA.CO)
P.30
P.20
P.32
EDWARD A. GALLAGER
5864/284
40.03 A.
P.2
COLD BOTTOM FARMS, INC.
6403/183
52.45A.
P.80
ROAD
MAP 17-
P.160
ROBERT D. BIECHER
5522/376
43.08 A.
P.52
DAVID L. GREEN
6025/599
100.23A
P.34
P.102
OWEN P. BRICKER III
5184/660
88.80A.
P.17
142
P.94
P.109
P.128
P.18
ELIZABETH J. PRESTON
5508/509
46.00 A.
P.21
WILLIAM T. NELSON, JR.
5207/619
33.00A.
P.99
P.127
P.51
P.36
GEMMILLS
P.107
P.129
P.14
A 54-149
NORRIS PROP.
WM. H. WILMER II
4904/48
152A.
P.16
WILLIAM T. NELSON
6014/810
39.25A.
P.33
WHITEHALL
KATIE MAY HUBBLE
1079/369
128A
P.27
BLACKSTRAP FARMS INC
5033/721
103.24 A.
P.9
P.98
P.13
HELEN WHEELER HOSHALL
1563/562
85.76A.
P.15
E.D.7
E.D.10
BENJAMIN H. GRISWOLD IV
5711/401
196.20 A
P.31
BLACKSTRAP FARMS, INC.
5034/220
76.33A
P.44
ALEXANDER F. KAUFMAN
4170/69
96.6A.
P.37
BENJAMIN N. DORMAN
4754/568
179.18A.
P.23
BRANCH
J & J ASSOCIATES INC.
5673/184
9.20 A.
P.52
P/O P.27
MAP17-P.166
EICHELBERGER
P.14 5711/774
TIE LINE
WILLIAM E. NORRIS
2433/319
185.07A.
P.22
P.86
P.111
P.5
MAP17-P.306
LEWIS HAY EICHELBERGER
5711/775
144.27 A.
P.54
HUNTER MILL
FIRST
CLIFFORD SMITH
HA Co. 315/261
31.30A
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ROBERT S. MARSHALL
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JAMES S. CHELLIS
5059/91
72.22 A.
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L. ELWOOD TROYER
3029/22
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Petitioner's Ex #5
PETITIONER'S EXHIBIT 4

216026.8mN
432943.9mE

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MD. DEPT. OF ASSESS. & TAX

BASE MAP CONSTRUCTED: 1/76
FROM 19 QUAD 3/77
PLANIMETRY REV. TO: 2/13/05
MAP DRAWN: 9/14/92

COMPILED BY
DEPT. OF ASSESSMENTS & TAXATION
PROPERTY MAP DIVISION

THE INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM DEED DESCRIPTIONS AND IS NOT AN ACTUAL SURVEY. IT SHOULD NOT BE USED FOR LEGAL DESCRIPTION. USERS NOTING ERRORS ARE URGED TO NOTIFY THE ABOVE AGENCY AT 301 W. PRESTON STREET, BALTIMORE, MD. 21201.

REVISED TO:	DATE	LIBER	BY	LAST P. NO.	PHOTO	QUADRANGLE
	DEC 1,1988	9042	SMG	131		

PROPERTY LINE
SUB-DIVISION BOUNDARY
CONTINUING OWNERSHIP — Z I.E. —Z— —Z— —Z—
PARCEL NUMBER — P. 349 (ASSIGNED TO IDENTIFY AND INDEX OWNERSHIP MUST BE PRECEDED BY MAP NUMBER)
SCALE: 1" = 600'

SCALE IN FEET
923 600 0 600 1200 1800 926

216027.8mN
438430.5mE

MAP NO. 18

908 911 917 (23)

BALTIMORE COUNTY, MARYLAND 908-648

STATE OF MARYLAND

DEPARTMENT OF NATURAL RESOURCES

MARYLAND GEOLOGICAL SURVEY

KENNETH N. WEAVER, DIRECTOR

Protestant's Exhibit #6

TOPOGRAPHIC MAP OF BALTIMORE COUNTY

COMPILED FROM 7.5 MINUTE TOPOGRAPHIC QUADRANGLES OF THE U. S. GEOLOGICAL SURVEY

1995

BY JAMES P. REGER
JEANNE MCLENNAN
PETER D. MUTTER

This map supersedes previous editions

INDEX OF MARYLAND COUNTIES

INDEX TO USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE MAPS

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DISTRICT NO. 13
DISTRICT NO. 14
DISTRICT NO. 15

BALTIMORE CITY

MAP SYMBOLS

CULTURE

RELIEF

WATER

NOTE: THERE WILL BE NO DIVERSION OF SURFACE WATER OR INCREASE OF DRAINAGE AS A RESULT OF PARKING AREA BE PERMITTED INTO WHITEHALL ROAD.

