

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY - APPEAL 92CV8596

IN RE:
CAMERON MILL SUBDIVISION
AT CAMERON MILL AND
STABLER'S CHURCH AND WALKER ROADS
3rd Councilmanic District
CBA 91-122 - Planning Board Appeal
CBA 91-145 - CRG Appeal
CBA 91-462 - Variance
Dr. Richard McQuaid,
Mary Wallace,
The Maryland Line Area Association, Inc.,
et.al.
Protestants/Appellants
RUTH ANN DESOTO, PROPERTY OWNERS and
CAMERON MILL PARTNERSHIP, A Maryland General Partnership
(1) Sept. 11, 1992 - Protestants/Appellants' Notice of Appeal from the Decision of the County Board of Appeals fd.
(2) Sep 14, 1992 Certificate of notice, fd.
(3) Oct. 5, 1992 - Appellee's Counsel Balto Co.'s Order of Appeal and Petition for Appeal with Second Certificate of Notice, fd (rec'd 9/18/92)
(4) Oct. 5, 1992 - Appellant's Petition on Appeal with exhibits, fd (rec'd 9/18/92)
(5) Oct. 5, 1992 - Appellants' Petition for Extension of Time to file Transcript and exhibit, fd (rec'd 9/18/92)
(6) October 7, 1992 - App. of NEWTON A. WILLIAM and LAWRENCE A. MELFA for the Appellees' RUTH ANN DESOTO, et al, PROPERTY OWNERS and CAMERON MILL PARTNERSHIP and same day Answer to Petition for extension of time to file transcript, fd.
(7) October 9, 1992 - Order of Court granting the Petition for extension of time, fd. (RKH)
(8) Oct. 16, 1992 - Appellants' Answer to Petition of Appellants, Maryland Line Association, ET.AL. fd.
(9) Oct. 16, 1992 - Answer of Appelle Baltimore County, Maryland to Appellant's Peoples Counsel, Petition on Appeal fd.
(10) Nov 17, 1992 Transcript of Record, fd. (Transcript, Nov 17/92)
(11) Nov 17, 1992 Notice of Filing of Record, fd. Copies sent.

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CASE NO. 92CV 8596
(12) Nov 18, 1992 - Appellants' Answer to Petition for Extension of Time to file Transcript and Request for Dismissal with exhibits and Request for Hearing on this matter, fd (rec'd 11/12/92)
(13) Nov 18, 1992 Appellants' Petition for Extension of Time to file transcript and Order of Court granting same, fd. (ALB. SR.)
(14) Dec. 14, 1992 People's Counsel's Dismissal of Appeal, fd.
(15) Dec. 14, 1992 Appellants Rule B-12 Memorandum, fd.
PH(16) Jan 18, 1993 Appellees memorandum to Md. Rule B-12, fd.
(17) Jan 29, 1993 - Appellee Baltimore County, Maryland's Brief Pursuant to Md Rule B12, fd (rec'd 1/25/93)
(18) Feb. 16, 1993 The Maryland Line Area Association, Inc., Messrs. Robert Leonard, Michael Herbert, Dr. Richard McQuaid, Mary Wallace, et al.'s Reply to Cameron Mill Partnership Memorandum, fd.
(19) Feb. 24, 1993 - Appellants' Amended Reply to Appellee's CAMERON MILL PARTNERSHIP Memorandum fd.
(20) April 5, 1993 Order of Court Affirming the County Board of Appeals in its opinion and Order of Aug. 12, 1992, fd. (CHK)
PH(21) Apr 30, 1993 Pliffs Order for Appeal from the Court of Special Appeals of Maryland, fd. (6/147)
PH(22) May 27, 1993 Motion and Order from the Court of Special Appeals of Maryland setting the expedited briefing and decision schedule as specified, fd. (Judge Wilkins)
JUNE 15, 1993 - ORIGINAL RECORD AND PROCEEDINGS SENT TO THE COURT OF SPECIAL APPEALS OF MARYLAND BY CERTIFIED MAIL. (04) CLK 60.00 (04) CLK 60.00 #43250 2002 R01 71422 04 30-0
4f (23) Nov. 16, 1993 - Original Papers & Mandate from the Court of Special Appeals Received & fd.

DISPOSITION OF APPEAL IN COURT OF SPECIAL APPEALS:
October 6, 1993: Opinion by Davis, J. Dissenting Opinion by Cathell, J. Judgment of the Circuit Court for Baltimore County affirmed. Costs to be paid by Appellant.
November 5, 1993: Mandate Issued.

(24) Dec. 17, 1993 Petitioners RUTH ANN DESOTO & THE CAMERON MILL PARTNERSHIPS' Petition to Stay the Running of Baltimore County Statutory Time Limits and for the Setting of a Supersedeas Bond with Affidavit and Exhibits fd. (rec'd 12-1-93)
4f (25) Dec. 29, 1993 - Respondents Answer to Petition to Stay and Request for Hearing and Memorandum fd. (Filed 12/14/93).
(26) Jan. 7, 1994 Receipt of a petition for writ of certiorari from the Court of Appeals of Maryland, fd. (rec'd 11-24-93) (cost \$307.00)

Docket 32 Page 307 Case 92CV 8596

This is an appeal from the Circuit Court for Baltimore County, affirming the decisions of the County Board of Zoning Appeals, which had (1) affirmed the recommendations of the Planning Board regarding preservation of structures and sites characterized as "historic," (2) affirmed the decision of the County's deputy zoning commissioner granting variances from certain county zoning restrictions, and (3) affirmed the decision of the Baltimore County Review Group (CRG), which determined that the developers' plan of development complied with the requirements of Title 26, § 26-203 of the Baltimore County Code (B.C.C.).

The appeal of Maryland Line Area Association, Inc., Robert Leonard, Michael Herbert, Dr. Richard McQuaid, and Mary Wallace (adjoining property owners) presents the following issues, which we have consolidated for clarity:

- Whether a direct appeal lies to the Board of Appeals from a decision of the Planning Board on an issue submitted to it by the CRG pursuant to Title 26, Section 26-207(a) (4).
- Whether the Board of Appeals erred by not finding the decision of the Planning Board arbitrary or capricious, procured by fraud, or illegal.
- Whether the Board of Appeals erred by not finding the action of the CRG arbitrary, capricious, procured by fraud, or illegal because the CRG did not impose the more stringent controls applicable to prime and productive soils under Bill 134-89.
- Whether the offsite or onsite contamination of individual water supplies is an issue that is within the jurisdiction of the CRG to consider.
- Whether the record supports the factual findings of the Board of Appeals that:

- the Parkton landfill is neither the source of contamination nor a potential source of contamination to the private water supply of the subdivision and
- the design and siting of the individual septic systems do not constitute a threat of contamination to the private wells in the subdivision.
- Whether the record establishes that the developers are entitled to a variance from the 300-foot diameter requirement.

FACTS

Appellee Cameron Mill is a developer of a proposed subdivision in northern Baltimore County, west of Interstate 83 and approximately one mile west of the Parkton Landfill. The site lies above the Pretty Boy schist geologic formation and consists of approximately 276 acres of land zoned RC4 and RC5, the majority having the RC4 designation. A subdivision of fifty-three lots was originally proposed, fifty-one of which were new lots and two were existing lots occupied by the historic Cameron Mill site and the existing home of the original owner.

The Cameron Miller's house is a two-and-one-half story stone house from the colonial era situated on the hillside with a spring house in its front yard. The stone buildings are on the northeast side of Cameron Mill Road to the northwest of its junction with Walker Road. Some mill foundations and ruins are opposite the houses across the road at the southwest corner of Walker Road and Cameron Mill Road.

*PH(27) Feb 2, 1994 Rec'd 1/21/94 Reply of Ruth Ann DeSoto and the Cameron Mill Partnership to answer to Petition to stay and request for hearing, fd.
4f (28) Feb. 7, 1994 - Notice from the Court of Appeals that the writ of Certiorari is DENIED. (R.C.M.). (Filed 1/24/94).
ps (29) February 4, 1994 Order of Court EXTENDING Cameron Mill project's time for a period of 2 years and 4 months from Jan. 12, 1994 to and including May 12, 1996 and DENYING filing of Supersedeas Bond, etc., fd. (CHK)

TRANSCRIPT IN BASEMENT
JANUARY 27 1994
Clerk of Court

DOCKET 32 PAGE 307-A 92CV 8596

The Cameron Miller's House is listed on the county's "Final Landmarks List." The Executive Secretary of the county's Landmarks Preservation Commission (the Commission), John McGrain, the author of the filings that were submitted in connection with the house, testified that the inventory "mentioned only the house as a significant element." He indicated further that the Commission was primarily interested in the house.

Because of the presence of the listed historic structure, the CRG referred the subdivision plan to the Planning Board. Subsequent to the referral, appellees proposed a minor subdivision that split the lots containing the house and mill ruins from the larger development site.

The Planning Board recommended that the lot upon which the house was situated be enlarged to 5.6 acres and that the cemetery be protected with a perpetual access easement. The Board also decreased the right-of-way of Cameron Mill/Stapler Church Road from 60 feet in width to 45 feet in width in the area of the historic lot and moved it away from the two historic buildings. The 45 foot right-of-way encroaches upon some of the mill ruins. In its meeting of March 14, 1991, the CRG incorporated the Planning Board's recommendations and approved the development plan.

The Little Falls and the Bee Tree Run are two major streams that run through the property. The topography is very steep, and there are large areas of tree cover that leave only 60 acres of the 276-acre tract available for development. Under the CRG plan, 169.4 acres, or 61.3 percent of the site, is designated as open

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space. This open space includes the Department of Natural Resources (DNR) area next to the hike and bike trail (the former right-of-way of the Northern Central Railroad), the County Recreation and Parks areas, the homeowners' association areas, and County protected forest buffers areas. Of the entire site, 6.8 acres are to be placed in an impervious area.

Sixty acres of the 276 acres are presently cultivated, and another 40 acres exist as meadow and open land. Although not designated as an agricultural preservation area on the master plan, the existing meadow and open land are placed in a Resource Conservation classification.

Appellees applied for variances from the Baltimore County zoning regulations, which require that the lots be not less than 300 feet in diameter. This request was made as to thirty-two of the fifty-one new lots. The variances were granted by the Deputy Zoning Commissioner on September 9, 1991.

Appellants appealed from the recommendation of the Planning Board directly to the County Board of Appeals in CBA Case No. 91-122, appealed from the CRG approval of the subdivision to the County Board of Appeals in CBA Case No. 91-145, and appealed from the granting of the variances by the Deputy Zoning Commissioner to the County Board of Appeals in CBA Case No. 91-462. The County Board of Appeals combined and took concurrent testimony on all three cases during the course of five days of hearings between October 8, 1991 and May 1, 1992.

10/06/93 - CBA AFFIRMED Circuit Court which AFFIRMED the Board. Dissent by Judge Cathell.
UNREPORTED
IN THE COURT OF SPECIAL APPEALS OF MARYLAND
No. 594
September Term, 1993
10/06/93 - CBA AFFIRMED Circuit Court which AFFIRMED the Board. Dissent by Judge Cathell.
UNREPORTED
IN THE COURT OF SPECIAL APPEALS OF MARYLAND
No. 594
September Term, 1993

MARYLAND LINE AREA ASSOCIATION, INC.

RUTH ANN DESOTO, ET AL.
CBA-91-122 / CBA-91-145 / 91-462-A

Wenner,
Cathell,
Davis,
JJ.

Opinion by Davis, J.
Dissenting Opinion by Cathell, J.

Filed: October 6, 1993

The circuit court, invoking the well-settled principles regarding review of decisions of administrative agencies, concluded that the first six issues raised by appellee Baltimore County were indeed the questions before it for resolution. We have reworded and reorganized the issues for the sake of clarity, but the substance of the issues remains the same as before the circuit court. The court stated that it was persuaded by the argument advanced by Baltimore County and that it adopted the reasoning of the County Attorney's Office as its own, affirming the County Board of Appeals for reasons stated in the Board's Opinion and Order of August 12, 1992.

LEGAL ANALYSIS

Standard of Review

The role of this Court is to repeat the task of the circuit court to be certain that the circuit court did not err in its review. *Maisel v. Montgomery County*, 54 Md. App. 31, 34 (1992); *Monimer v. Howard Research and Dev. Corp.*, 83 Md. App. 432, 442, cert. denied, 321 Md. 164 (1990). The task of the circuit court was to determine whether the Board of Appeals decisions were "in accordance with the law." Baltimore County Charter § 604.

A decision of the Board of Appeals is "not in accordance with law" if it is arbitrary, capricious, or illegal. *Levy v. Seven Slade, Inc.*, 234 Md. 145, 149 (1964). If there is no record of the facts on which the Board acted or a statement of the reasons for its

action, the Board's action may be deemed arbitrary and a reviewing court may not uphold its decision. *Bd. of County Comm'rs for Prince George's County v. Ziegler*, 244 Md. 224, 229 (1966); *Monimer*, 83 Md. App. at 441. If the issue before the Board of Appeals is "fairly debatable," however, that is, if reasonable persons could have reached a different conclusion on the evidence, a reviewing court may not substitute its judgment for that of the Board. *White v. County Bd. of Appeals*, 219 Md. 136, 145 (1959); *Howard County v. Davidsonville Area Civic & Potomac River Ass'n*, 72 Md. App. 19, 34-35, cert. denied, 311 Md. 286 (1987).

The Cameron Miller's House

The Board of Appeals determined the following about the Planning Board's recommendation:

Since the CRG was bound by the Planning Board decision, and the Planning Board decision preceded(d) and became part of the final action of the CRG on the Developer's plan, we believe that Protestants may appeal the decision only to the extent that they may appeal from the final action of the CRG. Upon reviewing the Planning Board's report which is Appellant's Exhibit No. 1, and the decision of the CRG contained in the minutes, which is Developer's Exhibit No. 3 in Case No. CBA-91-145, and mindful of the legislative scheme enacted by the Council, we do not find that the CRG's action, or the action of the Planning Board for that matter, is arbitrary or capricious, procured by fraud or otherwise illegal.

Appellants contend that they had a right to appeal the recommendation of the Planning Board directly in a *de novo* hearing

and should have only been held to a standard of preponderance of the evidence. See Baltimore County Charter § 603 ("All hearings held by the Board shall be heard de novo, unless otherwise provided by legislative act of the County Council....").

Appellees contend that the recommendation of the Planning Board was incorporated into the CRG action and that CRG action 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." B.C.C. § 209(c).

Appellants rely upon the Court of Appeals decision in *Hope v. Baltimore County*, 288 Md. 656 (1980), to support their contention that they had a right to pursue an appeal directly from the Planning Board's recommendation. In *Hope*, the Court held that the intent of the Baltimore County Charter was to vest its Board of Appeals with full powers as set forth in Code (1957) Art. 25A, § 5(U) and that the scope of the Board's appellate authority extended to appeals from the Planning Board's approval or disapproval of a subdivision plat. 288 Md. at 657.

The Court did not hold that the Board of Appeals had the authority to review all actions by the Planning Board. The Court premised its decision upon Section 602(d) of the Baltimore County Charter, which states that the Board of Appeals is to "hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be provided by Article 25A of the

Annotated Code of Maryland (1957 Edition), as amended, or by legislative act of the county council not inconsistent therewith." (Emphasis added.) The Court then decided that the approval or disapproval of a subdivision plat was such an order. *Hope*, 288 Md. at 663.

The version of the Baltimore County Code applicable to this case charges the CRG with responsibility for the approval or disapproval of subdivision plans. The Planning Board considers only those matters referred to it by the CRG. B.C.C. § 26-208(a). Pursuant to B.C.C. § 26-207(a)(3), the CRG referred the issue of the Cameron Miller's house to the Planning Board, and the Planning Board's subsequent decision was binding upon the CRG and incorporated as part of the CRG's final action on the plan. B.C.C. § 26-208(c).

The Board of Appeals's authority under the Baltimore County Charter, as quoted above, extends to reviewing all administrative orders provided by Article 25A of the Annotated Code of Maryland (1957 Edition) or by legislative act of the county council. Baltimore County Charter § 602. B.C.C. §§ 26-31 through 26-36, entitled "Planning Board," do not provide for the right of appeal from a recommendation of the Planning Board. B.C.C. § 26-209 provides for appeals from a final action on a plan but does not provide specifically for appeals from particular decisions of the Planning Board. Appellants are entitled to a direct appeal only if the binding recommendation of the Planning Board to the CRG is an

appealable order under Section 602(d) of the Baltimore County Charter.

The Planning Board's recommendation does not become operative until it is incorporated into the final action of the CRG. It has no legal effect outside of the final action on a plan. Although the CRG refers many aspects of the development to other agencies, the B.C.C. provides for an appeal only from the CRG's final action on a plan. We find that the Planning Board's recommendation is not an appealable order. The appropriate standard of review is therefore that which is accorded a final action on a plan.

B.C.C. § 26-209(c) mandates that the final action on a plan be presumed correct and that the burden of persuasion is on the person aggrieved to show that the action was arbitrary or capricious, procured by fraud, or otherwise illegal. The Board of Appeals applied the correct standard of review when it did not find "the CRG's action, or the action of the Planning Board for that matter, is arbitrary or capricious, procured by fraud or otherwise illegal." Bd. of Appeals Opinion, at 13.

Appellants contend that the Planning Board decision could not merge into the final action of the CRG because the CRG Plan for the Cameron Mill subdivision, as finally approved, did not contain the historic site. This argument overlooks the fact that the Planning Board's recommendation concerned the minor subdivision plat dated September 21, 1990, which the CRG approved at the same March 14, 1991 meeting along with the larger subdivision. Thus, the Planning Board recommendation was incorporated into the CRG final action on

the minor subdivision. The incorporation of Planning Board decisions extends to all CRG plans, minor or major.

Appellants also contend that the Board of Appeals erred because it did not address the issue of whether the Planning Board could allow the potential destruction of a portion of the historic site under B.C.C. § 26-278. We disagree.

B.C.C. § 26-278 mandates that "historic structures or sites identified on [the Maryland Historical Trust Inventory or the County's Final Landmarks List] must be preserved." This mandate is modified by B.C.C. §§ 26-541 and 26-542, which requires County approval before the demolition of a listed structure.

The County's Final Landmarks List and the Maryland Historical Trust Inventory lists only the Cameron Miller's House. The application for listing indicates that it was a building, rather than a site, classification. The mill ruins are not specifically listed. By contrast, the listing for St. John's Protestant Episcopal Church includes the rectory, wall, stepping-stones and graveyard. R.C.C. § 22-169(32) (1988/89 Cumulative Supplement).

Given the clear and unambiguous reading of the statute, only structures or sites listed on these historic inventories must be preserved. The mill ruins are not specifically listed as a historic structure, nor did the entire site receive official historic classification. Although the Planning Board recommendation mentions the mill ruins as integral to the site's distinctive rural character, they were not precluded from allowing the tight-way from encroaching upon the ruins. Therefore, the Board of

Appeals appropriately found that the action by the Planning Board was not arbitrary or capricious, procured by fraud, or otherwise illegal.

The Groundwater and Soil Issues

A. Prime and Productive Soils

Appellants contend that the Department of Environmental Protection and Resource Management (DEPRM) illegally and arbitrarily precluded review of the Cameron Mill subdivision from the effects of Bill 134-89 protecting prime and productive soils. Appellees contend that DEPRM had adopted a policy consistent with its obligations under Bill 134-89 and that the policy was applied uniformly and consistently.

The Baltimore County Council adopted the "Prime and Productive Soils Act," Bill No. 134-89, for the purpose of preserving agricultural lands and protecting prime and productive soils in the development process. Preamble, Bill No. 134-89. The Council delegated to DEPRM the responsibility for establishing policies that promote agricultural uses and protect soil resources. B.C.C. § 22-99(c). The CRG must abide by these policies when reviewing any development plan or plat.

DEPRM mapped the prime and productive soils in the county, delineated agricultural protection zones, and adopted varying restrictions for each zone. Although the Cameron Mill site contained prime and productive soils, it was not situated within an

agricultural protection zone. Therefore, the property was not subject to the more stringent development restrictions.

When the Council delegated to DEPRM the formulation of policies, it bestowed upon the agency quasi-legislative functions. Judicial review of such functions is thus more limited in scope. *Dep't of Natural Resources v. Linchester Sand & Gravel Corp.*, 274 Md. 211, 224 (1975). We cannot say that the policies adopted by DEPRM were not within its legal boundaries. *Id.*

In contrast, less deference is due to the agency when it applies its policies to a particular fact situation. *Id.* Under such circumstances, the courts review the agency conclusions by determining whether the conclusion was rendered in an illegal, arbitrary, capricious, oppressive, or fraudulent manner. *Id.*; *Starch v. Zoning Bd. of Howard County*, 267 Md. 476, 487 (1972). The Board of Appeals found as a fact "that the Cameron Mill Development site is not located within the area designated pursuant to regulatory authority as prime and productive soils which would restrict the development to one house per 50 acres, as in R.C. 2 zones." Since the Cameron Mill site was treated in accordance with the policies enumerated, we cannot say that DEPRM acted arbitrarily in this case.

B. The Parkton Landfill

B.C.C. § 26-203 requires an applicant for development to include information regarding the proposed and existing well and

septic areas. Appellants contend that the CRG erred by not considering the impact the Parkton Landfill might have upon water quality in the subdivision.

B.C.C. § 26-203 provides that a plan subject to CRG review

shall set forth an informative, conceptual, and schematic representation of the proposed development in a clear and legible manner by means of maps, graphs, charts, or other written or drawn documents so as to enable the county and all reviewing agencies an opportunity to make reasonably informed decisions regarding the development.

In a recent opinion by this Court, we found that CRG final action on a plan is merely an early stage in the Baltimore County land development review and approval process. *Am Wood Enter. v. Wiseburg*, 88 Md. App. 723, 729 (1991). As long as the plan satisfies the requirements of B.C.C. § 26-203 and the CRG approves the plan on that basis, the CRG's final action on a plan is appropriate "regardless of whether additional information regarding the proposed development may be necessary in future stages of the land development review and approval process." *Am Wood*, 88 Md. App. at 731.

The Board of Appeals concluded the following about whether it was necessary for the CRG to consider contamination from the Parkton Landfill:

Mindful of the fact that a developer, prior to the sale of any of these lots as building lots or as lots with residences constructed upon them, must meet the provisions of the Baltimore County Code requiring satisfactory test results as to quality and quantity of water, and also mindful of the fact that in order to satisfy the requirements of the CRG, the

developer must only present a conceptual plan in sufficient detail as to allow the Baltimore County development officials to make reasonably informed decisions concerning it, we are not persuaded that the action of the CRG in approving the plan as proposed was arbitrary, capricious, procured by fraud, or otherwise illegal.

Appellants contend that, although a development must meet certain water quality and quantity requirements at the building permit stage, the future water quality testing does not include testing for benzene and toluene, two of the contaminants alleged to be leaking from the Parkton Landfill; and thus the CRG plan is the appropriate stage of the review process to consider this issue. Even though organics such as toluene and benzene are not routinely tested, the Board of Appeals heard testimony from Robert Sheesley, former Director of DEPRM, indicating that subdivisions that are in proximity to suspected sources of contamination are tested for organics prior to obtaining a building permit and further that, "if it was found that the new development site was impacted by either on site or off site organic chemical problems, a building permit would not be issued until that could be remediated in some way...."

Given the conceptual nature of the CRG plan and the ability to investigate the potential impact from the Parkton Landfill at a later stage, the record supports the finding of the Board of Appeals that the CRG's approval of the subdivision plan was not arbitrary, capricious, procured by fraud, or otherwise illegal. Although the Board of Appeals made several findings of fact about

the potential contamination from the Parkton Landfill, they were not necessary to support the ultimate conclusion that the requirements of B.C.C. § 26-203 were satisfied.

C. The Design and Siting of the Wells and Septic Systems

Appellants contend the CRG did not adequately consider that the placement of septic systems in the shallow soils of the Pretty

"The evidence, as a whole, established to our satisfaction that the predominant direction of the flow of the ground water, absent pumping, is in the southeasterly direction from the Parkton Landfill which would be away from the proposed development site which is located approximately one mile to the west of the Cameron Mill development. While fractures exist in the Pretty Boy schist underlying the site which run in an easterly and westerly direction towards the Cameron Mill site (see Protestant's Exhibit 4 for identification), the evidence does not prove that, in fact, impermissible levels of contaminants leaching from the Parkton Landfill migrated in a westerly direction as far as the Cameron Mill proposed development site or any of the neighboring residences, most of which draw their water from individual wells, nor does it prove that with the action of the wells proposed by Developer it will occur in the future. Furthermore, the evidence demonstrates that even at the monitoring wells located on the Parkton Landfill site, although the samples taken from those wells contain Benzene and Toluene, among other contaminants, the tested levels do not exceed the Environmental Protection Agency standards for drinking water, a fact attested to by both the Developer's and Protestant's witnesses. Finally, a study of macro-invertebrates [sic] conducted on February 19, 1992 by James Gracie, a water quality expert, on the Fourth Mine Branch and Little Falls Streams which flow through the proposed site and receive outflow from the Parkton Landfill, revealed the abundant existence of such organisms that could not survive if unacceptable levels of benzene were present. (See Developer's Exhibit No. 15.)"

Bd. of Appeals Opinion, at 6-7.

Boy schist might cause problems of inadequate treatment of the sewerage. The Board of Appeals found:

"[T]he Developer must meet certain percolation tests which include digging test pits on each lot as well as three test pits which assess the entire soil profile. The evidence established that over 250 data points throughout the development produced sufficient information when taken together to show the results of tests conducted by the Baltimore County (DEPRM) as shown in Developer's Exhibit No. 13, to demonstrate compliance with those requirements. In particular, we find that the test demonstrated compliance with the applicable regulations, since among other things, the pits drained down in the required range of no less than 2 minutes, at the test depth of 4 feet, and that the pits contain no less than 4 feet of unsaturated material and met the other test requirements according to the testimony of William E. Sor, the Baltimore County DEPRM licensed sanitarian who conducted the tests and evaluated the soil. Accordingly, we are not persuaded by the evidence that the CRG approval in this regard constitutes arbitrary or capricious action or was procured by fraud or other illegality.

We hold that the question before the Board was fairly debatable and therefore will not disturb its findings. See *Mortimer*, 83 Md. App. at 441, and the cases cited therein.

Variance Issue

Finally, appellants contend the Board of Appeals erred in granting the variances requested because appellee Cameron Hill failed to establish practical difficulty and unreasonable hardship as a matter of law. We disagree.

In order to justify the grant of a variance, the applicant must satisfy the three-pronged test set forth in B.C.C. § 307.1:

1) strict compliance with the regulations would result in practical difficulty or undue hardship; 2) such variance is in strict harmony with the spirit and intent of the regulations; and 3) the granting of the variance will not cause injury to public health, safety, and general welfare. It is relevant that Baltimore County applies a disjunctive test for the granting of variances: the applicant for a variance must prove practical difficulty or undue hardship. The practical difficulty standard is applicable to a situation where, as here, it is an area rather than a use variance that is requested. *Loyola Loan Ass'n v. Buschman*, 227 Md. 243, 248 (1961).

McLean v. Soley, 270 Md. 206 (1973), set forth the criteria necessary to establish practical difficulty:

"1) Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

"2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

"3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

Id., at 214-15, quoting 2 Rathkopf, *The Law of Zoning and Planning* (3d ed. 1972) 45-28 and 45-29. The applicant need not show the equivalent

of an unconstitutional taking and thus the practical difficulty standard is an easier standard to meet than undue hardship. *Anderson v. Bd. of Appeals*, 22 Md. App. 28, 39 (1974). Appellees admit that the property could be developed without the variances. Even so, the practical difficulty prong can be met if compliance with the diametral requirement would be "unnecessarily burdensome."

As to the practical difficulty prong of B.C.C. § 307.1, the Board of Appeals found:

To include a 300-foot diameter circle on each lot and to place the building envelopes on the ridges where they are farthest away from the streams and the wetlands results in lots which have the appearance of dumbbells. It appears that such lots would meet all of the requirements of the R.C. 4 zone, but that in doing so these dumbbell-shaped lots would take land away from the Department of Natural Resources' hike and bike trail and also reduce the amount of forest buffer which was otherwise provided by the proposed plan approved by the CRG.

Appellants contend that such facts do not legally constitute practical difficulty.

In *McLean*, the Court of Appeals dealt with a similar factual situation originating in Baltimore County. *McLean* involved a landowner's request for a variance because "the construction of buildings in strict compliance with the sideyard requirements would result in the destruction of the trees ... [and] that the benefits of retaining the trees would accrue to the general public." 270 Md. at 215. The Court found the findings of fact by the Baltimore County Board of Appeals sufficient to support the granting of the sideyard variance because of practical difficulty.

The Board found *sub judice* that "[t]he parcel presents a very unusual piece of land, divided into three plateaus, with steep slopes falling from the plateaus cut by two major streams, traversed by three major roads and by a hike and bike trail set in an old railroad bed." The Board later found that, "in light of the topographical features of this particular site, we find it a fact that the Developer satisfactorily proved practical difficulty and unreasonable hardship and that the variances should be granted."

While we disagree with the Board's finding that appellee proved unreasonable hardship, we believe the issue to be fairly debatable of whether appellee proved practical difficulty. The Board heard extensive testimony concerning the extreme development constraints of the property - physical constraints peculiar to the property that confronted this particular developer. The property has steep slopes, wetlands, streams, a trail, and several roads that divide it. The record as a whole supports a finding that compliance with the diametral was unnecessarily burdensome, and thus the developer faced practical difficulty.

Addressing the other two prongs of B.C.C. § 307.1, the Board scrutinized the reasons for the 300-foot diametral and found:

Since the institution of the 300-foot diametral provision, which provided part of the original rationale for the 300-foot diametral when instituted in 1971 (see Protestant's Exhibit No. 26), Baltimore County enacted other development regulations to guarantee minimum lot sizes of approximately 3 acres in this type of zone. The regulations requiring forest buffer areas, and those that deal with steep slope development as well as protection for the wetlands, the 100-year

flood plain, and a requirement of 10,000 square feet area for septic tank replacement systems all militate against the necessity of the 300-foot diametral requirement. The 300-foot diametral does not expressly appear in language in Protestant's Exhibit No. 26, but one can find an illustration of it in Figure 6 in that Exhibit. The purpose of the diametral consists of insuring proper spacing between the well, the septic area and the dwelling. All of the wells proposed by Developer meet the 100-foot required distance away from the septic areas and between wells, and the Developer also provided the minimum lot width of 200 feet. The plan as proposed results in strict harmony with the spirit and intent of the area restrictions of the B.C.R. [and] no substantial injury to the public health, safety and welfare....

Given the purposes served by the 300-foot diametral, the Board's finding that the plan satisfied the second prong of § 307.1 was supported by substantial evidence on the record taken as a whole. Likewise, given the environmental sensitivity of the proposed plan, which would be undermined by strict compliance with the diametral requirement, the Board's finding that the plan satisfied the third prong of § 307.1 was also supported by substantial evidence on the record taken as a whole.

While the liberal granting of variances or special exceptions undermines the usefulness that zoning restrictions provide, see e.g., *Carney v. City of Baltimore*, 201 Md. 130, 137 (1952), the facts of this case demonstrate that the need for the variance was "substantial and urgent and not merely for the convenience of the applicant." *Id.*; *McLean*, 270 Md. at 213-14 (applying the "mere convenience of the applicant" principle to applications for variances). The Board heard extensive testimony concerning the extreme development

constraints of the property. The property has steep slopes, wetlands, streams, a former railroad right-of-way, and several roads that divide it. Both the Office of Planning and DEPRM recommended the granting of the variance. The CRG plan dedicates more land to the public and leaves more land in open space than the "dumbbell plan." Under such circumstances, the variance is not merely for the convenience of the applicant.

Appellants quote several cases that they claim support their contention that the Board of Appeals erred in granting the variances. Appellants cite *Easter v. City of Baltimore*, 195 Md. 395 (1950), for the contention that a variance request that would make the property more profitable was insufficient to justify relaxation of setback requirements. Appellees never relied upon profitability as a reason for the variance request, and in fact, there is sufficient information in the record to support the conclusion that the plan as proposed would be less profitable than developing in strict compliance with the 300-foot diameter.

Appellants cite several cases to support their contention that self-inflicted hardship cannot be the basis for a variance. In particular, they contend that appellee acquired the property knowing about the 300-foot diameter requirement, and such knowledge constitutes self-inflicted hardship.

The Court of Appeals opinion in *McLean*, *supra*, is instructive on this point as well. There, the appellant likewise claimed that the landowner was precluded from asserting "practical difficulty" because he was charged with knowledge of the sideyard requirements

when he purchased the property. 270 Md. at 215. The Court declared, "We see no merit in this argument ... this 'rule' is more strictly applied in 'use variance' cases than in cases of 'area variances,' such as the one at bar. In other words, it has less significance where we are concerned with 'practical difficulty' than it does in the event of 'hardship' which usually characterizes the 'use variance' cases." *Id.*

We find that the appellees are not precluded from asserting practical difficulty, and that there exists substantial evidence on the record taken as a whole to justify the granting of the variances. The Board of Appeals decisions in CBA No. 91-122, CBA No. 91-143, and CBA No. 91-452-A were in accordance with the law. We affirm the circuit court on all grounds.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED.

COSTS TO BE PAID BY APPELLANT.

91-462-A

UNREPORTED
IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 584

SEPTEMBER TERM, 1993

MARYLAND LINE AREA
ASSOCIATION, INC.

v.

RUTH ANN DeSOTO et al.

Wenner,
Cathell,
Davis,
JJ.

Dissenting opinion by
Cathell, J.

Filed: October 6, 1993

I respectfully dissent.

In this unusual case, the property owner has applied for variances in order to serve the interests of Baltimore County rather than his own interest. It was conceded by all parties in their briefs and/or at oral argument that the developer did not need the variances in order to fully develop the subject site to its permissible density. There is no evidence of any unique or unusual feature about the subject property. Additionally, there is no evidence that the developer would find it unnecessarily burdensome to utilize the subject property in conformance with the code.

It is represented to us that two streams run through the property and large areas of tree cover are situated on the site. These areas apparently abut on hiking and biking trails maintained by the Department of Natural Resources, areas controlled by the County Recreation and Parks, and certain County-protected forest buffer areas.

It is further represented to us that the property owner, under the site's existing zoning, was required to develop lots that would contain somewhere within their boundaries a 300-foot diameter circle. (This apparently reduces the gerrymandering tendencies of some lot developers and aids in septic and water supply separation.) It was agreed that this requirement could have been met by the property owner though it would have resulted in the removal of a substantial number of trees and in the lots encroaching further into the site's wooded areas and/or approaching closer to the publicly-controlled or owned areas mentioned above.

It is further represented to us, without contradiction, that the variances were obtained to meet the County's wishes, to further address the uniqueness of the publicly-owned areas adjacent to the subject site and to enhance the public's use and/or appreciation of the public areas. No one asserted that there was anything unique or unusual about the applicant's property or that a variance was needed in order for the owner to avoid practical difficulties.

In short, Baltimore County is attempting to use the variance procedure of its zoning code to get property owners to develop property in a manner not otherwise permitted by that zoning code rather than to legislate changes that would achieve its desired goals for property abutting areas controlled by public entities. I would suggest that what has occurred here is a wholly unwarranted and insupportable use of the variance procedures of Baltimore County's Zoning Code (as well as any other of which I am aware).

Section 307.1 "Variances" of the Baltimore County Zoning ordinance provides in pertinent part that the zoning entities

shall have ... the power to grant variances from ... area regulations ... only in cases where special circumstances or conditions exist that are peculiar to the land ... which is the subject of the variance request and where strict compliance ... would result in practical difficulty or unreasonable hardship.... They shall have no power to grant any other variances. (Emphasis added.)

The Court of Appeals in *Easter v. City of Baltimore*, 195 Md. 395, 400 (1950), stated that in order to grant a variance it must be shown that the hardship affects the particular premises and is not common to other

property in the neighborhood. [Emphasis added.]

In respect to area variances such as that in the case *sub judice*, we said in *Anderson v. Board of Appeals* 22 Md. App. 28, 39 (1974):

1) Whether compliance with the strict letter of the restrictions ... would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved [Emphasis added.]

The majority in its discussion in respect to variances cites *Carney v. City of Baltimore*, 201 Md. 130, 137 (1952), to support the statement:

[T]he facts of this case demonstrate that the need for the variance was "substantial and urgent and not merely for the convenience of the applicant." (Majority opinion at 19.)

First of all, *Carney* was not a variance case. It was a special exception case. While the review standards in respect to variances and special exceptions have become, over the years, intermixed, the respective entities are not identical twins. At best, they are fraternal. The respective zoning entities start out at birth with conspicuously different presumptions. A special exception is a permitted use - provided certain conditions are met it is presumed to be within the spirit of the ordinance. A variance is used to permit that which is prohibited and presumed to be in conflict with

the ordinance. If the presumption that controls a special exception prevails, the exception is granted. If the presumption against a variance prevails, the variance must be denied. In other words, the two entities are based on entirely different concepts. In one an applicant defends the presumption, in the other he attacks it.

Secondly, as I read the material quoted in the sentence noted by the majority, the need the *Carney* Court was addressing was the applicant's "substantial and urgent" needs, and his "convenience," not a county's. Moreover, the *Carney* Court defines practical difficulties or unnecessary hardship as "difficulties ... which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance ... their existence amounts to a substantial and unnecessary injustice to the applicant." *Carney*, 201 Md. at 137 (emphasis added).

It is clear to me that Baltimore County prevailed upon the developer to apply for a variance he did not need but that Baltimore County wanted him to get in order to enhance the neighboring property it or other public agencies controlled. Baltimore County has the power to legislatively change its zoning ordinance to reflect its wishes (including repealing it altogether and having no zoning), but it is, as I perceive it, totally inappropriate for the County to cause property owners to apply for variances benefiting Baltimore County when the property owner has

no practical difficulty in utilizing his property (that is in no way unique) in conformance with the Code.

In the case *sub judice*, there was absolutely no evidence that the owner could not fully use his property without the variance. In fact, all parties conceded that he could. There was no evidence at all that conformity with the ordinance would be "unnecessarily burdensome," *Anderson*, 22 Md. App. at 39, or would result in any "practical difficulty" (sec. 307) to the owner of the property.

The evidence in this case is, simply put, that Baltimore County wanted this project developed differently for the County's benefit and caused the owner to apply for a variance(s) he did not need. The owner faced no practical difficulties in development and there were no "special circumstances or conditions" peculiar to the land in question. Not only is the evidence insufficient under any standard and/or standard of review to support the issuance of a variance, none of the parties seriously contend that it is - or was. The County's position appears to be that the variance be affirmed because it was, they contend, done for a good purpose. Benefit or non-benefit to the public normally is not even considered until the preliminary findings of "practical difficulty" and special conditions "peculiar" to the property, etc., exist. These preliminary factors do not exist here.

I am not unmindful of the uncomfortable position the landowner might have been in. In this case, he was able to satisfy, if not the needs, then the wants of the County, by applying for variances as to his property for the County's benefit. Nevertheless, I do

- 6 -
not think that this Court should countenance this new (I hope) and totally inappropriate use of variance procedures.

I would reverse.

Baltimore County Government
Office of Law
400 Washington Avenue
Towson, MD 21204

(410) 887-4420
Fax (410) 296-0931

October 8, 1993

Ms. Kathleen Weidenhammer
Administrative Assistant
Baltimore County Board of Appeals
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Cameron Mill

Dear Kathi:

Attached please find a copy of the Court of Special Appeals' Opinion in the captioned matter. As you will note in the Opinion, Judge Davis affirms the Circuit Court and thus the Board, while Judge Cathell dissents.

Very truly yours,

Michael J. Moran
Assistant County Attorney

MJM/jd

Attachment

IN RE: CAMERON MILL SUBDIVISION * IN THE CIRCUIT COURT
AT CAMERON MILL AND *
STABLER'S CHURCH AND * FOR
WALKER ROADS * BALTIMORE COUNTY
* CASE NO. 92CV8596
* * * * *

OPINION AND ORDER OF COURT

The Baltimore County Board of Appeals (hereinafter sometimes "the Board" or "CBA") docketed three matters for appeal as CBA Numbers 91-122, 91-145 and 91-462, and considered them as one consolidated appeal because of their inter-relationships and for the convenience of the various litigants. The first appeal was from the action of the Planning Board of Baltimore County with respect to an historic site on the Baltimore County Landmark List, which is part of the overall tract being considered for subdivision in these matters. The second appeal is from the action of the County Review Group (hereinafter sometimes "CRG") in approving conceptually the Cameron Mill Subdivision. The third matter docketed by the CBA is an appeal from the action of the Deputy Zoning Commissioner, who approved area variances for some 32 of the proposed subdivision lots from the requirement of a 300' diametral normally required in the R.C. 4 zone.

The three cases all arise out of a single effort by the developers to subdivide a parcel of some 276 acres located in northern Baltimore County west of Interstate Route 83. The property lies on the north and south sides of Stabler's Church Road, the east and west sides of Cameron Mill Road and the east

side of Eagle Mill Road. The property lies partially in the Sixth Election District and partially in the Seventh Election District of the county, in or near the community of Parkton.

The action of the Planning Board related to the historic site around the Cameron Miller's home and the ruins of the original mill, took place in December of 1990. The CRG approval was accomplished on March 14, 1991 and was appealed timely, as was apparently the Planning Board case as well. The Deputy Zoning Commissioner's variance approval was granted on September 9, 1991 and was also timely appealed. All of the actions taken have been opposed from the outset by the Appellants herein.

Most of the property is zoned R.C. 4, with a very small portion of R.C. 5 zoning. Both of these classifications are of the rural conservation category. The property is very irregular in shape with extremes of topography. It is traversed by two major streams and is essentially bisected by the bed of the former right of way of the Northern Central Railroad, now owned and used by the State Department of Natural Resources for a hiking and biking trail. A substantial portion of the property, some 64%, is wooded, some 22% has been actively cultivated and the balance is open meadow, perhaps cultivated at some time in the past. Most of the wooded portions are steeply sloped down from the ridges on the property to the stream valleys.

The historic landmark site is located at the extreme southealy portion of the property, at or near the intersection of Cameron Mill, Stabler's Church and Walker Roads.

Although Appellants suggest that they were in essence deprived of the opportunity for a full and fair hearing of these appeals by the Board, it should be noted that the CBA heard five virtually full days of testimony beginning in October of 1991 and ending on May 1st, 1992. The proceedings before the Board created a record in this case some 920 pages in length, supplanted with dozens of exhibits which were submitted to and considered by the CBA.