NOTE: ALL DRAINAGE FROM PARKING AREA ADJACENT TO PROPERTY LINE TO BE DIRECTED TO SWM FACILITY

PARKING AREA AROUND MAINTENANCE BUILDING TO BE CONVERTED TO LANDSCAPE AREA WHEN BUILDING IS DEMOLISHED

EXISTING BUILDING IN THE M.L. ZONE WILL NOT BE USED IN CONJUNCTION WITH THE OPERATION OF THE GOLF COURSE OR OTHER FUNCTIONS AS LONG AS THE PROPERTY IS ZONED M.L. AFTER RECLASSIFICATION, THIS BUILDING WILL BE USED FOR EQUIPMENT STORAGE ONLY. NO MIXING OR STORING OF CHEMICALS, PESTICIDES AND FERTILIZERS WILL BE PERMITTED. AFTER RECLASSIFICATION, THE BUILDING WITHIN THE M.L. ZONE, WILL BE USED FOR THOSE FUNCTIONS.

ENTRANCE

NOTE: AREA NECESSARY TO MAINTAIN A 300' SIGHT DISTANCE, TO BE CLEARED, GRADED AND KEPT CLEAR OF ALL OBSTRUCTIONS ALONG WHITEHALL ROAD AT ENTRANCE.

LPJ INCORPORATED ENGINEERS

VICINITY MAP
SCALE 1" = 1000'

SUBJECT SITE

ROAD (PUBLIC)

VERNON

LEGEND

WETLANDS

PROPOSED PAVING

25% OR STEEPER SLOPES

TEE/GREEN TREATMENT (RATED QUALITY)

TEST PITS

SEPTIC TANK

PROPOSED WELL

SWM - PIPE STORAGE

PROPERTY LINE

PROPOSED CONTOUR

EXISTING CONTOUR

CART PATH

BUILDING SETBACK LINE

LIMIT OF DISTURBANCE

ZONING LINE

BUFFER

SOIL TYPE

EXISTING TREE LINE

PROPOSED TREE LINE

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 8/30/22
With The Following Action Taken
PLAN APPROVED
Plan Approved DPW
Plan Approved DPZ
CRG Expiration Date 8/30/23
Plan Disapproved
Additional Info Required
Plan Returned To Plan. Ed.

AUGUST 9, 1990 SHEET 1 OF 2

EST	6-1-90	ISSUE FOR PLAN
LPJ	9/24/90	PRE-CRG COMMENTS
BY	DATE	DESCRIPTION

REVISIONS

OWNER/DEVELOPER
BLACKSTRAP DEVELOPMENT CO.
2115 WHITEHALL ROAD
P.O. BOX 295
WHITEHALL, MARYLAND 21161
ATTN: DON AREY, PRESIDENT
(301) 343-0300

ELECTION DISTRICT: 7
COUNCILMANIC DISTRICT: 3
CENSUS TRACT: 4071
WATERSHED: 14
SUBSEWERSHED: B1
DEED REFERENCE: LIBER 3M 6291 FOLIO 544-559

CRG PLAN

GREYSTONE

ELECTION DISTRICT NO. 7 — WHITEHALL, MARYLAND
SCALE 1" = 100'
CRG PLAN NO. 90-353 — PLANNING NO. VIII-24E

E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
305 COPPERFIELD AVENUE
TOWSON, MARYLAND 21234

WHITEHALL

NOTE: THERE WILL BE NO DIVERSION OF SURFACE WATERS OR DISTURBANCE OF DRAINAGE AS A RESULT OF LAND DISTURBANCE WITHIN WHITEHALL

NOTE: ALL DRAINAGE FROM GRADING OUTSIDENT TO PROPERTY LINE TO BE DIRECTED TO SWM FACILITY

PATIO AREA AROUND MAINTENANCE BUILDING TO BE CONVERTED TO LANDSCAPE AREA

EXISTING BUILDING IN THE VICINITY OF THE GOLF COURSE CLUBHOUSE TO BE USED FOR LIMITED MAINTENANCE FUNCTIONS.

GATEHOUSE PARKING 6 SPACES A.D.T. 280

EX. BLDG TO BE CONVERTED TO GATEHOUSE

EX. BLDG TO BE USED AS TEMPORARY CLUBHOUSE

PROPOSED POOL BLDG

PROPOSED POOL (FINAL LOCATION SUBJECT TO FIELD SURVEY)

PROPOSED TENNIS COURTS 2 WITH POSSIBILITY FOR 4

PROPOSED BRIDGE BUFFER VARIANCE

PROPOSED SHELTER

PROPOSED IRRIGATION POND C

PROPOSED IRRIGATION POND D

PROPOSED IRRIGATION POND E

EXISTING POND E

SWM - PIPE STORAGE (TYP)

SWM DATA POINT A

SWM DATA POINT B

SWM DATA POINT C

SWM DATA POINT D

SWM DATA POINT E

SWM DATA POINT F

SWM DATA POINT G

BUFFER VARIANCE

SIGN DETAIL

TYPICAL PARKING SPACES

GRAPHIC SCALE

Match Line

FUTURE DEVELOPMENT

LEGEND

WETLANDS

PROPOSED PAVING

USE OF STEEPER SLOPES

SWM - PIPE STORAGE

PROPERTY LINE

PROPOSED CONTOUR

EXISTING CONTOUR

CENTERLINE

BUILDING SETBACK LINE

LIMIT OF DISTURBANCE

ZONING LINE

BUFFER

SOIL TYPE

EXISTING TREE LINE

PROPOSED TREE LINE

SEE SCREEN TREATMENT (WATER QUALITY)

PERK TEST PIT (UNSUITABLE)

PROPOSED WELL