The scope of review by this Court of the actions of an administrative agency like the County Board of Appeals is such that the Court may through appeal or otherwise correct any abuse of discretion by such an administrative agency or modify its actions when they are unsupported by facts, or are arbitrary, illegal, capricious or unreasonable. Heaps v Cobb, 185 Md. 372, 45 A.2d 73 (1945). However, the scope of judicial review of decisions by administrative agencies is narrow, recognizing that Board members have expertise in a particular area and ordinarily should be free to exercise their discretion as such. Finney v Halle, 241, Md. 224, 216 A.2d 530 (1966). Thus a reviewing court will not substitute its judgment for that of an administrative board where the issue is fairly debatable and the record contains substantial evidence supporting the administrative decision. Montgomery County v Woodward & Lothrop, Inc., 280 Md. 686, 376 A.2d 483 (1977). The "substantial evidence test" is whether a reasoning mind reasonably could have reached the factual conclusion the agency reached from the record before it. Insurance Commissioner v

National Bureau, 248 Md. 292, 236 A.2d 282 (1967). That test is also defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Bulluck v Pelham Apts., 283 Md. 505, 350 A.2d 1119 (1978). This review should not consist of judicial-fact finding or a substitution of judicial judgment for agency judgment. Insurance Commissioner v National Bureau, supra.

The question for the reviewing court is whether the conclusions reasonably may be based upon the factors proven. The court may not substitute its judgment on the question whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness. Annapolis v Annapolis Waterfront Co., 284 Md. 383, 396 A.2d 1080 (1979), [Citing 4 K. Davis, Administrative Law, §29.05, at 137, 139 (1958).]

Appellate courts have frequently observed that the order of an administrative agency must be upheld on judicial review if it is not based on an error of law, and if the agency's conclusions reasonably may be based upon the factors proven. Ad+ Soil, Inc. v County Commissioners, 307 Md. 307, 513 A.2d 893 (1986). But a reviewing court is under no constraints in reversing an administrative decision which is premised solely upon a erroneous conclusion of law. Peoples Counsel for Baltimore County v Maryland Marine Manuf., Inc., 316 Md. 491, 560 A.2d 32 (1989), quoted with favor in United Parcel v Peoples Counsel, 93 Md. App. 59, 611 A.2d 993 (1992).

Mindful in particular of this, Appellants urged upon the Court at argument of this case to be wary of legal errors made by the CBA in the course of its decisions. Indeed, it was this suggestion by Appellants' counsel that caused the Court to more thoroughly sift the testimony before the Board and the premises for its decisions in the opinion filed in August of 1992. As the Court understands it, Appellants suggest that the CBA committed three errors of law. First, they suggest that the CBA in approving the action of the Planning Board relative to the widths of the rights of way in the historic area, compounded the legal errors of the Planning Board which, they suggest, should not have permitted the establishment by the Department of Public Works of a 45' wide right of way for Stabler's Church Road, Cameron Mill Road and Walker Road within the historic area. It is suggested that the failure to protect the historic structures from damage or destruction occasioned by potential roadway widening is violative of the legislation which created the historic Landmark List.

Second, Appellants suggest that both the CRG and the Board ignored the "prime and productive soil" requirements of Bill #134-89 by permitting subdivision in contravention of the expressed legislative intent of that bill to preserve existing prime and productive agricultural lands.

Third, Appellants suggest that the evidence before the Board concerning the required 300' diametral variance was insufficient as a matter of law for the Board to find the

practical difficulty or unreasonable hardship necessary to permit a variance to be granted.

The Court has carefully considered these suggestions and, as will be seen more fully later in this opinion, finds it is not in agreement with Appellant's position. The Court perceives no legal error by the CBA, the Planning Board, the CRG, or the Deputy Zoning Commissioner, whose decision was (correctly) reviewed de novo by the CBA.

In all, Appellants set forth some 21 enumerated questions or suggestions of error on appeal to this Court. Some of them are insufficiently specific, and some redundant; the Court will not set them forth in this opinion in full. The developers, on the other hand, tended to somewhat over-simplify the issues in compressing them into only three actual questions presented, in their view.

After careful analysis the Court is persuaded that the best and most accurate assessment of the questions presented on this appeal is formulated by the Appellee, Baltimore County, Maryland through its counsel who suggests that the appeal actually presents the following questions:

1. Assuming that a right of direct appeal exists from a Planning Board decision on an issue referred to it from the CRG, pursuant to Title 26, §26-207(a)(4), does the record before the CBA support the conclusion that the Planning Board acted properly?
2. Does a direct appeal lie to the Board of Appeals from a decision of the Planning Board on an issue submitted to it by the CRG pursuant to this Code provision?
3. Did the CBA correctly hold that the CRG acted properly when it incorporated into its final action the decision of the Planning Board, where the law provides that the

decision of the Planning Board is binding on the CRG?

4. Is the issue of onsite or offsite contamination of individual water supplies an issue that is within the jurisdiction of the County Review Group to consider?
5. Does the record support the factual findings of the CBA that (1) the Parkton Landfill is neither the source of contamination nor a potential source of contamination to the private water supply of the subdivision; and (2) the design and siting of the individual septic systems do not constitute a threat of contamination to the private wells in the subdivision?
6. Does the record before the CBA support the conclusion that "overcrowding" of lots in the subdivision will not occur, and that the County's "prime and productive soils" legislation has no application to this development?
7. Did the Board of Appeals misapply the statutory deference to the correctness of the CRG or otherwise deny Appellants due process of law?
8. Does the record establish that the developer is entitled to a variance from the 300' diametral requirement?

In the Court's view the foregoing issues fairly re-state all of the appeal questions listed by the Appellants for consideration by this Court. Moreover, this Court is persuaded that the arguments espoused by the County Attorney's Office in its brief filed in this case as Paper No. 17 adequately and properly address all of those presented issues, and lead to the conclusion that the CBA correctly resolved each.

This Court is satisfied to adopt the reasoning of the County Attorney's Office as its own and for the reasons set forth in the brief filed by counsel as well as the foregoing, this Court AFFIRMS the County Board of Appeals in its Opinion and Order of August 12, 1992 in these matters.

/s/ Christian M. Kahl
Christian M. Kahl

April 2, 1993
Date

CMK:emh

cc: J. Carroll Holzer, Esquire
Michael J. Moran, Esquire
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Lawrence A. Melfa, Esquire
Newton A. Williams, Esquire

IN THE MATTER OF
THE APPLICATION OF
RUTH ANN DESOTO, ET AL
FOR VARIANCES ON PROPERTY
LOCATED AT THE CENTERLINE
OF STABLES CHURCH ROAD,
1200' EAST OF CENTERLINE OF
WALKER ROAD AND
IN THE MATTER OF CAMERON MILL
RE: PLANNING BOARD DECISION
AND CRG DECISION
CASE NOS. 91-462-A, CBA-91-122
& CBA-91-145, 6TH & 7TH ELEC.
DISTRICTS, 3RD COUNCIL DISTRICT
MARYLAND LINE AREA
ASSOCIATION, ET AL, PLAINTIFFS
* * * * *

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Harry E. Buchheister, Jr.,
and C. William Clark, 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
Offices of the Zoning Commissioner, the Office of Planning and
Zoning, the County Review Group, and the Board of Appeals of
Baltimore County:

ENTRIES FROM THE DOCKETS OF THE ZONING COMMISSIONER, THE OFFICE OF
PLANNING AND ZONING, THE COUNTY REVIEW GROUP, AND THE BOARD OF
APPEALS OF BALTIMORE COUNTY, RESPECTIVELY

Case No. 91-462-A (Ruth Ann Desoto, et al)

June 5, 1991 Petition for Variances filed by Newton A.
Williams, Esquire on behalf of Ruth Ann Desoto,
individually and Trustee and Mayer C.
Kalichman, Trustee and Cameron Mill
Partnership, Contract Purchaser.

July 4 Publication in newspapers.

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-8596

July 22, 1991 Certificate of Posting of property.
July 9 Comments of Baltimore County Zoning Plans
Advisory Committee.
August 7 Hearing held on Petition by the Deputy Zoning
Commissioner.
September 9 Order of the Deputy Zoning Commissioner
GRANTING Petition with restrictions.
October 9 Notice of Appeal received from J. Carroll
Holzer, Esquire on behalf of Protestants/
Appellants.

Case No. CBA-91-122

December 6, 1990 Planning Board meeting wherein the
recommendations of the Planning Staff and
Planning and Zoning were approved and accepted.

December 13 Notice of Appeal received from J. Carroll
Holzer, Esquire on behalf of Protestants/
Appellants.

Case No. CBA-91-145

County Review Group comments.
March 14, 1991 CRG meeting wherein the Plan was approved.
March 20 Notice of appeal received from James W. McKee
of Little Falls Ltd. Part./Appellant.
April 9 Notice of Appeal received from J. Carroll
Holzer, Esquire on behalf of Protestants/
Appellants.
October 8 Hearing before the Board of Appeals.
February 13, 1992 Continued Hearing before the Board of Appeals.
February 20 Continued Hearing before the Board of Appeals.
March 5 Continued Hearing before the Board of Appeals.
May 1 Hearing completed before the Board of Appeals.
May 21 Petitioners' Letter Memorandum filed by Newton
A. Williams, Esquire.

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-8596

May 22, 1992 Memorandum of Protestants filed by J. Carroll
Holzer, Esquire.
May 27 Brief of Appellee, Baltimore County, Maryland
filed by H. Emslie Parks, County Attorney and
Michael J. Moran, Asst. County Attorney.
August 12 Opinion and Order of the Board of Appeals
GRANTING Petition for Variances and AFFIRMING
the decisions of the Planning Board and the
County Review Group.
September 11 Order for Appeal filed in the Circuit Court for
Baltimore County by J. Carroll Holzer, Esquire
on behalf of Maryland Line Area Association, et
al.
September 18 Petition to accompany Appeal filed in the
Circuit Court for Baltimore County by Mr.
Holzer.
September 14 Certificate of Notice sent to interested
parties.
September 18 Order for Appeal filed in the Circuit Court for
Baltimore County by People's Counsel
for Baltimore County. Petition to accompany Appeal
also filed in the Circuit Court.
September 18 Second Certificate of Notice sent to interested
parties.
October 8 Order extending time for filing record to
November 17, 1992 signed by Judge Barbara Kerr
Howe.
November 17 Transcript of testimony filed.

Case No. CBA-91-122

Appellants' Exhibit No. 1-Planning Board Report (12/5/90)
2-A-P-Sixteen photos of the different
sites on property of Cameron Mill
3-Inventory form for State Historical
Site Survey.
4-Page 477 of Baltimore County Code
5-Page 460, Sec. 22-100 of B.C. Code
6-Page 429 of Sec. 22-55 Plan

Joint Exhibit No. 1 - CRG Plan Lot 50 "Cameron Mill"

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-8596

Case Nos. 91-462-A and CBA-92-145

Developer's Exhibit No. 1-File of CRG (3/14/91) Board's file
2-Approved Plat
3-Minutes of CRG (3/14/91) Board's
file
4-Generalized Geo.ogy-Wissahickon
Form
5-Map of Balto. Co. (Yellow color
coded) Tax.
6-Section of a Balto. Co. Road Map
7-Tax Map - color coded
8-Map concept for Mine Branch Golf
Course
9-Balto. Co. Zoning Reg. on RC-4 zone
10-Plat of Property (colorud & taped
in 2 pcs.)
11-Cameron Mill - Area Breakdown
12-Resume of Robt. Sheesley
13-Packet (4/2/91) from L. Pilson to
J. McKee
14-Resume of James Gracie
15-Cameron Mills Macroinvertebrate
Study
16-Resume of Norman Gerber

Protestants' Exh. No. 1-Brief of Case in the Court of
Appeals People's Counsel V.
Crown Development Co.
2-Resume of Dr. Eugene Kojan
3-Map of availability of Ground Water
file
4-Parkton Landfill Map Basin
5-New Freedom Topographic Map #12 N.
Balto. Co. along I-83
6-Handdrawn Chart
7-Balto. Co. Map
8-Cameron Mill CRG Plan (red dots are
s-face springs)
9-Aerial Photograph with overlay.
10-Resume of Dr. Hall
11-Facsimile from Balto. Co. PW -
Parkton Landfill (6 pgs.)
12-Letter from Mr. Dexter to Dr.
McQuaid, Janice Piccinini letter
and lab report
13-Resume of Dr. Kondner.
14-COMAR pages 977-8, 983-4, 982-81,
989-90
15-Soil & Depth Tests

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-8596

Protestants' Exh. No. 16-Analysis of Parkton Landfill
(1984-1988)
17-Letters regarding N. County Medic
Unit (1983)
18-Martel Lab. Analysis 5/29/90
19-Computer Print. Parkton Land.
12/91
20-Maryland Spectral Services Lab
results
21-Compliance papers with Rule 8 for
McQuaid
22-Copy of Bill 134-89
23-Tape of Hearing on Bill 134-89
24-Tapes (2) of CRG 8/9/90
25-Chart showing variance needs
26-Balto. Co. Health Dept. report
27-Five photos showing egr. land
28-six photos of cell #7 & pond at
landfill
29-Cell #1 & elevation of Landfill
30-Letter from Pittman to Pistel
7/6/84
31-Report of Leachate Disposal
4/18/90
32-Maryland Line Area Assoc., Inc.

November 17, 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,
Linda Lee M. Kuszmaul
Linda Lee 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
Maryland Line Area Association, et al
Newton A. Williams, Esquire
Cameron Mill Partnership
Ruth Ann Desoto and Mayer C. Kalichman
Michael J. Moran, Asst. County Attorney
Lawrence A. Melfa, Esquire
People's Counsel for Baltimore County

IN THE MATTER OF
THE APPLICATION OF
RUTH ANN DESOTO, ET AL
FOR VARIANCES ON PROPERTY
LOCATED AT THE CENTERLINE
OF STABLES CHURCH ROAD,
1200' EAST OF CENTERLINE OF
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IN THE MATTER OF CAMERON MILL
RE: PLANNING BOARD DECISION
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CASE NOS. 91-462-A, CBA-91-122
& CBA-91-145, 6TH & 7TH ELEC.
DISTRICTS, 3RD COUNCIL DISTRICT
PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY, ADDITIONAL PLAINTIFF
* * * * *

SECOND CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland
Rules of Procedure, William T. Hackett, Harry E. Buchheister, Jr.,
and C. William Clark, constituting the County Board of Appeals of
Baltimore County, have given notice by mail of the filing of the
appeal by the representative of every party to the proceeding
before it; namely, Phyllis C. Friedman, Esquire, People's Counsel
for Baltimore County, 400 Washington Avenue, Room 47, Basement, Old
Courthouse, Towson, Maryland 21204, Additional Plaintiff; J.
Carroll Holzer, Esquire, Holzer, Maher & DeMillo, 305 W. Chesapeake
Avenue, Suite 105, Towson, Maryland 21204, Counsel for Plaintiffs;
Maryland Line Area Association, et al, c/o Dr. Richard McQuaid,
President, 1301 Harris Mill Road, Parkton, Maryland 21120,
Plaintiffs; Newton A. Williams, Esquire, Nolan, Plunhoff &
Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania
Avenue, Towson, Maryland 21204, Counsel for Defendant; Cameron
Mill Partnership, c/o McKee and Associates, Inc., 5 Shawen Road,
Hunt Valley, Maryland 21070, Defendant; Ruth Ann Desoto and Mayer

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-8596

C. Kalichman, c/o Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204; Michael J. Moran, Associate County Attorney, Baltimore County Office of Law, 400 Washington Avenue, Second Floor, Old Courthouse, 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
Linda Lee 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 foregoing Certificate of Notice has been mailed to Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, 400 Washington Avenue, Room 47, Basement, Old Courthouse, Towson, Maryland 21204, Additional Plaintiff; J. Carroll Holzer, Esquire, Holzer, Maher & DeMilio, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Plaintiffs; Maryland Line Area Association, et al, c/o Dr. Richard McQuaid, President, 1501 Harris Mill Road, Parkton, Maryland 21120, Plaintiffs; Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Defendant; Cameron Mill Partnership, c/o McKee and Associates, Inc., 5 Shawan Road, Hunt Valley, Maryland 21030, Defendant; Ruth Ann Desoto and Mayer C. Kalichman, c/o Newton A. Williams, Esquire,

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-8596

Nolan, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204; Michael J. Moran, Associate County Attorney, Baltimore County Office of Law, 400 Washington Avenue, Second Floor, Old Courthouse, 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 18th day of September, 1992.

Linda Lee M. Kuszmaul
Linda Lee 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

September 18, 1992

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case Nos. 91-462-A, CBA-91-122 and Case No. CBA-91-145/
Ruth Ann Desoto, et al and Cameron Mill

Dear Mr. Williams:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that another 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,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Ms. Ruth Ann Desoto/Mayer C. Kalichman
Cameron Mill Partnership
McKee and Associates, Inc.
Lawrence A. Melfa, Esquire
J. Carroll Holzer, Esquire
Maryland Line Area Assoc.
Citizens Alliance of Northern Baltimore County
Mr. Carl J. Mantegna, Jr. Michael J. Moran, Asst. Co.
Mr. R. Dennis German Atty.
Mr. Norman R. Gerba
Director of Planning John McGrain
Tim Dugan Developers Engineering Division
Economic Devel. Comm. Robert E. Covahey
David L. Thomas Jose H. Escalante
Lawrence E. Schmidt Timothy M. Kotroco
W. Carl Richards, Jr. Docket Clerk - Zoning
Arnold Jablon, Director- Zoning Admin.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 18, 1992

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Case Nos. 91-462-A, CBA-91-122 and Case No. CBA-91-145/
Ruth Ann Desoto, et al and Cameron Mill

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.

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

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

IN THE MATTER OF
THE APPLICATION OF
RUTH ANN DESOTO, ET AL
FOR VARIANCES ON PROPERTY
LOCATED AT THE CENTERLINE
OF STABLER'S CHURCH ROAD,
1200' EAST OF CENTERLINE OF
WALKER ROAD AND
IN THE MATTER OF CAMERON MILL
RE: PLANNING BOARD DECISION
AND CRG DECISION
CASE NOS. 91-462-A, CBA-91-122
& CBA-91-145, 6TH & 7TH ELEC.
DISTRICTS, 3RD CONC. DISTRICT
MARYLAND LINE AREA
ASSOCIATION, ET AL, PLAINTIFFS

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CG Doc. No. 32
* Folio No. 307
* File No. 92-CV-8596

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Harry E. Buchheister, Jr., and C. William Clark, 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; Maryland Line Area Association, et al, c/o Dr. Richard McQuaid, President, 1501 Harris Mill Road, Parkton, Maryland 21120, Plaintiffs; Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Defendant; Cameron Mill Partnership, c/o McKee and Associates, Inc., 5 Shawan Road, Hunt Valley, Maryland 21030, Defendant; Ruth Ann Desoto and Mayer C. Kalichman, c/o Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204; Phyllis C. Friedman,

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-8596

Esquire, People's Counsel for Baltimore County, 400 Washington Avenue, Room 47, Basement, Old Courthouse, Towson, Maryland 21204; Michael J. Moran, Associate County Attorney, Baltimore County Office of Law, 400 Washington Avenue, Second Floor, Old Courthouse, 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
Linda Lee 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 foregoing 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; Maryland Line Area Association, et al, c/o Dr. Richard McQuaid, President, 1501 Harris Mill Road, Parkton, Maryland 21120, Plaintiffs; Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Defendant; Cameron Mill Partnership, c/o McKee and Associates, Inc., 5 Shawan Road, Hunt Valley, Maryland 21030, Defendant; Ruth Ann Desoto and Mayer C. Kalichman, c/o Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204; Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, 400 Washington Avenue, Room 47, Basement, Old Courthouse, Towson, Maryland 21204;

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-8596

Michael J. Moran, Associate County Attorney, Baltimore County Office of Law, 400 Washington Avenue, Second Floor, Old Courthouse, 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 14th day of September, 1992.

Linda Lee M. Kuszmaul
Linda Lee 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

September 14, 1992

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

RE: Case Nos. 91-462-A, CBA-91-122 and Case No. CBA-91-145/
Ruth Ann Desoto, et al and Cameron Mill

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,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Maryland Line Area Assoc.
Citizens Alliance of Northern Baltimore County



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 14, 1992

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case Nos. 91-462-A, CBA-91-122 and Case No. CBA-91-145/
Ruth Ann Desoto, et al and Cameron Mill

Dear Mr. Williams:

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,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Ms. Ruth Ann Desoto/Mayer C. Kalichman
Cameron Mill Partnership
McKee and Associates, Inc.
Lawrence A. Melita, Esquire
Mr. Carl J. Mantegna, Jr.
Mr. R. Dennis German
Mr. Norman R. Gerber
Director of Planning
Tim Dugan
Economic Devel. Comm.
David L. Thomas
Lawrence E. Schmidt
W. Carl Richards, Jr.
Arnold Jablon, Director-
Zoning Admin.
People's Counsel for Balto. Co.
John McGrain
Developers Engineering Division
Robert E. Covahey
Jose H. Escalante
Timothy M. Kotzco
Docket Clerk - Zoning
Michael J. Moran, Asst. Co. Attorney

IN THE MATTER OF
THE APPLICATION OF
RUTH ANN DESOTO, ET AL
FOR VARIANCES ON PROPERTY
LOCATED AT THE CENTERLINE
OF STABLER'S CHURCH ROAD,
1200' EAST OF CENTERLINE OF
WALKER ROAD AND
IN THE MATTER OF
CAMERON MILL
AND
RE: PLANNING BOARD DECISION
AND CRG DECISION

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-462-A
* AND
* CBA-91-122 /
* CBA-91-145

OPINION

Cameron Mill Partnership proposes to develop a subdivision in the vicinity of Cameron Mill, Stablers Church and Walker Roads, in the Sixth and Seventh Election Districts, Third Councilmanic District of Baltimore County. The Maryland Line Area Association, Inc., and several of its members as individuals, protest and filed an appeal from the March 14, 1991 CRG Decision approving the plans submitted. They also appealed from the Deputy Zoning Commissioner's grant of variances on September 9, 1991, and also, from a Planning Board Decision, dated December 6, 1990, wherein the Planning Board made decisions of approval and recommendations on the Cameron Mill issue. Thus, the Board must resolve three cases presented by these three appeals.

For five days, on separate dates beginning October 8, 1991 and ending May 1, 1992, the Board heard testimony and received exhibits in these cases. The first day of testimony dealt with Case No. CBA-91-122 and principally involved the decision of the Planning Board regarding a right-of-way near the historic Cameron Mill structure shown on the Baltimore County Landmarks list. Also on Day #1, Les Schreiber, the Chairman of the CRG Group and employee of the Department of Public Works, testified as to the March 14,

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 2

1991 CRG meeting wherein the plan was approved as presented, subject to compliance with the conditions noted, and offered the CRG file, the signed CRG plan, and minutes from the CRG meeting consistent with the customary practice before this Board. Protestants requested during the hearing and argue now that the CRG procedure denies them due process. Consistent with our previous rulings on those issues, we deny the requested relief and rule that procedure followed by the CRG is legal. Thereafter, Developer rested and Protestants began their case. The Board heard numerous witnesses, including registered professional engineers, geologists, neighbors to the proposed site, employee of Baltimore County's Department of Environmental Protection & Resource Management, certified industrial hygienists, and other expert witnesses for both sides, including one of the principals of the Developer. From the testimony and evidence offered, we find the facts as they appear below.

The Cameron Mill Partnership proposes to develop a subdivision in northern Baltimore County consisting of approximately 276 acres of R.C. 4 and R.C. 5 zoned property. It planned a subdivision of 53 lots, 51 of which are new lots, to surround two existing lots, one occupied by the historic Cameron Mills site, and the second lot containing the existing home of an original owner. Of the 51 new lots, Petitioners request variances on 32 of those lots, from the Baltimore County Zoning Regulations (BCZR), which requires lots to contain a minimal 300-foot diametral. The parcel presents a very unusual piece of land, divided into three plateaus, with steep slopes falling from the plateaus cut by two major streams,

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 3

traversed by three major roads and by a hike and bike trail set in an old railroad bed. The proposed plan calls for the building envelopes to be placed along the ridge on top of the steep slopes. Approximately 60% of the site proposed to be developed will remain in public open space. The density allowance in the R.C. 4 zone would permit 54 lots on the R.C. 4 zoned land, and two lots on the R.C. 5 zoned land. The Developer proposes 51 new lots, with two existing lots, and, therefore, it meets the density requirements. The plan to develop along the ridges demonstrates the Developer's desire to preserve the steep slopes and woodlands of this site, and to keep development away from the streams and wetlands located on the parcel. Each lot proposed meets the 3-acre minimum requirement. Protestants conceded on the issue of the variances proposed for the house and barn.

The proposed development site sits approximately one mile to the west of the Parkton Landfill. Baltimore County Government operated that landfill, and in recent years, closed it, capped it, and in conjunction with the State of Maryland, sunk monitoring wells from which samples are periodically taken and tested to determine the substances leaching from that site. Between that site and the proposed development site to the west exist two drainage divides, consisting of the Fourth Mine Branch stream and two tributaries. The geological formation underlying this entire area consists of a schist, a virtually water-tight rock formation, which in most forms, at the level of the rock itself, only permits water to flow through it by way of fractures which run through the rocks. Water will travel along the fracture on roughly a

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 4

horizontal pattern until it reaches a vertical fracture in the rock, when it will travel along the vertical fracture. Geologists have named the general rock formation of this schist "Wissahickon" and the particular version of that underlying the proposed development site and the Parkton Landfill, geologists refer to as the "Pretty Boy" schist. Mapping of the fracture patterns of this schist reveal that such fractures may be as narrow as one millimeter in width and may extend as wide as several feet in an area known as a "crush" zone. When drilling wells in schist formations such as these, if one intersects a fracture zone, adequate water supply will be produced fairly easily, but if not, the well will produce very little water. Similarly, septic systems placed in soils above this type rock formation may not retain the effluent long enough to treat it, depending upon the depth of soil and the percentage of weathered material in that soil. The Developer must conduct percolation tests to determine whether or not the soil meets governmental standards to accomplish those purposes. The flow of water along the surface of ground formations does not necessarily coincide with the flow of water below the ground, otherwise known as "ground water flow." Materials leaching from the Parkton Landfill from the substances buried below the surface would travel along the ground water flow, but at the level of the rock formation, known as the schist, the water would travel along fracture lines.

Bearing these facts in mind, the Developer proposes a plan which allows the building of homes in building envelopes along the top of the ridges, with individual septic areas for each lot

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 5

located down from the ridge of the slopes but within the 3-acre confines of each lot proposed. However, because of the configuration of the lots due to the topography of the ground, numerous lots do not contain a 300-foot diametral circle within the lot as suggested by the BCZR. In protest of the proposed development, and mindful of the facts explained above, Protestants raise the following issues:

1. The CRG approval constituted arbitrary and unreasonable action in ignoring potential problems related to the ground water and potential danger to the community resulting from the flow of pollutants from the Parkton Landfill.
2. The CRG approval constituted arbitrary and unreasonable action in that it ignored the overcrowding of the land by the placement of the lots on this site.
3. That Developer failed to prove practical difficulty or unreasonable hardship, strict harmony with the spirit and intent of the area restrictions of the Baltimore County Zoning Regulations and no substantial injury to the public health, safety and welfare, with regard to the variance requested from the 300-foot diametral provisions.

4. Bill No. 134-89, designed to preserve agricultural lands and protect prime, productive soils in the development process, prohibits the proposed development since the intent of Bill No. 134-89 was to prevent residential development occurring in R.C. 4 zoned property due to its negative impact on the agricultural community and serious problems it creates with agriculture.

5. The Planning Board erred in permitting the Department of

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 6

Public Works to establish a proposed 45 foot right-of-way on Stablers Church Road and Cameron Mill Road, which jeopardizes the historic foundation of the old mill.

6. Inadequate sight distance along Eagle Mill Road.

We shall address the issues raised by Protestants in the order in which they appear in this opinion. As we do so, we make additional factual findings necessary to resolve those issues.

1. Ground Water

Mindful of the presumption of correctness afforded to the approval of the plan by the CRG, Protestants introduced substantial evidence to rebut the presumption to the effect that CRG failed to consider or properly evaluate the nature of the Pretty Boy schist and the ground water flowing through and around the proposed development site in light of its proximity to the Parkton Landfill. The evidence, as a whole, established to our satisfaction that the predominant direction of the flow of the ground water, absent pumping, is in the southeasterly direction from the Parkton Landfill, which would be away from the proposed development site which is located approximately one mile to the west of the Cameron Mill development. While fractures exist in the Pretty Boy schist underlying the site which run in an easterly and westerly direction towards the Cameron Mill site (see Protestants' Exhibit 4 for identification), the evidence does not prove that, in fact, impermissible levels of contaminants leaching from the Parkton Landfill migrated in a westerly direction as far as the Cameron Mill proposed development site or any of the neighboring residences, most of which draw their water from individual wells,

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 7

nor does it prove that with the action of the wells proposed by Developer it will occur in the future. Furthermore, the evidence demonstrates that even at the monitoring wells located on the Parkton Landfill site, although the samples taken from those wells contain Benzene and Toluene, among other contaminants, the tested levels do not exceed the Environmental Protection Agency standards for drinking water, a fact attested to by both the Developer's and Protestants' witnesses. Finally, a study of macroinvertebrates conducted on February 19, 1992 by James Gracie, a water quality expert, on the Fourth Mine Branch and Little Falls Streams which flow through the proposed site and receive outflow from the Parkton Landfill, revealed the abundant existence of such organisms that could not survive if unacceptable levels of benzene were present. (See Developer's Exhibit No. 15.) Mindful of the fact that a developer, prior to the sale of any of these lots as building lots or as lots with residences constructed upon them, must meet the provisions of the Baltimore County Code requiring satisfactory test results as to quality and quantity of water, and also mindful of the fact that in order to satisfy the requirements of the CRG, the developer must only present a conceptual plan in sufficient detail as to allow the Baltimore County development officials to make reasonably informed decisions concerning it, we are not persuaded that the action of the CRG in approving the plan as proposed was arbitrary, capricious, procured by fraud, or otherwise illegal.

The nature of the Pretty Boy schist also affects the placement and location of septic systems on the proposed lots. The placing of the septic systems on the ridges where soil depth tends to be

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 8
shallower, might cause problems of inadequate treatment of the sewerage and result in pollution of the ground water, as well as springs and streams on the property. However, the Developer must meet certain percolation tests which include digging test pits on each lot as well as three trenches which assess the entire soil profile. The evidence established that over 250 data points throughout the development produced sufficient information when taken together with the results of tests conducted by the Baltimore County Department of Environmental Protection & Resource Management as shown in Developer's Exhibit No. 13, to demonstrate compliance with those requirements. In particular, we find that the test demonstrated compliance with the applicable regulations, since among other things, the pits drained down in the required range of no less than 2 minutes, at the test depth of 4 feet, and the pits contain no less than 4 feet of unsaturated material and met the other test requirements according to the testimony of William Ensor, the Baltimore County DEPRM licensed sanitarian who conducted the tests and evaluated the soil. Accordingly, we are not persuaded by the evidence that the CRG approval in this regard constitutes arbitrary or capricious action or was procured by fraud or other illegality.

2. Overcrowding

The short answer to the issue raised by Protestants to the effect that if one deducted from the gross area those acres which would not normally permit development, including the steep slopes, flood plains and wetland property, then only 17 homes can be built, consists of the fact that Baltimore County permits utilizing

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 9
density from the unusable acres of the subdivision. Protestants acknowledge this fact at page 20 of their Memorandum. With the exception of the 300-foot diametral, all of the evidence in this case demonstrates that this proposed development plan meets every requirement for development in the R.C. 4 zone, and much of the evidence demonstrates and persuades us that this subdivision emulates exactly what the Master Plan calls for with respect to protecting streams and slopes and watershed property in general. Accordingly, we find that the CRG was not arbitrary, capricious, and that its approval of the plan was not procured by fraud or otherwise illegal.

3. The 300-Foot Diametral Provisions

James W. McKee, a registered engineer and land planner and a principal of the Developer herein, testified to the alternate arrangements and plans for the lots which they proposed and studied prior to settling upon the plan presented to the CRG. To include a 300-foot diameter circle on each lot and to place the building envelopes on the ridges where they are farthest away from the streams and the wetlands results in lots which have the appearance of dumbbells. It appears that such lots would meet all of the requirements of the R.C. 4 zone, but that in doing so these dumbbell-shaped lots would take land away from the Department of Natural Resources' hike and bike trail and also reduce the amount of forest buffer which was otherwise provided by the proposed plan approved by the CRG. The Office of Planning and Zoning and DEPRM after reviewing the Developer's request for variance from the diametral provisions recommended granting the same. Since the

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 10
institution of the 300-foot diametral provision, which provided part of the original rationale for the 300-foot diametral when instituted in 1971 (see Protestants' Exhibit No. 26), Baltimore County enacted other development regulations to guarantee minimum lot sizes of approximately 3 acres in this type of zone. The regulations requiring forest buffer areas, and those that deal with steep slope development as well as protection for the wetlands, the 100-year flood plain, and a requirement of 10,000 square feet area for septic tank replacement systems all militate against the necessity of the 300-foot diametral requirement. The 300-foot diametral does not expressly appear in language in Protestants' Exhibit No. 26, but one can find an illustration of it in Figure 6 in that Exhibit. The purpose of the diametral consists of insuring proper spacing between the well, the septic area and the dwelling. All of the wells proposed by Developer meet the 100-foot required distance away from the septic areas and between wells, and the Developer also provided the minimum lot width of 200 feet. The plan as proposed results in strict harmony with the spirit and intent of the area restrictions of the BCZR, no substantial injury to the public health, safety and welfare, and in light of the topographical features of this particular site, we find it a fact that the Developer satisfactorily proved practical difficulty and unreasonable hardship and that the variances should be granted.

4. Prime and Productive Soils

While the intent of Bill 134-89 included preserving prime and productive soils so as to avoid the negative impact on the agricultural community that results from the development of those

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 11
areas, the Department of Environmental Protection & Resource Management, pursuant to the statute, mapped Baltimore County as a land resource, indicating those areas in which it found prime and productive soils. We find as a fact that the Cameron Mill Development site is not located within the area designated pursuant to regulatory authority as prime and productive soils which would restrict the development to one house per 50 acres, as in R.C. 2 zones. Accordingly, that Bill does not prohibit the approval of this proposed development plan by the CRG.

5. Planning Board Decision

Before the CRG can take final action on any plan for development on a property which involves a building, structure, or site included on the Landmarks Preservation List, the plan must be referred to the Planning Board pursuant to Sections 26-206 and 26-207 (formerly Sections 22-58 and 22-59) of the Baltimore County Code, and specifically Section 26-207(a)(4). Section 26-208 describes the procedure before the Planning Board which includes provisions for the Planning Board issuing a written decision determining whether the proposed plan is compatible with the development on properties adjacent to the proposed plan's site. Its decision shall be filed with the CRG within 45 days after the date of referral to the Planning Board. Its decision shall contain findings of fact as outlined in Section 26-208(b)(4). Pursuant to Section 26-208(c), any decision of the Planning Board on an issue referred to it pursuant to Section 26-207(a) is binding upon the CRG and shall be incorporated as a part of the CRG final action on a plan.

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 12
In this case, since part of the Cameron Mill proposed development included the historic mill complex which is listed on the Baltimore County Landmarks List as the "Cameron Miller's House," this matter was referred to the Baltimore County Planning Board which on December 5, 1990 issued a written opinion reviewing those matters, making factual findings and making recommendations modifying the CRG plan by accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stablers Church Roads, reducing the width to 45 feet. The decision expressly states that there does not appear to be any way to keep all of the Mill foundation outside of the proposed road rights-of-way, but they hoped that the Department of Public Works would cooperate in allowing a future owner to stabilize and maintain the walls at their present height. The decision also enlarged Lot 50 to approximately 5.6 acres, revised and corrected Note #8 to protect the spring house, and called for the establishment of a perpetual easement to protect the cemetery and to allow pedestrian access. On appeal, the Protestants contend that Section 26-278 of the Code (formerly Section 22-100) flatly required historic structures or sites identified on the Landmarks List to be preserved. That argument overlooks the fact that the County Council provided for a method, namely, the Planning Board action prior to the CRG final approval, which would allow demolition or other changes to a listed structure, pursuant to Sections 26-541 and 26-542. Since the CRG was bound by the Planning Board decision, and the Planning Board decision precedes and became part of the final action of the CRG on the Developer's plan, we believe that Protestants may appeal the

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 13
decision only to the extent that they may appeal from the final action of the CRG. Upon reviewing the Planning Board report which is Appellant's Exhibit No. 1, and the decision of the CRG contained in the minutes, which is Developer's Exhibit No. 3 in Case No. CBA-91-145, and mindful of the legislative scheme enacted by the Council, we do not find that the CRG's action, or the action of the Planning Board for that matter, is arbitrary or capricious, procured by fraud or otherwise illegal.

In testimony, Protestants raised concerns about the sight distance along Eagle Mill Road to the entrance of the proposed development. At first blush, this distance may appear not to meet the requirements, but we accept the testimony of James W. McKee, the licensed registered engineer who actually conducted the survey in the field, who met with the Traffic Engineering officials of Baltimore County, and we find as a fact that the distance required under the standards employed by Baltimore County requires a distance of 160 feet at that particular location under the existing conditions, and that the 280 feet provided by the Developer meets the requirements.

ORDER

IT IS THEREFORE this 12th day of August, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the decision of the County Review Group dated March 14, 1991 in which the plan was approved, and the decision of the Planning Board dated December 6, 1990 contained therein, be and the same is AFFIRMED; and it is further

ORDERED that the Petition for Variance to permit an R.C. 4

Case No. 91-462-A/CBA-91-122/CBA-91-145 Cameron Mill 14
subdivision with lots of less than the minimum required diametral dimension of 300 feet; to permit an accessory structure (existing barn) to be larger than the principal building on the lot; to permit said accessory structure to be located in the side and front yards of the lot; and to permit a height of said accessory structure of 35 feet in lieu of the maximum permitted 15 feet, in accordance with Developer's Exhibit No. 10 be and is hereby GRANTED.

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

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

C. William Clark
C. William Clark



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 12, 1992

Newton A. Williams, Esquire
NOLAN, PLUMOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case No. 91-462-A / Ruth Ann DeSoto, et al
Cases No. CBA-91-122 & CBA-91-145 / Cameron Mill

Dear Mr. Williams:

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

encl.

cc: Cameron Mill Partnership
Little Falls Ltd. Partnership
J. Carroll Holzer, Esquire
Lawrence A. Welfa, Esquire
Maryland Line Area Association
Citizens Alliance of Northern Baltimore County
Mayer C. Kalichman / Ruth Ann DeSoto
Carl J. Mantegna, Jr.
R. Dennis German
Norman R. Gerber
John McGrain
People's Counsel for Balto. Co.
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Do let Clerk - Zoning
Developers Engineering Div.
Strategic Planning / 3402
McKee and Associates, Inc.
Docket Clerk / Zoning
Arnold Jablon, Director of
Zoning Administration
Robert E. Covahay
David L. Thomas
Jose H. Escalante
Michael J. Moran, Associate
County Attorney
Economic Dev. Commission

IN THE MATTER OF * BEFORE THE
CAMERON MILL * BALTIMORE COUNTY
Cameron Mill, Stablers Church * BOARD OF APPEALS
and Walker Roads; also S/E *
side Eagle Mill Road. * Case No. CBA-91-145
6th & 7th Election Districts * CBA-91-122
3rd Councilmanic District *

BRIEF OF APPELLEE, BALTIMORE COUNTY, MARYLAND

Appellee, Baltimore County, Maryland, submits generally on the evidence presented before this Board. On each of the issues submitted by the Appellants as a basis for reversing the decision of the CRG, the evidence presented indicates that there existed a rational foundation upon which the CRG either did or could have approved the plans submitted by the developer. Testimony presented by the developer does not rebut the presumption of correctness established by the statute.

WHEREFORE, Appellee, Baltimore County, Maryland requests that this Board pass an Order:

- a. Affirming the decision of the County Review Group.

H. Emslie Parks
H. Emslie Parks
County Attorney
Michael J. Moran
Michael J. Moran
Associate County Attorney
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of May, 1992, a copy of the foregoing Brief of Appellee, Baltimore County, Maryland was mailed, first class mail, postage prepaid, to Newton A. Williams, Suite 700, Court Towers, 210 West Pennsylvania Avenue, Towson, Maryland 21204, to J. Carroll Holzer, Esquire, 305 West Chesapeake Avenue, Towson, Maryland 21204, and to Phyllis Friedman, Esquire, Baltimore County Peoples Counsel, Court House, Towson, Maryland 21204.

Michael J. Moran
Michael J. Moran
Associate County Attorney

IN RE: * BEFORE THE
CAMERON MILL * BALTIMORE COUNTY
CAMERON MILL, STABLER'S * BOARD OF APPEALS
CHURCH AND WALKER ROAD; *
ALSO SE/S EAGLE MILL ROAD * Case No.: CBA 91-122
CRG Appeal * CBA 91-145
Case No.: 91-462-A *
Variance Appeal *

MEMORANDUM OF PROTESTANTS

The Maryland Line Area Association, Inc., Messrs. Robert Leonard, Michael Herbert, Dr. Richard McQuaid, Mary Wallace, et al., Protestants, hereby submit the following Memorandum in lieu of final argument as requested by the Board of Appeals in the above captioned cases.

STATEMENT OF THE CASE

The three (3) cases presented to the Board, result from appeals by the Protestants to a Planning Board decision in regard to the historic Cameron Mill structure on the Baltimore County landmarks list; as a result of the CRG approval on March 14, 1991 of this project; and as a result of an appeal from the Deputy Zoning Commissioner granting variances on September 9, 1991 to the Petitioners.

The Protestants would point out to the Board that the burden of proof on these three (3) cases differ. The CRG is the only portion of this record which requires a "presumption" in favor of the Petitioner.

LAW OFFICES
HOLZER, MAHER
& THOROLD
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STATEMENT OF FACTS

Petitioners are developers of a proposed subdivision in Northern Baltimore County consisting of approximately 276 acres of RC 4 and RC 5 Zone property, the majority being RC 4. A subdivision of 53 lots is proposed, 51 of which are new lots with an existing two (2) lots occupied by an historical site and one containing an existing home of the original owner. Of the 51 new lots, the Petitioners are requesting variances on 32 of those lots from the Baltimore County Zoning Regulations which requires lots with no less than minimal diametral dimensions of 300 feet. Originally, this subdivision contained no reference to the Cameron Mill House, which was added to the landmarks list in 1977 (the House, having been built in the late 1700's).

During the course of the CRG for this development, it was discovered by Baltimore County that the subdivision contained the Cameron Mill complex which required identifying the same on the CRG Plat and further required the CRG to refer this Plan for development to the Planning Board when the project "involves a building structure or site included on the landmarks preservation list." (Baltimore County Code Sections 22-59(a)4, 22-60(b)2 and 22-60(c).

The Planning Board and the developer were initially intended to list approximately three (3) acres of the site as the area of concern. Ultimately after citizen opposition, the

2

developer and the Planning Staff and ultimately the Planning Board accepted a reserved area of 5.4 acres as the subject area "involving the historic building structure or site." The present configuration, which is a triangular one on both the north side of Cameron Mill Road and the south side includes not only the Miller's house, but the cemetery, the Spring house and on the opposite side of Cameron Mill Road, approximately 1.2 acres consisting of old foundations, including the original Mill foundation which sits in the right-of-way of a proposed 45 foot wide expansion for Cameron Mill Road.

Additional facts were developed during the course of the testimony relating to the variance, as well as the CRG approval given, which will be addressed in the appropriate section regarding the legal arguments.

LEGAL ARGUMENT

I. Case No. 1 CBA 91-122 - Planning Board Appeal

The Landmarks Preservation Commission and the list which they create is bound to preserve the historical buildings and sites listed thereon (which included the Cameron Mill Complex, including the Mill foundation) pursuant to Section 26-532 of the Baltimore County Code. The objectives of the landmarks list is to "safeguard the heritage of the County embodied and reflected in such structures and such districts." The Cameron Mill House and Cameron Mill and its environs was included on the landmarks preservation list in 1977. Pursuant to

Section 26-207(a)4, if the subdivision plan "involves a building structure or site included on the landmarks preservation commission - preliminary or final list or is located within a County historic district," the plan must be referred to the Planning Board. The Planning Board is bound under the law previously stated to protect such a building structure or site.

In the instant case, from the report of the Office of Planning to the Planning Board dated December 5, 1990 to David Fields, which was accepted in total by the Planning Board, it is clear that the Planning Board in this instance desired to protect not only the Miller's house, but the entire site. Quoting from page three (3) of the Board's report:

"Fulfilling the County Code's preservation and requirements involves not only the Miller's house but also its related structures and overall setting...The roadside Spring House and the foundation walls of the Mill, adjoining toward the road intersection are equally integral, supporting elements of the site's distinct rural character." (emphasis supplied).

It is clear then, that the Planning Board recognized its responsibility to protect the total site and that the total site "involved this Plan."

What is in error by the Board's decision? The permitting of the Department of Public Works to establish a proposed 45 foot right-of-way on Stabler's Church Road and Cameron Mill Road, which effectively placed in jeopardy the Mill foundation

as shown on the attached Exhibit to the Planning Board's final report. The Mill foundation is clearly outlined in the proposed right-of-way, while at the present time, it does not intrude on Cameron Mill Road.

The error of the Planning Board was to allow the Department of Public Works to so jeopardize the future of the Mill foundation by the proposed right-of-way preserved by them. On page three of the Planning Board report, it is clear that the Planning Board advocated its legal authority and responsibility to "preserve and protect this historic site" by the following:

"There does not appear to be any way to keep all the Mill foundation outside of the proposed roads rights-of-way, but it is to be hoped that Department of Public Works (DPW), would cooperate in allowing a future owner to stabilize and maintain the walls at their present height."

Protestants allege that the Planning Board, in its report, from which this appeal was taken, abdicated its legal authority and arbitrarily allowed the Department of Public Works to jeopardize the future of the Mill foundation by the proposed 45 foot right-of-way.

It was alleged by the Petitioner that Section 22-151 (old code) might protect this foundation in the future. However, that section of the County Code only applied to County owned structures. This site will not be owned by the County, and therefore, would not fall within that Code provision.

WHEREFORE, it is respectfully requested that the Board of Appeals remand this matter back to the Planning Board to comply with the statutory enactments of Baltimore County Council as codified in the Sections previously set forth to protect for all future generations the Mill foundation, once the Planning Board found that those foundations were historically significant and were, in fact, "involved" by this Plan. The failure to so protect these foundations in the future from an excessive County Department of Public Works is an error which will be further perpetuated in the CRG approval as presented in another section of this Memorandum.

II. CRG Appeal - Case No. 1 CBA-91-145

(CRG approval of March 14, 1991).

A. Introduction.

The majority of the case presenting an appeal from the CRG decision was presented over five (5) days with many exhibits and witnesses testifying for the Protestants as well as the Petitioners. Day One, October 8, 1991, consisted of Les Schreiber presenting the Petitioners case and Page Herbert, geologist, Mr. Leonard, Mr. Herbert testifying as Protestants.

Day Two, February 13, 1992, consisted of Dr. Kojan, geologist, Tom Hall and Dr. Konder, Protestants witnesses.

Day Three, February 20, 1992, Dr. Konder, Mary Wallace, Eugene Sierwiersky testified.

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Day Four, March 5, 1992, Ken Gill and Dr. McQuaid for the Protestants and James McKee for the Petitioners.

Day Five, May 1, 1992, consisted of Mr. Sheesley, William Ensor, Jim Gracey and Norman Gerber on behalf of Petitioners. Protestants will not attempt to restate the testimony of all the witnesses, but will relate the testimony to the legal issues which they believe are involved in this matter before the Board.

B. Legal Issue No. 1.

Protestants requested due process before the Baltimore County CRG and submitted a Memorandum of Protestants, dated March 14, 1991, which is incorporated into the CRG file and was restated again before this Board. Protestants request a due process hearing with the right to present evidence to cross-examine County witnesses, to require a record to be available of the hearing and to require the CRG to formalize minutes, rather than a simple summary in which they would state what evidence they relied upon and the rationale that they utilized in coming to their decision.

All of those due process rights were requested before the Board. Protestants cited Mortimer v. Howard Research, 83 Md. 432 at 441 (1990) and Board of County Commissioners for Prince George's County v. Ziegler, 244 Md. 224, 229 (1966). Protestants also cited the case of Roslyn Station which is

7

currently before the Maryland Court of Appeals, which may provide an impact on this issue (People's Counsel for Baltimore County v. Crown Development Company, Case No.: 41, September Term, 1991).

WHEREFORE, Protestants respectfully request this Honorable Board to remand this Plan back to the CRG for the reasons set forth herein.

C. Legal Issue No. 2.

That Baltimore County illegally and arbitrarily precluded review of the Cameron Mill subdivision from the effects of Bill 134-89 protecting prime and productive soil in RC 4 Zones.

Protestants claim before the Board that Baltimore County illegally and arbitrarily excluded the consideration of this subdivision from the terms of Bill No. 134-89, which was in effect at the time and would be applicable but for such arbitrary exclusion. The purpose of Bill 134-89 was to preserve agricultural lands and protect prime and productive soils in the development process. It amended then Section 22-37 by the inclusion of the following language: (5) Preservation of agricultural lands, including "adequacy protection and prime and productive soils from inappropriate development." It further defined prime and productive soils as those soil types defined in the USDA Soil Survey of Baltimore County issued March, 1976 and updated as agricultural capability classes 1, 2 or 3 or as Woodland classes 1 or 2.

8

The undisputed testimony in this case, before the Board, is that all of the acreage of this subdivision consists of "prime and productive soils." The testimony of Dr. McQuaid and others and pictures of the existing farm that this property was being utilized in an agricultural fashion prior to this proposed subdivision is un rebutted.

In accordance with the "prime and productive" soil legislation, the property should be treated as RC 2, permitting one house per 50 acres and not as RC 4. It is the contention of the Protestants that this CRG approval then is arbitrary and illegal, and in violation of Baltimore County Code.

The County's response in the CRG to this issue, was that DEPRM had established a map which included the prime and productive soils meant to be protected and that their definition and upon the map did not include Cameron Mill. Protestants submitted the Bill as well as the tape containing the testimony of the Petitioner's own witness, Mr. Sheesley, who was then head of DEPRM, as an exhibit in this case to establish legislative intent for Bill 134-89.

The Board heard the tape and subsequently heard Mr. Sheesley testify on behalf of the Petitioners. It is **IMPORTANT AND SIGNIFICANT TO NOTE** that Sheesley later did not testify or contradict the position of the Protestants as to the intent of Bill 134-89.

9

The Board heard Sheesley, in his own words, testifying before the County Council on the night Bill 134-89 was enacted that residential development occurring in RC 4 zoned property was "impacting negatively on the agricultural community and creating serious problems conflicting with agriculture." Baltimore County meant to preserve the agriculture business, which was a \$30 million business for Baltimore County and that the 1990 Master Plan should continue to be preserved.

Sheesley further testified that prime and productive soil had been mapped and that it is a land resource and that it must be protected for the future. Councilman Ruppertsberger further testified that it was his intention to preserve the agriculture heritage in Baltimore County and the 125,000 acres of farmland in Baltimore County.

Sheesley further testified on the tape that the RC 4 Zone has considerable prime and productive soils located in it and therefore lots in RC 4 have prime and productive soils thereon. He further testified that going lines are imprecise and do not protect prime and productive soil nor does it protect the watershed.

Councilman Ruppertsberger concluded that development was not compatible with agriculture and if development is allowed, you will lose agriculture.

10

It is submitted that there is nothing in the Bill nor in the testimony at the time the Bill was enacted to support the proposition that the Baltimore County Council did not intend this Bill to apply to all property to the RC 4 Zone that contained prime and productive soil. By providing that the Department of the Environment (DEPRM) could establish policy in accordance with this law, and thereby limit in some fashion, the application of a law is incorrect and illegal. DEPRM has no such authority to limit an enactment of the Baltimore County Council in Bill 134-89.

In conclusion, there is nothing in the testimony in this case, nor in the legislative intent set forth by Baltimore County, which establishes that the intent of Bill 134-89 was to apply to anything other than RC 4 Zone property with prime and productive soil.

WHEREFORE, the arbitrary limiting of the application of Bill 134-89, by DEPRM and CRG, was illegal, arbitrary and capricious and must be reversed by this Board.

D. Legal Issue No. 3A and B.

The CRG was arbitrary and unreasonable. Protestants submit that the CRG action was arbitrary or capricious, or otherwise illegal pursuant to Section 26-209(c) in two (2) areas. The first being that they ignored the problems relating to the groundwater and potential danger to the community which

11

would include the concern over the Parkton landfill. The second being they ignored the overcrowding of the land by the placement of the lots on this site.

Protestants would initially like to comment on the "presumption" which is set forth in this Section by which the Plan is presumed correct. Protestants recognized that former Section 26-209 presently codified in 26-209(c) requires a "presumption of correctness of the CRG approval." Protestants do not believe this presumption is a difficult or impossible burden to meet on the part of any Protestant. In the case of Orkin v. Holy Cross Hospital, 318 Md. 429 (1990), Judge McAuliff speaking for the Court of Appeals of Maryland attempted to explain the rationale behind the "statutory presumption." A presumption is not an insurmountable burden, which requires the Protestants in this case to amass overwhelming evidence to establish that the CRG was improper beyond reasonable doubt or any doubt.

In fact, as Judge McAuliff stated in footnote number 2 at page 34, a Plaintiff who has been unsuccessful may utilize an inference of negligence to establish a prima facie case. He stated that:

"We reject the additional argument of the Defendants that a Plaintiff who has been unsuccessful in proceedings before a Health Claims Arbitration Panel may not utilize an inference of negligence to establish a prima facie case. The rationale between the Defendants argument is that they are entitled to a statutory presumption of the correctness of the

12

award... and that when this presumption bumps up against a permissible inference, the inference must yield. That is not correct. A Plaintiff may use circumstantial evidence as well as direct evidence to establish a prima facie case, which need be no stronger than if arbitration had never occurred. A Defendant is, however, entitled to have the award of the Panel placed before the jury."

In this case then, what that means is that the developer is entitled to have the finding of the CRG approval placed before the Board of Appeals and nothing more. It further means that the Protestants would be able to use an inference or circumstantial evidence to establish their position. That is, even evidence less than direct, would be available to rebut and overcome the presumption. If that is the case, then in the instant matter it seems perfectly clear not only have the Protestants met their burden of overcoming the presumption, they have clearly established by preponderance of the evidence that the CRG approval in this instance was erroneously granted for the reasons set forth below.

1. Groundwater - Potential Danger to Community.

In the words of one Board member during the many days of testimony in this case, "well, it's time to listen to the schist again." There were two (2) recognized expert geologists who testified before the Board -- Dr. Eugene Kojan, who is an extremely competent and well-recognized hydrogeologist and Page Herbert, who likewise qualified as an expert geologist, presently working in the field of geology for

13

a regional company involved in quarry and mineral extraction. It should be noted in the beginning of this portion of this Memorandum that both of the experts testimony was un rebutted by the Petitioner. The Petitioner presented no geologist, hydrogeologist or anyone who came close to testifying in regard to geological problems.

In the face of their un rebutted testimony, it is clear that this subdivision, Cameron Mill, is located over what is defined as the Wissahickon schist. Page Herbert testified as to the nature of the schist and the aquifers flowing there through and the fact that the groundwater will flow through fractures, not only between the wells and the septic systems where they are placed close together such as this subdivision, but also the groundwater has ability in a fissure to travel great distances since the schist is a rock and the water and groundwater do not flow through the schist, but through fissures in the schist.

In the opinion of Page Herbert, it was arbitrary and unreasonable for the County to grant permission for the subdivision with the location of the wells and septic systems as they are on the proposed plan without having performed a study to predict the geological formations below and to determine the resulting effects on the wells and on the community. Herbert's testimony is un rebutted. Herbert's testimony is also prophetic in that he testified to first hand

14

knowledge in regard to pollution as it relates to other towns and subdivisions above the Wissahickon schist in this very area. In his words, "It has happened in the past, it is all over this area, but the County does not want to hear it." He indicated that there are massive areas of uninhabitability currently occurring in Northern Baltimore County, areas of Carroll County and the Southern portion of Pennsylvania.

If that were not enough, Dr. Kojan was called as an hydrogeologist. It was clear that he was untouched in cross-examination from the standpoint of disputing his testimony. In fact, the Petitioners failed to locate or produce any geologist or hydrogeologist who could testify in opposition to Dr. Kojan or Page Herbert.

Dr. Kojan testified as to the probability of pollution of surface and groundwater by development of Cameron Mill. He indicated that springs emerge at mid-slope indicating a high water table and that placing septic systems on the ridge tops leads to inadequate treatment of effluent because of shallow soil depth and coarse fragments of Wissahickon schist. Effluent reaches impervious bedrock and flows into fractures exposing fluids to limited treatment.

He testified that inadequately treated sewerage spreads and pollutes groundwater, and emerges as polluted springs and pollutes streams. This testimony by Dr. Kojan was

15

not only unrebutted, but was substantiated by Petitioner's witness Sheesley. He testified that percolation tests alone do not address this hazard, and expanding the size of septic fields will not deal with problems in this environment. He indicated equivalent quantities of inadequate sewerage would still be entering the groundwater. See Protestants Exhibits 3, 7, 8, 9 and 15.

Secondly, Dr. Kojan testified as to probability of pollution from Parkton Sanitary Landfill by indicating that the Parkton Landfill was on the highest ground (Protestants Exhibit 3); that interconnecting fracture zones from landfill to Cameron Mill (See Protestants Exhibit 3). It is interesting to note that while the Petitioners brought prior officials of Baltimore County to testify that there will be no hazard from the Parkton Landfill, no one has yet explained a way the interconnecting fracture zones from the landfill to Cameron Mill on Protestants Exhibit 3, which is a State document. Petitioners simply cannot dispute the official state document which indicates fracture zones in a direction from the landfill directly to Cameron Mill.

It is also interesting to note that the Petitioners are not able to defend the proposition that the Parkton Landfill is causing pollution to the monitoring wells

16

surrounding the landfill, and, as a matter of fact, the paramedic unit located at the Parkton Landfill is still on bottled water receiving ten (10) bottles per week.

Continuing on, Dr. Kojan testified that with the interconnecting fracture zones from the landfill to Cameron Mill that groundwater moves through the fracture zones only, and that small streams between landfill and Cameron Mill do not constitute a geological barrier. Kojan testified that wells at Cameron Mill will intersect these fracture zones and the greater number of wells pumping from this system, the faster the landfill contamination will move.

Petitioner has attempted to downplay the danger from the Parkton Landfill and the fact that it could not spread from the landfill to Cameron Mill. In response to that, Protestants first state that the Petitioner never called a qualified hydrogeologist to testify, but instead attempted to rely on cross-examination testimony of an employee of DEPRM, who was called by Protestants to present data only from the results of the monitoring wells of the Parkton Landfill.

Eugene Siewiersky, from DEPRM, testified that he was not a qualified geologist, nor hydrogeologist and was merely "parroting" the thoughts of someone else in DEPRM. Protestants submit that is not sufficient, nor appropriate evidence upon which this Board could conclude that pollutants

17

are incapable of transverse through fracture zones between the Parkton Landfill and Cameron Mill.

Protestants would point out to the Board that the State's own fracture zone chart as submitted as a Protestants exhibit, establishes the fact beyond dispute that fracture zones exist between the Cameron subdivision and the Parkton Landfill.

A paramedic station adjacent to the Parkton Landfill as well as a residential well owned by Mrs. Sandra Enrique shows spread of contamination. (Protestants Exhibit 20 shows significant contamination has spread from the landfill to the paramedic station's well), (Protestants Exhibit 32 shows the traces of chloroform also found in the monitoring well of the landfill has spread westward beyond I-83 to York Road. From Protestants Exhibit 32, it is clear that the well of Enrique is 350 deep and is approximately 1,500 feet due west from the monitoring well number 2 at the Parkton Sanitary Landfill). Protestants submit that their concern is not a fanciful one, but is supported by testimony of hydrogeologist as well as the unrebutted proof relating to the contamination and pollution of the Parkton Sanitary Landfill wells in addition to those wells surrounding the landfill. It is now clear as established by Protestants Exhibit 32 that traces of pollutants are spreading and showing up in wells at least 1,500 feet west of the Parkton Landfill.

18

Protestants presented the testimony of Dr. Thomas Hall, (whose testimony again was unrebutted and uncontested) which established that the USEPA indicates risk assessment of ten (10) to the minus six (6) power (one case of cancer per million exposures) to be excess cancer risk. The Maryland Department of Environment considers ten (10) to the minus six (6) an acceptable risk. Dr. Hall testified that the Parkton Sanitary Landfill has a risk assessment of ten (10) to the minus three (3), (one case of cancer per thousand (1,000) exposures, which is higher than any acceptable risk)).

In summary then, Protestants submit that they have established a degree of proof far exceeding a preponderance of the evidence, the fact that the CRG ignored and never considered the contamination problems inherent in the location of this subdivision over the Wissahickon schist and clearly never considered the issue of pollution generated from the Parkton Landfill. Protestants would submit that this is not a frivolous, nor fanciful concern, but is one based upon unrebutted testimony of two (2) hydrogeologists, an environmental health expert and supporting data from the State as it relates to a significant and growing problem concerning the flow of pollutants from the Parkton Landfill.

WHEREFORE, Protestants respectfully request that this Honorable Board remand this case back to CRG consistent with the concerns expressed herein.

19

2. Overcrowding.

The CRG erred by failing to consider the overcrowding of the land as it relates to the Cameron Mill Subdivision.

Protestants submit that while the gross area of the Cameron Mill subdivision is approximately 276 acres, that area should be subtracted from that figure, which the County would normally not permit development to occur upon. For instance, in the testimony and exhibits presented by Dr. McQuaid, 173 plus acres were included in steep slopes, flood plain and wetland property which would not allow development under any regulation. That leaves approximately 103 acres developable, of which 13 belong to the present owner and nearly 6 belong to the historic landmark parcel.

In the opinion of Dr. McQuaid, that left approximately 85 acres to build upon, which, under the appropriate zone in this case would allow only 17 homes to be built; if it were not for the fact that Baltimore County permits utilizing density from the unusable acres of the subdivision. Dr. McQuaid contends that for purposes of determining of whether or not the property is overcrowded, particularly as it relates to the well and septic concerns over the Wissahickon schist, that this County policy of permitting the clustering of density units is an improper one, which

20

results in a clear overcrowding and overbuilding on the Cameron Mill site, thereby further aggravating the potential problems which exist because of the geological structure under the Cameron Mill property.

In addition, Dr. McQuaid contends that by granting variances to the 300 foot diametral requirement, that action even further compounds the health and safety hazard to not only the future residents of Cameron Mill, but to the environment and the surrounding properties of the Protestants.

WHEREFORE, for this reason the Protestants respectfully request that this Board remand this case back to the CRG for further consideration consistent with the issue contained herein.

III. Case No.: 91-452A - Variances

A. Facts.

Petitioners are developers of a proposed subdivision of 53 lots, 51 of which are new lots with an existing two lots already occupied by a historical site and a lot of the original owner of the property to be subdivided. Of the 51 new lots, the Petitioners have requested variances on 32 of them from the Baltimore County Zoning Regulation which requires lots with no less than the minimal diametral dimension of 330 feet. The Protestants oppose this variance request. A summary of the testimony of all the witness presented in the hearing will not be presented here.

21

B. Legal Argument.

The Protestants suggest that Section 307.1, Baltimore County Zoning Regulations, providing for Variances, requires a three-fold test of whether or not the variance should be granted by this Board. First, the Petitioner must show "practical difficulty or unreasonable hardship." Second, the variance may be granted only if in strict harmony with the spirit and intent of the said area restrictions. Third, the variance may be granted only if granting it will not result in substantial injury to the public health, safety and welfare.

Taking the arguments in reverse order, and without restating the testimony of all of the witness, the Protestants would submit that testimony of Dr. Robert Konder, Mr. Page Herbert, Dr. Eugene Kojan and Dr. McQuaid indicates substantial concern with the underlying geology below the Cameron Mill subdivision and creates a potential health, safety and welfare issue if this variance is granted. The witnesses express concern in regard to the closeness of the wells and septic systems, not only to each other internally, but to each lot in its relationship with others. Protestants would submit that a substantial question has been raised in regard to the health and safety issue aspect of the test for the granting of a variance.

22

Secondly, the variance should be granted only if in strict harmony with the spirit and intent of said area legislation. It is clear that there is substantial concern over the approach, which would allow the 300 foot diametral dimension to be drawn on a lot in an area which does not encompass the house, the well and the septic system. To interpret the language of this area requirement in the Zoning Regulations, to allow the circle to be drawn in the alternative plan that was proposed by the Petitioner, (the Board will recall that the Exhibit depicting the plan was misplaced between the Deputy Zoning Commissioner's hearing and the Board) would not only violate the spirit and intent of the reasons for the legislation, but also be in direct conflict with the 1971 study submitted as an Exhibit by the Petitioner and relied upon by Norman Gerber, the witness for Petitioner.

It is clear that the parties are in sharp disagreement over whether or not the alternative method of drawing the 300 foot circle would be consistent with the spirit and intent of said legislation.

Third, turning to the third aspect of the variance requirement, that of practical difficulty or unreasonable hardship, an interesting and difficult dilemma has been presented by the Petitioner and that is, in their collective testimony, it is quite clear that they have alternative methods

of complying with the Zoning Regulations (at least through their interpretation of their spirit and intent of the law) by drawing the 300 foot circles on each lot. Likewise, the testimony of the Petitioner's witness, McKee, that there was another plan whereby properties could be "stacked" and the Regulations could be complied with by the developer.

The only proffered reason given by the Petitioner for the requested grant of the variances, was that in addition to making it more profitable for him, satisfied environmental concerns of various agencies and departments of Baltimore County and would be better for the public in general. That is to say, the Petitioner argues that his proposed plan which requires the variances would be "better for the public and the environment."

With the evidence in its current state as suggested above, Protestants argue that such testimony does not constitute practical difficulty or unreasonable hardship and therefore, the Petitioners have failed to meet their burden under Section 107.1 and the case that interpret variances.

The following are a series of cases which address the issue of when to grant a variance and perhaps can shed some light upon this issue for the Board of Appeals.

a. Exeter v. City of Baltimore, 195 Md. 395 (1950). This early case dealing with the granting of a variance under Baltimore City ordinance set forth the proposition that a request which would make the property more profitable is not a sufficient ground to justify relaxation of setback requirements.

In addition in this case, prior exceptions to zoning requirements (a variance granted to allow an adjacent store, a setback variance) is not in and of itself controlling. That is, ill-advised or illegal variances do not furnish the grounds for a repetition of a wrong. This case begins an examination of variances which was followed by:

b. Gleason v. Keswick Improvement Association, Inc., 197 Md. 46 (1950). In this case, the Petitioner requested a variance along with a special exception to allow a commercial use of a residential zoned property. The Court, in citing Rathkopf On Law of Zoning and Planning, page 262, to the extent that "where a person purchases property with the intention to apply to the Board of Appeals for a variance from the restrictions imposed by the ordinance, he cannot contend that such restrictions cause him such a peculiar hardship that entitles him to the special privileges which he seeks."

Further in this case, the Court emphasized that a variance to make property more profitable is not a sufficient ground to justify the granting of a variance.

c. Salisbury Board of Zoning Appeals, et al. v. Bounds, 240 Md. 547 (1965). Justice Marbury for the Court of Appeals in analyzing a zoning variance request found that a self-inflicted hardship cannot be the basis for a variance. The Court again cited to #2 Rathkopf, The Law of Zoning and Planning, Paragraph 48-1 sets forth the proposition that self-inflicted hardship cannot form the basis of the grant of a variance.

It further states that where there has been an act on part of the property owner or his predecessor which has physically so affected the property as to create a unique circumstance, which, in itself created a practical difficulty or hardship in conforming to the restriction of the ordinance, it is not appropriate to grant relief.

In the instant case, it is clear that the property is capable of subdivision and is capable of meeting the zoning maximum density allowed as well as the two methods of complying with the Baltimore County Zoning Regulation dealing with the 300 foot diametral circle requirement. That having been the testimony before this Board, it is inappropriate to grant relief simply for the ability of the property owner to increase his financial result from the appropriate subdivision. Here, it is clear that he could either comply with the area regulations, or reduce the number

of lots and continue to subdivide it in the fashion which he proposed in this plan with a lesser number of lots in order to comply with all of the regulations.

In Salisbury, it is interesting to note that the developer there was trying to obtain variances in the deficiency and lot size as being irrelevant to the City's population density requirement. There, the Court pointed out that was a legislative determination, not a judicial one.

d. Kearney v. City of Baltimore, 201 Md. 130 (1952). In the Kearney case, a homeowner sought a variance from a side yard requirement. The Board of Appeals denied the requested variance ultimately on the basis that the need to justify an exception must be substantial and urgent, and not merely for the convenience of the applicant. Inasmuch as the aim of the ordinances to prevent exceptions as far as possible, and a liberal construction allowing exception for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. 201 Md. at pg. 137.

We believe in the instant case that the instant facts based upon the testimony of Mr. McKee falls under the Kearney interpretation of the Court of Appeals, where the testimony clearly is that this request is for the convenience of the applicant and allegedly the neighbors and the environment.

e. McLean v. Soley, 270 Md. 208. This case is most often cited by Administrative Agencies in granting variances because it attempts to summarize the requirement of "practical difficulty or unreasonable hardship. In McLean, at pg. 213 and 214, the Court sets forth its requirements for those terms.

It makes the point that the standard for granting a variance is whether or not strict compliance with the regulations which result in practical difficulty or unreasonable hardship; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning Regulations, and only in a manner as to grant relief for that substantial injury to the public health, safety and general welfare. These are the elements of the test previously set forth in this Memorandum as the issue.

It is submitted that they must be examined separately as well as jointly in analyzing the case. In the McLean case, at page 214, the Court in analyzing practical difficulty again cites #2 Rathkopf, The Law of Zoning and Planning, Section 45-28 and 29 analyzing practical difficulty as: (1) "whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density, would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome."

In the instant case, it is clear that complying with the strict letter of restrictions does not unreasonably prevent the owner from using his property because he has indicated there are at least two methods which he can comply with the area requirement.

Secondly, the question becomes whether a grant of the variance applied for would do substantial justice to the applicant as well as other property owners in the district. The answer to that is also no, in that the Protestants have clearly set forth objections to the proposal and substantive reasons for so objecting which directly affect the health, safety and welfare of their neighborhood.

Third, whether the relief can be granted in such a fashion that the spirit of the ordinance will be observed and the public safety and welfare secured. The answer to this also is no, in view of the clear testimony in regard to the potential geology in the area but more importantly, the fact that the County performed a study in 1971 which shows that the physical relationship of the wells and the septic to each other as well as to each other as well as to adjoining lot sizes form the very basis for the RC 4 Zone.

In summary then, we believe a careful analysis of the McLean v. Soley case clearly supports the proposition that this request of the Petitioner must be denied.

f. Anderson v. Board of Appeals, 22 Md. App. 26 (1974). In the Anderson case, there is a remarkable similarity between the status of the evidence as presented there and here. A key witness for the Petitioner, Mr. Herbert Fleischer, an architect, engineer and land planner, whose testimony is summarized at pg. 34, where he sets forth the basis for the variance request there that the subject property had a "intriguing natural beauty with distinct contours and vegetation which should not be disturbed." He testified that the variances should be granted to allow placing a number of buildings in what would be a "well organized project."

In cross-examination, when asked what hardship he would suffer if the variance was not granted, he replied "maybe poor planning." His testimony is very similar to that of Mr. McKee, who testified that there were two other ways to set up this subdivision known as Cameron Mill, but they would be less preferable or less desirable than the one that would require the variances.

The Court in Anderson in looking at the standard for this area variance in that case found that the only hardship or practical difficulty alleged by the applicant there as a result of the strict application of the ordinance was a "loss of profit" and "maybe poor planning." The Court found

that this evidence falls far short of a showing of unnecessary hardship as defined by the ordinance of Chesapeake Beach as well as the Court of Appeals.

The Court in Anderson at pg. 42 found that there the testimony established unequivocally that not only was it possible to develop the land in accordance with the zoning requirements, but that it also could perhaps be less costly than the method of development proposed. Based upon that record, the Court of Appeals reversed and found that the granting of the variance was arbitrary and capricious and could not be sustained.

Protestants would submit that the analogy between Anderson case and the instant case based on the testimony of Mr. McKee are remarkably similar. The "hardship" or "practical difficulty" must burden the petitioner requesting the variance, not some alleged third party, i.e. non-applicant. See Anderson.

WHEREFORE, Protestants request the Board to reverse the decision of the Deputy Zoning Commissioner and to deny the variances for all the above reasons.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
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c:\wp\memo-2\stabler.mem

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of May, 1992, a copy of the foregoing Memorandum of Protestants was mailed, postage pre-paid to: Newton Williams, 210 West Pennsylvania Avenue, Suite 700, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

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June 9, 1992

The Honorable William T. Hackett, Chairman
County Board of Appeals
The Honorable C. William Clark, Esquire
Board Member
The Honorable Harry Buchheister
Board Member

RE: The Cameron Mill Case
Planning Board, CRG and Variances
Case Nos.: CBA-91-122, 91-145, 91-462A

Dear Chairman Hackett, Mr. Clark and Mr. Buchheister:

In fairness to my clients, I could not let the Memorandum of the Protestants pass in this matter without a few brief replies:

1. The Cameron Mill House and historic property is not a part of this subdivision.
2. Neither the Planning Board, nor Baltimore County abdicated its responsibility to the Cameron Mill House, as is shown by the Protestants themselves, the historic acreage was increased from 3 acres to 5.4 acres, and the width of the road right-of-way reduced to 45 feet, instead of 50 feet, in order to protect the foundations in question.

As to the CRG Appeal, Case No. CBA-91-145:

1. As to the so called "due process" argument, "Legal Issue No. 1", the CRG followed its time honored, regular course of dealings; and had the Protestants wished to, they could have employed a court reporter to take the CRG minutes, and they could have had the type of hearing which was held at the County Board of Appeals at the CRG meeting.

such development. the Protestants' own witness Dr. Konder would not make such a proposal. As for Page Herbert, Dr. Kojan, Mr. Hall, etc., none of them had made site specific investigations on the Cameron Mill tract, and all of their testimony is unsubstantiated, very far fetched and very wishful thinking conjecture at best.

b. As to overcrowding, the universally accepted method in Baltimore County for computing density is to take the overall acreage, 267 acres and to that apply the .2 density factor, and one comes out with 53 lots. There is no provision in the laws, or in the Zoning Regulations, in the Development Regulations, or any handbook which says that steep slopes, wooded areas, streams, etc., are to be excluded from density calculations. If anything, these factors are the reasons why the Petitioners have proposed to concentrate the lots along the ridge lines to preserve these natural features.

As for Mr. Sheesley's comments at the Council, DEPRM and the Office of Planning and Zoning have both mapped the Prime and Productive Soils, and these soils are being protected, and this case is not contrary to either the letter or spirit of Bill 134-89.

As to any imprecision of Toning Lines, this is clearly an R.C.4 site, with 4 major streams, steep, wooded slopes.

CASE 91-462-A, THE DIAMETRAL VARIANCE CASE

The Petitioners agree with the Protestants that Section 307 of the Baltimore County Zoning Regulations imposes a three part test for the granting of variances. On this point see the earlier letter Memorandum of May 21, 1992, and the attached Zoning Commissioner's decision of September 9, 1991, attached thereto.

As to the other points:

1. Mr. Sheesley, Mr. McKee and Mr. Ensor from DEPRM all explained that the well and septic separation on Cameron Mill meets or exceeds all State and County regulations and poses no dangers.

2. The Zoning Commissioner's Decision of September 9, 1991, and the DEPRM testimony, all agreed that the 300 diameter need not include the house, well and septic system. Mr. McKee testified he had so built other approved R.C.4 lots without such a requirement.

3. Mr. McKee testified that larger lots with a diametral might be more profitable, but in response to the Office of Planning and Zoning and DEPRM comments, he had chosen the harder road to protect the wooded slopes and streams by asking for the diametral variances. THE CASES CITED BY THE PROTESTANTS IN MANY CASES DEAL WITH A MOTIVE TO MAKE THE PROPERTY MORE PROFITABLE, THE EXACT OPPOSITE OF THE INTENT OF THE PETITIONERS TO PROTECT THE ENVIRONMENT.

4. The hardship in this case is not self inflicted, rather the Petitioners are seeking to reconcile the latest environmental and planning thinking, which favors one acre lot clustering with no diametral requirement in the R.C. 4 zone. THE PROPERTY OWNER HAS SPENT OVER \$100,000 in engineering, interest, carrying costs and legal fees trying to defend his CRG plan, a responsible plan friendly to the environment.

Wherefore, the Board should sustain the CRG approval and grant the variances.

Respectfully,

Newton A. Williams

Newton A. Williams

NAM/psk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 1992, a copy of the foregoing Memorandum of the Protestants was mailed postage prepaid to Carroll Holzer, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, Maryland 21204 and Phyllis Cole Friedman, Esquire, People's Counsel, Courts Building, 401 Bessley Avenue, Towson, Maryland 21204.

Newton A. Williams

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June 12, 1992
#6526

The Honorable William T. Hackett
Chairman
The Honorable C. William Clark, Esquire
Board Member
The Honorable Harry Buchheister
Board Member
Baltimore County Board
of Appeals
Old Courthouse
Towson, Maryland 21204

RE: The Cameron Mill Case
Planning Board, CRG and Variances
Case Nos.: CBA-91-122, 91-145, 91-462A

Dear Chairman Hackett, Mr. Clark & Mr. Buchheister:

In all fairness to my client, I do not believe it is appropriate for Mr. Williams to submit a Memorandum in response to mine on June 9, 1992, when it was clearly the agreed upon procedure that both parties would have the opportunity to submit Memorandums in this matter on a specific date.

Protestants complied with the Board's Order and do not feel it is appropriate for a rebuttal Memorandum to be submitted at this late date. I would therefore respectfully request that Mr. Williams letter of June 9, 1992 not be accepted by the Board.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Dr. Richard W. McQuaid

2. All facts and claimed facts that could conceivably relate to this property were brought out in the course of five (5) days of hearings before this Board. The Roslyn Station case has not been decided, and does not impose a greater hearing duty upon the CRG than the one that they carried out in this and other cases.

3. As to "Legal Issues No. 2", relating to prime and productive soils, B. 1 134-89, and the R.C.4 Zones, bear these points in mind:

- a. The property is not located in an Agricultural Preservation Zone on the Master Plan;
- b. The property contains only a minority, perhaps 40 to 60 acres at the most of tillable soil, and some of this will be left with the farm property; and
- c. Baltimore County, DEPRM and the Office of Planning and Zoning have followed the mapping of the prime and productive soils spoken of in Bill 134-89, and that soil situation does not apply to this tract in this R.C.4 Zone.

4. As to "Legal Issues No. 3A and 3B", namely ground water and overcrowding, the situation is as follows:

- a. As to ground water, there was never any showing that the Parkton Land Fill poses a potential danger to the wells or streams on the Cameron Mill property. First of all, the landfill is almost a mile to the east, across I-83, several streams and changes in elevation, which DEPRM testimony stated were barriers to the traveling westward of such pollution. A witness from DEPRM, including one of the Protestants' own witnesses, Mr. Eugene Sierwiersky, testified that the water on the main Parkton Land Fill site is potable, and he was not aware of the reason that bottled water was being used at the medical station.

Mr. Sierwiersky went on to testify that if there were any pollution to be expected from the landfill, it would travel in an easterly and southerly direction, toward the Fourth Mine Branch, and not in a westward direction across major changes in elevation and across two stream valleys to reach the Cameron Mill site. Also, please note the complete absence of references to Dr. Konder, whose testimony was completely discredited, who was proposing to put two golf courses and a 500 home community on top of the Parkton Land Fill project. Surely, if the Parkton Land Fill was a danger, or if the Wissahickon Schist could not bear

May 21, 1992

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The Honorable William T. Hackett, Chairman
County Board of Appeals
The Honorable C. William Clark, Esquire
Board Member
The Honorable Harry Buchheister
Board Member

RE: The Cameron Mill Case
CRG and Variances, etc.
Case Nos.: 91-462-A, CBA-91-145

Dear Chairman Hackett, Mr. Clark and Mr. Buchheister:

As the Board will recall, the Petitioners in this case completed their testimony at the public hearing held on Friday, May 1, 1992. The purpose of this, hopefully, brief letter memorandum is to summarize our final view of the case.

In the vast majority of variance cases in which I have been involved since the 1960's, one of the Petitioner's primary burdens is to prove that the requested variance will not harm the health, safety and welfare of the area involved. The very interesting thing in this case is that everyone agrees (except the Protestants), including various expert witnesses and Baltimore County witnesses, that the requested variance of the 300 foot lot diametral will definitely foster the health, safety and welfare of the area involved. The granting of the variance will leave more land in public and private open space, stay off the steep, wooded slopes, protect the streams, and concentrate the home sites on the high ground along the ridges.

At the close of the case, I respectfully referred the Board to Deputy Zoning Commissioner Kotrocco's well reasoned decision of September 9, 1991, and I would again urge the Board

to read the decision. As a convenience to the Board, I have attached a copy of the Commissioner's decision to this letter.

As you can see, at page 5, the Commissioner found that the 300 foot diametral need not be drawn around the dwelling. The Commissioner then went on to analyze the three pronged test for the granting of a variance, and he found basically as follows:

PRACTICAL DIFFICULTY AND UNREASONABLE HARSHNESS

1. The subject parcel of property is extremely unique in that it contains numerous steep slopes, is of a very irregular shape, is traversed by the DNR Hike and Bike Trail, as well as by a major stream, The Little Falls, and a branch thereof, Beetree Run. The Commissioner then went on to find that the environmental, ecological and conservation concerns are in direct conflict with the 300 foot diametral requirement, and that satisfying more modern ideas regarding the environment, ecology and conservation, would be in conflict with the 300 foot diametral.

SPIRIT AND INTENT OF THE REGULATIONS

2. As to the second prong of the three part test, namely being in strict harmony with the spirit and intent of the applicable regulations, the Commissioner found as a matter of fact, that the purpose of the R.C.4 and R.C.5 zones is the protection of environmentally sensitive areas. He then noted that the Plan, namely the same CRG Plan and variance plan in front of the Board is in harmony with the spirit and intent of the applicable Zoning Regulations, namely the protection of environmentally sensitive areas.

PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

3. Finally, as I pointed out at the beginning of my letter, the third prong of the three prong test is that the granting of the variance would not result in substantial injury to the public health, safety or general welfare, and again the Commissioner noted that, in fact, the granting of the variance would not only not harm the public health, safety and welfare but would foster these goals for the reasons outlined.

THE PETITIONER'S CASE

During the concluding day of testimony, the Petitioners offered what we felt to be very compelling testimony by a number of witnesses.

First of all, Mr. McKee, one of the contract purchasers, concluded his testimony by summarizing the environmental concerns, and how these environmental concerns and the public welfare are met by the plan in question, including the diametral variances.

Mr. Bob Sheesle, a former director of the Department of Environmental Protection and Resource Management, who had no direct connection with this site during his tenure in office, summarized the environmental benefits to be gained by the approval of the CRG Plan, including the granting of the variance for the 300 foot diametral.

Mr. James Gracie, an acknowledged expert in the field of water quality and streams, testified fully as to the good quality of both Beetree Run and the Little Falls at the Cameron Mill site, and he went on to testify how the proposed, approved CRG Plan and variances would foster the retention of water quality. Among other things, he mentioned stream buffers, forest buffers, public land, and development of the ridges. Further, he tested waters in the Fourth Mine Branch which is adjacent to the Parkton Landfill, and found no evidence of contamination.

Finally, the Board had heard a great deal of testimony, we believe misqu岸d at best, about the dangers of placing septic systems on the 53 lots in question at Cameron Mill. Mr. William Ensor, a disinterested witness from the Baltimore County Department of Environmental Protection and Resource Management, explained in detail how each and every site at Cameron Mill had met the latest and most rigid percolation test requirements, and how he personally supervised some 96% of these tests. Mr. Ensor also noted that the proposed plan with development on the ridges, and the retention of the steep slopes in public ownership, or in the protected, semi-public status as homeowners association area, HOA, would protect these slopes, as well as the streams.

While the Petitioners' witnesses' testimony was in every case site specific, virtually none of the protestants so called experts had in any way tested this Cameron Mill site or the receiving waters of the Parkton Landfill. Thus, the Protestants' testimony represent unsubstantiated, non-site specific speculation.

In closing, we would again respectfully urge the Board to confirm the well founded findings and approval of the County Review Group in this case, and we would respectfully urge the

Board that the requested 300 foot diametral variance should be granted for numerous reasons set out in the testimony and evidence. Thanking the Board for its consideration in this matter, and awaiting a hopefully favorable result, I am,

Respectfully,

Newton A. Williams

NEWTON A. WILLIAMS
NOLAN, PLUMHOFF & WILLIAMS,
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Suite 700, Court Towers
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Attorney for the Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May, 1991, a copy of the foregoing letter/memorandum was mailed postage prepaid to J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204 and Phyllis Friedman, Esquire, Baltimore County Peoples Counsel, Court House, Towson, Maryland 21204.

Newton A. Williams

NEWTON A. WILLIAMS

0355C

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 9, 1991

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
C/L Stablers Church Road, 1200' E of the c/l of Walker Road
6th Election District - 3rd Councilmanic District
Ruth Ann Desoto, Individually and Trustee, and
Mayer C. Kalichman, Trustee - Petitioners
Case No. 91-462-A

Dear Mr. Kaplan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotrocco

TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

THK-bjs

cc: J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

People's Counsel

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May 1, 1992

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The Honorable William T. Hackett, Chairman
County Board of Appeals
The Honorable C. William Clark, Esquire
Board Member
The Honorable Harry Bucheister

RE: The Cameron Mill Case
CRG and Variances, etc.
Case No. 91-

Dear Chairman Hackett, Mr. Clark and Mr. Bucheister:

On March 5, due to the press of time, the Board indicated that they preferred that I would not make an opening statement in my variance case, and a closing statement in the CRG portion of the protestant's case.

In the absence of an opportunity to make such an opening and closing statement, I thought that I would put my thoughts down in the form of a letter to the Board.

Really, it comes down to this, we do not really understand after four full days of hearing, why all of us have been involved in this case for so long. Both my clients and I have

come to the inescapable conclusion that there is virtually nothing that we can do with the Cameron Mill Property that would accommodate or suit Dr. Richard McQuaid, and some of the members of the Maryland Line Community Association, Inc.

Consider the following points:

EXCELLENT DEVELOPERS

1. Where would they get better developers for this property, than three well-known, reputable members of the Baltimore County legal, development, and real estate community? Of course, I am speaking about Mr. Jim McKee, one of the principal members of the partnership, as well as Mr. Dennis German of Grempler Realty, and Mr. Lawrence Melfs, Esquire of the Towson Bar, all known well to the Board and to the community.

This is not a case where we are coming in with some foreign corporation or group, even one from the Far East, but rather, this is a case involving three well-known, reputable Baltimore County men with proven track records.

ALL R.C.4 REQUIREMENTS EXCEPT DIAMETRAL MET

2. We are proposing to develop in accordance with all of the density, acreage, clearance and every requirement of the R.C.4 zone, except the outdated diametral requirement. We have demonstrated, and we will demonstrate, that the absence of a diametral requirement is a benefit to the tract, to the area

and to the County, since it places on the order of sixty one per cent (61%) of the property in public or private open space, keeps development off the steep slopes, preserves the trees, avoids any environmentally destructive, stream crossing with new bridges or roads, and generally honors both the letter and the spirit of the law and the protection of the environment. Unfortunately, the purported objection to the 300' diametral requirement, is but a smoke screen for what we feel is unreasonable and unsubstantiated opposition to any development whatsoever of the Cameron Mill Property.

In Petitioner's Exhibit 10, the recently adopted RC4 Report, we pointed out that Cameron Mill comes very close to the recommended requirements for the new R.C.4 zone. In fact, our proposal exceeds the requirements in every way but one, namely, Cameron Mill offers three-acre lots, whereas the proposal is to go back to one-acre lots in the R.C.4 zone. Cameron Mill as proposed to be developed will leave sixty-one per cent (61%) of the site in public open space, recalling there is no present open space requirement in the R.C.4 zone. Cameron Mill as proposed comes under the same 0.2 density allowance of both the present and the proposed R.C.4 zone laws. Cameron Mill is proposing not to have a full 300'

diametral in most of the lots, but rather, to have a lot width or diametral averaging approximately 223', according to our calculations, recalling that the new R.C.4 zone report does not contain a diametral provision.

In Protestants' Exhibit No. 27, the 1971 Health Department Rationale for the Protection of Ground Water, that exhibit (put in by the protestants) showed three acre lots with a 200' width, and the example in the book, Figure 17, on page 6, in fact showed a lot 220' in width, and did not show any 300' diametral requirement.

As several witness have said, the goal of the R.C.4 zone is watershed protection. This is one of those cases where watershed protection is best served by staying off of the very steep slopes, as much as possible with private ownership, and not merely slavishly adhering to an outmoded rule that a 300' diametral must be accommodated somewhere on the lot. Honoring this outmoded 300 foot diametral rule would mean losing a great portion of the Homeowners Area, the Forest Buffer areas, and possibly the Recreation and Parks Area, and other open space shown on the approved CRG Plan.

LACK OF TRAFFIC PROBLEMS

3. As to traffic, Dr. McQuaid and others are quibbling over only one point, and that is the sight distance in a northerly direction on Eagle Mill Road. They are not making,

and have not made any claim that these 51 houses divided between three country roads leading off in different directions will in any way overburden traffic on any one of them. The sight distance point will be fully addressed in the balance of the case.

THE PARKTON LANDFILL

4. The Parkton Landfill, is a completely new issue, and really a non-issue, that was not brought up at either of the two previous CRGs, nor at the Zoning Commissioner level. It is another spurious issue, merely raised in the hope that it may catch someone's attention, and send the case back through the whole circuit. However, several things should be borne in mind: First of all, the Parkton Landfill is over a mile to the east, with I-83 intervening, as well as three stream valleys and three topographical barriers according to the testimony. The DEPRM witness, Mr. Siewerski, called by the Protestants testified that groundwater tests had been made at the landfill, and studies had been made prior to the opening of the Parkton Landfill, and that the groundwater flow is toward the east and the south, following the Third Mine Branch, and does not flow in a westerly direction across I-83, toward Cameron Mill.

As Mr. Melfa pointed out, the standard of proof in a case where the protestants have the ordinary legal burden of proof

5

falling from the plateaus cut by two major streams, traversed by three major roads, and traversed by the Hike and Bike Trail, and reject, or purport to reject an imaginative, and environmentally sensitive solution to the development of the property. (Recall that this solution approved by the CRG was done after consultation with, and in response to meetings with various Baltimore County agencies, including the Office of Planning and Zoning, DEPRM, and other county agencies, as very clearly embodied in the DEPRM comments of June 31, 1991, and in the Office of Planning and Zoning, of comments of July 10, 1991). Anyone who is familiar with official government departments and documents knows that these two comments are as enthusiastic as government agencies ever exhibit in official documents and comments.

HEALTH, SAFETY AND WELFARE

8. The Petitioners will sustain, and are sustaining practical difficulty and unreasonable hardship in this case, and have shown that the approved CRG and variance fosters the health, safety and welfare, in that Cameron Mill is a very unique piece of property, and that the Petitioners have gone to, and consulted with all interested government agencies. The Petitioners have sought to be responsive to government agencies, and they have been strongly encouraged by government agencies to develop the Cameron Mill Property in accordance with the approved CRG Plan in evidence. This layout has been endorsed by at least two major departments of Baltimore County,

9

is with a reasonable degree of scientific certainty. Neither Dr. Kojan, Mr. Hall, or Mr. Bliss testified with anywhere near such scientific certainty that there was any reasonable likelihood of the ordinary, minimal pollution shown at the Parkton Landfill site travelling in a westward direction to affect Cameron Mill. Recall also, that Section 22-61 of the Development Regulations extends to the County and the approved CRG, a presumption of correctness. That presumption has not been rebutted in any way by the protestants.

In fact, the second set of groundwater tests put in by the Protestants on March 5th, were superior to the results reviewed by Dr. Kojan and Mr. Hall, despite Dr. McQuaid's assertion that such situations do not improve. We are left with the conclusion that either the earlier tests were not as carefully conducted or properly done as the secondary tests, and/or the situation has in fact improved at least insofar as the well at the Parkton Paramedic Station is concerned.

Also, the Board's attention is directed to Protestant's Exhibits 28 and 29, first particularly the pictures of the Parkton Landfill, (which show a playground, a model aviation flying field, and numerous homes and farms near the Parkton Landfill, perhaps including the home and farm of their own witness, Dr. Robert Konder, the proposed partial site of 500 homes and two, eighteen hole golf courses). Surely, the County

6

namely, the Office of Planning and Zoning and the Department of Environmental Protection and Resource Management, and other agencies as well. The Baltimore County Deputy Commissioner has found that the proposed development in every way meets the existing R.C.4 zone requirements and goals, except for the 300 foot diametral, while leaving 61% of the tract in public or private open space, open space conducive to the health, safety and welfare of the area involved.

The Office of Planning and Zoning, DEPRM, and the CRG Group are charged with, and have a duty to protect the environment of the County, and they have all endorsed and approved this solution.

SOME SCENARIOS

Let me pose three alternatives scenarios for the Board, namely as follows:

THE PROPOSED DEVELOPMENT SCENARIO

1. The property is developed in accordance with the approved CRG Plan, with the variances granted, and according to the best thinking of both public and private planners and engineers, such development would best safeguard the property itself, as well as the Pretty Boy Reservoir a short distance to the south. Surely, that scenario helps protect the health, safety and welfare of everyone involved, namely residents of the future development, nearby residents, other county

10

would not encourage, nor would Dr. Konder and his partners encourage recreational use, and well use for 500 homes on an environmentally dangerous site.

DR. ROBERT KONDER

5. To be charitable in the extreme, we would say that Dr. Konder was a completely discredited witness, in that he has purportedly testified against a 53 lot subdivision on 276 acres a mile to the west of the Parkton Landfill, when he himself is a part of a partnership proposing 500 homes and two 18 hole golf courses in Map Request 3-139 on the site of the Parkton Landfill. As for his testimony concerning the percolation tests, they will be dealt with fully in the course of the testimony of Mr. Sheesley, Mr. Gracie, and various other witnesses.

THE PROTESTANTS' BASIC COMPLAINTS

6. Reluctantly, Dr. McQuaid admitted that his complaint is basically, and actually with the R.C.4 zone as presently constituted. Fundamentally, Dr. McQuaid's position is that he agrees with Baltimore County and Baltimore County reports when they are in his favor, but he reserves the right to disagree with the County, the Planning Staff, the Office of Planning and Zoning and DEPRM, etc., when the reports are not in his favor, as for example, with the basic tenets of the present R.C.4

7

residents, and, indeed, the users of public water from Pretty Boy Reservoir, which includes Baltimore County citizens, Baltimore City citizens, and citizens of portions of Howard and Anne Arundel Counties, as well.

THE SECOND SCENARIO - "DUMBBELL LOTS" WITH A 300 FOOT DIAMETRAL

2. The second scenario would be to have the property developed with the so-called "dumbbell lots," lots flaring out to include a 300 foot diametral in the rear, which "flaring" would severely cut into the slopes, and into the public open spaces, and would result in an adherence to the letter of the law, while doing flagrant damage to the spirit and intent of the law, to the detriment of the land, the County and its citizens.

DEVELOPMENT UNDER PROPOSED R.C.4 REGULATIONS

3. A third scenario would involve development under the new R.C.4 Regulations (if adopted), with one-acre lots, and if Dr. McQuaid and others are at all correct about the need for larger lots in the R.C.4 zone, then surely this one acre lot development would be far inferior to Scenario Number Two, and far, far inferior to Scenario Number One.

Certainly, some may say that other scenarios are possible, including no development, but a glance at Petitioners' Exhibit 7, namely, the Tax Map of the area, as well as the Master Plan, which designates this a Resource Conservation Area with R.C.5 and R.C.4 zoning predominating, would indicate that this total lack of development at Cameron Mill will not be the case for very long, whether these, or other less responsible, perhaps,

11

regulations, the application and wording of the Prime and Productive Soils Bill, Bill 138-89, the new R.C.4 Report, and various other reports. We have the definite impression, that Dr. McQuaid and others with him are in the position of religious zealots, who believe that they and only they have a corner on truth, and that others not in agreement with them are heretics, conspirators, or otherwise speak in grievous error, and should not be listened to.

The plain fact in this case is that the only complaint that the protestants can make is the Petitioners' well founded proposal not to use the diametral requirement. This Protestants' opposition to the variance case comes despite the fact that the diametral as proposed to be variances in this case (and as was variances by Deputy Commissioner Kotroco, in a very well reasoned and singularly thought out opinion below) will result in a better development. The variance will result in a development in accordance with, and indeed exceeding the proposed new R.C.4 Regulations as embodied in the report, adopted by the Planning Board, Petitioner's Exhibit 10. Recall that this R.C.4 Report was adopted by a blue ribbon Committee, including Dr. McQuaid, although he has testified he opposes it. What provisions would suit Dr. McQuaid in the R.C.4 zone? One can only guess.

PRACTICAL DIFFICULTY AND UNREASONABLE HARDSHIP

7. We respectfully submit that it is indeed a practical difficulty and unreasonable hardship, to take a very unique piece of land, divided into three plateaus, with steep slopes

8

not home county developers come into the picture.

If the Board is realistic, and if the protestants are honest, they will admit that the sole purpose in this case is obstructionism, and we are at a loss to understand why Dr. McQuaid and others have chosen to obstruct this development.

Dr. McQuaid was very emphatic that he had only been before the Board on one or two other occasions, we believe mainly in the George's Transfer Case. He appeared as a protestant in the North County at most, in only two or three other developments. If this is so, then why protest this excellent development?

Dr. McQuaid also indicates that since he retired in 1983, some nine years ago, he has devoted his time, in large part, to civic activism. If this is the case, what is the difference between this case and the numerous other properties, R.C.2, R.C.4, and R.C.5, all of which have been developed in the north county on Wissahickon Schist? If Dr. McQuaid and the others are correct then virtually every development in northern Baltimore County is in grave danger of falling as to wells and/or septs, including undoubtedly many of the 200 members of the Maryland Line Community Association, Inc., which is, of course, a ridiculous proposition. Dr. McQuaid admitted that in the Maryland Line Community Association with some two hundred

12

(200) families represented, he only knew personally of two well failures, one reasonably close to this site, and another some distance away. This is not wholesale well failure.

In like manner, on the issue of well failure, Dr. McQuaid admitted that there are now on the order of 60,000 to 70,000 wells in Baltimore County, with a total of 71,000 or so expected by the end of the decade. With these sixty to seventy thousand wells, a yearly well failure rate of 150 to 250 wells is a very small percentage, perhaps one third of one percent. Recall also, that you have heard from Mr. McKee that he has not experienced a well or septic failure in any of the numerous R.C.4, R.C.5 and R.C. 2 subdivisions, in which he has participated as a new developer.

In fact, until recently, Mr. McKee himself resided in the Dellwood Community, an R.C.5, one-acre lot community which he himself developed, ample testimony to his responsible development.

Again, if Dr. McQuaid, et al, are correct at all, every R.C.5 development with one-acre lots, is doomed, not to mention all the old R-40, RDP and RSC developments, done between 1955 and 1976.

CONCLUSIONS

For all of these reasons, we are confident that after you hear the Petitioners' case, including Mr. McKee, Mr. Sheesley,

Mr. Gerber, several Baltimore County witnesses, etc., you will agree that the CRG approval was properly given, and that the CRG group (under the scrutiny of Dr. McQuaid and his group) at two different CRGs very carefully considered all issues, and that the CRG approval should be sustained. The Petitioners have more than borne their burden, while the protestants have fallen far short of their burden to overcome the presumption of correctness under the Development Regulations.

We are further confident that the Board will agree that Cameron Mill which meets or exceeds every aspect of the R.C.4 zone except the 300' diametral, and which has been endorsed by both the Office of Planning and Zoning and the Department of Environmental Protection and Resource Management, as well as approved by other county agencies including the Department of Public Works, etc. is a very responsible way to develop. We are further confident that the 300 foot diametral variance based upon the unique features of the site, the improved thinking with regard to the R.C.4 zone, the lack of an original rationale based upon water or sewer for the 300' diametral, will all lead the Board to the conclusion that the Petitioners will sustain and are sustaining practical difficulty and unreasonable hardship, and that the variances should be granted.

Finally, we are confident that the Board will agree that the health, safety and welfare of the area involved will be served by approval of the CRG as proposed, and as approved with

the single variance relating to the 300 foot diametral, an outmoded standard.

Respectfully submitted,

Newton A. Williams
NEWTON A. WILLIAMS
NOLAN, PLUMHOFF & WILLIAMS,
CHARTERED
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204

Attorney for the Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of May, 1991, a copy of the foregoing letter/memorandum was mailed postage prepaid to J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204 and Phyllis Friedman, Esquire, Baltimore County Peoples Counsel, Court House, Towson, Maryland 21204.

Newton A. Williams
NEWTON A. WILLIAMS

0355C

Brightwater, Inc. Environmental Consulting

Cameron Mills Macroinvertebrate Study

Macroinvertebrates were collected on February 19 in the Fourth Mine Branch and the Little Falls in Baltimore County, MD. A surber sampler was used for the study. The surber sampler is designed so that a one square foot area is sampled for aquatic insects. All rocks in the one square foot area were washed by hand and all particles were allowed to drift downstream into the surber net. When all rocks were washed, the sampler stirred up the bottom (in the 1 square foot area) by hand until hard impervious substrate is reached. The samples were then preserved in alcohol, and identified to the genus level except for the class Diptera which was identified to the family level.

The Shannon Weaver Diversity Index was used to measure the relative diversity of the samples. Both samples contained several taxa which are generally considered to be intolerant to degraded water quality conditions.

The collection station characteristics were as follows:

Station 1
Fourth Mine Branch: 300 ft downstream of Stablers Church Road

width: 8 ft.
Substrate: small gravel w/sand
Velocity: 0.5 fps
Depth: 2'-3"

Station 2
Little Falls 300 ft upstream of Stablers Church Road

width: 30 ft.
Substrate: medium gravel
Velocity: 2 fps
Depth: 3-4"

Station locations are shown on the enclosed map

9130 C RED BRANCH ROAD • COLUMBIA, MARYLAND 21045 • (301) 554-9429

Macroinvertebrate Collections

Little Falls and Fourth Mine Branch

Little Falls, 19 February 1992
Surber Sample

Diptera	Chironomidae		79
	Simuliidae		14
Trichoptera	Limnephilidae	Neophylax	1
	Hydropsychidae	Hydropsyche	4
		Cheumatopsyche	5
		Ceratopsyche	5
	Philopotamidae	Chimarra	3
Coleoptera	Psephenidae	Psephenus	2
Megaloptera	Corydalidae	Corydalus	2
		Nigronia	4
Ephemeroptera	Ephemerellidae	Ephemerella	8
	Heptageniidae	Stenonema	3
		Epeorus	2
	Oligoneuridae	Isonychia	2
Plecoptera	Taeniopterygidae	Strophopteryx	8
	Perlidae	Acronuria	4
Total number in sample			146
No. of taxa (genus)			16

Fourth Mine Branch

Macroinvertebrate Collections

19 February 1992

Diptera	Chironomidae		7
	Tipulidae (2 genus)		2
	unknown		2
Trichoptera	Limnephilidae	Neophylax	6
	Hydropsychidae	Cheumatopsyche	14
		Ceratopsyche	4
	Philopotamidae	Chimarra	19
Coleoptera	Elmidae	Optioservus (Adult)	3
		Optioservus (Larvae)	4
Ephemeroptera	Ephemerellidae	Ephemerella	64
	Heptageniidae	Stenonema	4
	Oligoneuridae	Isonychia	3
Plecoptera	Taeniopterygidae	Strophopteryx	50
	Chloroperlinae	Alloperla	1
Total number in sample			183
No. of taxa (genus)			14

Shannon Weaver Diversity Index

The Shannon Weaver Diversity Index is computed using the following formula:

$$D = \frac{C}{N} [N \log_e N - \sum n_i \log_e n_i]$$

where D = diversity index
C = (constant) - 3.321928
N = total number of individuals in sample
n = number of individuals in each genus

Shannon Weaver Results:

Little Falls - 2.72

Fourth Mine Branch - 2.73

The Shannon Weaver Diversity Index can provide indications of relative water quality impairment or degradation. The index goes up with increasing diversity, so the larger the index for a given sample, the greater the diversity. Both the Little Falls and Fourth Mine Branch sample had relatively good diversity.

CAMERON MILL - AREA BREAKDOWN

1. GROSS AREA OF PROPERTY	276.2 AC ± = 100.0 %
2. OPEN SPACE DATA	
DNR AREA	17.5 AC ± = 6.3 %
R & P AREA	8.2 AC ± = 3.0 %
HOA AREA	58.0 AC ± = 21.0 %
FOREST BUFFER AREA	85.7 AC ± = 31.0 %
TOTAL OPEN SPACE PROVIDED	169.4 AC ± = 61.3 %
3. PROPOSED IMPERVIOUS AREA	6.8 AC ± = 2.5 %
4. EXISTING WOODS	176.2 AC ± = 63.8 %
5. EXISTING CULTIVATED AREA	60.0 AC ± = 21.7 %
6. EXISTING MEADOW & OPEN LAND	40.0 AC ± = 14.5 %

Resume of

JAMES W. GRACIE

Brightwater Consulting Services

Of

J.W. Gracie & Associates, Inc.

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

887-3733

April 2, 1990

Mr. James McKee
McKee and Associates
5 Shawan Road
Hunt Valley, Maryland 20130

Re: Cameron Mill, E.D. 7
TA 407-03-00075
16-00-009467

Dear Mr. Pulling:

A representative of this office, William W. Ensor, Jr., R.S. conducted soil evaluations on 3/20, 21, 22, 23, 26/90 regarding the above referenced lot(s). The results are as follows:

TEST PIT DRAMDOWN DEPTH SOIL

SEE ADDITIONAL PAGES

Based on the evaluations and the approved master plan dated February 5, 1991, APPROVAL will be granted for the installation of a private sewage disposal system. Soil evaluation results will be valid for a period of three (3) years from the date of this Department's approval of the Record Plat or Minor Subdivision Plat. In the case of a single lot of record, the date of the soil evaluation approval letter will initiate the three-year period. At the expiration of this period of time, the results will become void without notice to that effect having been given by the Approving Authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

RECEIVED 3 1997

Mr. James McKee
Page 2
April 2, 1991

The Following are comments which concern persons developing property.

Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gal. per minute be drilled prior to issuance of a Building Permit.

Water well yield test reports shall be valid for a period of three years from the date of the yield test. At the expiration of that period of time, a retest must be performed and a report submitted to the Baltimore County Department of Environmental Protection and Resource Management prior to issuance of a building permit.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. Questions regarding the subdivision process should be directed to J. Lawrence Pilson at 887-2762.

If there are any questions regarding this matter, please contact Mr. J. Robert Powell at 887-2762 between 8:30 - 9:30 a.m.

Very truly yours,

J. Lawrence Pilson
Supervisor
Land Development Section
DIVISION OF GROUND WATER
MANAGEMENT

RJA:pj
CAMERON/TXTPD-2/91

SOIL EVALUATION DATA SHEET

SUBDIVISION: Cameron Mill, E.D. 7
EVALUATION Date(s): 3/20, 21, 22, 23, 26/90

TEST PIT	LOT	DOWN IN MINUTES	DEPTH OF TEST	SOIL AND DEPTH AT WHICH POROUS 50% WAS ENCOUNTERED
1A	1			Clay 0-7' PBS 7-15' R
1B				Clay 0-8' PBS 8-16'
1C				Clay 0-10' Silty PBS 10-16'
1X	5 min.	4 ft.		Clay 0-4' PBS 4-13' R
2A	2	2 min.	4 ft.	Clay 0-3' PBS 3-16'
2B				Clay 0-4' PBS 4-16' R
2C				Clay 0-10' PBS/Clay 10-15' R
2X	2 min.	4 ft.		Clay 0-4' PBS 4-13' R
3A	3			Clay 0-2' PBS 2-3' R
3B				Clay 0-2' PBS 2-7' R
3C				Clay 0-2' PBS 2-12' R
3X	2 min.	3 ft.		Clay 0-3' PBS 3-11' R
3Y				Clay 0-2' PBS 2-12' R
4A	4			Clay 0-3' PBS 3-11' R
4B				Clay 0-4' PBS 4-13' R
4C				Clay 0-3' PBS 3-10' R
4X	2 min.	4 ft.		Clay 0-3' PBS 3-13' R
4Y				Clay 0-2' PBS 2-11' R
5A	5	4 min.	4 ft.	Clay 0-3' PBS 3-11' R
5B				Clay 0-4' PBS 4-13' R
5C				Clay 0-3' PBS 3-13' R
6A	6	3 min.	4 ft.	Clay 0-3' PBS 3-13' R
6B				Clay 0-4' PBS 4-12' R
6C				Clay 0-2' PBS 2-12' R
7A	7	2 min.	4 ft.	Clay 0-3' PBS 3-13' R
7C				Clay 0-2' PBS 2-13' R
8A				Clay 0-2' PBS 2-13' R
8B				Clay 0-2' PBS 2-11' R
8C	5 min.	5 ft.		Clay 0-5' PBS 5-16'

PBS = Prettyboy Schist
R = Rock
M = Water

ROBERT W. SHEESLEY

Mr. Sheesley has more than twenty years experience in the fields of environmental protection and natural resource management. During that period, Mr. Sheesley has gained direct experience in the management of water, land, waste, and air environmental disciplines. Of those twenty years, seven years were spent in advanced program management in developing "state-of-the-art" environmental and natural resource protection agencies in Baltimore and Howard Counties in Maryland. His watershed management approach in Baltimore County, Maryland won a national award from the National Association of Counties in 1989.

Mr. Sheesley's experience has afforded him a wide range of expertise in program and project management, planning, political interaction and consensus building. He has been directly involved in the oversight of

land regulatory processes, development evaluations from a regulatory perspective and has developed water quality, and solid and hazardous waste initiatives for local governments. Mr. Sheesley planned, developed and administered the Baltimore County Department of Environmental Protection and Resources Management, a major initiative for a metropolitan county with a population of 700,000. During his tenure as Director of the Department, Mr. Sheesley fostered initiatives and legislation for water quality improvements, watershed management, stream restoration, and wetlands protection. Mr. Sheesley has served on numerous state committees and Governor's Task Forces which resulted in the development of statewide environmental strategies for Maryland. His experience in the public sector has included extensive exposure to local, state and federal legislative and

PROFESSIONAL HISTORY

Present:
Environmental Consultant, Brightwater
Environmental Consulting Services.

1987 - 1990
Director, Department of Environmental Protection and Resource Management, Baltimore County, Maryland.

1984 - 1987
Director, Bureau of Environmental Health, Howard County, Maryland Health Department.

1981 - 1984
Chief, Water Quality and Waste Management

Program, Baltimore County Bureau of Environmental Services, Baltimore County Maryland, Health Department.

1979 - 1981
Supervisor, Land Development Review Section, Baltimore County Bureau of Environmental Services, Baltimore County Maryland, Health Department.

1970 - 1979
Sanitarian, Bureau of Environmental Services, Baltimore County, Maryland Health Department.

RE: CAMERON MILL, Stablers Church and Walker Roads; also SE/S
Eagle Mill Rd.
6th and 7th Election Districts
3rd Councilmanic District
AND
PETITION FOR VARIANCE
C/L Stablers Church Rd.
120' of C/L of Walker Rd.
6th Election District
3rd Councilmanic District
RUTH ANN DESOTO/MAYER C.
KALICHMAN, Petitioners
: : : : :
Case No. CBA-91-145 & CBA-91-122
Case No. 91-462-A

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.

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2186

HEREBY CERTIFY that on this 7th day of February, 1992, a copy of the foregoing Entry of Appearance was mailed to Mr. James W. McKee, Little Falls Ltd. Partnership, 5 Shawan Rd., Hunt Valley, MD 21030; Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204; J. Carroll Holzer, Esquire, Holzer, Maher, DeMilio & Lee, 305 W. Chesapeake Ave., Suite 105,

Towson, MD 21204; Lawrence A. Melfa, Esquire, Howard, Butler & Melfa, 401 Allegheny Ave., Towson, MD 21204; Michael Moran, Esquire, Associate County Attorney, 2nd Floor, Courthouse, 400 Washington Ave., Towson, MD 21204; and Mr. Carl J. Mantegna, Jr., 396 Stablers Church Rd., Parkton, MD 21120.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN RE: PETITION FOR ZONING VARIANCE
7/1 of Stablers Church Road,
1200' E of the C/L of Walker Rd.
6th Election District
3rd Councilmanic District
Ruth Ann Desoto, Individually
and Trustee, and
Mayer C. Kalichman, Trustee -
Petitioners
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-462-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances from Section 16G.1.4.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an R.C. 4 subdivision with lots of less than the minimum required diametral dimension of 300 feet; from Section 101 to permit an accessory structure (existing barn) to be larger than the principal building on the lot; from Section 401.1 to permit said accessory structure to be located in the side and front yards of the lot in lieu of the required rear yard; and from Section 400.3 to permit a height for said accessory structure of 35 feet in lieu of the maximum permitted 15 feet, all as more particularly ascribed on Petitioner's Exhibit 1.

The Petitioners, by James McKee of McKee & Associates, Inc., on behalf of the Cameron Mill Partnership, the Contract Purchaser appeared, testified, and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petitioners were Larry Melfa, Esquire, R. Dennis German, Realtor, and Norman E. Gerber, expert Planner and former Director of the Office of Planning. Numerous individuals appeared as Protestants in the matter and were represented by J. Carroll Holzer, Esquire.

Testimony indicated that the subject property contains 276.2 acres, of which 271.8 acres are zoned R.C. 4 and 4.4 acres are zoned R.C. 5 and is presently improved with an existing dwelling and barn as depicted

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on Petitioner's Exhibit 1, Sheet 2 of 2. Petitioners are desirous of developing the property with single family dwelling units in accordance with Petitioners Exhibits 1 and 2.

Dennis German testified that he became involved with the subject property in 1989 when asked by Petitioners to market the property. He testified that he first hired an engineer who prepared a plan to develop the subject property; however, the plan did not provide for any open space nor did it properly address environmental issues. Mr. German testified that he believed the property could be better developed with a more environmentally sensitive plan. The decision was made to hire McKee & Associates, Inc. who prepared the present plan which provides for a great deal of open space and takes into account the environmental sensitivities of this particular parcel of land.

James McKee testified that his company prepared the site plan accepted into evidence as Petitioner's Exhibit 1. Mr. McKee testified that the Department of Natural Resources (DNR) maintains a hike and bike trail which transgresses the subject property. Testimony indicated that DNR was interested in obtaining a 100-foot wide strip of land on either side of said trail and that the Petitioners have provided 17.5 acres to DNR for this purpose. Mr. McKee testified that the Petitioners further provide for open space to be given to the Department of Recreation and Parks in the amount of 8.2 acres. Further testimony indicated that open space would also be given to the homeowners' association in the amount of 58.0 acres. Finally, Mr. McKee testified that 85.7 acres of this land would be included in the forest buffer area. These calculations and figures are more particularly described on Petitioner's Exhibit 3.

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- 2 -

It is quite clear from the testimony of Mr. McKee that the plan as proposed clearly has the best interests of the environment in mind. It is further noted that all of the open space provided in this plan is done so voluntarily as the R.C. 4 zone does not require any open space.

On cross-examination by Mr. Holzer, it was brought out through Mr. McKee that this parcel of land could be developed with the inclusion of the 300-foot diametral requirement for each and every lot proposed. In fact, submitted into evidence were several overlays showing that the 300-foot diametral could in fact fit in each lot. However, developing the property in this fashion would eliminate most, if not all, of the 169.4 acres of open space that has been granted to the various entities previously described.

Norman Gerber appeared and testified as an expert in the area of planning. Mr. Gerber testified that all of the lots contained on this parcel of land meet all requirements imposed by Baltimore County, the only exception being the 300-foot diametral requirement. He testified that the purpose of the diametral was to eliminate very long and narrow building lots. Mr. Gerber further testified that the variances requested by the Petitioners would actually improve the condition of the property and would be consistent with the spirit and intent of the B.C.Z.R. He was very much in favor of the plan and the granting of the requested variances.

On cross-examination, it was brought out through Mr. Gerber that there is no requirement in the law that a dwelling on a lot in an R.C. 4 zone be constructed inside the 300-foot diametral. In fact, Mr. Gerber stated that he signed off on many plans while employed with Baltimore County as Director of Planning which located the diametral elsewhere on

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- 3 -

the property from where the house was located. There simply is no requirement in the law that the house be contained within the 300-foot diametral.

Appearing and testifying in opposition to the Petitioners' request was Paige Herbert. Mr. Herbert is a professional geologist and engineer. Mr. Herbert testified that the subject 276.2 acre parcel is located on the Pretty Boy schist belt. He testified that because of this particular rock formation, it is very likely that sewage from the septic drain field would mix with the well water for these particular lots. Mr. Herbert testified that, in his opinion, this particular parcel of land should not be developed, no matter how close the houses are located. He testified the probability of contamination would exist whether or not the variances requested were granted and that contamination would occur regardless of how close the houses were located on this particular rock formation. Mr. Herbert was unable to say that the granting of these variances would be the sole and proximate cause of the contamination about which he testified.

Dr. Robert Kondner appeared and testified in opposition to the Petitioners' request. Dr. Kondner is an expert in hydrogeotechnical engineering. Dr. Kondner attacked the percolation tests that were performed on the property and testified that, in his opinion, the tests should not have been accepted by the County. He testified that he was familiar with the subject property and had actually visited the site. Dr. Kondner agreed with Mr. Herbert that the entire parcel of property is situated on the Pretty Boy schist. It was his expert opinion that there would be interaction between the drinking water and the septic system on the property thereby causing contamination. Dr. Kondner testified that requiring the houses to be situated 300 feet apart from one another might help minimize the contamination problem. However, he stated that it would not cure the

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- 4 -

eventual contamination. It was clear from the testimony that in his opinion, these health problems will exist on the property whether or not the requested variances are granted.

The final witness in opposition to the requested variances was Dr. Richard W. McQuaid. Dr. McQuaid is an expert in biochemistry and physical chemistry. Dr. McQuaid further corroborated the testimony of the prior experts and stated that in his opinion, there will be contamination on this site due to the location of the property on the Pretty Boy schist.

The first issue to be decided is whether or not the law requires the 300-foot diametral to be drawn around the dwelling. I find as a fact that there is no such requirement in the law and, therefore, the 300-foot diametral need only be drawn somewhere on the lot. There is no requirement that the dwelling be located inside the 300-foot diametral, if such a requirement existed, the law should so state.

It is obvious from the testimony presented that all County agencies, particularly the Office of Planning and Zoning, and the Departments of Environmental Protection and Resource Management (DEPRM) and Recreation and Parks are in favor of the development of the subject property in the manner proposed. However, the Petitioners must still satisfy the requirements of Section 107.1 of the B.C.Z.R.

The first prong of the three-part test that the Petitioners must satisfy is that of practicality, difficulty or unreasonable hardship. It is clear from the testimony that the subject parcel of property is extremely unique. The property contains numerous steep slopes, is of a very irregular shape, is traversed by the DNR's hike and bike trail, and a major stream, the Little Falls. In addition to the topography of the land as previously stated, there are environmental, ecological and conservation

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Date 9/16/91
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- 5 -

constraints and restrictions placed upon the development of this property. These environmental, ecological and conservation concerns are in direct conflict with the 300-foot diametral requirement. Developing the subject property consistent with today's environmental, ecological, and conservation requirements presents as much practical difficulty and unreasonable hardship as the topography of the land. The primary reason for requesting variances of the diametral is to protect and preserve the environment. Accordingly, I find that the Petitioners have shown practical difficulty or unreasonable hardship in this instance by developing a plan with these interests in mind and satisfying these requirements.

While it is true, and the Petitioners have shown, that the property could be developed with each and every lot containing a 300-foot diametral, that type of plan would serve few, if any, environmental interests. The Petitioners should not be penalized for submitting an environmentally sensitive plan. Therefore, I find that the Petitioners have satisfied this first prong of the three-part test.

The second prong of the three-part test is that the granting of the variance is in strict harmony with the spirit and intent of the applicable regulations. It is clear that the spirit and intent of the R.C. 4 and the R.C. 5 zoning regulations are for the protection of environmentally sensitive areas of Baltimore County, such as the property in question. The Petitioners' plan clearly has this purpose in mind and has the support of the applicable County agencies. I therefore find that the proposed plan and the granting of the relief requested are in harmony with the spirit and intent of the applicable zoning regulations.

The third prong of this three-part test is that the granting of the variance would not result in substantial injury to the public health,

safety and general welfare. The expert testimony presented by the Proponents was that in their opinion, any development on the subject property would result in contamination of the well water. The reason for this was that this property is located on the Pretty Boy schist. However, the witnesses were unable to say that it would be the granting of the requested variances that would cause this contamination. Their testimony was that contamination will occur no matter where the houses are situated on the property. They were unable to state that granting these variances would be the sole and proximate cause of contamination.

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of September, 1991 that the Petition for Zoning Variance from Section 1A03.4.B.3 to permit an R.C. 4 subdivision with lots of less than the minimum required diametral dimension of 300 feet; from Section 101 to permit an accessory structure (existing barn) to be larger than the principal building on the lot; from Section 400.1 to permit said accessory structure to be located in the side and front yards of the lot; and from Section 400.3 to permit a height of said accessory structure of 35 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

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- 6 -

1) The Petitioners may apply for their building permit and be granted same upon receipt of this 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.

TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 9, 1991

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
C/L Stablers Church Road, 1200' E of the c/l of Walker Road
6th Election District - 3rd Councilmanic District
Ruth Ann Desoto, Individually and Trustee, and
Nayer C. Kalichman, Trustee - Petitioners
Case No. 91-462-A

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

J. Carroll Holzer, Esquire
303 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

People's Counsel

File

Mr. Nicholas B. Merryman
Clover Hill Farm
14635 Eagle Mill Road, Parkton, Md. 21120

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- 8 -

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555
Facsimile: (301) 527-1563

August 23, 1991

The Honorable Timothy M. Kotrosc, Esquire
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Ruth Ann DeSoto Property, Cameron Mill
Case No.: 91-462-A

Dear Commissioner Kotrosc:

Upon review of the Protestants' brief, I note that they have argued that one of the reasons we are requesting the variances is based on economic hardship. To my knowledge, I did not testify that we would suffer economic hardship if these variances are not granted. I have also understood, since the inception of my career in 1973, that economic hardship is not a reason for granting variances.

I hope this helps clarify my testimony on economic hardship. I respectfully submit, Mr. Williams brief, outlines the reasons for which we are requesting the variance. Thank you for the opportunity to present this clarification.

Very truly yours,
McKEE & ASSOCIATES, INC.

James W. McKee, L.S., President

JWM:ajw

cc: Newton Williams, Esquire
Carroll Holzer

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ZONING OFFICE

IN RE: * BEFORE THE
CAMERON MILL * DEPUTY ZONING
CAMERON MILL, STAPLER'S CHURCH * COMMISSIONER
AND WALKER ROAD; ALSO, * OF
SE/S EAGLE MILL ROAD * BALTIMORE COUNTY
* ITEM NO.: 432
* Case No.: 91-462A

MEMORANDUM OF PROTESTANTS

The Maryland Line Area Association, Messrs. Robert Leonard, Michael Herbert, Dr. Richard McQuaid, Mary Wallace, et al., Protestants, hereby submit the following Memorandum as requested by the Deputy Zoning Commissioner as a supplement to the final closing arguments submitted in the above captioned case.

FACTS

Petitioners are developers of a proposed subdivision in Northern Baltimore County of approximately 276 acres of RC 4 and RC 2 Zoned property. A subdivision of 53 lots is proposed, 51 of which are new lots with an existing two lots already occupied by a historical site and a lot of the original owner of the property to be subdivided. Of the 51 new lots, the Petitioners have requested variances on 32 of them from the Baltimore County Zoning Regulation which requires lots with no less than the minimal diametral dimension of 300 feet. The

Protestants oppose this variance request. A summary of the testimony of all the witness presented in the 5 1/2 hour hearing will not be presented in this Memorandum.

ISSUES

The Protestants suggest that Section 307.1, Baltimore County Zoning Regulations, providing for Variances, requires a three-fold test of whether or not the variance should be granted by the Deputy Zoning Commissioner. First, the Petitioner must show "practical difficulty or unreasonable hardship." Second, the variance may be granted only if in strict harmony with the spirit and intent of the said area restrictions. Third, the variance may be granted only if granting it will not result in substantial injury to the public health, safety and welfare.

ARGUMENT

Taking the arguments in reverse order, and without restating the testimony of all of the witness, the Protestants would submit that testimony of Dr. Robert Konder and Mr. Page Herbert indicates substantial concern with the underlying geology below the Cameron Mill subdivision and creates a potential health, safety and welfare issue if this variance is granted. Both witnesses express concern in regard to the closeness of the wells and septic systems, not only to each other internally, but to each lot in its relationship with

others. Protestants would submit that a substantial question has been raised in regard to the health and safety issue aspect of the test for the granting of a variance.

Secondly, the variance should be granted only if in strict harmony with the spirit and intent of said area legislation. It is clear that there is substantial concern over the approach, which would allow the 300 diametral dimension to be drawn on a lot in an area which does not encompass the house, the well and the septic system. To interpret the language of this area requirement in the Zoning Regulations, to allow the circle to be drawn in the alternative plan that was proposed by the Petitioner, would not only violate the spirit and intent of the reasons for the legislation, but also be in direct conflict with the 1971 study submitted as an Exhibit by the Petitioner and relied upon by Norman Gerber, the witness for Petitioner.

It is clear that the parties are in sharp disagreement over whether or not the alternative method of drawing the 300 foot circle would be consistent with the spirit and content of said legislation.

Third, turning to the third aspect of the variance requirement, that of practical difficulty or unreasonable hardship, an interesting and difficult dilemma has been presented by the Petitioner and that is, in their collective testimony, it is quite clear that they have alternative methods of complying with the Zoning Regulations (at least through

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2

self-inflicted hardship cannot be the basis for a variance. The Court again cited to #2 Rathkopf, The Law of Zoning and Planning, Paragraph 48-1 sets forth the proposition that self-inflicted hardship cannot form the basis of the grant of a variance.

It further states that where there has been an act on part of the property owner or his predecessor which has physically so affected the property as to create a unique circumstance, which, in itself created a practical difficulty or hardship in conforming to the restriction of the ordinance, it is not appropriate to grant relief.

In the instant case, it is clear that the property is capable of subdivision and is capable of meeting the zoning maximum density allowed as well as the two methods of complying with the Baltimore County Zoning Regulation dealing with the 300 diametral circle requirement. That having been the testimony before the Zoning Commissioner, it is inappropriate to grant relief simply for the ability of the property owner to increase his financial result from the appropriate subdivision. Here, it is clear that he could either comply with the area regulations, or reduce the number of lots and continue to subdivide it in the fashion which he proposed in this plan with a lesser number of lots in order to comply with all of the regulations.

In the Salisbury case, it is interesting to note that the developer in that case was trying to obtain variances in the deficiency and lot size as being irrelevant to the City's population density requirement. There, the Court pointed out that was a legislative determination, not a judicial one.

d. Kearney v. City of Baltimore, 201 Md. 130 (1952). In the Kearney case, a homeowner sought a variance from a side yard requirement. The Board of Appeals denied the requested variance ultimately on the basis that the need to justify and exception must be substantial and urgent, and not merely for the convenience of the applicant. Inasmuch as the aim of the ordinances to prevent exceptions as far as possible, and a liberal construction allowing exception for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. 201 Md. at pg. 137.

We believe in the instant case that the instant facts based upon the testimony of Mr. McKee falls under the Kearney interpretation of the Court of Appeals, where the testimony clearly is that this request is for the convenience of the applicant and allegedly the neighbors and the environment.

their interpretation of their spirit and intent of the law) by drawing the 300 foot circles on each lot. Likewise, the testimony of the Petitioner's witness, McKee, that there was another plan whereby properties could be "stacked" and the could be complied with by the developer.

The only proffered reason given by the Petitioner for the requested grant of the variances, was that in addition to making it more profitable for him, satisfied environmental concerns of various agencies and departments of Baltimore County and would be better for the public in general. That is to say, the Petitioner argues that his proposed plan which requires the variances would be "better for the public and the environment."

With the evidence in its current state as suggested above, Protestants argue that such testimony does not constitute practical difficulty or unreasonable hardship and therefore, the Petitioners have failed to meet their burden under Section 307.1 and the cases that interpret variances.

The following are a series of cases which address the issue of when to grant a variance and perhaps can shed some light upon this issue for the Deputy Zoning Commissioner:

a. Easter v. City of Baltimore, 195 Md. 395 (1950). This early case dealing with the granting of a variance under Baltimore City ordinance set forth the proposition that a

request which would make the property more profitable is not a sufficient ground to justify relaxation of setback requirements.

In addition in this case, prior exceptions to zoning requirements (a variance granted to allow an adjacent store, a setback variance) is not in and of itself controlling. That is, ill-advised or illegal variances do not furnish the grounds for a repetition of a wrong. This case begins an examination of variances which was followed by:

b. Gleason v. Keswick Improvement Association, Inc., 197 Md. 46 (1950). In this case, the Petitioner requested a variance along with a special exception to allow a commercial use or a residential zoned property. The Court, in citing Rathkopf On Law of Zoning and Planning, page 262, to the extent that "where a person purchases property with the intention to apply to the Board of Appeals for a variance from the restrictions imposed by the ordinance, he cannot content that such restrictions cause him such a peculiar hardship that entitles him to the special privileges which he seeks."

Further in this case, the Court emphasized that a variance to make property more profitable is not a sufficient ground to justify the granting of a variance.

c. Salisbury Board of Zoning Appeals, et al. v. Bounds, 240 Md. 547 (1965). Justice Marbury for the Court of Appeals in analyzing a zoning variance request found that a

e. McLean v. Soley, 270 Md. 208. This case is most often cited by the Zoning Office in granting variances because it attempts to summarize the requirement of "practical difficulty or unreasonable hardship." In McLean, at pg. 213 and 214, the Court sets forth its requirements for those terms.

It makes the point that the standard for granting a variance is whether or not strict compliance with the regulations which result in practical difficulty or unreasonable hardship; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning Regulations, and only in a manner as to grant relief for that substantial injury to the public health, safety and general welfare. These are the elements of the test previously set forth in this Memorandum as the issue.

It is submitted that they must be examined separately as well as jointly in analyzing the case. In the McLean case, at page 214, the Court in analyzing practical difficulty again cites #2 Restikopf, The Law of Zoning and Planning, Section 45-28 and 29 analyzing practical difficulty as: (1) "whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density, would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome."

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Here, in the instant case, it is clear that complying with the strict letter of restrictions does not unreasonably prevent the owner from using his property because he has indicated there are at least two methods which he can comply with the area requirement.

Secondly, the question becomes whether a grant of the variance applied for would do substantial justice to the applicant as well as other property owners in the district. The answer to that is also no, in that the Protestants have clearly set forth objections to the proposal and substantive reasons for so objecting which directly affect the health, safety and welfare of their neighborhood.

Third, whether the relief can be granted in such a fashion that the spirit of the ordinance will be observed and the public safety and welfare secured. The answer to this also is no, in view of the clear testimony in regard to the potential geology in the area but more importantly, the fact that the County performed a study in 1971 which shows that the physical relationship of the wells and the septic to each other as well as to each other as well as to adjoining lot sizes form the very basis for the RC 4 Zone. This study was introduced as a Petitioner's exhibit.

In summary then, we believe a careful analysis of the McLean v. Soley case clearly supports the proposition that this request of the Petitioner must be denied.

9

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f. Anderson v. Board of Appeals, 22 Md. App. 28 (1974). In the Anderson case, there is a remarkable similarity between the status of the evidence as presented there and here. A key witness for the Petitioner, Mr. Herbert Fleischer, an architect, engineer and land planner, whose testimony is summarized at pg. 34, where he sets forth the basis for the variance request there that the subject property had a "intriguing natural beauty with distinct contours and vegetation which should not be disturbed." He testified that the variances should be granted to allow placing a number of buildings in what would be a "well organized project."

In cross-examination, when asked what hardship he would suffer if the variance was not granted, he replied "maybe poor planning." His testimony is very similar to that of Mr. McKee, who testified that there were two other ways to set up this subdivision known as Cameron Mill, but they would be less preferable or less desirable than the one that would require the variances.

The Court in Anderson in looking at the standard for this area variance in that case found that the only hardship or practical difficulty alleged by the applicant there as a result of the strict application of the ordinance was a "loss of profit" and "maybe poor planning." The Court found

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10

that this evidence falls far short of a showing of unnecessary hardship as defined by the ordinance of Chesapeake Beach as well as the Court of Appeals.

The Court in Anderson at pg. 42 found that there the testimony established unequivocally that not only was it possible to develop the land in accordance with the zoning requirements, but that it also could perhaps be less costly than the method of development proposed. Based upon that record, the Court of Appeals reversed and found that the granting of the variance was arbitrary and capricious and could not be sustained.

Protestants would submit that the analogy between Anderson case and the instant case based on the testimony of Mr. McKee are remarkably similar. The "hardship" or "practical difficulty" must burden the petitioner requesting the variance, not some alleged third party, or non-applicant. See Anderson.

WHEREFORE, Protestants request the Deputy Zoning Commissioner to deny the variances for all the above reasons.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer, Maher, Depilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
301-825-6960

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11

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19 day of August, 1991, a copy of the foregoing Memorandum of Protestants was mailed, postage pre-paid to: Newton Williams, 210 West Pennsylvania Avenue, Suite 700, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

NEWTON A. WILLIAMS
WILLIAM M. HERRON, JR.
THOMAS J. REINER
WILLIAM P. KENLEWANT, JR.
STEPHEN J. NOLAN
ROBERT L. WALKER, JR.
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WRITER'S DIRECTORIAL
REF 7856

August 19, 1991

The Honorable Timothy N. Kotroco, Esquire
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Ruth Ann DeSoto Property, Cameron Mill
Case No. 91-462-A

Dear Commissioner Kotroco:

At the close of the hearing on August 7, 1991, both sides were given the opportunity to submit a Letter of Memorandum within ten days.

We respectfully submit that the requested diametral variances should be granted, and that the requirements of Section 307 of the Baltimore County Zoning Regulations have been met.

PRACTICAL DIFFICULTY AND UNREASONABLE HARDSHIP

Section 307 of the BCZR requires a showing of practical difficulty or unreasonable hardship. In the present case we have both. All county agencies OPZ, DEPRM and Recreation and Parks agree. All want Cameron Mill to leave much of the tract in common or public ownership. To realize these goals, there is a direct conflict with the 300 foot diametral requirement.

Bear in mind we have met all the other R.C. 4 requirements of Section 1A03.4 A. and B., namely 3 acre lots, far less than the 10 1/2 acre lots allowed, and far less than the 25% of natural vegetation removal allowed. It is practical difficulty and it is unreasonable hardship when three different County agencies are strongly encouraging the Petitioners to go in different directions. We have met the Agency strong recommendations for public and private open space, protecting slopes, floodplains and stream valleys, while at the same time meeting all but the 300 foot diametral requirement of the R.C. 4

The Honorable Timothy N. Kotroco, Esquire
August 19, 1991
Page Two

4 zone. The moral and policy obligation to be environmentally responsible is a hardship, which it should not be, due to the somewhat dated nature of the R.C. 4 zone, particularly the 300 foot diametral requirement. Both DEPRM and OPZ agree we are being responsible and recommend these variances. One should not be put on the defensive for responding to government and sound environmental practices which have evolved since the law was drafted. This type of opposition can only discourage future developers from trying to respond to the latest environmental thinking.

STRICT COMPLIANCE

Strict Compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship both to the Petitioners, to the public and to the County. As shown in Petitioners' Exhibit 3, although no public open space whatsoever is required in an R.C. 4 Zone, approximately 169.4 acres, or 61% of the overall 276 acre site will be in some form of open space under this site plan, either in the hike and bike trail, the O N R area, the Recreation and Parks area, the HOA area, or the forest buffer areas.

As Mr. Gerber and other witnesses pointed out, the R.C. 4 Zone is becoming dated, particularly, but not only the 300 foot diametral requirement. Policies to protect steep slopes, flood plains and wooded areas have considerably evolved since the R.C. 4 Zone was adopted in 1975. In the present case, it is a far superior proposal to place these areas, primarily either in public ownership at the State or County level, or in collective ownership under a Homeowners Association.

As for density the 53 units of the 56 units allowed, the public, the County and the Petitioners are all benefited by a realization of greater density. Present and future residents of the North County area are all benefited by a use of legislatively permitted density because it conserves land and other resources. As to the County, if we accept the premise that there is a certain amount of demand for large lots in the northern county, then if the density is not utilized on this property, other properties will be subjected to the need to be developed, and land will be utilized at far less than its legislatively determined potential.

The Honorable Timothy N. Kotroco, Esquire
August 19, 1991
Page Three

As noted at the hearing, the public and the County are at least equal beneficiaries in this case, as are the estate and the contract purchasers.

IN HARMONY WITH THE SPIRIT AND INTENT OF THE REGULATIONS

The DeSoto family and the contract purchasers submit that the requested variances are very much in harmony with the spirit and intent of the regulations.

Section 100.1A.1 of the Baltimore County Zoning Regulations, states that the purposes of the zoning regulations include the promotion of "health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community." These variance requests which have been endorsed both by the Director of Planning and by the Department of Environmental Protection and Resource Management very much foster all of these objectives, by minimizing clearing and grading on the property, and keeping development on the high ground, and the bulk of this wooded property will be left undisturbed in an either collective or public ownership. Fifty-three (53) total lots are below the fifty-six (56) lots allowed, and represent very minimal development, and according to Petitioners' Exhibit 3, only 6.8 acres or 2-1/2% of the site will be composed of impervious area.

As previously noted, the Master Plan shows, as is shown in Exhibit 6 that the subject property, the DeSoto property, is in a Resource Conservation Area. It is hard to imagine how more resources could be conserved, or placed in public or collective ownership than under the subject plan, except if there were little or no development at all, an unrealistic expectation.

WITHOUT SUBSTANTIAL INJURY TO PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE

Bear in mind that the DeSoto property has received CRG approval, including review by all county agencies, not only, but including DEPRM and the Office of Planning and Zoning, as well as the Departments of Public Works, Traffic Engineering, Recreation and Parks, and others.

The petitioners would ask that the Commissioner take judicial notice of the tax map in the area, particularly, but not only Tax Map No. 12, and note the number of subdivisions to

the east, west, north and south of the subject property, all successfully developed.

Furthermore, the petitioners would request that the Commissioner take note of the zoning file in this case, which contains no negative comments from any county agency, including, but not only DEPRM, as to wells, septic tanks, or other matters.

Mr. McKee, Mr. Melfa and Mr. German are all respected members of the development, real estate and legal communities, and they are not going to build a subdivision with lots with wells or septic tanks which are subject to premature or early, en masse failure; nor are there other such failed subdivisions in the north county.

The protestants' so called experts, were very generalized and unspecific in their testimony. Although Dr. McQuaid has lived in the area for years, other than three towns, two of which were in Pennsylvania, he was unable to give me an example of any subdivision R.C.4, R.C.5 or otherwise which had failed in the north county.

Dr. Robert Kondner, although trained in geology as a civil engineer, had conducted no test whatsoever on the subject property, in comparison with the Health Department and DEPRM which conducted some fifty one (51) percolation tests. As Dr. Kondner, himself said, if the property had not passed perk tests, we would not have gotten to the point where we are in the process.

The protestants' geologist, Dr. Paige Herbert, also was very unspecific. Dr. Herbert offered no geological material, made a sketch on a piece of paper which he did not submit, and merely stated a general statement that the entire north county is largely formed of Wissahickon Schist. If Wissahickon Schist was as dangerous for percolation and well use as he states, there would be numerous failed subdivisions throughout the north county. There are not.

Neither Dr. Kondner nor Dr. Herbert offered any acceptable expert opinion that pertains specifically to this development. They gave general opinions concerning the underlying geology of the area, and speculated as to possible consequences which have not been borne out by the historic data (lack of well failures

or well contamination) pertaining to subdivision in the Northern County area.

A glance at any north county tax map will show that the vast majority of subdivisions until 1975 were on one-acre lots and did not pose a problem in this area. Thus, three acre lot should not be a problem.

In fact, the only large scale, well known, subdivision failure noted in Baltimore County was on 1/2-acre lots in the subdivision of Sunnybrook.

We are attaching to this letter memorandum, a "Typical Site Plan, Lot 5 - Sunburst Hills", prepared by the Baltimore County DEPRM, and included in a booklet entitled "Procedures for Developing a House Lot to be Served by Private Water and Sewerage Systems." Further, a review of this Typical Site Plan at a one hundred scale, WITH LOTS STACKED ONE BEHIND THE OTHER, shows a width just over 230 feet in width; with the 31 lots on Cameron Mill averaging between 222 and 223 feet in width, this is very close to the Baltimore county example. Certainly DEPRM would not use such a width as an example in an official County publication, if it were not adequate for all situations, RC 2, RC 3 and RC 4.

THE LAW CONCERNING VARIANCES

It has been my privilege to be active in Baltimore County zoning since the mid 1960's, and during that time I would like to think that I have learned something about variance cases. As Mr. Holzer points out, the burden is upon the petitioners to show practical difficulty and unreasonable hardship, harmony with the spirit and intent of the regulations, and a lack of substantial injury to the public health, safety or welfare. The petitioners believe that the case offered, including Mr. German, Mr. McKee, a respected and very able developer and engineer, as well as Mr. Norman Gerber, a former Director of Planning, fully met the petitioner's burden.

Now let's talk about the law. The law that Mr. Holzer is contending for, is more the Old Testament variety, the letter of the law, while the petitioners are contending for the spirit of the law, the New Testament variety. Surely we should follow the newer thought as to the environment.

Marino vs. Mayor and City Council, 215 Md. 206 (1967) is an example of an older case which states both the general fairly strict rule, and the exceptions. Bear in mind that in Baltimore City, exceptions and variances according to the cases are closely akin. At pages 216 and 217, Judge Horney speaking for the Court of Appeals made the following points:

1. "As a general rule, exceptions are granted sparingly, and under exceptional circumstances." To do otherwise would soon ruin the zoning scheme.
2. "On the other hand, the existence of an unnecessary hardship usually justifies the granting of an exception."
3. Quoting Carney vs. City of Baltimore (1952) 201 Md. 230, at 137, Judge Horney continues:

"The expression 'practical difficulties or unnecessary hardships' means difficulties or hardships which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant."

Certainly in the present case the Cameron Mill Tract is a unique R.C. 4 tract. Others do not have both the Little Falls and Beetree Run traversing them. Others do not have the same steep slopes leading down to these major streams. Others do not have the Hike and Bike Trail, the former North Central Railroad virtually bisecting them. Others do not have the same very peculiar shape. Others do not have the same degree of extensive tree cover or steep slopes. Others do not have the historical Cameron Mill House. Others do not have the very peculiar road access system. Others do not have the same three or four plateaus upon which to realize the legislative density. No other tract in this area has all of these peculiar factors, which have led both OPZ and DEPRM to recommend these variances.

If the law forbids variances here as Mr. Holzer says, then as Mr. Bumble says in Dickens, "the law be an ass." The

environment and the proper use of land with the legislatively sanctioned, surely conservative R.C. 4 density of 53 lots on 76 acres can both be served if the requested variances are granted.

Basically, what this case comes down to is that for some unknown reasons, despite the fact that the proposed subdivision is extremely responsible in every way, the Maryland Line Association, and other parties in the area, not including the Freeland Association, which includes this area within its boundaries do not want to see Cameron Mill developed.

CONCLUSION

For all of these reasons, we respectfully submit that the requested variances can be legally granted, and should be under the facts as proven.

Respectfully submitted,

Newton A. Williams

Newton A. Williams
Attorney for Cameron Mill
Limited Partnership

NAW/dlp

cc: J. Carroll Holzer, Esquire

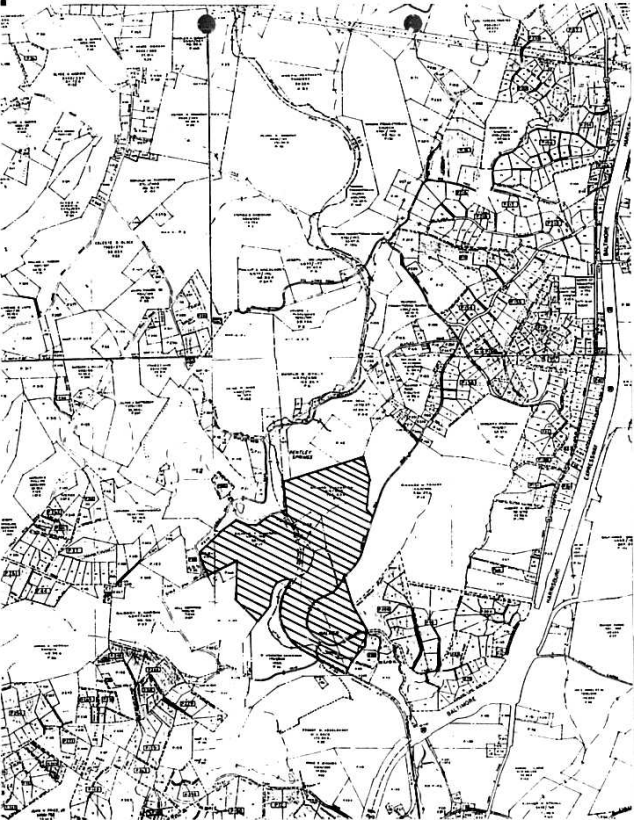
The People's Counsel
Phyllis Friedman, Esquire

Mr. Jim McKee

Lawrence Melfa, Esquire

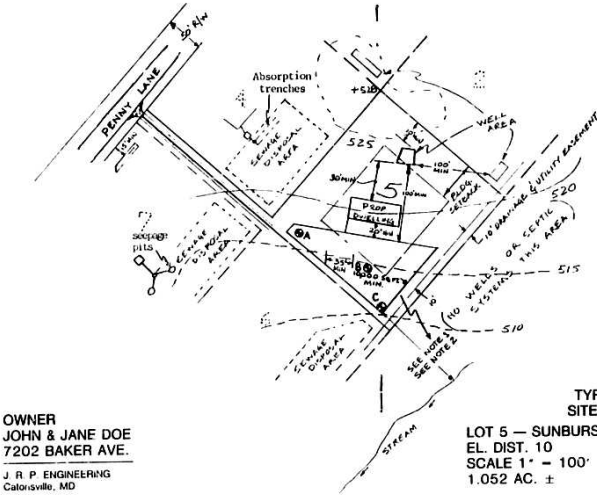
Mr. Dennis German

Mr. Norman E. Gerber



NOTES
1) MIN 100' - STREAMS NOT TRIBUTARY TO RESERVOIR
MIN 200' - STREAMS TRIBUTARY TO RESERVOIR
2) MIN 25' DISTANCE FROM GRADES OF 25% SLOPE OR MORE

LEGEND
A - PERCOLATION TEST LOCATION



OWNER
JOHN & JANE DOE
7202 BAKER AVE.
J. R. P. ENGINEERING
Calverville, MD

TYPICAL
SITE PLAN
LOT 5 - SUNBURST HILLS
EL. DIST. 10 BALTO. CO.
SCALE 1" = 100' FEB. 28, 1980
1.052 AC. ± REV FEB. 5, 1987

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-462-A**

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 Variance from Section 1403.4.B.3 to permit an R.C.4 subdivision with lots of less than the minimum diameter dimension of 300 feet as shown on the attached plat, as listed on the attached list, and a variance to Section 101, definition to permit an accessory structure, an existing barn larger than the principal building on the lot; to Section 400.1.6 to permit an accessory structure, an existing barn, to be located in the lot of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. That the subject property due to steep slopes in numerous areas, does not lend itself to lot layouts with 300 foot diameters.
2. That due to the subject property's very irregular shape, combined with the steep slopes and its traversal by a major stream, The Little Falls, the property does not lend itself to the inclusion of 300 foot diameters.
3. That the subject property laid out without the 300 foot diameters will result in a superior plan from an environmental standpoint, which gives superior R.C.4 protection to the steep slopes and to the stream, The Little Falls.
4. The existing barn is a structure worth of preservation, and the requested location, size

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

I or we agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition. I 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: Cameron Mill Partnership (Type or Print Name)
Signature: _____
Address: Shawan Place, 5 Shawan Road
Hunt Valley, Maryland 21030; 527-1555
City and State: _____
Attorney for Petitioner: Norton A. Williams, Esquire
Nolan, Plunhoff & Williams, Chd.
(Type or Print Name)
Signature: _____
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
City and State: _____
Attorney's Telephone No.: 823-7800

Legal Owner(s): Ruth Ann Deato, Individually and Jointly with _____
(Type or Print Name)
Signature: _____
Address: 1124 Nuncio Building Phone: 685-7177
Baltimore, Maryland 21202
Signature: _____
1411 White Hall Road
White Hall, Maryland 21161
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Norton A. Williams, Esquire
Name: _____
700 Court Towers
210 West Pennsylvania Avenue 823-7800
Address: _____
Towson, Maryland 21204
City and State: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1991.

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 _____ day of _____, 1991, at _____ o'clock _____ a.m.

Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: **7**
Posted for: **7**
Petitioner: **Cameron Mill Partnership**
Location of property: **Shawan Place, 5 Shawan Road, Hunt Valley, Maryland 21030**
Location of Sign: **North end of Shawan Road, at Little Falls Road**
Remarks: _____
Posted by: **Robert Williams**
Number of Signs: **2**

side and front yard of lot; and to Section 400.3 to permit a height of an accessory building an existing barn of 35 feet in lieu of the maximum permitted height of 15 feet.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

PETITION FOR ZONING VARIANCE (Continued)

4. and height variances will allow its retention.

5. If the requested variances are granted, the objective of the R.C.4 Zone will be better fostered, while without the variances the Petitioner will sustain practical difficulty and unreasonable hardship, and the requested variances are in strict harmony with the spirit and intent of the Regulations, and such variance relief will better serve the public health, safety and general welfare of the R.C.4 Zone.

ZONING REQUESTS

LOT VARIANCES

Requesting a variance to Section 1403.4.B.3 of the Baltimore County Zoning Regulations for Lots 1, 3, 4, 7, 9, 10, 11, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 36, 37, 38, 42, 43, 44, 45, 46, 47, 48, and 50 to permit a minimum diameter dimension of less than the required 300 feet for each lot. The specific diameter dimensions requested for each lot are as follows:

LOT	DIAMETRAL	LOT	DIAMETRAL	LOT	DIAMETRAL
1	240	18	280	37	220
3	260	19	260	38	250
4	210	22	270	42	220
7	240	23	200	43	180
9	180	24	190	44	180
10	220	25	190	45	180
11	280	26	220	46	190
14	200	27	220	47	200
15	200	28	210	48	230
16	200	29	290	51	200
17	210	36	220		

CERTIFICATE OF PUBLICATION

TOWSON, MD. **7/9**, 19**91**
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 **7/4**, 19**91**.

TOWSON TIMES,

S. Zeke Orlan
Publisher

\$ 134.86

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. **7/9**, 19**91**
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of **1** successive weeks, the first publication appearing on **7/4**, 19**91**.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

\$ 134.86

MICROFILMED

91-462-A

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555
Facsimile: (301) 527-1563

May 10, 1991

DESCRIPTION OF PROPERTY
OF RUTH ANN JESOTO
SIXTH AND SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point in the centerline of Stablers Church Road, said point being 1,200 feet East of the centerline of Walker Road; thence running South 07° 50' 57" West 358.94 feet; South 52° 41' 59" West 150.48 feet; South 34° 12' 08" West 195.00 feet; South 50° 57' 16" West 191.40 feet; South 12° 06' 59" West 281.13 feet; North 61° 19' 24" West 1,171.34 feet; thence by a curve to the right having a radius of 1,113.00 feet and an arc length of 1,151.37 feet; thence by a curve to the right, having a radius of 731.00 feet and an arc length of 355.15 feet; thence by a curve to the right, having a radius of 2,832.00 feet and an arc length of 169.91 feet; thence North 28° 30' 06" East 325.00 feet; South 64° 30' West 110.00 feet; thence southeasterly along a line 150 feet west of Little Falls for a distance of 1,660.00 feet; thence North 40° 04' 39" West 748.13 feet; North 02° 07' 15" East 1,113.75 feet; South 62° 43' 02" West 834.90 feet; North 30° 12' 35" West 537.90 feet; North 44° 32' 25" East 841.50 feet; North 8° 27' 35" West 150.00 feet; North 28° 14' 32" East 503.48 feet; South 38° 15' East 400.00 feet; South 64° 15' East 382.38 feet; South 83° 45' East 239.25 feet; North 61° 30' East 367.13 feet; North 1° 53' 48" East 400.00 feet; North 01° 08' 55" East 645.19 feet; North 71° 10' 01" East 2,100.00 feet; South 18° 30' 51" East 610.50 feet; South 08° 14' 09" West 770.00 feet; South 41° 45' 51" East 218.7 feet to the centerline of Cameron Mill Road; thence along said centerline South 19° 59' 09" West 503.25 feet; South 19° 15' 31" West 429.00 feet; South 20° 31' 31" West 132.00 feet; South 21° 05' 03" West 210.42 feet; South 45° 54' 40" West 396.00 feet; South 31° 25' 39" West 219.00 feet; thence leaving said centerline and running South 15° 07' 38" East 669.90 and South 37° 04' 37" East 726.00 to the point of beginning. Excluding all that land which falls within the 66 foot wide right-of-way of the Northern Central Railroad Trail.

Containing 276.2 acre of land, more or less as recorded in Baltimore County in Liber 6015, folio 408 and Liber 6445, folio 175.

Baltimore County
Zoning Commissioner
County Office Building
121 West Lanesville Avenue
Towson, Maryland 21204

Date

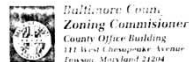
Account: R-001 6150
Number

Cashier Validation

Please Make Checks Payable To: Baltimore County \$134.86
OR 011101-0008 07 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 6th Date of Posting: 10-30-91
Posted for: 91-462-A
Petitioner: David Desoto / Mayer C. Kalichman
Location of property: 6th & 7th Election Districts - 3rd Councilmanic
6th & 7th Election Districts - 3rd Councilmanic
Location of Sign: St. Ann's Church, 1200' E of Walker Road
Remarks: Walker Road
Posted by: J. Robert Haines Date of return: 11-1-91
Number of Signs: 1



Date

Cashier Validation

receipt

91-462

Account: R 001 6150
Number

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

COPY

DATE: _____

Cameron Mill Partnership
c/o James McKee, McKee & Associates, Inc.
Shawen Place
5 Shawen Road
Hurt Valley, Maryland 21050

RE:
Case Number: 91-462-A
Centerline Stablers Church Road, 1200' E of c/l Walker Road
6th & 7th Election Districts - 3rd Councilmanic
Legal Owner(s): Ruth Ann Desoto, Individually and Trustee and Mayer C. Kalichman,
Contract Purchaser(s): Cameron Mill Partnership
HEARING: WEDNESDAY, AUGUST 7, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ _____ 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.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Newton A. Williams, Esq.

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 040959
DATE: 7/7/92 ACCOUNT: RECEIVED
AMOUNT \$ 40.00
RECEIVED FROM: McKee & Associates, Inc.
FOR: 91-462-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY Y. LOW - CUSTOMER

PAID RECEIPT
PROCESS: ACTUAL TIME
FOR: 7/8/1992 10:45:00
RECEIVED BY: CHIEF OF THE BUDGET
MISCELLANEOUS RECEIPT
CHECK NO. 000000 DATE
BALTIMORE COUNTY, MARYLAND
CASHIER'S VALIDATION

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 20, 1991

COPY

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:

Case Number: 91-462-A
Centerline Stablers Church Road, 1200' E of c/l Walker Road
6th & 7th Election Districts - 3rd Councilmanic
Legal Owner(s): Ruth Ann Desoto, Individually and Trustee and Mayer C. Kalichman,
Contract Purchaser(s): Cameron Mill Partnership
HEARING: WEDNESDAY, AUGUST 7, 1991 at 11:00 a.m.

Variance to permit an R.C.-4 subdivision with lots of less than the minimum dimensional dimension of 300 feet (lots and dimensional dimensions as listed: 1-240, 3-260, 4-210, 5-180, 10-220, 11-280, 14-280, 15-200, 16-260, 17-210, 18-260, 19-260, 22-270, 23-260, 24-190, 25-190, 26-220, 27-220, 28-210, 29-260, 30-220, 31-220, 32-250, 42-20, 43-180, 44-180, 45-180, 46-190, 47-200, 48-230, and 51-200); to permit an accessory structure, as existing barn, larger than the principal building on the lot; to permit an accessory structure, as existing barn, to be located in the side and front yard of the lot; and to permit a height of an accessory building, an existing barn, of 35 feet in lieu of the maximum permitted height of 15 feet.

Zoning Commissioner of
Baltimore County

cc: Ruth Ann Desoto/Mayer C. Kalichman
Newton A. Williams, Esq.

Ruth Ann Desoto
1124 Muncie Building
Baltimore, MD 21202
Mayer C. Kalichman, Trustee
1431 White Hall Road
White Hall, MD 21164

RE: Petition Filed in Zoning Office
Item Number 432

Dear Petitioners:

This letter is to inform you that, due to a technical problem, your Petition for Variance has not been placed on the agenda for the week of May 28, 1991. According to our records, this Petition was filed on May 13, 1991 with Catherine A. Milton.

In order for this Petition to be placed on the next agenda, you must contact Catherine Milton at 887-3391 to rectify the problem.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:scj

cc: Newton A. Williams, Esquire
Cameron Mill Partnership

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. October 11, 1991

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. 91-462-A RUTH ANN DESOTO /MAYER C. KALICHMAN
C/l Stablers Church Road, 1200' E
of c/l of Walker Road
6th Election District
3rd Councilmanic District
VAR -Lot dimension; existing accessory
structure /size, location & height
9/09/91 -Order of D.Z.C. which GRANTED
requested variances with restrictions.

has been assigned for hearing on February 13, 1992 at 10:00 a.m. as agreed to by parties; and has been
ASSIGNED FOR: THURSDAY, FEBRUARY 13, 1992 AT 10:00 a.m.

cc: J. Carroll Holzer, Esquire - Counsel for
Protestants/Appellants
Newton A. Williams, Esquire Counsel for
Petitioners/Developer

Ruth Ann Desoto /
Mayer C. Kalichman
James McKee /
McKee & Associates
Lawrence A. Melfa, Esquire
R. Dennis German
Norman R. Gerber
People's Counsel for Baltimore County
Lawrence E. Schmidt
Timothy H. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant

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. October 11, 1991

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.
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6th Election District
3rd Councilmanic District
VAR -Lot dimension; existing accessory
structure /size, location & height
9/09/91 -Order of D.Z.C. which GRANTED
requested variances with restrictions.

has been assigned for hearing on February 13, 1992 at 10:00 a.m. as agreed to by parties; and has been
ASSIGNED FOR: THURSDAY, FEBRUARY 13, 1992 AT 10:00 a.m.

cc: J. Carroll Holzer, Esquire - Counsel for
Protestants/Appellants
Newton A. Williams, Esquire Counsel for
Petitioners/Developer

Ruth Ann Desoto /
Mayer C. Kalichman
James McKee /
McKee & Associates
Lawrence A. Melfa, Esquire
R. Dennis German
Norman R. Gerber
People's Counsel for Baltimore County
Lawrence E. Schmidt
Timothy H. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant

MICROFILMED

MICROFILMED



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 48, Old Courthouse, October 22, 1991

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 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. 91-462-A RUTH ANN DESOTO /MAYER C. KALICHMAN
C/1 Stablers Church Road, 1200' E of c/1 of Walker Road
6th Election District
3rd Councilmanic District
VAR - Lot dimension; existing accessory structure /size, location & height
9/09/91 -Order of D.Z.C. which GRANTED requested variances with restrictions.

has been assigned for hearing on February 13, 1992 at 10:00 a.m. as agreed to by parties; and has been

ASSIGNED FOR: THURSDAY, FEBRUARY 13, 1992 AT 10:00 a.m.

NOTE: Thursday, February 20, 1992, 10:00 a.m., is also being held if needed for completion of this matter (also see Case No. CBA-91-145 /Cameron Mill scheduled for 2/12/92 /Day #2 /CRG appeal).

cc: J. Carroll Holzer, Esq. - Counsel for Prots/Applicants
Newton A. Williams, Esq. - Counsel for Petitioners/Developer

Ruth Ann Desoto /
Mayer C. Kalichman
James McKee /
McKee & Associates Engineer
Lawrence A. Melfa, Esquire
R. Dennis German
Norman R. Gerber
People's Counsel for Baltimore County
Lawrence E. Schmidt
Timothy H. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration
P. David Fields
Pat Keller

Kathleen C. Weidenhammer
Administrative Assistant

Mr. Carl J. Mantegna, Jr.

1/07/92

Mr. H:

I telephoned Meroen Kelly's office on Tuesday afternoon. Mr. Kelly was not in the office; however, I spoke with his secretary, Robin Jameson, and she confirmed with his assistant that the furlough days are a reality and County offices will be closed on February 12, 1992. She also mentioned that exceptions are not being granted since the buildings will also be closed as a further cost-saving measure.

I could have postponed this matter to Tuesday, March 10, 1992 --not a very long postponement. However, one problem --we had scheduled the companion Zoning case for Thursday, February 13, with the additional note that if the CRG did not finish on February 12, we could run over to the 13th, before beginning the Zoning case. In addition, we're holding Thursday, February 20 if needed for completion of the Zoning case.

Question: Could it not be possible to complete these two cases utilizing the aforementioned 2/13/92 and 2/20/92? I've drafted a Notice of PP & Reassignment in both cases, indicating that Cameron Mill will be PP from 2/12 to 2/13 due to furloughs; and that Desoto will be reassigned to start on 2/20/92.

I've attached the Notices for both of these cases. We need to discuss this as soon as possible on Wednesday, 1/08/92.

thanks

kathi

Attachments



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 48, Old Courthouse, January 8, 1992

NOTICE OF POSTPONEMENT & 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. 91-462-A RUTH ANN DESOTO /MAYER C. KALICHMAN
C/1 Stablers Church Road, 1200' E of c/1 of Walker Road
6th Election District
3rd Councilmanic District
VAR - Lot dimension; existing accessory structure /size, location & height
9/09/91 -Order of D.Z.C. which GRANTED requested variances with restrictions.

which had been scheduled for hearing on Thursday, February 13, 1992, has been POSTPONED by this office. All County offices will be closed on Wednesday, February 12, as a result of the recently-announced furlough days. Cameron Mill CRG appeal, Day #2, scheduled for 2/12/92 has been reassigned to 2/13/92 and notices sent this date. Therefore, this matter has been

REASSIGNED FOR: THURSDAY, FEBRUARY 20, 1992 AT 10:00 a.m.
NOTE: 2/20/92 will now be the starting date for this matter.

cc: J. Carroll Holzer, Esq. - Counsel for Prots/Applicants
Newton A. Williams, Esq. - Counsel for Petitioners/Developer

Ruth Ann Desoto /
Mayer C. Kalichman
James McKee /
McKee & Associates Engineer
Lawrence A. Melfa, Esquire
R. Dennis German
Norman R. Gerber
Mr. Carl J. Mantegna, Jr.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

Kathleen C. Weidenhammer
Administrative Assistant



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 48, Old Courthouse, February 21, 1992

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. CBA-91-145 CAMERON MILL, Cameron Mill, Stablers Church & Walker Roads; also SE/s Eagle Mill Rd.; 6th & 7th Election Districts
3rd Councilmanic District
RE: CRG Decision
3/14/91 -CRG Mtg. approving Plan.
AND
CASE NO. 91-462-A RUTH ANN DESOTO /MAYER C. KALICHMAN
C/1 Stablers Church Rd., 1200' E of c/1 Walker Road; 6th Election District
3rd Councilmanic District
VAR - Lot dimension; existing accessory structure /size, location & height
9/09/91 -Order of D.Z.C. which GRANTED requested variances with restrictions.

ASSIGNED FOR: THURSDAY, MARCH 5, 1992 AT 9:00 a.m.

cc: J. Carroll Holzer, Esq. -Counsel for Prots/Applicants

Newton A. Williams, Esq. -Counsel for Petitioners/Developer
Ruth Ann Desoto/Mayer C. Kalichman-Petitioners
James McKee/McKee & Associates-Engineer
Cameron Mill Partnership, Developer
Lawrence A. Melfa, Esquire
R. Dennis German
Norman R. Gerber
Mr. Carl J. Mantegna, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Michael Moran, Assoc. County Attorney

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse, March 6, 1992

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. CBA-91-145 CAMERON MILL, Cameron Mill, Stablers Church & Walker Roads; also SE/s Eagle Mill Rd.; 6th & 7th Election Districts
3rd Councilmanic District
RE: CRG Decision
3/14/91 -CRG Mtg. approving Plan.
AND
CASE NO. 91-462-A RUTH ANN DESOTO /MAYER C. KALICHMAN
C/1 Stablers Church Rd., 1200' E of c/1 Walker Road; 6th Election District
3rd Councilmanic District
VAR - Lot dimension; existing accessory structure /size, location & height
9/09/91 -Order of D.Z.C. which GRANTED requested variances with restrictions.

ASSIGNED FOR: FRIDAY, MAY 1, 1992 AT 10:00 a.m.

cc: J. Carroll Holzer, Esq. -Counsel for Prots/Applicants
Newton A. Williams, Esq. -Counsel for Petitioners/Developer
Ruth Ann Desoto/Mayer C. Kalichman-Petitioners
James McKee/McKee & Associates-Engineer
Cameron Mill Partnership, Developer
Lawrence A. Melfa, Esquire
R. Dennis German
Norman R. Gerber
Mr. Carl J. Mantegna, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Michael Moran, Assoc. County Attorney

LindaLee M. Kuszmaul
Legal Secretary

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

July 9, 1991

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: It m No. 432, Case No. 91-462-A
Petitioner: Ruth Ann Desoto, et al
Petition for Zoning Variance

Dear Mr. Williams:

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: Mayer C. Kalichman
Mr. James McKee

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 13th day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Ruth Ann Desoto, et al
Petitioner's Attorney: Newton A. Williams

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 4, 1991

Please see the C.R.G. comments for items number 432, 439 and 444.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer 11

RJF/lvd

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

June 3, 1991

TO: Zoning Commissioner
Office of Planning and Zoning

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #432, Zoning Advisory Committee Meeting of June 4, 1991, Ms. Ruth Ann Desoto, Individually and Trustee; Mayer C. Kalichman, Trustee Contract Purchase; Cameron Mill Partnership, centerline Stablers Church Rd., 1200' E of centerline of centerline Walker Road, D-6 & 7, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

This Department supports the requested variance, as the lot configurations protects the environmentally sensitive areas.

SSF:rmk
322NG/GWRMG

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 21, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RUTH ANN DESOTO, INDIVIDUALLY AND TRUSTEE; MAYER C. KALICHMAN, TRUSTEE CONTRACT PURCHASER; CAMERON MILL PARTNERSHIP

Location: CENTERLINE STABLERS CHURCH ROAD

Item No.: 432 Zoning Agenda: JUNE 4, 1991

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. James Kelly* 6-3-91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for June 4, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432, 439 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

Robert W. Bowling
Robert W. Bowling, P.E., Chief,
Developers Engineering Division

RWB:s

MICROFILMED

received
JUN 11 1991

APPEAL

Petition for Zoning Variance
C/I of Stablers Church Road, 1200' E of the C/I of Walker Road
6th Election District - 3rd Councilmanic District
RUTH ANN DESOTO, Individually and Trustee and
MEYER C. KALICHMAN, Trustee - Petitioners
Case No. 91-462-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's Exhibits: 1. Plat to accompany petition

2. CRG Plan - Sections 1, 2 and 3

3. Cameron Mill - Area Breakdown

4. Three (3) overlays of layout

5. Rationale for lot size requirements

6. Balto. Co. Master Plan

Protestant's Exhibits: 1. No exhibit in file marked "1"

2. No exhibit in file marked "2"

3. CRG Plan and Plat to accompany Petition

4. Charted percentages

Deputy Zoning Commissioner's Order dated September 9, 1991 (Granted w/ restrictions)

Notice of Appeal received October 9, 1991 from J. Carroll Holzer, Attorney on behalf of the Protestants

cc: Ruth Ann Desoto, 1124 Muncie Building, Balto., MD 21202

Mayer C. Kalichman, 1431 White Hall Road, White Hall, MD 21161

Newton A. Williams, Esquire - Nolan, Plushoff & Williams, Chtd. Suite 700, 210 W. Pennsylvania Ave., Towson, MD 21204

James McKee - McKee & Associates, Inc. Shawan Place, 5 Shawan Road, Hunt Valley, MD 21030

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Ruth Ann DeSoto, Item No. 432

In reference to the requested variance, staff offers the following comments:

This project received CRG approval on March 14, 1991 (VII-244).

Due concerns regarding steep slopes and other environmental issues, this office supports a variance to the 300-foot diametral regulation. In addition, the existing barn should be preserved as it is in keeping with the rural character of the area; therefore, we recommend this aspect of the request be granted, as well.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM432/2AC1

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21201

887-3355

October 10, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
C/I of Stablers Church Road, 1200' E of the C/I of Walker Road
6th Election District, 3rd Councilmanic District
RUTH ANN DESOTO, Individually and Trustee, and
MEYER C. KALICHMAN, Trustee - Petitioner
Case No. 91-462-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on October 9, 1991 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,

James McKee
James McKee
Zoning Commissioner

LES:cer

Enclosures

cc: Ruth Ann Desoto, 1124 Muncie Building, Balto., MD 21202

Mayer C. Kalichman, 1431 White Hall Road, White Hall, MD 21161

Newton A. Williams, Esquire - Nolan, Plushoff & Williams, Chtd. Suite 700, 210 W. Pennsylvania Ave., Towson, MD 21204

James McKee - McKee & Associates, Inc. Shawan Place, 5 Shawan Road, Hunt Valley, MD 21030

Appeal Checklist - Case No. 91-462-A
October 10, 1991
Page 2

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

Larry Melfa, Esquire, 401 Allegheny Avenue, Towson, MD 21204

R. Dennis German, 400 E. Joppa Road, Baltimore, MD 21208

Norman R. Gerber, 35 Pickburn Court, Baltimore, MD 21030

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, MD 21204
Larry Melfa, Esquire, 401 Allegheny Avenue, Towson, MD 21204
R. Dennis German, 400 E. Joppa Road, Baltimore, MD 21208
Norman R. Gerber, 35 Pickburn Court, Baltimore, MD 21030

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
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
M. Carl Richards, Jr., Zoning Coordinator
Rocket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

MICROFILMED

APPEAL

Petition for Zoning Variance
C/I of Statlers Church Road, 1200 E of the c/I of Walker Road
6th Election District - 3rd Councilmanic District
RUTH ANN DESOTO, Individually and Trustee and
MAYOR C. KALICHMAN, Trustee - Petitioners
Case No. 91-462-A

✓Petition(s) for Zoning Variance
✓Description of Property
✓Certificate of Posting
✓Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
✓Zoning Plans Advisory Committee Comments
✓Director of Planning & Zoning Comments (Included with ZAC Comments)
Petitioner's Exhibits: 1. Plat to accompany petition
2. CRG Plan - Sections 1, 2 and 3
3. Cameron Mill - Area Breakdown
4. Three (3) overlays of layout
5. Rationale for lot size requirements
6. Balto. Co. Master Plan
Protestant's Exhibits: 1. No exhibit in file marked "1"
2. No exhibit in file marked "2"
3. CRG Plan and Plat to accompany Petition
4. Charted percentages

✓Deputy Zoning Commissioner's Order dated September 9, 1991 (Granted w/ restrictions)

✓Notice of Appeal received October 9, 1991 from J. Carroll Holzer, Attorney on behalf of the Protestants

cc: Ruth Ann Desoto, 1124 Muncie Building, Balto., MD 21202
Mayer C. Kalichman, 1407 White Hall Road, White Hall, MD 21161
Newton A. Williams, Esquire - Nolan, Plumbhoff & Williams, Chtd.
Suite 700, 210 W. Pennsylvania Ave., Towson, MD 21204
James McKee - McKee & Associates, Inc.
Shawan Place, 5 Shawan Road, Hunt Valley, MD 21030

Mr. Carl J. Mantegna, Jr.
396 Statlers Church Rd.
Parkton, MD 21120

JE

* J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, MD 21204

Larry Melfa, Esquire, 401 Allegheny Avenue, Towson, MD 21204
R. Dennis German, 400 E. Joppa Road, Baltimore, MD 21208
Norman R. Gerber, 35 Pickburn Court, Baltimore, MD 21030

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
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
M. Carl Richards, Jr., Zoning Coordinator
Rocket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

IN RE: * BEFORE THE DEPUTY
CAMERON MILL SUBDIVISION * ZONING COMMISSIONER
AT CAMERON MILL AND * OF BALTIMORE COUNTY
STABLER'S CHURCH ROAD; * Item No.: 432
ALSO SE EAGLE MILL ROAD * Case No.: 91-462A

NOTICE OF APPEAL

Protestants in the above captioned matter, by and through their attorney J. Carroll Holzer, and Holzer, Maher, Demilio & Lee, hereby enter an appeal to the decision of the Deputy Zoning Commissioner. Attached to this Notice is a check to cover the costs of the appeal.

J. Carroll Holzer
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
301-825-6960
Attorney for Protestants

received
10/19/91

c:\wp\not\cameron.not

IN THE MATTER OF * BEFORE THE
Ruth Ann DeSoto * COUNTY BOARD OF APPEALS
Cameron Mill * BALTIMORE COUNTY
3rd Councilmanic District * CASE NO. 91-462-A

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 March 5, 1992 at 9:00 a.m. at Room 48, located at Basement, Old Courthouse, Towson, Md. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Kenneth Gill, Jr.
Address: 1500 Caton Center Dr., Suite C
Baltimore, Md. 21227

Name: J. Carroll Holzer, Esq.
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave.
Suite 105 Towson, Md.
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

IN THE MATTER OF * BEFORE THE
Ruth Ann DeSoto/Mayer * COUNTY BOARD OF APPEALS
C. Kalichman * BALTIMORE COUNTY
3rd Councilmanic Dist. * CASE NO. 91-462-A

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 Feb. 20 & Mar. 5, 1992 at 10:00 A.M. at N888 Hearing Room, located at Basement, Old Courthouse, Towson, Md. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Richard Collins
Address: State Dept. of Environment, Solid Waste Management
2500 Broening Highway
Balto., Md. 21224

Note: Please produce all records, memos, designs & specifications of Parkton landfill as built; cell, monitoring well and stream analysis from April 1989 to present.

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.

Linda Korman
County Board of Appeals of
Baltimore County

Cost: \$
Summoned: 19
Not served: 19

Sheriff of Baltimore County

IN THE MATTER OF * BEFORE THE
Ruth Ann DeSoto/Mayer * COUNTY BOARD OF APPEALS
C. Kalichman * BALTIMORE COUNTY
3rd Councilmanic Dist. * CASE NO. 91-462-A

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 Feb. 20 & Mar. 5, 1992 at 10:00 A.M. at N888 Hearing Room, located at Basement, Old Courthouse, Towson, Md. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Robert Daniel
Address: State Dept. of Environment, Solid Waste Management
2500 Broening Highway
Balto., Md. 21224

Note: Please produce all records, memos, designs & specifications of Parkton landfill as built; cell, monitoring well and stream analysis from April 1989 to present.

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.

Linda Korman
County Board of Appeals of
Baltimore County

Cost: \$
Summoned: 19
Not served: 19

Sheriff of Baltimore County

IN THE MATTER OF * BEFORE THE
Ruth Ann DeSoto/Mayer * COUNTY BOARD OF APPEALS
C. Kalichman * BALTIMORE COUNTY
3rd Councilmanic Dist. * CASE NO. 91-462-A

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 Feb. 20 & Mar. 5, 1992 at 10:00 A.M. at N888 Hearing Room, located at Basement, Old Courthouse, Towson, Md. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Charles Weiss
Address: Bureau of Sanitation, Balto. County
Dept. of Public Services
3rd Fl. Co. Office Bldg. Towson

Note: Please produce all records, memos, designs & specifications of Parkton landfill as built; cell, monitoring well and stream analysis from April 1989 to present.

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

September 18, 1991

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case No. CBA-91-122 and
Case No. CBA-91-145 /
Cameron Mill

Dear Mr. Williams:

The Board is in receipt of your letter dated September 17, 1991 regarding the subject cases scheduled to be heard by this Board on October 8, 1991.

While the Board appreciates the concerns expressed in your request for consolidation of the above cases with Zoning Case No. 91-462-A, we cannot at this time comply with your request. However, should Case No. 91-462-A be appealed, this office will then give consideration to the appropriate scheduling of that case and will make every attempt to insure that the same Board is assigned to that hearing.

Very truly yours,

William T. Hackett, Chairman
County Board of Appeals

cc: J. Carroll Holzer, Esquire
Phyllis Cole Friedman, Esquire
Nancy C. West, Esquire
Cameron Mill Partnership

ITEM # 432
CAN
DATE: 5-20-91

PETITION CHECKLIST

91-462-A

Before the above petition can be accepted for filing, the following items must be corrected/included:

- Item number must be on all papers in the file folder.
- Item number must be in ink (pencil does not copy well).
- Item number generated by computer (on receipt) is not the same as item number on material in folder and/or pink sheet.
- Section information missing on petition forms.
- Not "original" signatures on all copies of petition forms.
- Owner's name address and/or telephone number is not on petition forms.
- Need signature and/or printed name and/or title of person signing for company.
- Need an attorney.
- "Red stamp" or closing information is not on petition form.
- Following information is missing on the file folder:
 - Petitioner's name
 - Item number
 - Description
 - Actual address
 - zoning
 - acresage
 - election district
 - councilmanic district
- Need 12 plats. Only ___ in folder.
- Plats need to be folded to 8-1/2" x 11".
- There is a difference in date between date taken in and date put in drawer for agenda. Put a note in the folder explaining this.
- ☒ RUTH DESOTO & MAYER KALICHMAN ARE TRUSTEES FOR WHO?
- ☒ NEED COPY OF TRUSTEE AGREEMENT.

MICROFILMED

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL
JUDSON P. GARRETT, JR.
RALPH S. TYLER, JR.
DEPUTY ATTORNEYS GENERAL
MICHAEL C. POWELL
PHILIP A. COUGHLIN
ANNE MARIE DESAIGNE
DEPUTY COUNSEL
DENISE FERGUSON, SOUTHWARD
DEPUTY COUNSEL
WRITER'S DIRECT DIAL 1-800
(410) 331-1043

OFFICES OF
THE ATTORNEY GENERAL
DEPARTMENT OF THE ENVIRONMENT
3500 BROADWAY HIGHWAY
BALTIMORE, MARYLAND 21224
FAX (301) 831-3943

February 19, 1992

VIA TELEFAX

Michael Sauer
Acting Chairman
County Board of Appeals
Room 49
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Ruth Ann DeSoto/Mayer, et al.,
Before the County Board of Zoning Appeals,
Case No. 91-462-A

Dear Mr. Sauer:

I am an Assistant Attorney General representing the Maryland Department of the Environment. The attached Subpoenas were delivered to the Department on February 18. The documents were not served on the potential witnesses, Richard Collins and Robert Daniel, but were instead left with a secretary. No effort was made to determine whether the secretary was authorized to accept service and she was not authorized to accept service on behalf of Messrs. Collins and Daniel.

Because service was not effective, Mr. Collins and Mr. Daniel are not obligated to appear on February 20 or March 5.

Please call if you have any questions concerning this letter.

Very truly yours,

M. Rosewin Sweeney, Jfk
M. Rosewin Sweeney
Assistant Attorney General

MRG:jlk
Page 02/012

5/20/91 10:10:03

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals DATE: April 3, 1991
FROM: David L. Thomas, P.E., Asst. Chief
Bureau of Public Services
SUBJECT: Notice of Appeal for
Cameron Mill

On March 20, 1991, this office received a Notice of Appeal in the name of James W. McKee of Little Falls Limited Partnership, Shawan Place, 5 Shawan Road, Hunt Valley, Maryland, 21030, from the decision of the County Review Group made on March 14, 1991 in regard to the approval of the Plan of Cameron Mill.

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: Cameron Mill Partnership
Office of Law
Director of Planning
Current Planning Office
Developers Engineering Division
Economic Development Commission
S. Wallis
File

True Copy Test: David L. Thomas

5/20/91 10:10:03

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals DATE: April 11, 1991
FROM: David L. Thomas, P.E., Asst. Chief
Bureau of Public Services
SUBJECT: Notice of Appeal for
Cameron Mill

On April 9, 1991, this office received a Notice of Appeal in the name of J. Carroll Holzer, Esq., of Holzer, Maher & Demilio, 305 W. Chesapeake Ave., Suite 105, Towson, Maryland, 21204 on behalf of Protestants Maryland Line Area Association, Robert Leonard, Michael Herbert, Dr. Richard McQuaid, Mary Wallace and John W. Combs, from the decision of the County Review Group made on March 14, 1991 in regard to the approval of the Plan of Cameron Mill.

Attached is a copy of the Notice of Appeal and a copy of the receipt for \$75.00 covering the filing cost. A copy of the subdivision file has already been forwarded to your office along with a previous appeal.

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: Cameron Mill Partnership
Office of Law
Director of Planning
Current Planning Office
Developers Engineering Division
Economic Development Commission
S. Wallis
File

TRUE TEST COPIES:

David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

5/20/91 10:10:03

LITTLE FALLS
LIMITED PARTNERSHIP

Shawan Place, 5 Shawan Road
Hunt Valley, Md. 21030

Phone: (301) 527-1555

MAR 20 1991
BUREAU OF PUBLIC SERVICES

March 20, 1991

Mr. Robert E. Covahey, Ch. of
Bureau of Public Services
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Covahey:

Please be advised that Little Falls Associates, Limited Partnership, located at the above address, would like to hereby appeal the Cameron Mill CRG meeting (CRG #90212) which was approved on March 14, 1991.

Please enter this as our appeal. Thank you for your cooperation.

Very truly yours,

LITTLE FALLS ASSOCIATES
LIMITED PARTNERSHIP

James W. McKee, General Partner

JWM:jaw

COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, March 14, 1991

CAMERON MILL

Districts 6 & 7 C3

COUNTY REVIEW GROUP - THOSE PRESENT

Les Schreiber, Chairman - Dept. of Public Works
Joe Maranto, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

Larry Pilon - DEPRM
Rahee J. Famili - Traffic Engineering
Pat Kincer - Recreation & Parks
Ed Schmaus - DEPRM/Storm Water Management
James R. Logan - Developers Engineering Division
Wally Lippincott - Office of Planning & Zoning

DEVELOPER AND/OR REPRESENTATIVES

Geoffrey Schultz - McKee & Associates
James McKee - McKee & Associates
Lawrence A. Nelfa - Howard, Butler & Nelfa
Newton A. Williams - Nolan, Plunhoff & Williams

INTERESTED CITIZENS

Please See Attache.

Mr. Schreiber, Chairman, opened the meeting at 2:40 p.m., introduced the staff, and explained the purpose of the meeting. Mr. Newton Williams presented the plan. J. Carroll Holzer, attorney for the Maryland Line Area Association, presented their memorandum of protestants. Mr. Schreiber accepted the presentation and will enter it into the file. Mr. Schreiber advised Mr. Holzer that this is a CRG meeting and not a court of law or a hearing.

Mr. Maranto 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, 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.

Staff comments to be addressed:

Developers Engineering Division - Grading of the widening of the proposed cross section will only be required to provide safe sight distance where Public Works decides that it is necessary at intersections and curves. A fixed deposit will be required for this work as part of the Public Works Agreement.

Planning - This site is partially located within the Prettyboy Elementary School District where enrollment exceeds capacity by 20% or more and is affected by Council Bill 127-90 which addressed development control regarding elementary school capacity. Include this information on the plan.

Sanitation - Show trash pads as per Panhandle Bill No. 172-89.

Developers Engineering Division - Show on the plan any rights, rights-of-way, or easements via the Cameron Property for Mr. William Herbert's property.

Recreation & Parks - Denote the area to be dedicated to Baltimore County as "Baltimore County Greenway Reservation".

The citizens were invited to comment, and their comments were reviewed:

Dr. Robert Kondner stated that the storm water runoff would increase during construction which will impact all downstream areas. Perc tests on the site have not met the minimum requirements as stated in COMAR ("stated references to sections"). The excessive times reported may contaminate the wells with septic.

Response - Mr. Pilson stated that 2-5 minute rate is acceptable and Baltimore County is in compliance with COMAR. Perc tests are taken 6-feet above bed rock, which is 50% more than required by the State. A variance to forest buffers for septic systems will be required.

Page Herbert stated that the underlying rock is Prettyboy Shist which stands vertical and depends in a northeasterly direction which allows water to flow into the reservoir and will pick up the pollutants and deposit them in same.

Response - Mr. Pilson stated that the water will eventually enter the reservoir, but will travel through weathered rock and will be filtered.

Nancy Smith stated that she objects to the development.

John W. Combs wants to preserve the antiquities of the area. He gave a long history lesson of his home area in Oregon and how the area was degraded by years of development which will relate to this site.

Robert Leonard stated that he is opposed to zoning variances.

Response - Mr. Maranto explained the variance process.

Mary Wallace is concerned with the water and the water table has dropped in her well and also her neighbors have reported same. The additional traffic will further impact the roads. She is opposed to the clustering of the homes. The storm water management has problems.

Response - Mr. Pilson stated that perhaps there exists a problem with their plumbing. He also advised that he would review their situation at their request. Mr. Maranto asked Mrs. Wallace how she measured the water table. She said the volume of water from the tap seems less.

W. Michael Herbert stated that this development will adversely affect his way of life and would like to see a buffer between his property and the site. He also asked for an explanation of the note regarding Parcel "A", access to Herbert and Dell properties.

Response - Mr. McKee said that this was set up for potential future access; however, further research will be required.

Dr. Richard W. McQuaid, President of the Maryland Line Area Association, advised that he feels action by the CRG is not permissible due to the pending appeal of the Planning Board's resolution of the historic structures. The Association has set up water monitoring from a baseline below the site. The Association is opposed to the storm water management situation. Part of the lots are unusable due to steep slopes and people would be buying property they could not use. The panhandle drive for lots 4, 5 and 8 exceed the grade limits as stated by the Fire Department. Traffic Engineering's required sight lines don't exist in the field, and a photo was submitted for the record.

Response - Mr. Schreiber stated that the concern of CRG action pending an appeal to the Planning Board resolution did not preclude the CRG from a decision. He also stated that a Final Development Plan of the site serves to advise any potential buyers of property in the development of any conditions concerning their choice. Mr. McKee stated that the profiles of the panhandle drives conform to the requirements.

Dr. McQuaid stated that changes to plans occur in private meetings with no public involvement.

Mr. Schreiber advised that required revisions as per comments are available to the public for review as is stated in the beginning of the CRG meeting.

CONCLUSION: The plan was approved, the appeal process was explained, and the meeting was adjourned at 5:00 p.m.

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

BALTIMORE COUNTY, MARYLAND

MARCH 11, 1991

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: CAPTAIN JOSEPH KELLY
PLANS REVIEW DIVISION, FIRE PREVENTION BUREAU
BALTIMORE COUNTY FIRE DEPARTMENT

PROJECT NAME: CAMERON HILL

PROJECT NUMBER: MARCH 14, 1991, 2:30 P.M.

LOCATION: CAMERON HILL ROAD AND EAGLE MILL ROAD

DISTRICT # 6 AND 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.

CRG 08
MAXIMUM ANGLE OF DEPARTURE (GRADE PERCENTAGE) SHALL NOT EXCEED 8% PER NFPA STANDARD 1901. ANGLE OF DEPARTURE IN EXCESS OF 8 DEGREES WOULD PROHIBIT EMERGENCY FIRE APPARATUS FROM GAINING ACCESS TO THE SITE. REFERENCE PANHANDLE #5

JK/KEK

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: 03/12/91

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: Cameron Hill

PROJECT NO: 90201

LOCATION: Cameron Mill Road, Stablers Church Road,
Eagle Mill Road

DISTRICT: 6 & 7C3

The Plan for the subject site dated February 6, 1991 has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

Previous comments dated August 7, 1990 remain valid for this Plan except as follows:

Grading of the widening of the proposed cross-section will only be required to provide safe sight distance where Public Works decides that it is necessary at intersections and curves. A fixed deposit will be required for this work as part of the Public Works Agreement.

This Plan may be approved subject to compliance with all of the above comments.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:JRL:pab

cc: File

CAMRON/XTXCOM92

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
Kathleen Steiner Mackin (Board of Citizens Alliance) 20415 Old Liberty Rd. White Hall, MD
Jim McKee 55 Shawan Rd. Hanover Valley, PA
Larry Malfa 401 Alleyhony Ave. Towson, MD
Geoffrey C. Schwartz 5 Shawan Rd. 18825 York Rd. Park
John W. Barks
MARY WALLACE Mary Wallace 305 W. Ches Ave. Towson
NANCY M. SMITH 821 WISEBROOK RD. WHITE HALL, MD
Mr. & Mrs. W. Michael Herbert 549 Bentley Rd. Bentley Springs, MD 21114
Robert W. McQuaid 1501 Harris Hill Rd. Park
Dr. Richard W. Schreiber 19624 Domes Rd. Parkton, MD 21120
Page D. Henderson 17204 E. 100th Rd. Parkton, MD 21120
Robert C. Jernard 19800 Eagle Mill Rd. Parkton, MD 21120
William M. Arnold 1501 Harris Hill Rd. Parkton, MD 21120
Anne Carson (Parker) Ave Sun 21120

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS

PROJECT NAME: CAMERON HILL
LOCATION: W/S of Cameron Mill
Developer: Cameron Mill Partnership
Engineer: McKee & Associates
Meeting Date: March 14, 1991 Time: 2:30 P.M.

RECOMMENDATIONS:

APPROVAL: X CONTINUANCE OF MEETING: DISAPPROVAL:

(See Site Specific Comments from:)

DIVISION OF GROUND WATER MANAGEMENT
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.

A Well Siting Agreement is required prior to drilling wells.

SITE SPECIFIC COMMENTS:

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

BALTIMORE COUNTY, MARYLAND

FEBRUARY 9, 1991

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: CAPTAIN JOSEPH KELLY
PLANS REVIEW DIVISION, FIRE PREVENTION BUREAU
BALTIMORE COUNTY FIRE DEPARTMENT

PROJECT NAME: CAMERON HILL

PROJECT NUMBER: MARCH 14, 1991, 2:30 P.M.

LOCATION: CAMERON HILL ROAD AND EAGLE MILL ROAD

DISTRICT # 6 AND 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.

CRG 08
MAXIMUM ANGLE OF DEPARTURE (GRADE PERCENTAGE) SHALL NOT EXCEED 8% PER NFPA STANDARD 1901. ANGLE OF DEPARTURE IN EXCESS OF 8 DEGREES WOULD PROHIBIT EMERGENCY FIRE APPARATUS FROM GAINING ACCESS TO THE SITE.

JP/KEK

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Rocky O. Powell, Director
TO: Environmental Impact Review Division DATE: March 13, 1991

FROM: David Lykens

SUBJECT: ENVIRONMENTAL EFFECTS REPORT: CAMERON HILL

Meeting Date: March 14, 1991 Time: 2:30 P.M.

PLAN REVIEW NOTES:

Site Description: 53 single family lots on 276 acres of forest and old field.

Description of Streams: This site contains the confluence of Little Falls and Bee Tree Run.

Description of Wetland soils: Large areas around both streams.

Storm Water Management required? NO

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.

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:

Final design for water quality outfalls must be approved prior to record plat or grading plan approvals.

Environmental Impact Review Division to review Grading and Sediment Control Plans.

Environmental Impact Review Division to review Storm Water Management and Water Quality Plans.

STORM WATER MANAGEMENT COMMENTS:

1. The Storm Water Management Act:

- 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.
 - 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.
 - 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:
- 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.
 - 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.
 - 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.
 - SWM Facilities are also subject to review and approval by the Baltimore County Soil Conservation District.
 - SWM Facilities which either outfall to a Baltimore County storm drain system or for which a public 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.

REV. 1/91

- F. Site design must maintain, to the extent possible, predevelopment drainage patterns and characteristics. Diversion of drainage is discouraged and DEPRM reserves the right to prohibit drainage diversions it finds detrimental.

3. Maintenance Requirements:

- 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:
 - Residential subdivision in which all lots are for sale in fee.
 - Requirements for public ponds given in the Baltimore County Design Manual are all met.
 - SWM Facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in-fee to Baltimore County.
 - 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.
4. Guidelines for CRG Approval:
- Show type, size and location of all SWM facilities on the CRG plan, including qualitative management facilities. Preliminary computations (hydrology) should be provided to verify that the SWM area(s) on the plan are adequate.
 - 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.
 - 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.
 - List on CRG Plan 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 DEPRM'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:

- This project is exempt from the requirement to provide storm water management since this is a residential development consisting of single-family houses, each on a lot of 2 acres or greater.

Edward M. Schmaus
3/13/91

REV. 1/91

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING
PROJECT NAME: Cameron Mill 2:30 P.M. Cont.
PROJECT NUMBER: VII-244

PRE CRG 03/04/91
CRG 03/14/91

The Office of Planning and Zoning recommends approval of the plan subject to compliance with the following highlighted comments:

- Any subsequent plans must include the date and list of revisions.
- Note 8 is incorrect and must be replaced with the following: This site contains a structure which appears on the Final Historical Landmarks List as Site 79 - Cameron Miller's House, near Parkton.
Pursuant to Section 22-59(a)(4) of the Baltimore County Code, a minor subdivision plan was referred to the Planning Board because the plan involved a building, structure or site included on the landmarks preservation commission final list. As such, any CRG action on this plan must be consistent with the written decision of the Planning Board adopted by Resolution dated December 7, 1990. This office finds that the proposed plan achieves the preservation objectives outlined in the adopted Planning Board resolution.
- The 1989 Baltimore County Master Plan designates Little Falls and Beech Run as a significant link in the County wide stream valley greenway system. Normally, 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; however, in this location, the Northern Central Trail achieves the Master Plan objective in providing the continuity of the greenway through conveyance to the Department of Natural Resources.
- In accordance with Section 22-55 of the Baltimore County Development Regulations, trees to remain and those to be removed shall be indicated on the plan. A limit of disturbance line, which includes the anticipated alteration or removal of vegetation, is recommended to satisfy these requirements. Restrictive covenants to be recorded with the deeds of each lot are recommended to limit clearing and grading to a fixed square footage, i.e., 10,000 square feet per lot.

The limit of disturbance line as shown on the CRG plan must be included on all subsequent plans including the Final Development Plan, the Final Landscape Plan and the Grading and Sediment Control Plan.

The developer is cautioned that Article 27, subsection 267 of the Annotated Code of Maryland prohibits the destruction of cemeteries. Penalties have been established for any person who willfully destroys, defaces, injures or removes any tomb, monument, gravestone or other

structure in any cemetery under subsection 267(a). Subsection 267(b) establishes penalties for any person who willfully destroys, cuts, breaks, or removes any tree, plant or shrub in any cemetery in this State. Subsection 267(c) further states "Nothing in this section shall be construed to prohibit the removal of the remains of any human body, or of any monument, gravestone or other marker from an abandoned cemetery, provided that prior consent in writing of the State's Attorney of the County shall have been served and provided further that such remains, monuments, gravestones, or other marker is placed in an accessible place in a permanent cemetery." Details of future access, ownership and maintenance of the cemetery as well as the remainder of Tract 'B' should be included on the revised plan.

5. This site is partially located within the Perryboy elementary school district where enrollment exceeds capacity by 200 or more as designated on the Interim Control Map (ICM) adopted by the County Council. The ICM is reviewed annually and updated each October 1 or after redistricting and actual enrollments are finalized. Application for development in areas limited by overcapacity of a elementary school district shall be processed by the County and placed on an approved waiting list in the order that they make application for approval of record plat. Processing of this development shall occur up to but not including the point of signature of the grading permit building permits, public works agreement and record plat.

Please include the following information on the revised CRG Plan, Final Development Plan (FDP) and Record Plat:

Perryboy and 7th District Elementary School District
School Capacity _____
19 Enrollment _____
Estimated Pupil Yield _____

- Road "B" must provide future public road access to the Dell and Herbert properties. The Home Owners Association designation adjacent to Road "B" shall be eliminated to provide flexibility for future access; furthermore, the property adjacent to the road shall be dedicated to Baltimore County.
- Please label Panhandle 2 at the end of Road "B" on the plan view.
- The paving for panhandle s. may be reduced to 12 feet in width.
- Any special exceptions, variances or special hearings necessary for this project may delay signature until such hearings have been resolved before the Zoning Commissioner. A copy of the zoning Commissioner's order should accompany the approved CRG plan filed for signature.
- Current Planning CRG number VII-244 must be filled in along with the Public Services CRG number.

- This site is adjacent to the Northern Central Trail and may fall within the takeline boundary as designated on the Maryland Department of Natural Resources acquisition map. A copy of your plan must be submitted to the Department of Natural Resources for their review and comment. Please send to Attn: Mr. Bernie Wentker, Department of Natural Resources, 2012 Industrial Drive, Annapolis, MD 21041, Telephone NO. 974-7231.
- An access easement should be provided to the Northern Central Bike and Hike Trail.
- This proposed development is in close proximity to active agricultural operations. It is the developers responsibility to advise future homeowners that agriculture has a preferred use status and that odors, noise, dust, farm equipment, livestock operations and agricultural chemicals (pesticides, fertilizer, herbicides and other control agents) may be in active use.
- This office recommends that Lot 2 be pulled back from the Northern Central Trail. Provide an elevation drawing to show the visibility of Lots 2 and 3 from the trail. Additional screening may need to be provided to obstruct the view of the dwellings on Lots 2 and 3 from the trail.
- This office recommends that the numerous specimen, transplantable (7' caliper and less) size trees be utilized. A transplant specialist could provide a proposal that accommodates the site grading and construction phases with the transplanting.

A:CRG3:TXT
JWK:cab

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

CRG DATE: 3/14/91
PRE-CRG DATE: 3/4/91

PROJECT NAME: Cameron Mill
LOCATION: Cameron Mill, Stablers Church and Walker Roads; also SE/S Eagle Mill Road

PLAN: 2/6/91

REV. 3/8/91

DISTRICT: 667C3

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 plan has been reviewed by this office primarily for petition filing and now for the C.R.G. for general compliance with the Baltimore County Zoning Regulations. The following comments identify possible additional conflicts with the Baltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. 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 well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any additional zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Request". Additional plan comments must be addressed on the C.R.G. and zoning hearing plans prior to final acceptance of the zoning petitions. When public hearings are requested, the assistance received at the time of filing zoning petitions 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 any public hearing requests:

- Zoning Hearings/History (Lot 2)** -- Provide a zoning history on the C.R.G. plan. On 10/31/90 petitions were filed in the Zoning Office (case number 91-254-A) for variances on proposed lot #52 (5.854 acres total) for Ruth Ann Denoto/Cameron Mill Partnership, c/o James McKee from sections:
 - 1A03.4.B.4 -- to permit an existing dwelling to proposed street centerline distance of 28 feet in lieu of the required 100 feet.
 - 1A03.4.A. -- to permit a dwelling height of 36 feet in lieu of the allowed 35 feet.

BA The public hearing was held on 2/12/91 and continued to a future date not determined to allow the petitioner an opportunity to file an amended petition asking for additional variances to reflect the location of the existing spring house and ruins. The property will be re-posted and re-advertised.

BA 2. Zoning Hearings (Lot #53 + 32 other lots) -- As noted on the plan three variances are required on lot #52 (should be corrected to "LOT #53") and diametral dimension variances are required from Section 1A03.4.B.3 to permit individual proposed lot diametral dimensions less than 300 feet on 32 other lots.

BA 3. General -- The existing spring house and other buildings to remain on lot #52 must be located on the C.R.G. plan, including the proposed use, height and property line setbacks. The front orientation of the existing dwelling must also be indicated on proposed lot #52 and lot #53. The individual variance plan for proposed lot #52 (case #91-254-A) must also include all existing and proposed conditions with enough detail to determine zoning compliance or any conflicts. If any ruins or existing buildings are to be removed, clearly indicate this on the C.R.G. plan not to conflict with the individual variance plan for lot #52. Confirm who will be responsible for removal and when on the plan.

BA 4. 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 any requested zoning hearings and finally, the inclusion of the F.D.P. checklist information being included on the Final Development Plan.

WCR
M. CARL RICHARDS, JR.
Zoning Coordinator

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 12, 1991

TO: Mr. Robert Covahey
FROM: Stephen E. Weber
SUBJECT: C.R.G. Comments

PROJECT NAME: Cameron Mill
LOCATION: Cameron Mill Road

All subsequent plans must note that the areas between the sight line and the curb line must be cleared, graded, and kept free of any obstructions.

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RJF/lab

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Robert Covahey Date: February 26, 1991
From: Charles K. Weiss
Subject: Cameron Mill Section I, II, & III
McKee & Associates
6 & 7c3
res. 53 units
3/14/91
Central area

In review of this plan those units located on a panhandle will receive refuse service on a pad located at curbside on the right when exiting the panhandle onto the main road. The pads must be 16 sq. ft. per unit being serviced with no enclosure. These pads must be clearly shown on the plan before it can be considered for approval. Those units not located on panhandles will receive refuse service at the intersection of their driveway and the main road.

NOTE: Acceptance of this plan in no way binds Baltimore County into refuse collection of this development. At the time of construction and after all requirements (trash pads) have been met, a representative of the Bureau will meet with the developer or his representatives to discuss details of refuse collection.

jh

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Robert E. Covahey, Chief
Bureau of Public Services
FROM: Shirley M. Murphy, Chief
Bureau of Land Acquisition
SUBJECT: CRG #90212, Cameron Mill
DATE: July 24, 1990

As requested, we have reviewed and researched the subject CRG Plan and have the following comment to make:

1. Plat as shown on Sheet 1 of 2 is within Parcel 16 which is not included in the Plat of Cameron Mill.

2. Who has fee simple deed to the North Central Railroad property?

3. Cameron Mill Road is maintained by Baltimore County from Stablers Church Road to Kaufman Road.

Subject CRG Plat should be noted accordingly.

If you have any questions, please feel free to contact me at 887-3252.

SMH:DMH

REVISION RECEIVED 8/6/90: See comments above.

Revision received 2/14/91: See comments 1 above. Parcel 16 has not been joined in on this plat.

Revision received 3/8/91: No additional comments at this time.

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date: March 14, 1991
From: Department of Recreation and Parks

Project Name: Cameron Mill Preliminary Plan
Project Number: 90212 Development Plan
Location: Cameron Mill Road Final Plat
Districts: 6, 7 C 3 CRG X

COMMENTS:

1. Local Open Space is not required for RC zoning.
2. The noted dedication of land to Baltimore County and the State D.N.R. for the Greenway for Little Falls and Beech Run is in compliance with the intent of the Baltimore County Master Plan Open Space Network.
3. Denote the area to be dedicated to Baltimore County as "Baltimore County Greenway Reservation."
4. CRG approval is recommended.

Walter P. Kincer
Walter P. Kincer
Facilities Coordinator

WPK:md

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555
Facsimile: (301) 527-1563

March 20, 1991

Mr. Joseph Moranto
Planning Office
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Cameron Mill

Dear Mr. Moranto:

At Mr. McKee's request, I have looked into the William Herbert property, which is shown as Parcel 49 on Baltimore County Tax Map 12, Grid 2, with respect to having any rights, right-of-ways or easements over, across, and through the Cameron property, adjacent to, and south of Mr. Herbert's property. I have reviewed the chain of title of Mr. Herbert's property to a point in time when it was subdivided from a larger tract of land in a deed dated February 20, 1925 and conveyed by John T. Sipe and Annie M. Sipe, his wife, unto John V. Herbert and Roberta M. Herbert, his wife, and recorded among the land records of Baltimore County in Liber 613, folio 116. The only easement described in this deed (which Mr. Herbert referred to in the CRG meeting) appears to be the 16.00 foot right-of-way for the driveway leading from Mr. Herbert's property, northeasterly, to the County road (known as Bentley Road). This easement runs over, across, and through the property of John and Beatrice Bell which is shown as Parcel 44 on the Baltimore County Tax Map 12. I have done further research to see if John T. Sipe (the predecessor in title to Herbert) had any rights or easements over, across, and through the Cameron property, which could have passed to Mr. Herbert in an unwritten conveyance. I have not found any such rights or easements. Also, Joseph S. Knapp, III, attorney at law, has supplied me with a title report dated March 3, 1990, which does not show any encumbrances on the Cameron property relating to any easements to Mr. Herbert's property.

In closing, I feel Mr. Herbert has no rights, right-of-ways or easements over, across, and through the Cameron property.

Letter to Mr. Joseph Moranto
Re: Cameron Mill
March 20, 1991
Page Two

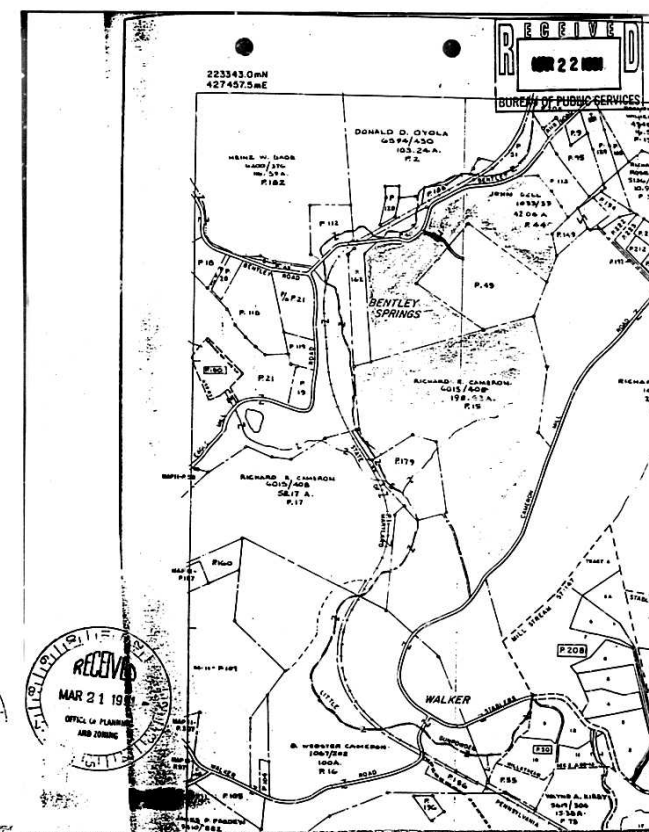
I have enclosed a colored up copy of Baltimore County Tax Map 12 showing the above mentioned parcels for your reference. Also enclosed is the 1925 deed from Sipe to Herbert and the 1988 deed from Herbert to Herbert in which I have highlighted the description of the right-of-way in question.

If you should have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
McKee & Associates, Inc.

W. Michael Ray
W. Michael Ray, Associate
Property Line Surveyor

WHR:ajw
Enclosures



IN RE: * BEFORE THE
CAMERON MILL * BALTIMORE COUNTY CRG
CAMERON MILL, STABLER'S * MARCH 14, 1991
CHURCH AND WALKER ROAD *
ALSO SE/S EAGLE MILL ROAD * CASE NO. 90212
* * * * *

MEMORANDUM OF PROTESTANTS

The Maryland Line Area Association, Messrs. Robert Leonard, Michael Herbert, Dr. Richard McQuaid, Mary Wallace, John W. Combs, Protestants hereby request the following rights of due process from the CRG:

1. The Protestants request that the CRG meeting scheduled for this date be postponed until the Board of Appeals for Baltimore County has the opportunity to schedule and act upon an Appeal taken from the Planning Board's approval and recommendations on the Cameron Mill issue, dated December 6, 1990. Enclosed, for the record, is a copy of the Planning Board's action taken on December 6, 1990 which was the adoption of the Memorandum dated December 5, 1990 submitted by P. David Fields, Director of the Office of Planning and Zoning. Also attached is a December 13, 1990 letter appealing this decision of the Planning Board to the Board of Appeals. Also is acknowledgement of said Appeal by letter from David Fields dated February 22, 1991 and a cash receipt from Baltimore County No. 74711. Finally, attached is a letter from Dr. Richard McQuaid dated February 19, 1991 requesting the Chairman of the County Review Group to postpone this hearing based upon

the Appeal to the County Board of Appeals.

It is the position of Protestants that this CRG meeting cannot proceed to finalize or approve a CRG plan based on Baltimore County Code, Sections 22-59, 22-60, 22-61. In Section 22-60(c) the decision of the Planning Board shall be incorporated as part of the CRG final action on a plan. Until the Board of Appeals affirms or rejects the determination of the Planning Board, this CRG cannot possibly incorporate the decision of the Planning Board into the CRG final action and plat until it is final. It is unchallenged that pursuant to the authority conferred by the Baltimore County Charter, that an appeal from the Planning Board decision is appropriate and that the Board of Appeals has jurisdiction over this matter. Therefore, until the Planning Board report becomes final, this CRG cannot take final action on a plan and to do so would violate the Protestants' Charter right of appeal and due process as it relates to the issue referred to the Planning Board.

It is recognized that Section 22-59(c) allows the CRG to continue to process any plan but it is clear that that does not allow a final approval of the plan pending the action of the Board of Appeals.

Therefore, the Protestants would again respectfully request that this meeting be adjourned pending the action of the Board of Appeals. (See pre-CRG comments of current

2

Planning and Development dated March 4, 1991, item No. 2. In that paragraph, Planning is requiring any CRG action on this plan must be consistent with the written decision of the Planning Board adopted by Resolution dated December 7, 1990 - that decision is not final until the Board of Appeals rules).

2. The Protestants hereby request that a court reporter be made available at this meeting to transcribe the statements and discussion for the record based upon the fact that Judge Hinkle's decision and the Court of Special Appeals' decision in the Rosslyn Station II case preclude the presentation by the Protestants of any testimony concerning their objections to this project before the Baltimore County Board of Appeals. Therefore, a court reporter is necessary to transcribe the events of the CRG meeting for purposes of protection of the Protestants' due process rights.

3. The Protestants would request a postponement of the CRG meeting in order for the CRG to provide for a court reporter as stated above and in addition, to require the production of all County witnesses from the various departments who are being called upon to provide information to the CRG for purposes of recording their testimony and possible cross examination by Protestants.

4. The Protestants would request that this CRG meeting provide for the recording of testimony by a court reporter of the Protestants' witnesses who are available today to testify

3

in regard to this project. Those witnesses and their expected testimony is as follows:

A. Paige Herbert - an expert geologist who would testify in regard to the lack of availability of water supply for Cameron Mill and the geology of the area and his opposition to the project.

B. John W. Combs - would testify in regard to the protection of the historical site on the property, the visual impact of Cameron Mill on the historical site and the visual impact of Cameron Mill on the hike and bike trail; and his opposition to the project.

C. Polly Wirth - would testify in regard lots on steep slopes and lots with wetlands in their backyard and her opposition to the project.

D. Bob Leonard - would testify in regard to comments on lot size, the question for need for variances and to present testimony in regard to change in the forest buffer boundary to allow septic areas in the forest buffer and his opposition to the project.

E. Mary Wallace - would testify in regard to the sight distance on Eagle Mill Road not being 300 feet and that it is a dangerous traffic problem.

F. Mike Herbert - would testify in regard to a two family spring which is located on his property north of Cameron Mill and his concerns in regard to continued purity of

4

the spring as well as availability of water as a result of Cameron Mill.

G. Dr. Richard McQuaid - would testify in regard to site distances, septic problems, lot size and the need for postponement of the CRG.

H. Dr. Robert Kondner - would testify in regard to results of the percolation test, show initially only one percolation test per lot, not three; that the test results show the perc time of two minutes meant that the water in this soil is going to move very quickly through the fractured schist into the ground resulting in a very low perc time and improper filtering.

5. The Protestants' would request a full hearing with the right to cross examine County witnesses and present their own witnesses before the CRG; if that is not provided there will not be the forum for a factual review of the Protestants' concerns and there will not be an adequate discussion of the issues raised by the Protestants for which the CRG can make a proper determination. In addition, there will be a denial of the Protestants' due process rights if they are not afforded a full hearing before the CRG in view of the Hinkle and Court of Special Appeals' decision in Rosslyn Station II decision.

6. The Protestants' would request the CRG create formal minutes rather than a simple summary as has been the custom in the past; to include all technical evidence upon which the CRG

5

relies in its fact finding to approve the CRG plan. Protestants would request what evidence and rationale the CRG relied upon to approve the CRG plan as presented, to include evidence presented by Protestants. A failure to provide accurate minutes and a complete analysis of what facts and which factors the CRG relied upon, will result in a failure of due process for the Protestants who must meet the burden imposed by the law establishing "arbitrary or capricious" conduct by the CRG. Mortimer vs. Howard Research, 33 Md. App. 432, at 441 (1990) and Board of County Commissioners for Prince George's County vs. Ziegler, 244 Md. 224, 229 (1966).

Wherefore, the Protestants respectfully request that the above request be granted, a postponement be ordered, a court reporter be provided at the next hearing, that the County witnesses be called and available to testify and subject to cross examination, and that the CRG prepare a detailed formal minutes and record of what occurred at the CRG meeting.

Respectfully submitted,

[Signature]
J. Carroll Holzer
on behalf of the above cited
Protestants

6

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of March, 1991, a copy of the foregoing was mailed, postage prepaid, to Newton Williams, Esquire, Suite 1105, 300 E. Joppa Road, Towson, Maryland 21204, Attorney for Cameron Mill; Arnold Jablon, Esquire, 2338 York Road, Timonium, Maryland 21093 and Phyllis Friedman, Esquire, Suite 900, 409 Washington Avenue, Towson, Maryland 21204.

[Signature]
J. Carroll Holzer

7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Michael Moran Esq. DATE: Feb. 21, 1991
Office of Law
FROM: Les Schreiber *pc 5*
Bureau of Public Services
SUBJECT: Cameron Mill
C.R.G.# 90212
Meeting Scheduling

Enclosed please find copies of letters from Dr. McQuaid requesting a postponement of the scheduled continued C.R.G. meeting for the referenced project and our response letter to him.

Please render your opinion in this matter at your earliest convenience.

CAMMILL/REFINE

MARYLAND LINE AREA ASSOCIATION

1501 Harris Mill Rd.
Parkton, Md. 21204
February 19, 1991

Chairman,
Baltimore County Review Group
Bureau of Public Service
County Office Building, Rm. 321
111 West Chesapeake Ave.
Towson, Md. 21204

RECEIVED
FEB 21 1991

Dear Chairman:

Re: CRG--Cameron Mill Development

We have just received notice that the continued meeting on the Cameron Mill Development will be resumed on March 14, 1991 at 2:30 p.m.

I am writing to request that the scheduled meeting be postponed. The reason for this request is that the meeting can not be legally held and a final action can not be rendered since the report of the Baltimore County Planning Board regarding the Historic Site on the property can not be finalized since it has been appealed. No date has as yet been established for the hearing of the appeal before the Baltimore County Board of Appeals.

Please notify me of your action on this request as soon as possible. I will greatly appreciate your prompt attention to this matter.

Very truly yours,
Richard W. McQuaid,
President

BUREAU OF PUBLIC SERVICES

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

TO: Baltimore County Planning Board
FROM: P. David Fields, Director
Office of Planning & Zoning
SUBJECT: Proposed Development Involving a Structure on the Baltimore County Landmarks List -- "Cameron Miller's House"
DATE: December 5, 1990

Background - Planning Board's Role

Before the County Review Group (CRG) can take final action on any plan for development on a property which "involves a building, structure or site included on the landmarks preservation list" the plan must be referred to the Planning Board. 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 are specified in the Development Regulations at sub-sections 22-59(a)(4), 22-60(b)(2) and 22-60(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 (which has authority only in regard to the exterior of the structures on the Landmarks Lists).

Background - Cameron Mill Complex

The first mill on this site, located about 1-1/4 miles northwest of Parkton, was a log structure built before 1795. The mill was probably totally replaced in 1886 when the millstone technology was superseded by a steel-roller grinding mechanism. In its latter years the old mill had figured in a landmark case (*Gladfelter v. Walker*, 40 Md. 1 (1874)) involving water pollution by another mill further up the Little Falls stream.

The miller's house was built after the writing of the 1798 tax list; when the house was added to the Landmarks List in 1977, Mr. Richard Cameron (whose family had inherited the property 100 years earlier) estimated the construction date at 1800-1805. The house, built of stone in the plain, well-proportioned style typical of the homes of

Subject: "Cameron Miller's House"
December 4, 1990
Page 2

Maryland and Pennsylvania Germans, is two stories high, with a full, walk-in basement. It is built into a steep, wooded hillside, only about 15' from the edge of Cameron Mill Road.

The miller's house, and a springhouse immediately to the east (and even closer to the road) are the only remaining standing structures from the half-dozen or more that had been part of the milling complex. The mill burned in the mid-1940s, but its stone foundation walls (in the southwest corner of the road intersection) are still an important element in the visual quality of the complex. The ruined foundations of other outbuildings west of the road are less evident. An old, private cemetery of indeterminate current ownership lies above the crest of the slope, northeast of the miller's house.

Preservation Requirements

Section 22-100 of the Development Regulations specifies flatly that "historic structures or sites" on the Landmarks List "must be preserved." Likewise, Section 22-152 of the County Code requires County approval, through the Landmarks Preservation Commission, before the demolition or other exterior change to a Listed structure; Section 22-153 prevents "demolition by neglect."

In response to a complaint regarding the deteriorated condition of the house, the Commission approved (on April 14, 1988) a set of actions, subsequently completed, by which the owner would stabilize and secure the house against vandalism and further deterioration.

Development Proposals

The mill complex is part of 278.6-ac. property now controlled for development purposes by Cameron Mill Partnership. A CRG Plan ("Cameron Mill") for dividing the property into 49 three-ac. lots and several other tracts was submitted in April 1990. The miller's house was included in a 3-ac. "Parcel B" on the east side of Cameron Mill Road. The mill and other foundations on the west side would have been within the proposed 60-ft. road right-of-way and/or within a proposed Resource Conservation Area for the home-owner's association.

The Plan erroneously stated that there were "no historical areas" on the property. After discussions with OPZ staff, a Minor Subdivision Plat dated September 21, 1990 was filed in the name of the owner of the entire acreage (Ruth Ann Desoto). The new Plat proposes a two-lot subdivision; "Lot 50" covers the same configuration as "Tract B" on the April Plat, with a 275.4-ac. "residue."

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

February 22, 1991

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

Re: Cameron Mill

Dear Mr. Holzer:

This letter is to advise you that your appeal to the Planning Board's decision regarding the above has been submitted to the Board of Appeals for scheduling. I am enclosing your receipt for the \$75 filing fee.

You will be hearing directly from the Board of Appeals when this is scheduled.

Sincerely yours,
P.D. Fields
P. David Fields
Director

PDF:pat

Enclosure

cc: Board of Appeals
Maryland Line Area Association
c/o Dr. Richard McQuaid, President
Citizens Alliance of Northern Baltimore County
c/o Glenn Peabody, President
Newton Williams, Esquire

HOLZER/TXTPAT

Subject: "Cameron Miller's House"
December 4, 1990
Page 3

Preservation Issues

Fulfilling the County Code's preservation requirements involves not only the miller's house but also its related structures and its overall setting. The architectural merit of the structure and its association with a once-thriving rural industry are reinforced by its dramatic location perched on the steep hillside amidst the mature trees over-arching the narrow road. The roadside springhouse and the foundation wall of the mill, jutting towards the road intersection, are equally integral, supporting elements of the site's distinctive rural character.

The historic character of the site would be irreparably jeopardized by several proposals in the "Lot 50" Plat. From discussions among the staff of the relevant County agencies (OPZ, DPW and DEPRM) and with the owner's agent, the Partnership, OPZ staff is confident that mutually-acceptable revisions for protecting the historic resources can be achieved through the recommendations listed below.

Recommendations

The overall purpose of the following set of proposals is to achieve a private-sector restoration and long-term preservation of the miller's house and the integrity of its setting by enhancing the property's attractiveness to a preservation-minded purchaser; to that end, the "Lot 50" plat and any subsequent CRG Plan for the adjoining area of the "residue" should be modified approximately as follows and as illustrated on the attached November 30, 1990 sketch plan by OPZ:

1. Accepting the western/southern line of the proposed right-of-way for Cameron Mill - Staples Church Road, reduce the width to 45-ft. - The greatest danger to the site's integrity would come from the grading of the hillside and removal of mature trees that would be part of any road-widening. Commandably, the Department of Public Works has agreed that road widening is not now needed and that less than the customary 60-ft. right-of-way is acceptable. Shifting the right-of-way lines as far west and south as possible maximizes the already-miniscule "front yard" at the house and keeps the springhouse outside the "right-of-way, improving the prospect that it also would be restored.

There does not appear to be any way to keep all of the mill foundation outside of the proposed road rights-of-way, but it is to be hoped that DPW would cooperate in allowing a future owner to stabilize and maintain the walls at their present height.

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

February 22, 1991

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

Re: Cameron Mill

Dear Mr. Holzer:

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You will be hearing directly from the Board of Appeals when this is scheduled.

Sincerely yours,
P.D. Fields
P. David Fields
Director

PDF:pat

Enclosure

cc: Board of Appeals
Maryland Line Area Association
c/o Dr. Richard McQuaid, President
Citizens Alliance of Northern Baltimore County
c/o Glenn Peabody, President
Newton Williams, Esquire

HOLZER/TXTPAT

Subject: "Cameron Miller's House"
December 4, 1990
Page 4

2. Enlarge the "Lot 50" to approximately 5.6 acres, including about 1.2 acres on the west/south side of Cameron Mill Road - The additional acreage across the road would give the owner of the house full control over most of the other foundations (outside the road right-of-way) and allow for a parking garage or pad which could not easily be accommodated on the steep hillside at the house. Shifting the northern line would give the owner more-complete protection of the hillside. The enlargement would also be consistent with the estimated "5-ac. in vicinity of house" entered on the Landmarks List nomination form. In addition, shifting the northern line would obviate the need for seeking a variance if a new owner would wish to build an addition onto the rear of the house (as had been done once before).
3. Revise (and correct) Note #8 to protect the springhouse. - The note should read "Existing dwelling and springhouse are to be renovated and restored subject to approval by the Landmarks Preservation Commission."
4. Establish a perpetual easement to protect the cemetery and to allow pedestrian access. - The configuration shown on the sketch is illustrative; alternative boundaries achieving the same purpose by access from the north or west would be acceptable.

David Fields
P. David Fields

PDF/TD/prh
CAMERML/TXTPRH

Attachments

342 CADE v. MONTGOMERY COUNTY
(No. 100, App. 110 (1990))

JUDGMENT REVERSED.
COSTS TO BE PAID BY THE APPELLANTS

373 A.2d 750
Rosemary MORTIMER, et al.

HOWARD RESEARCH AND DEVELOPMENT CORPORATION, et al.
No. 1410, Sept. Term, 1989.
Court of Special Appeals of Maryland.
June 27, 1990.

County planning board entered decision on petition regarding location of employment center or commercial land use within new town district. Appeal was taken. This county board of appeals remanded. Judicial review was sought. The Circuit Court, Howard County, Raymond J. Kane, Jr., J., reversed the decision of the board of appeals. Appeal and cross appeal followed. The Court of Special Appeals, Reversed the decision of the board of appeals. Property remains dedicated to the planning board.

Judgment of the Circuit Court reversed and case remanded.

1. Zoning and Planning §605

Circuit court's standard of review for decision by county board of appeals is limited to whether the board decision is in accordance with the law. Code §607, Art. 28A, § 301.

2. Zoning and Planning §610, 612

In determining whether decision by the county board of appeals is arbitrary, illegal or capricious, reviewing court

MORT

must decide whether the decision is arbitrary, illegal or capricious. Code § 301.

1. Administrative Issue is: review of decision could be made, if so, review for that of the is analogous to is fairly debated on the record § 301.

2. Administrative Issue is: review of decision could be made, if so, review for that of the is analogous to is fairly debated on the record § 301.

GS, SL, JM, WL, DLT Cameron Mill 3/8/91

First 8/8/90 CRG was continued: NC Trail Floodplain and historic structures.

Historic issue came before Planning Board when minor sub got to Current Planning (Frank?)

Gene Neff approved 45' R/W for Planning Board

See 22-151 and 152 protects public or private inps.

Revise DED comments to "variance" no road or grading improvements except as needed for sight distance. A fixed deposit will be accepted in lieu of this (permanent, not 6 yrs).

(Verify flood plain)

Baltimore County Government
Department of Public Works

111 West Chesapeake Avenue
Towson, MD 21204

February 21, 1991

Dr. Richard McQuaid
1501 Harris Mill Road
Parkton, Maryland 21120

RE: Cameron Mill
C.R.G. # 90212

Dear Mr. McQuaid:

This is to acknowledge receipt of your request for postponement of the scheduled C.R.G. meeting for the referenced project to occur on March 14, 1991 @ 2:30 PM.

The County Review Group at this time feels that the appeal of the Historic Site does not preclude us from scheduling the C.R.G. meeting for this project. We have however asked our Office of Law for an opinion concerning this matter.

If you have any additional questions, do not hesitate to call me at 887-3340.

Sincerely,

Leslie C. Schreiber
C.R.G. Coordinator
Bureau of Public Services

LCS:lcs
cc:CRG Staff
file

Baltimore County Government
Department of Public Works

111 West Chesapeake Avenue
Towson, MD 21204

February 14, 1991

Cameron Mill Partnership
c/o McKee and Associates, Inc.
5 Shawan Road
Hunt Valley, Maryland 21030

RE: Cameron Mill
District 667 C3

Gentlemen:

The referenced development proposal is scheduled for consideration by the County Review Group on Tuesday, March 14, 1991 at 2:30 p.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 Monday, March 4, 1991 at 3:00 p.m.

Please attend these meetings with appropriate representation.

Very truly yours,

David L. Thomas
DAVID L. THOMAS, P.E.,
Assistant Chief
Bureau of Public Services

REC:lm

cc: McKee and Associates
File

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD
TELEPHONE: (301) 527-1555

HUNT VALLEY, MARYLAND 21030
FACSIMILE: (301) 527-1563

DATE: FEBRUARY 13, 1991

TO: BUREAU OF PUBLIC SERVICES

RE: CAMERON MILL

ATTENTION: LES SHRIVER

Gentlemen:

☒ We are submitting

☐ Herewith

☐ We are forwarding

☐ We are returning

FEB 13 1991

BUREAU OF PUBLIC SERVICES under separate cover

No.	Description
19	PRINTS OF C.R.G. PLAN

☒ For processing

☐ For your use

☒ For your review

☐ Please call when ready

☐ In accordance with your request

☐ Please return to this office

Remarks: FOR SCHEDULING OF CONTINUED C.R.G. HEARING

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates Inc.

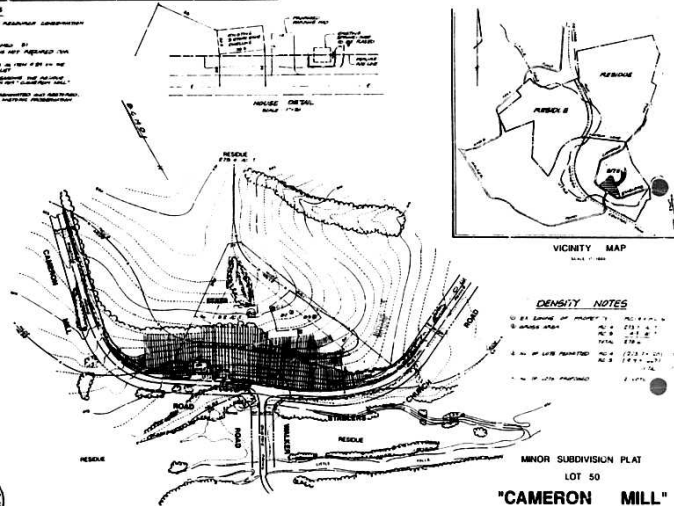
Lisa Pulling
LISA PULLING, PROCESSOR

Enclosures

cc: NEWTON WILLIAMS w/enc.
DENNIS GERMAN w/enc.

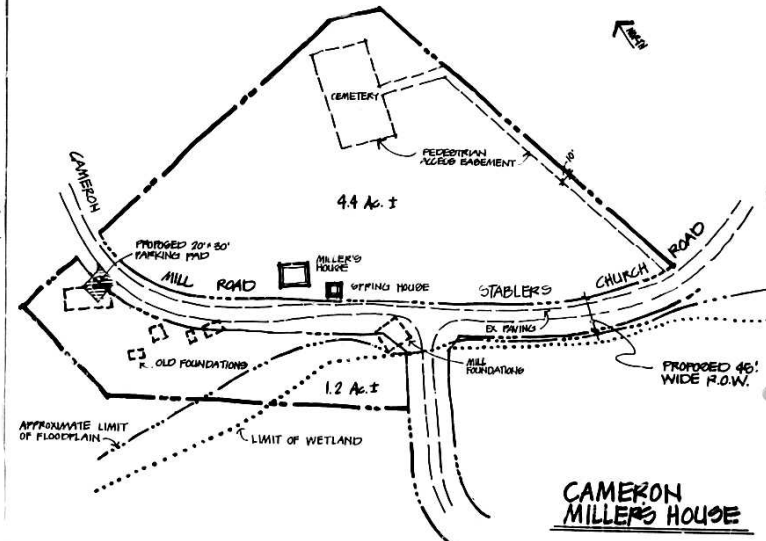
GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO BE MAINTAINED.
3. ALL DIMENSIONS ARE TO BE MAINTAINED.
4. ALL DIMENSIONS ARE TO BE MAINTAINED.
5. ALL DIMENSIONS ARE TO BE MAINTAINED.



DENSITY NOTES

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4. ALL DIMENSIONS ARE TO BE MAINTAINED.
5. ALL DIMENSIONS ARE TO BE MAINTAINED.



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING - NOV. 30, 1990 - SCALE 1" = 100'

COUNTY REVIEW GROUP MEETING SUMMARY Thursday, August 8, 1990

CAMERON MILL

District 6 and 7 C3

COUNTY REVIEW GROUP - THOSE PRESENT

Les Schreiber, Chairman - Dept. of Public Works
Joseph Maranto, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

Rabee J. Famill - Traffic Engineering
Mally Lippincott, Jr. - Office of Planning and Zoning
Ed Schmaus - DEPRM/Storm Water Management
P.J. Solomon - DEPRM
Bruce Seeley - DEPRM
Larry Pilson - DEPRM
Bill Hughes - Office of Planning and Zoning
Pat Kincer - Recreation and Parks

DEVELOPER AND/OR REPRESENTATIVES

Geoffrey Schultz - McKee and Assoc.
James W. McKee - McKee and Assoc.
Newton Williams - Nolan, Plumbhoff and Williams

INTERESTED CITIZENS

See Attached Sheet

Mr. Schreiber, Chairman, opened the meeting at 10:20 a.m., introduced the staff and explained the purpose of the meeting. Mr. McKee presented the plan.

Mr. Maranto summarized the staff comments submitted from Fire Department, Developers Engineering Division, Storm Water Management, Department of Environmental Protection and Resource Management (DEPRM), Board of Education, Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks and Bureau of Sanitation. These comments have been made a part of this summary, and a copy was also given to the developer and developer's engineer.

CRG Summary Cameron Mill 2

The Cameron Mill C.R.G. plan proposes a total of 49 lots and 2 tracts on 278.6 acres ± zoned RC-4 (273.7 acres ±) RC-5 (4.9 acres ±) along Cameron Mill and Eagle Mill Roads on both sides of the Northern Central Trail. The C.R.G. plan for the subject site dated April 6, 1990 has been reviewed by the C.R.G. staff with the following additional discussion:

Mr. Newton Williams, Attorney for the Developer, presented to the C.R.G. staff and the members of the public, an explanation of the green space and the Stream Valley Park System proposed for dedication to Baltimore County. Mr. Williams explained the developer's intent who is responsible for the historic structure, called the Cameron Mill House. Mr. McKee stated that 100 ± acres will be dedicated to Baltimore County. Mr. Maranto asked the developer who would retain the cemetery? Mr. McKee commented that they will not take title to the cemetery or the 2 tracts. Mr. Schultz of McKee and Assoc. stated that the cemetery is defined in the field. There was repeated discussion between the members of the public and the developer basically concerning the disturbance of the rural community and the disturbance of the scenic views.

The following C.R.G. staff comments were addressed with discussion:

Fire Department - The entrance road grade percentages shall not exceed 8% - check panhandle number 5 shown on sheet number 1.

DEPRM - The 5 site comments listed in the comment package must be complied with.

Board of Education - County Council Bill Number 127-90 concerning Interim Development Control for elementary school capacity must be addressed.

Office of Planning and Zoning - As presented at this time, the Office of Planning and Zoning is recommending denial of the subject C.R.G. plan based on the developer's intent to raise the Cameron Millers House. Final action on the plan will not be addressed until comments from the Department of Natural Resources have been received and addressed concerning the Northern Central Trail.

Traffic Engineering - 300-foot sight lines need to be shown on the plan with the associated required notes.

Recreation and Parks - The Baltimore County Master Plan Open Space Network Plan indicates dedication of the flood plain for Bee Tree Run and Little Falls. Both of these waterways traverse this property. In order to comply with the Master Plan, the plan must denote the flood plain as "Baltimore County Greenway Reservation - To Be Donated to Baltimore County".

Sanitation - Panhandle drive entrances must comply with County Council Bill number 172-89. A pad of 16 square feet per unit being served must be shown and denoted on the plan.

Land Acquisition - The 3 comments submitted must be addressed.

CRG Summary Cameron Mill 3

There was no additional discussion on the staff comments, and they remain a part of this C.R.G. meeting.

The citizens were invited to comment:

Dr. Richard W. McQuaid, President Maryland Line Area Association - Mr. McQuaid read from a letter, which he submitted to the C.R.G., the concerns of the Maryland Line Area Association which are: This land is prime and productive soil and is currently being farmed. There are woodlands on steep slopes in excess of 15% which have already severely eroded. Storm water Management waiver should not be allowed. Little Falls and Bee Tree Run are both Class III tract streams. The proposed wells will be considered sub-standards and will effect the area water table.

Gloria McQuaid - No comment.

John Kotchenreuter, Sierra Club - Stated that the run-off from the site will impact the wetlands. Wants to see the Department of Natural Resources report. The site conflicts with Master Plan use.

Polly Walker Wirth - Why are the proposed roads so wide? The storm water run-off will traverse over non-permeable surfaces to the streams. There are steep slopes on various lots with wetlands, will they be disturbed. Would like the enforcement of all the covenants. View from the hike and bike trail should be preserved. Buffers along various lots do not seem adequate.

Frank Purdum, Jr., Freeland Comm. Assoc. - The variances to meet the lot size and shape, what will transpire? What is to become of the 2 tracts, will there be additional development? Access from the primary road is only 56' from Eagle Mill Road. Who will own the Greenway System?

Robert C. Leonard - What will take place with the variances for the required diametricals.

M. Brown, Wiseburg Comm. Assoc. - Why is Storm Water Management being waived? Variances? Lot sizes?

Harold Lloyd, Wiseburg Comm. Assoc. - Mr. Lloyd stated that the best use of the land is as it is presently being used. How will this development effect taxes?

William M. Herbert - Is on Spring Water System. How will he be protected from drinking run-off from adjacent septic systems?

Citizen comments were then reviewed:

Dr. Richard W. McQuaid - Mr. Pilson of DEPRM stated that if the wetlands can be protected, development can occur. Mr. Lippincott explained the prime and productive soils regulations. Mr. Schmaus stated that a waiver was not granted. This site is exempt. Mr. Pilson stated that State law requires 1 gallon/minimum on wells.

CRG Summary Cameron Mill 4

John Kotchenreuter - Mr. Pilson will try to obtain a copy of the Department of Natural Resources' report for his review.

Polly Walker Wirth - Mr. McKee stated that the only grading on slopes will be in the rights-of-ways and the lots are designed to eliminate construction in steep slopes or other environmental areas. Mr. McKee stated that they may be planted to shield the view of the houses. Mr. McKee stated that the buffers meet the regulations. Mr. Logan of Developer's Engineering Division stated that the proposed roadways are shown to the minimum allowed by Baltimore County standards. Mr. Logan stated the storm water will be conveyed via a storm drain system. Mr. Maranto stated that the right to apply for waivers, etc. does not preclude that they will be granted.

Frank Purdum, Jr. - Mr. McKee said that off-site rights-of-way are being sought. Mr. McKee stated that this is the only access in fee available to them. Mr. Maranto stated that the site will be posted with the necessary information pertaining to the variances being requested to allow the public to input their views, etc. Mr. Kincer of Recreation and Parks stated that it may be a joint ownership.

Robert C. Leonard - Explained by Mr. Maranto.

M. Brown - These questions were answered previously.

Harold Lloyd - Mr. Schreiber said this would not effect his taxes.

William M. Herbert - Mr. McKee stated that run-off will be generated from his own site. Dr. McQuaid stated that it not matter if run-off goes in the opposite direction the rock firmures will allow seepage. Will they be protected if there is an adverse effect. Mr. Pilson will contact Mr. Jolly (our geologist) to examine the spring condition.

CONCLUSION: The meeting was continued, postcards for notification of date of continued meeting were distributed and collected and the meeting was adjourned at 12:30 p.m. The outstanding issues to be addressed at the continued meeting are: The disposition of the historic site called the Cameron Millers House shall be resolved. The final action on the plan is awaiting action from the Department of Natural Resources concerning the Northern Central Trail.

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 ADDRESS

NAME	SIGN IN	ADDRESS
Roy C Wallace		19721 Eagle Mill Rd. Parkton MD 2111
Mary C Wallace		19721 Eagle Mill Rd. Parkton MD 2111
John Schreiber		19511 Middlebrook Rd. Parkton MD 2111
Dr. Richard W. McQuaid		1501 Harris Mill Rd. Parkton, MD 2111
Gloria McQuaid		1501 Harris Mill Rd. - Parkton, Md.
Polly Walker Wirth		704 Greenleaf Rd. Bel Air MD 21034
Frank L. Purdum Jr.		1503 Walker Rd. Freeland MD 21053
John B. Twist		19000 Eagle Mill Rd. Bel Air MD 21034
Robert C. Leonard		20023 Cameron Mill Rd
Ronald B. Nehus		2444 Dunk Freeland Rd. Bel Air
G. R. Lishart		2425 Garwood Rd
M. Brown		
Harold Lloyd		

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

BALTIMORE COUNTY, MARYLAND

JULY 31, 1990

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: CAPTAIN JOSEPH KELLY
PLM'S REVIEW DIVISION, FIRE PREVENTION BUREAU
BALTIMORE COUNTY FIRE DEPARTMENT

PROJECT NAME: CAMERON MILL

PROJECT NUMBER: CRG AGENDA, 9/9/90, 10:00 A.M.

LOCATION: CAMERON MILL RD AND STABLERS CHURCH RD

DISTRICT: 6 AND 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.

CRG 08
MAXIMUM ANGLE OF DEPARTURE (GRADE PERCENTAGE) SHALL NOT EXCEED 8% PER NFPA STANDARD 1901. ANGLE OF DEPARTURE IN EXCESS OF 8% WOULD PROHIBIT EMERGENCY FIRE APPARATUS FROM GAINING ACCESS TO THE SITE. PANHANDLE #5 SHOWN ON SHEET #1

Deirda F. Pachtus
County Executive

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: 08/07/90

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: Cameron Mill

PROJECT NO: 90201

LOCATION: Cameron Mill Road, Stablars Church Road
and Eagle Mill Road

DISTRICT: 6 & 7C3

The Plan for the subject site dated April 6, 1990, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form. Proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

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 there are 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, prior to the recording of a record plat.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Cameron Mill
Project #90201
Page 3
August 7, 1990

GENERAL COMMENTS: (Cont.)

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 Developer shall not allow any cable television cables to be installed in this subdivision without the required County permits being obtained. Baltimore County will not assume any rights-of-way, easements, or maintenance of any public improvements where such cables have been installed without a permit until the cables are satisfactorily located.

HIGHWAY COMMENTS:

Cameron Mill Road, Stablars Church Road and Walker Road are existing roads which shall ultimately be improved as 40-foot street cross sections on 60-foot right-of-ways.

Eagle Mill Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

The Developer is responsible for the preparation of the right-of-way plat for, and the dedication of any widening and slope easements along the existing road frontage of the subdivision at no cost to the County.

All streets in this subdivision shall be improved with an 18-foot mountable curb and gutter cross-section on a 40-foot right-of-way and shall be the Developer's full responsibility.

The paving thickness shall conform with Baltimore County Standards and requirements.

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 right-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 Developer is responsible for the grading of the widening to the proposed cross-section based on the grade of the existing road. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.

Cul-de-sacs shall be improved with a 40-foot paving radius with combination curb and gutter on a 100 foot diameter right-of-way and shall be the Developer's full responsibility.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

HIGHWAY COMMENTS: (Con't)

Panhandles shall be a minimum of 20 feet in width to serve one lot and a minimum of 10 feet in width per lot where two or more lots are involved. The Developer shall be required to provide a paved panhandle drive where more than one lot is to be served prior to occupancy.

Covenants must be recorded prior to, or along with the recording of the plat, establishing a cross easement over the panhandles for access over and maintenance of the common panhandle driveway, and for installation and maintenance of the private water and/or sewer connections where applicable.

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 cables, poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

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.

Panhandle entrances shall conform to Baltimore County's design for a "Typical Panhandle Driveway Entrance from Road without Curb".

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

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.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

Floodplain studies 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 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.
- 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.
- A profile of the stream.
- A plan with the location of the field run cross-sections indicated.
- 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."

Edward M. Schmaus
Aug. 9, 1990

Rev. 7-89

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

- 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.

- 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.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations.

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.

FORWARDED TO:

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:JRL:pab

cc: Paul Hudson
File

CAMERON/EXTCONN2

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT**

**COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS**

PROJECT NAME: CAMERON MILL
LOCATION: W/S of Cameron Mill
Developer: Cameron Mill Partnership
Engineer: McKee and Associates
Meeting Date: August 9, 1990 Time: 10:00 A.M.

RECOMMENDATIONS:

APPROVAL: *[Signature]* 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.

A Well Siting Agreement is required prior to drilling wells.

SITE SPECIFIC COMMENTS:

- Show the well(s) and septic system(s) for the dwellings below lots 7 and 8.
- Show the well and septic area for the Wallace Property.
- Correct the contour designations adjacent to Eagle Mill Road opposite the Wallace Property.
- Lot 35 - the septic reserve area must be 25 feet from the steep slopes.
- The septic reserve area on Lot 38 must be increased to 10,000 square feet.

Cameron Mill

CRG - 8-09-90 at 10:00 a.m. Pre-CRG - 7-31-90 at 10:30 a.m.

STORM WATER MANAGEMENT COMMENTS:

1. The Storm Water Management Act:

- 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.
- 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.
- 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:

- 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.
- 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.
- 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.
- SWM facilities are also subject to review and approval by the Baltimore County Soil Conservation District.
- 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.

Rev. 7-89

3. Maintenance Requirements:

- 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:

- Residential subdivision in which all lots are for sale in fee.
- Requirements for public ponds given in the Baltimore County Design Manual are all met.
- SWM Facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in fee to Baltimore County.

- 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:

- Show type, size and location of all SWM Facilities on the CRG plan.
- 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.
- 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.
- 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:

**BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT**

INTER-OFFICE CORRESPONDENCE

TO: Janice B. Outen, Director
Environmental Management Division DATE: August 7, 1990

FROM: David Lykens
Environmental Impact Review Section

SUBJECT: ENVIRONMENTAL EFFECTS REPORT: CAMERON MILL

Meeting Date: August 9, 1990 Time: 10:00 A.M.

PLAN REVIEW NO. 65:

Site Description: Proposed 49 lots and 2 tracts on 256 acres.

Description of Streams: Little Falls and several first order tributaries run through site.

Description of Wetland soils: Hb and Cu

Percent of proposed impervious area: 2.3%

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.

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 wetland below lot 17 contains a stream that must be accurately shown on the plan prior to CRG signature.
- Water quality must be provided. Storm drain plans must be submitted to Environmental Impact Review Section and approved prior to Record Plat or Grading Permit approval.
- The Forest Buffer Easement must be shown by metes and bounds on the record plat.
- Prior to CRG signature the following note must be added to the plan: "Protective covenants governing the use of the Forest Buffer Easement shall be recorded in the Land Records of Baltimore County at the time of plat recordation. These covenants shall run with the land and continue in perpetuity."
- Move the storm drain outfalls from the Forest Buffer Easement.

PRE-CRG MEETING

CAMERON MILL

PLANNING - See Comments #1-#13
Chris Rovano #2 HALL WILKINSON WAS CANCELLED
Nancy Lippert CHIEF FOR POSSIBLE ACCESS TO HOA ROAD
FROM ROAD "A" LOT'S MAY BE LIAISON BUS
ISSUE WITH MASTER PLAN ON DEDICATION
OF GASOLINE SYSTEM
#4 TRACT "B" WILL NOT BE CANCELLED BY TITE
DOUGLAS WHO WILL ROLL HIS TRAIL DWELLING
NOTE: AS TO WHO WILL HOLD TRACT "A" & "B"
#9 WILL NOT BE REQUIRED TO ACROSS RAILROAD
#10 PANHANDLE. RE: HAS EXISTING LIVING PLACES
OK TO DEDICATE 1ST AREA OF #10

ZONING - See Comments #1-#6
CARL RICHARDS #3 ADD VARIANCE TO INCLUDE STR. ON
TRACT "B"

FIRE DEPT. - DOWEN WILL CHECK
NOT PROCEED

TRAP EVIDENCE - SHOW 300' SIGHT LINES TO ST. NO. 3
RANGE FAMILY - AT ALL INTERSECTIONS + PANHANDLE

D.E.P.R.M. - See Comments #1-#8
LARRY PILSON E.E.R. SEE COMMENTS 1-8
100 E.P. Via FORM. MAP'S.

**OFFICE OF PLANNING & ZONING
COUNTY REVIEW GROUP COMMENT**

NAME: Cameron Mill 10.00 a.m. DATE: August 9, 1990

The Cameron Mill CRG plan proposes a total of 49 lots and 2 tracts on 278.6 acres ± zoned RC 4 (273.7 acres) and RC 5 (4.9 acres) along Cameron mill and Eagle Mill Roads on both sides of the Northern Central Trail.

The Office of Planning and Zoning has reviewed the revised subject plan dated July 30, 1990 and submits the following comments:

- The Cameron Mill CRG Plan includes a structure which appears on the Final Historical Landmarks list (Cameron Miller's House, near Parkton). The plan indicates that the structure is to be razed. In accordance with Section 22-152, et seq of the Baltimore County Code, any application and plans for a demolition permit must be referred by the buildings engineer to the landmarks preservation commission, which may require a public hearing to be held on the proposal. The buildings engineer shall not issue the demolition permit until the commission issues a certificate of appropriateness or notice to proceed. Additionally, pursuant to Section 22-59(a)(4) of the Baltimore County Code, the CRG shall refer the plan to the Planning Board when the plan involves a building, structure or site included on the landmarks preservation commission final list. As such, the CRG may not take final action on this CRG plan without a written decision on this matter by the Planning Board.

As presented at this time, the Office of Planning and Zoning would recommend denial of the subject CRG plan based on the developer's intent to raze the Cameron Miller's House.

- Notwithstanding the above, the following plan review comments must be addressed:

a. This site is adjacent to the Northern Central Trail and may fall within the acquisition boundary as designated by the Maryland Department of Natural Resources. A copy of your plan must be submitted to the Department of Natural Resources for their review and comment. Please send to Attn: Mr. Bernie Wankter, Department of Natural Resources, 2011 Industrial Drive, Annapolis, MD 21401, Telephone NO. 974-7231. The Office of Planning and Zoning will not recommend final action on the plan until comments from DNR have been received and addressed.

b. The 1989 Baltimore County Master Plan designates Little Falls and Beechey Run 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. Also, dedicate in fee to the County the areas indicated as HOA resource conservation area on the plan.

c. The limit of disturbance line, as shown on the CRG plan, must be included on all subsequent plans including the Final Development Plan, Grading and Sediment Control Plan and the Final Landscape Plan

d. The developer is cautioned that Article 27, subsection 267 of the Annotated Code of Maryland prohibits the destruction of cemeteries. Penalties have been established for any person who willfully destroys, defaces, injures or removes any tomb, monument, gravestone or other structure in any cemetery under subsection 267(a). Subsection 267(b) establishes penalties for any person who willfully destroys, cuts, breaks, or removes any tree, plant or shrub in any cemetery in this State. Subsection 267(c) further states "Working in this section shall be construed to prohibit the removal of the remains of any human body, or of any monument, gravestone or other marker from an abandoned cemetery, provided that prior consent in writing of the State's Attorney of the County shall have been served and provided further that such remains, monuments, gravestone, or other marker is placed in an accessible place in a permanent cemetery." Details of future access, ownership and maintenance of the cemetery as well as the remainder of Tract 'B' should be included on the revised plan.

e. The 'abandoned dwelling' shown on Tract 'B' is known as the Cameron Mill dwelling. A field inspection also revealed a smaller stone spring house south of the dwelling. Show that building on the plan as well. Full restoration of historically significant building(s) will be required as a condition of CRG approval.

The old foundation at Walker and Cameron Mill Roads is from an 18th century mill or its replacement. It may need to be further researched if the need for a wetland permit triggers the Federal "106" regulations.

f. The paving for panhandle #4 can be reduced to 12 feet in width.

g. Tract 'A' meets the requirements for a lot, i.e., size, location of dwelling, availability of a well and septic system and should be labelled as a lot rather than a tract.

h. This office recommends that lot #2 be pulled back from the Northern Central Trail. Additional screening may need to be provided to enhance the view from the trail to the dwellings on Lots 2 and 3.

i. Note #8 is incorrect and must be replaced with the following: This site contains a structure which appears on the Final Historical Landmarks List as site #29 - Cameron Miller's House, near Parkton.

A:CRG11A.txt

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE
CRG DATE: 8/9/90
PRE-CRG DATE: 7/30/90

PROJECT NAME: Cameron Mill
PLAN: 7/16/90
REV.: 7/1/90
LOCATION: Cameron Mill, Stablers Church and Walker Roads;
also 5/5 Eagle Mill Road

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)
DISTRICT: 667c3
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by this office preliminary for petition filing and now for the C.R.G. for general compliance with the Baltimore County Zoning Regulations. The following comments identify possible additional conflicts with the Baltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. 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 well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any additional zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Request". Additional plan comments must be addressed on the C.R.G. and zoning hearing plans prior to final acceptance of the zoning petitions. When public hearings are requested, the assistance received at the time of filing zoning petitions 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 any public hearing requests:

- ZONE LINE/DENSITY** -- Correct the zoning on the NE section to include R.C.-5 zoning as per the official 1988 1"=200' scale zoning map NW 34635 C. Adjust R.C.-4 density permitted down accordingly and adjust lot #40, 41, 43 and 44 to the minimum 3 acres of R.C.-4 zoning.

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Cameron Mill
CRG DATE: 8/9/90
PRE-CRG DATE: 7/30/90
PAGE 2

- DENSITY/AREA** -- Remove the cemetery area from the density calculations and provide accurate gross and net and separate zone area calculations in compliance with the following: Net Area = the entire overall tract/ownership zone area with the following: Net Area = the entire overall tract/ownership zone area (excluding any existing public street right-of-way; Gross Area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see zoning policy RSD-3). Use the gross area in the density calculation, clearly indicating the source and dimensions of the additional calculated area over and above the net area. Note on the plan in 1/4" bold letters under the density calculation: "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS".

ZONING HEARINGS:

Lot Variances -- Variance to Section 1A03.4.B.3 of the Baltimore County Zoning Regulations for lots 1, 4, 5, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 36, 37, 38, 42, 43, 44, 45, 46, 47 and 49 to permit a minimum diametral dimension of less than the required 300 feet for each lot. The specific diametral dimensions requested for each lot are as follows:

LOT	DIAMETRAL	LOT	DIAMETRAL	LOT	DIAMETRAL
1	230	18	280	36	210
4	200	19	250	37	220
5	280	22	270	38	250
7	220	23	190	42	220
8	270	24	190	43	180
10	270	25	180	44	180
11	270	26	220	45	180
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15	180	28	180	47	200
16	190	29	250	49	220
17	220				

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Cameron Mill
CRG DATE: 8/9/90
PRE-CRG DATE: 7/30/90
PAGE 3

Tract "A" Variances:

- A variance to Section 101 (definition) "Accessory Building" to permit an accessory structure (barn) larger than the primary building on the lot.
- A variance to Section 400.1 to permit an accessory structure (barn) to be located in the side and front yard of the lot in lieu of the required rear yard.
- A variance to Section 400.3 to permit a height of an accessory building (barn) of 35 feet in lieu of the maximum permitted height of 15 feet.

*Update any new required variances due to plan revisions prior to C.R.G. approval.

- CONFLICT WITH TAX MAP** -- In order to verify correct density calculations and ownership, the developer's engineer must submit a copy of the deed composite and deeds to the property to this office for review and inclusion in the zoning case file.

GENERAL -- Check lot #1 building envelope setback from street right-of-way. Provide anticipated dwelling front directional arrows on the plan print as indicated in the plan key. Clarify the disposition of the existing buildings and ownership of the cemetery. If existing buildings and foundation are to be removed, specify "when" and "who" is responsible for removal.

Final zoning petition acceptance is contingent upon all plan comments being addressed on the C.R.G. and zoning petition plans and final zoning approval is contingent upon the final resolution of all comments, the outcome of the requested zoning hearings and finally, the inclusion of the F.D.P. checklist information being included on the final Development Plan.

W. CARL RICHARDS, JR.
Zoning Coordinator

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 7, 1990

TO: Mr. Robert Covahay
FROM: Stephen E. Weber
SUBJECT: C.R.G. Comments

PROJECT NAME: Cameron Mill
LOCATION: Cameron Mill Road

- 300 ft. sight lines need to be shown on the plan.
- Sight lines are to be drawn from the centerline of the proposal access at a point 10' behind the extension of the main road curb line to the center line of the nearest approach lane on the main road.
- All subsequent plans must note that the areas between the sight line and the curb line must be cleared, graded, and kept free of any obstructions.

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEM/RJP/LW

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date: August 9, 1990
 From: Department of Recreation and Parks

Project Name: Cameron Mill Preliminary Plan
 Project Number: 90212 Development Plan
 Location: Cameron Mill Road Final Plat
 Districts: 6/7 & 3 CRG X

COMMENTS:

1. Local Open Space is not required for RC zoning.
2. The Baltimore County Master Plan Open Space Network Plan indicates dedication of the flood plain for Bee Tree Run and Little Falls. Both of these waterways traverse this property. In order to comply with the Master Plan, the plan must denote the flood plain as "Baltimore County Greenway Reservation - To Be Donated to Baltimore County".
3. CRG approval can be recommended with concurrence to the above requirement.

Walter P. Kincer
 Walter P. Kincer
 Facilities Coordinator

BALTIMORE COUNTY PUBLIC SCHOOL

Department of Planning
 County Review Group Meeting
 of Aug 9, 1990

Development: Cameron Mill
 Location: Cameron Mill, Stables Church Rd, Eagle Mill Rd
 Election District: 6 & 7 Councilmanic District: 3

School Districts	Capacity	Enrollments				Projections		9/89 Status Over/Under Capacity
		1987	1988	1989	1990	1991	1992	
<u>Puttysburg</u> Elem.	<u>320</u>	<u>284</u>	<u>412</u>	<u>449</u>	<u>449</u>	<u>472</u>	<u>508</u>	<u>+129</u>
<u>7th District</u>	<u>354</u>	<u>291</u>	<u>346</u>	<u>369</u>	<u>397</u>	<u>409</u>	<u>445</u>	<u>+15</u>
<u>Hersford</u> Middle	<u>681</u>	<u>626</u>	<u>637</u>	<u>665</u>	<u>747</u>	<u>832</u>	<u>873</u>	<u>-110</u>
<u>Hersford</u> High	<u>1340</u>	<u>863</u>	<u>848</u>	<u>798</u>	<u>775</u>	<u>802</u>	<u>822</u>	<u>-542</u>

School Projects in the Six-Year Capital Improvement Program:

Proposed School	Status	Capacity	Estimated to open
FY91 - Planning for an addition to Puttysburg Elem. - 4 regular classrooms, 1 special education classroom and 1 kindergarten classroom.			
FY95 - Planning for an addition to 7th District Elem. - 4 regular classrooms and 1 kindergarten classroom.			
Number of Proposed Housing Units	Type of Housing	Estimated Pupil Yields	
<u>31 lots are in 7th District Elem.</u>	<u>Single Family</u>	<u>9</u>	<u>Elementary (Puttysburg)</u>
<u>18 lots that express on Eagle Mill Rd are Puttysburg Elem.</u>		<u>9</u>	<u>Middle</u>
		<u>9</u>	<u>High</u>

b/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Robert Covahey Date: July 27, 1990
 From: Charles K. Weiss *C.K.W.*
 Subject: Cameron Mill
 McKee & Associates, Inc.
 6 & 7c3
 res. 49 units
 7/30/90
 Central area

In review of this plan there are pads shown on the panhandles. Panhandles will be serviced on a pad located at curbside on the right when exiting the panhandles. The pad must be 16 sq. ft. per unit being serviced with no enclosure. Those units not on panhandles will be serviced at the intersection of their driveway and main road.

NOTE: Acceptance of this plan in no way binds Baltimore County into refuse collection of this development. At the time of construction, a representative of the Bureau will meet with the developer or his representatives to discuss details of refuse collection.

jh

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TC: Robert E. Covahey, Chief
 Bureau of Public Services
 FROM: Shirley M. Murphy, Chief
 Bureau of Land Acquisition
 SUBJECT: CRG #90212, Cameron Mill
 DATE: July 24, 1990

As requested, we have reviewed and researched the subject CRG Plan and have the following comment to make:

1. Plat as shown on Sheet 1 of 2 is within Parcel 16 which is not included in the Plat of Cameron Mill.
 2. Who has fee simple deed to the North Central Railroad property?
 3. Cameron Mill Road is maintained by Baltimore County from Stables Church Road to Kaufman Road.
 Subject CRG Plat should be noted accordingly.
- If you have any questions, please feel free to contact me at 887-3252.

SMH:DMH

MARYLAND LINE AREA ASSOCIATION

1501 Harris Mill Rd.
 Parkton, Md. 21120
 August 9, 1990

Co-Chairmen of Baltimore County Review Group
 Department of Public Works
 County Office Building, 3rd. floor
 Towson, Md. 21204

Re: CRG meeting on Cameron Mill Development
 CRG Agenda Item 90212, August 9, 1990

Gentlemen:

I am writing this letter as a long time resident of Northern Baltimore County and as President of the Maryland Line Area Association. The purpose of this letter is to summarize the issues and objections I am raising on behalf of myself, a farmer whose property is adjacent to the proposed development, and the Maryland Line Area Association at the CRG meeting on this date concerning the proposed Development in the Sixth and Seventh Election Districts.--CRG Item #90212.

* This project is in obvious conflict with the Baltimore County Master Plan which lists actions for preservation of agricultural land and woodlands. Baltimore County Zoning Regulations state that "all development MUST conform to the Master Plan."

* The land in over half of this development is prime productive soil and is currently being farmed. The land east of Little Falls, Bee Tree Run and the Hike and Bike Trail with the exception of the flood plain consists of Nanor and Glenelg soil series both of which have high crop potential. (see Soil Map, Baltimore County). Amended zoning regulations state that RC 4 land with prime productive soil should be treated as RC 2 far..

* The land west of Little Falls and the Hike and Bike Trail consists of woodlands on slopes in excess of fifteen percent. According to the Baltimore County Soil Map, this

land has "severe limitations as homesites". This portion is already severely eroded; removal of any trees for houses, lanes and access roads will result in further serious erosion with soil washing into Little Falls and Bee Tree Run. Both are Class III trout streams.

* The flood plain soil consists of Codorus and Hatboro Silt Loams. Both soil types have severe flooding hazard with the potential to contaminate nearby streams, springs, and wells.

* Federal Law protects the non-tidal wetlands found on this property. The U. S. Army Corps of Engineers has charge of non-tidal wetlands and must approve all development which will adversely affect the wetlands. This proposed development certainly will harm the wetlands with silt erosion and storm water run off.

* Residences in this proposed development will use wells as their water source. This development is in a very poor area for ground water; the bedrock formation in this area is part of the Wissahickon Formation made up of Pleasant Valley Schist. The formation is about 5500 feet deep and the groundwater is found in vertical cracks and fissures in the bedrock. The presence of streams and wetlands has little effect on the groundwater volume since the cracks and fissures have a fixed volume and the bedrock is impermeable. All wells in this area are low yielding, most being less than six gallons per minute on a long term test. The U. S. Geological Survey states that "wells yielding less than twenty-five gallons per minute are considered sub-standard wells". The addition of fifty new wells will adversely impact the area water table and create water shortage for both old residents and the new residents. Baltimore County taxpayers will have to pay to alleviate the shortage of water created by this development.

These issues and concerns were discussed at the CRG meeting (Agenda Item #90212) held on August 9, 1990. It is requested that this summary be included in the file of this agenda item. We urge careful consideration of our objections and recommend disapproval of this project.

Respectfully submitted,
Richard W. McQuaid
 Dr. Richard W. McQuaid
 President,
 Md. Line Area Association

CAMERON MILL

D.E.P.R.M. - TRACT "B" IS A SEPARATE PARCEL.
 CANNOT AFFORD TO SERVICED AREAS.

S.W.M. - SEE COMMENTS.
 ED. SCHMIDT - CHECK RECORDS IN PARS "A" & "B" & "C".

REC. & PARKS - PLAN WILL NOT BE APPROVED UNTIL COMMENTS
 PAT. KINCOR WITH MASTER PLAN.

DEV. ENG'G. - SEE COMMENTS.

PRE-CRG COMMENTS
CURRENT PLANNING AND DEVELOPMENT
NAME: Cameron Mill 10:30 a.m. DATE: July 30, 1990

1. Current Planning CRG number VII-244 must be filled in along with the Public Services CRG number.
2. This site is adjacent to the Northern Central Trail and may fall within the takeline boundary as designated on the Maryland Department of Natural Resources acquisition map. A copy of your plan must be submitted to the Department of Natural Resources for their review and comment. Please send to Attn: Mr. Bernie Wenker, Department of Natural Resources, 2012 Industrial Drive, Annapolis, MD 21401, Telephone NO. 974-7231.
3. An access easement should be provided to the Northern Central Bike and Hike Trail.
4. The 1989 Baltimore County Master Plan designates Little Falls and Reservoir Run as a significant link in the County wide stream valley. 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. Also, dedicate in fee to the County the areas indicated as HRA resource conservation area on the plan.
5. In accordance with Section 22-55 of the Baltimore County Development Regulations, trees to remain and those to be removed shall be indicated on the plan. A limit of disturbance line, which includes the anticipated alteration or removal of vegetation, is recommended to satisfy these requirements. Restrictive covenants to be recorded with the deeds of each lot are recommended to limit clearing and grading to a fixed square footage, i.e., 10,000 square feet per lot.
6. The developer is cautioned that Article 27, subsection 267 of the Annotated Code of Maryland prohibits the destruction of cemeteries. Penalties have been established for any person who willfully destroys, defaces, injures or removes any tomb, monument, gravestone or other structure in any cemetery under subsection 267(a). Subsection 267(b) establishes penalties for any person who willfully destroys, cuts, breaks, or removes any tree, plant or shrub in any cemetery in this State. Subsection 267(c) further states "Nothing in this section shall be construed to prohibit the removal of the remains of any human body, or of any monument, gravestone or other marker from an abandoned cemetery, provided that prior consent in writing of the State's Attorney of the County shall have been served and provided further that such remains, monuments, gravestone, or other marker is placed in an accessible place in a permanent cemetery." Details of future access, ownership and maintenance of the cemetery as well as the remainder of Tract 'B' should be included on the revised plan.

7. The 'abandoned dwelling' shown on Tract 'B' is known as the Cameron Mill dwelling and has been volunteered to the Baltimore County Final Landmarks list by Richard Cameron, who testified before the County Council. A field inspection also revealed a smaller stone spring house south of the dwelling. Show that building on the plan as well. Full restoration of both buildings will be required as a condition of CRG approval.
8. The old foundation at Walker and Cameron Mill Roads is from an 18th century mill or its replacement. It may need to be further researched if the need for a wetland permit triggers the Federal "106" regulations.
9. This proposed development is in close proximity to active agricultural operations. It is the developer's responsibility to advise future homeowners that agriculture has a preferred use status and that odors, noise, dust, farm equipment, livestock operations and agricultural chemicals (pesticides, fertilizer, herbicides and other control agents) may be in active use.
10. Road "B" must provide future public road access to the Dell and Herbert properties.
11. The public roads on Roads 'A' and 'B' should be extended in order to eliminate panhandles.
12. The paving for panhandle #4 can be reduced to 12 feet in width.
13. Label panhandle #1 on the plan view.
14. The grading and sediment control plan for panhandle #5 should be submitted with the revised plan in order to assess the impact of the drive to the existing slope.
15. Tract 'A' meets the requirements for a lot, i.e., size, location of dwelling, and should be labelled as a lot rather than a tract.
16. This office recommends that lot #2 be pulled back from the Northern Central Trail. Provide an elevation drawing to show the visibility of Lots 2 and 3 from the trail. Additional screening may need to be provided to obstruct the view of the dwellings on Lots 2 and 3 from the trail.
17. This office recommends that the numerous specimen, transplantable (1" caliper and less) size trees be utilized. A transplant specialist could provide a proposal that accommodates the site grading and construction phases with the transplanting.

A:PRE111.txt

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Cameron Mill
CRG DATE: 8/9/90
PRE-CRG DATE: 7/30/90
PAGE 3

Tract "A" Variances:

1. A variance to Section 101 (definition) "Accessory Building" to permit an accessory structure (barn) larger than the principle building on the lot.
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*Update any new required variances due to plan revisions prior to C.R.G. approval.

4. CONFLICT WITH TAX MAP -- In order to verify correct density calculations and ownership, the developer's engineer must submit a copy of the deed composite and deeds to the property to this office for review and inclusion in the zoning case file.

5. GENERAL -- Check lot #1 building envelope setback from street right-of-way. Provide anticipated dwelling front directional arrows on the plan print as indicated in the plan key. Clarify the disposition of the existing buildings and ownership of the cemetery. If existing buildings and foundation are to be removed, specify "when" and "who" is responsible for removal.

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WCR
M. CARL RICHARDS, JR.
Zoning Coordinator

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Rocky Powell Date: 7/30/90

FROM: DAVID LYKENS

SUBJECT: CAMERON MILL PRE-CRG Meeting

The above referenced plan has been reviewed by the Environmental Impact Review Section and requires the following revisions:

1. SHOW ALL STREAMS on-site, EVEN within wetland limits
2. SHOW A 100' BUFFER FOR LITTLE FALLS
3. Will A VARIANCE BE Required For Tract "A" once the Floodplain is shown, variances must be approved prior to CRG approval
4. WATER QUALITY must be provided.
5. STORM DRAIN PLANS must be submitted to EIRMS and approved prior to Record Plat approval, to ensure that Q₁₀ and velocities will not cause erosion problems.
6. continue the Forest Buffer Easement along the Road below Tract "B".
7. The Forest Buffer Easement must be shown by meter and bounds on the Record Plat.
8. Restrictive Covenants must be added to the deed or deeds that contain the Forest Buffer Easement.

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

CRG DATE: 8/9/90

FROM: ZONING OFFICE

PRE-CRG DATE: 7/30/90

PROJECT NAME: Cameron Mill

PLAN: 7/16/90

LOCATION: Cameron Mill, Stablers Church and Walker Roads; also E/S Eagle Mill Road

REV: REV:

REVISED PLAN KEY:
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(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 plan has been reviewed by this office preliminary for petition filing and now for the C.R.G. for general compliance with the Baltimore County Zoning Regulations. The following comments identify possible additional conflicts with the Baltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. 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 with in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any additional zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Request". Additional plan comments must be addressed on the C.R.G. and zoning hearing plans prior to final acceptance of the zoning petitions. When public hearings are requested, the assistance received at the time of filing zoning petitions 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 any public hearing requests:

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Over

(Over)

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
SEDIMENT CONTROL DIVISION

111 W. Chesapeake Avenue
Towson, Maryland 21204
887-3226

TO: Larry PUGH

Date: 7/30/90

Project Name: CAMERON MILL

McKee - Assoc.

- ☐ Recreation & Parks
☐ D.E.P.R.M. - Environmental Management Division
☐ Department of Public Works
☐ Soil Conservation District

REMARKS: PRE-CRG COMMENTS:

TRAPS, OUTFALLING ONTO WETLANDS OR
SURFACES MUST PROVIDE TWO TIMES THE REQUIRED
STORAGE. BUILDING PLANTS WILL NOT BE ISSUED
UNTIL ROADS ARE IN STONE BASE AND SEDIMENT
CONTROLS CAN BE REMOVED.

- ☐ For approval
☒ For your information
☐ For review and comment
- ☐ Approved as submitted
☐ Returned for corrections

Received by: _____
Date: _____

Signed: WALT SMITH

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Cameron Mill
CRG DATE: 8/9/90
PRE-CRG DATE: 7/30/90
PAGE 2

2. DENSITY/AREA -- Remove the cemetery area from the density calculations and provide accurate gross and net and separate zone area calculations in compliance with the following: Net Area = the entire overall tract/ownership zone area (excluding any existing public street right-of-ways; Gross Area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see zoning policy RSD-3). Use the gross area in the density calculation, clearly indicating the source and dimensions of the additional calculated area over and above the net area. Note on the plan in 1/4" bold letters under the density calculation: "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE 1924. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS".

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11	270	26	220	45	180
14	250	27	220	46	190
15	180	28	180	47	200
16	190	29	250	48	220
17	220				

CAMERON MILL
PRE CRG 7/30/90 @ 10:30
STORM WATER MANAGEMENT

THIS PROJECT IS EXEMPT FROM THE REQUIREMENT TO PROVIDE STORM WATER MANAGEMENT SINCE IT IS A RESIDENTIAL DEVELOPMENT CONSISTING OF SINGLE-FAMILY HOMES, EACH ON A LOT GREATER THAN 2 ACRES. HOWEVER, THE APPLICANT IS RESPONSIBLE TO CONVEY ALL SITE RUNOFF IN A NON-EROSIVE MANNER TO A SUITABLE OUTFALL. THE RUNOFF FROM ROAD 'A' AND ROAD 'B' ARE OF CONCERN.

Edward L. Lantieri

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: R. Alonso Childress, P.E.
Paul Y. Rickman, P.E.
Catherine L. Warfield
Robert Berner, P.E.

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

SUBJECT: CRG Plan Review
Cameron Mill
Project No. 90212

Date: July 20, 1990

We are forwarding herewith one (1) print of the preliminary Plan for the subject site, for your review and comments. Please return your comments by July 27, 1990.

RWB:aw

Encl.

cc: File

CAMERON/TATFIRM

WALKER ROAD 40/60
STABLES CHURCH ROAD 40/60
CAMERON MILL ROAD 40/60
CHECK FOR R/W & RESTRICTIONS ON NORTHERN CENTRAL
RAILROAD TRAIL WITH DNE
EAGLE MILL ROAD 30/50

1. VERIFY ALL FLOOD PLANS
2. VERIFY ADEQUACY OF DRAINAGE STRUCTURES FOR ALL ROADS AND
NORTHERN CENTRAL RAILROAD TRAIL AND DETERMINE NEED FOR
IMPROVEMENTS
3. CHECK FOR EROSION AT ALL 30' DISTANCES
4. CHECK IMPACT FROM SUBJECT TRAIL TO ALL WATERS AND
STAKEOUT

CPS-008

25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Bureau of Public Services
Kurt Louderback, Supervisor
Revenue Division, Office of Finance

FROM: Lien Clearance - Account of Development

SUBJECT: Cameron Mill

Date: 7/27/90

The Baltimore County Code, Section 22-50 states that any delinquent accounts of any applicant shall be paid before the County may process plans or permits for any proposed development of such applicant.

Your letter of 7/19/90 regarding the below applicant has been processed and the following is the current status:

Name: Cameron Mill

Location: Cameron Mill Rd/Stablers Church R., Eagle Mill Rd.

Owners Names: Ruth Ann Desoto

Owners Address: 1431 White Hall Rd. 21161

Tax Account Nos.		
07-03-000075	\$1,228.58	
18-00-014127	\$19.81	
16-00-009467	\$845.26	
19-00-010988	\$35.65	

LIEN STATUS AS OF 7/24/90

Real property taxes open on the above accounts as noted.



Kurt Louderback, Supervisor
Revenue Division, Office of Finance

KL:mr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: R. Alonso Childress, P.E.
Paul Y. Rickman, P.E.
Catherine L. Warfield
Robert Berner, P.E.

FROM: Robert W. Bowling, P.E., Chief
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RWB:aw

Encl.

cc: File

CAMERON/TATFIRM

WATER COMMENTS

NO PUBLIC WATER AVAILABLE TO THIS SITE.

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: R. Alonso Childress, P.E.
Paul Y. Rickman, P.E.
Catherine L. Warfield
Robert Berner, P.E.

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

SUBJECT: CRG Plan Review
Cameron Mill
Project No. 90212

Date: July 20, 1990

We are forwarding herewith one (1) print of the preliminary Plan for the subject site, for your review and comments. Please return your comments by July 27, 1990.

RWB:aw

Encl.

cc: File

CAMERON/TATFIRM

SANITARY SEWER COMMENTS:

THIS PROJECT IS LOCATED IN AN AREA WHERE PUBLIC
SEWERS ARE NOT AVAILABLE, PRIVATE SEPTIC SYSTEMS
ARE PLANNED.

A.P.U. 7/24/90

CPS-008

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

July 20, 1990

Cameron Mill Partnership
c/o McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, Maryland 21030

RE: Cameron Mill
Districts 6 & 7 C3

Gentlemen:

The referenced development proposal is scheduled for consideration by the County Review Group on Thursday, August 9, 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 Monday, July 30, 1990, at 10:30 a.m.

Please attend these meetings with appropriate representation.

Very truly yours,

(Signed) David L. Thomas

David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jha

cc: McKee & Assoc., Inc.
File

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555

Date: July 18, 1990

TO: Baltimore County
Bureau of Public Services

RE: Cameron Mill

Attention:

Gentlemen:

- ☒ We are submitting
☐ We are recording
☐ We are returning

☒ Herewith☐ Under separate cover

No.	Description
34	CRG plans (2 sheets)
1	checkprint (2 sheets)
1	Hydrogeological Study/ RE Report
1	Storm water management exemption request
1	CLA
1	MAP
1	Certified check \$3121.00

- ☒ For processing
☐ For your review
☐ In accordance with your request

- ☐ For your use
☐ Please call when ready
☐ Please return to this office

Remarks:

For further information, please contact the writer at this office.

cc: Newton Williams (w/enclosures)
Dennis German (w/enclosures)

Very truly yours,
MCKEE & ASSOCIATES INC

A.C. Smith
G. Jeffrey C. Schmitt, Assoc. etc

Enclosures ☐

CAMERON MILL
 PROJECT NAME: Ruth Ann Desoto
 OWNER: McKee & Associates, Inc.
 DEVELOPER: McKee & Associates, Inc.
 ENGINEER: McKee & Associates, Inc.
 NO. OF UNITS (RESIDENTIAL): 51 ACREAGE (COMMERCIAL): 1.3121

DATE: 4/24/90

For discussion of the following items, please see the Department of Public Works, Room 321, County Office Building, 210 W. Pennsylvania Avenue, Baltimore, MD 21204.

☒ Master Plan Intent and/or Conflict: Water, Flood, Water Course, Tidal and/or Riverine Flooding, Water Course

☒ Proximity to water and sewer (incl. sewer and water plan) private well, septic, tidal and/or riverine flooding, water course

☒ Outline of CMG Review Process

☒ State and/or Federal Permits, applicable

☒ Agencies to contact (information sheet)

☒ Required for CMG submission

☒ Plan checklist (cross reference notes from the Plan)

☒ Certification of delinquent accounts

☒ No. of Plans (approximate)

For discussion of the following items, please see the Office of Planning & Zoning, Room 107, County Office Building, 210 W. Pennsylvania Avenue, Baltimore, MD 21204.

☒ Zoning: RC4

☒ Historic Preservation: Historic Preservation, Architectural Review, Open Space (Dept. of Recreation & Parks), Waiver Requests under Section 2-25

☒ Historical and/or Archaeological Sites

☒ Agricultural Sites

☒ Open Space (Dept. of Recreation & Parks)

☒ Waiver Requests under Section 2-25

☒ Vehicular and Pedestrian Circulation (Internal and External)

For discussion of the following items, please see the Department of Environmental Protection and Resource Management, Room 416, County Office Building, 210 W. Pennsylvania Avenue, Baltimore, MD 21204.

☒ Storm Water Management, Water Quality

☒ 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: EC SCF 4/24/90

APPLICANT'S SIGNATURE: [Signature]

DPW REPRESENTATIVE: [Signature]

DEPRM REPRESENTATIVE: [Signature]

CAMERON MILL
 BALTIMORE COUNTY, MARYLAND
 PLAN CHECKLIST

In addition to the Plan, have the following been submitted?

YES NO N/A

☒ 1. Pre-development conference checklist

☒ 2. Hydrogeologic study and environmental impact report

☒ 3. Erosion control certificate indicating that there are no delinquent accounts

☒ 4. Fee? \$3,121.00 for 51 units

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 no.

☒ c. Name, address and phone number of person who prepared the Plan, with appropriate seal

☒ d. Map scale

☒ e. North arrow

☒ f. Elevation district

☒ g. Condemned district

☒ h. Census tract

☒ i. Watershed and subwatershed

☒ j. Three (3) coordinate ticks

☒ k. To chart form:

☒ 1. Site acreage (gross and net area calculations)

☒ 2. Common open space, required and proposed, with acreage notes, and note if open space waterway will be relocated

☒ 3. Parking, required and proposed, including handicap spaces

☒ 4. Density calculations by zoning classification, proposed dwelling units for housing type and indicate whether units are for sale or rental

☒ 5. For all development, indicate quantity of landscape planting required and how quantity was calculated

☒ 6. Floor area ratio in all commercial and industrial zones

☒ 7. Plan outline, including bearings and distances

☒ 8. Proposed and existing utility areas

☒ 9. Sewer and water lines, with reference drawing numbers

☒ 10. Soil types, limitations for development in chart form

☒ 11. Existing topography, with areas of 25% or greater slope crosshatched

☒ 12. Grading proposed, shown schematically

☒ 13. Existing wooded areas, and vegetation proposed to be removed

☒ 14. Location and quantity of proposed plantings for all development, with the exception of residential which need only indicate quantity

☒ 15. Existing streams, bodies of water and springs

☒ 16. Floodplains or flood areas, 100-year riverine or 100-year tidal

☒ 17. Existing buildings on the site, with all buildings noted as to proposed status

☒ 18. Historic buildings noted

☒ 19. Existing buildings adjacent to the site with street name, street address and ownership

☒ 20. Current zoning on-site and off-site

☒ 21. Indicate all residential transition areas

December, 1984

CAMERON MILL
 BALTIMORE COUNTY, MARYLAND
 PLAN CHECKLIST

For all residential transition areas:

☒ a. Existing and proposed uses

☒ b. Height and width of elevation of all proposed buildings

☒ c. Building setbacks and distances between buildings

☒ d. Whether existing wooded areas are to be retained as the buffer or, if buffer areas are open or semi-wooded and additional plantings are required to effectively implement the screening

☒ e. Existing and proposed lighting

☒ f. Ownership of subject property address of the property owner(s), deed references and property number(s)

☒ g. Ownership of adjacent properties, with deed references

☒ h. Proposed lot and building layout with setbacks on all sides

☒ i. Areas of common open space, with acreage of each area noted, also, note who will retain and maintain the open space

☒ j. Proposed parking layout including dimensions

☒ k. Street layout - name and right-of-way widths for existing and proposed streets

☒ l. Indicate distance from each proposed access to the nearest C & D or B & E pole, with pole identification number given

☒ m. Show roadside driveway - show dimensions of driveway, existing and proposed profiles, width of paving and type of paving material, show proposed development

☒ n. Estimated average daily trips (ADT's) based on proposed development

☒ o. Delimited and dimensioned handicap parking spaces and note location of all access ramps

☒ p. Easements and rights-of-way - public or private, existing and proposed, and dimensions

☒ q. Existing and proposed storm drains, include line of existing storm drains

☒ r. Existing and proposed utility systems, include lines of existing storm drains

☒ s. Storm water management areas, after 5/21/84

☒ t. Elevation requested

☒ u. Variance requested

☒ v. Soil borings/soil test data

☒ w. U.S.D.A. Soil Textural Classifications

☒ x. Proposed methods of storm water management, management area shown, plans, calculations and documentation for selective methods

☒ y. Wetlands

☒ z. Critical areas

☒ aa. Archaeological sites

☒ ab. Endangered species habitat

☒ ac. Hazardous materials sites and description of materials

☒ ad. Revision Block (List the date of each revision and what the revisions are)

Comments:

CERTIFICATION AS TO DELINQUENT ACCOUNTS

This Certification is submitted in connection with the development known as Cameron Mill and is given in accordance with the provisions of Section 22-55 (c) of the Baltimore County Code, 1978, as amended.

I, James W. McKee, 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.

[Signature]
 Affiant

I HEREBY CERTIFY, that on this 14 day of May, 1990, before me, the undersigned, a Notary Public in and for the County and State of Maryland, personally appeared James W. McKee, and made oath in due form of law that the matters and facts hereinabove set forth are true.

[Signature]
 Notary Public

My Commission Expires: July 1, 1990

NOTES:

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.

McKEE & ASSOCIATES, INC.
 Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21080
 Telephone: (301) 527-1555 Facsimile: (301) 527-1563

Date: May 2, 1990

TO: Baltimore County RE: Cameron Mill
Bureau of Public Services

Attention: Mr. Herb Obayashi

Gentlemen:

☒ We are submitting ☐ Herewith ☐ Under separate cover

☐ We are forwarding

☐ We are returning

No.	Description
2	CRG Plans for initial review

☐ For processing ☐ For your use

☒ For your review ☐ Please call when ready

☐ In accordance with your request ☐ Please return to this office

Remarks: Clearing limits will be added once Health reviews septic info.

For further information, please contact the writer at this office.

Very truly yours,
 McKEE & ASSOCIATES INC
G.C. Schultz
 Geoffrey C. Schultz, Associate

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
 400 WASHINGTON AVENUE
 TOWSON, MARYLAND 21204
 (410) 887-3180

June 30, 1994

Newton A. Williams, Esquire
 NOLAN, PLUMHOFF & WILLIAMS, CHTD.
 Suite 700, Court Towers
 210 W. Pennsylvania Avenue
 Towson, MD 21204-5340

RE: Case No. 91-462-A
 RUTH ANN DESOTO, ET AL

Dear Mr. Williams:

As no further action has been taken regarding the subject matter since the October 6, 1993 Order of the Court of Specials, we have returned the Board's copy of the subject zoning file to the office of Zoning Administration and Development Management.

Anyone interested in this case can contact the Gwen Stephens of Zoning Administration at 887-3391 upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

In addition to the above referenced case, we have closed the files for Cameron Mill, Case Nos. CBA-91-122 and CBA-91-145, which files are maintained in the Board of Appeals.

Sincerely,
[Signature]
 Charlotte E. Radcliffe
 Legal Secretary

cc: Ms. Ruth Ann Desoto
 Mayer C. Kalichman
 J. Carroll Holzer, Esquire
 People's Counsel for Baltimore County

10/11/91 - Following parties notified of hearing set for February 13, 1992 at 10:00 a.m.:

J. Carroll Holzer, Esquire
 Newton A. Williams, Esquire
 Ruth Ann Desoto
 Mayer C. Kalichman
 James McKee
 McKee & Associates
 Lawrence A. Melfa, Esquire
 R. Dennis German
 Norman H. Gerber
 People's Counsel for Baltimore County
 Lawrence E. Schmidt
 Timothy H. Koti
 James E. Dyer
 W. Carl Richards, Jr.
 Docket Clerk - Zoning
 Arnold Jablon, Director
 Zoning Administration

10/22/91 - Amended Notice of Assignment sent to all parties advising of holding of additional day on 2/20/92 for completion of this matter if needed (also see Case No. CBA-91-145 /Cameron Mills)

1/8/92 - Above parties notified of POSTPONEMENT and REASSIGNMENT to February 20, 1992 at 10:00 a.m. due to thorough delays.

2/11/92 - Companion CRG appeal /Cameron Mill /was not completed on 2/13/92; to be completed prior to start of this case on 2/20/92; holding Thursday, 3/05/92 for possible completion of DeSoto appeal if needed. Notice not to be sent at this time for 3/05; holding only.

3/21/92 - Above parties notified of new hearing date March 5, 1992 at 10:00 a.m. Case to be heard immediately following completion of CBA-91-145 Cameron Mill.

3/6/92 - Above parties notified of Day #5 set for May 1, 1992 at 10:00 a.m. To be followed by #91-462-A/DeSoto.

5/21/92 - Memo filed by N. Williams, Esquire /Cameron Mill /CBA-91-145 and 91-462-A (due 5/22/92)

5/22/92 - Memo filed by J. Carroll Holzer, Esquire/Cameron Mill /CBA-91-145 and 91-462-A

6/09/92 - Response to Memorandum filed by Protestants submitted by N. Williams.

Case Nos. 91-462-A/CBA-91-122/CBA-91-145
 Ruth Ann Desoto, et al, Cameron Mill, File No. 92-CV-

September 18, 1992 - Order for Appeal filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County. Petition to accompany appeal also filed in the Circuit Court for Baltimore County.

September 18 - Second Certificate of Notice sent to interested parties.

November 17 - Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.

April 2, 1993 - Order of the Circuit Court: that decision of the Board is AFFIRMED. (Christian M. Kahl, Judge)

Appealed to the Court of Special Appeals by Maryland Line Area Assn., Inc., et al.

October 6 - Order of the Court of Special Appeals: that decision of the Circuit Court which affirmed the C.B. of A. is AFFIRMED. Dissent by Cathell, J.

November 5 - Mandate Issued.

January 7, 1994 - Petition for Writ of Certiorari from the Court of Appeals of Maryland filed.

February 7 - Notice from the Court of Appeals that the Writ of Certiorari was DENIED.

February 4 - Order of Court EXTENDING Cameron Mill project's time for 2 yrs & 4 mos. from 1/11/94 to 5/12/96.

RUTH ANN DESOTO, ET AL
and CAMERON MILL
c/1 Stablers Church Rd.,
1200' E of c/1 Walker Road

#91-462-A
#CBA-91-122 (Planning)
#CBA-91-145 (CRG)

6th & 7th Election Districts
3rd Councilmanic District

Case No. 91-462-A

June 3, 1991 Petition for Variances filed by Newton A. Williams, Esquire on behalf of Ruth Ann Desoto, individually and Trustee and Mayer C. Kalichman, Trustee and Cameron Mill Partnership, Contract Purchaser.

September 9 Order of the Deputy Zoning Commissioner GRANTING Petition with restrictions.

October 9 Notice of Appeal received from J. Carroll Holzer, Esquire on behalf of Protestants/Appellants.

Case No. CBA-91-122

December 6, 1990 Planning Board meeting wherein the recommendations of the Planning Staff and Planning and Zoning were approved and accepted.

December 13 Notice of Appeal received from J. Carroll Holzer, Esquire on behalf of Protestants/Appellants.

Case No. CBA-91-145

March 14, 1991 CRG meeting wherein the Plan was approved.

March 20 Notice of appeal received from James W. McKee of Little Falls Ltd. Part./Appellant.

April 9 Notice of Appeal received from J. Carroll Holzer, Esquire on behalf of Protestants/Appellants.

August 12 Opinion and Order of the Board of Appeals GRANTING Petition for Variances and AFFIRMING the decisions of the Planning Board and the County Review Group.

September 11, 1992 Order for Appeal filed in the Circuit Court for Baltimore County by J. Carroll Holzer, Esquire on behalf of Maryland Line Area Association, et al.

Sept. 18 Petition to accompany Appeal filed in the Circuit Court for Baltimore County by Mr. Holzer.

September 14 Certificate of Notice sent to interested parties.

DAILY RECORD

CORD

COURT PROCEEDINGS

THURSDAY, OCTOBER 1, 1993

APPELLATE

Chief Judge Wilner
Associate Judges: Moylan, Bishop,
Garity, Albert, Bloom, Wimmer, Placher,
Cathell, Davis, Metz and Harrell
Leahle D. Grudet, Clerk
Phone: 974-3666

DIRECT APPEAL OPINIONS FILED:
WEDNESDAY, OCTOBER 6, 1993
SEPTEMBER TERM, 1992

No. 1012 - *Johnson R. Butler v. Overdolph P. Butler*. Judgment affirmed; costs to be paid by appellant. Per Curiam filed.

No. 1751 - *James Walters v. Richard E. Walters*. Judgment affirmed; costs to be paid by appellant. Per Curiam filed.

SEPTEMBER TERM, 1993

No. 15 - *James Cornell Harrington v. State of Maryland*. Judgment reversed; costs to be paid by Prince George's County. Per Curiam filed.

No. 50 - *Robert Lee Pender v. State of Maryland*. Judgment affirmed; costs to be paid by appellant. Per Curiam filed.

No. 87 - *Stephen J. Boretos v. Patricia A. Boretos*. Judgment affirmed; costs to be paid by appellant. Per Curiam filed.

No. 110 - *Eugene Prokhorov Goldsmith v. State of Maryland*. Order of restitution vacated and remanded to the Circuit Court for Anne Arundel County for further proceedings consistent with the opinion. Judgment otherwise affirmed; costs to be paid by appellant. Per Curiam filed.

No. 111 - *Mervin Louis Dorsey v. State of Maryland*. Judgment affirmed; costs to be paid by appellant. Per Curiam filed.

No. 113 - *Andrzej Rivera v. State of Maryland*. Judgment affirmed; costs to be paid by appellant. Per Curiam filed.

No. 125 - *Jarvis L. Edwards v. State of Maryland*. Judgment affirmed; costs to be paid by appellant. Per Curiam filed.

No. 188 - *Margaret Line Area Association, Inc. v. Ruth Ann Desoto, et al.* Judgment of the Circuit Court for Baltimore County affirmed; costs to be paid by appellant. Opinion by Davis, J. Dissenting opinion by Cathell, J.

CIRCUIT COURT FOR BALTIMORE CITY

CIVIL & DOMESTIC DIVISION

9:15 a.m. *Guthrie v. Fann, et al.; Stark, et al. v. Wizar, et al.; Barham, et al. v. Hoffman, et al.; Pao*

9:30 a.m. to 30 minute intervals

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

DATE: June 27, 1997

TO: Baltimore Court PADM

RE: Cameron Mill - Section II
Resubdivision of Lot 53

ATTENTION:
Gentlemen:

(X) We are submitting () We are returning () We are forwarding

(X) Herewith () Under separate cover

No.	Description
1	Spirit and Intent Letter
2	Prints of the CRG Plan

(X) For processing () For your use () For your review

() Please call when ready () Please return to this office () In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Enclosures

Very truly yours,

McKee & Associates, Inc.

Lawrence Pilson, R.S.

JLP:ldc

JUN 27 1997

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

June 18, 1997

Mr. Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Cameron Mill, Section 2

Dear Mr. Jablon:

We are hereby requesting a determination that the resubdivision of Lot 53, Cameron Mill-Section II meets the spirit and intent of the originally approved zoning variance. Creation of the new lot does not conflict with the variances which were approved under Zoning Case Number 91-462-A. Please accept this plan as a revision to the original Zoning Hearing plan for your file. Lot 53 is shown highlighted in red and the new lot in yellow.

If additional information is required, please contact me

Very truly yours,

McKee & Associates, Inc.

Lawrence Pilson, R.S.

JLP:ldc

111 West Chesapeake Avenue, Lot 53, 111



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 11, 1997

J. Lawrence Pilson, R.S.
McKee & Associates, Inc.
Shawan Place
5 Shawan Road
Hunt Valley, MD 21030

RE: Zoning Verification
Cameron Mill - Section II
Zoning Case #91-462-A
Resubdivision of Lot 53

Dear Mr. Pilson:

I have reviewed your request in which you asked for a determination regarding the subdivision of property with an existing variance on it. A review of zoning case number 91-462-A has determined that this subdivision (the creation of lot 53A) would not affect the variances granted on lot 53. I have forwarded a copy of this letter and a plan to case number 91-462-A.

Additionally, I requested via telephone conversation with Guy Warr that additional information be placed on the FDP. The items are that the conservation area and calculations will be shown for lot 53 and a note be placed on the plan indicating which lots fall under which regulation.

Should you have any questions regarding the above, I may be reached at 410-887-3391.

Very truly yours,

Catherine A. Milton
Planner I
Zoning Review

CAM:sc

Enclosure

c: Zoning Case #91-462-A
John L. Lewis, Planner II

CLOVER HILL FARM
19635 Eagle Mill Road
Parkton, Maryland 21120
343-0085

Aug. 9, 1991

Balto. County Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Dear Mr. Kotroco:

As a property owner adjacent to the Cameron Mill property, I am very much concerned about the plans for the proposed development on Eagle Mill Road. Eagle Mill Road is narrow making it difficult for two cars to pass in its present state and would require major construction to handle additional traffic. The Cameron Mills plan, case No. 91-462-A call for 19 houses to be built near Eagle Mill Road. There is a small amount of road frontage (approx. 150 feet) which is located between two very bad curves and would make traffic coming onto the road extremely hazardous.

I also object to having 19 houses built so close together in such a small area as this could cause water problems to nearby houses, one of which is my home. The extended drought has already lower our water table.

Thank you in advance for your consideration of my concerns and objections.

Yours sincerely,

Nicholas B. Merryman



MICROFILMED

NORMAN E. GERBER AICP
35 Pickburn Court
Cockeysville, MD 21030
(301)-667-4543

PLANNING EXPERIENCE:

- Prepared master plans including policy plans, small-area plans and revitalization plans for older commercial districts.
- Prepared zoning and subdivision ordinances, growth management ordinances and zoning maps
- Enforced zoning laws and regulations
- Evaluated and approved subdivision and development plans
- Prepared and administered historic preservation and agricultural land preservation laws and programs.
- Testified at various state and local boards and commissions, state and federal legislative bodies, and state and federal courts, including The United States Tax Appeals Court.
- Lobbied city and county councils, state legislators and community groups to obtain support of projects, programs, budgets and contracts.
- Prepared capital budget and 5 year capital programs as well as two year borrowing programs.
- Prepared requests for proposals, selected consultants and administered consultant contracts.
- Conducted as well as evaluated transportation studies
- Located sites for publicly and privately owned facilities.
- Conducted various demographic and market studies

EMPLOYMENT RECORD:

- 2/88 to now NORMAN E. GERBER AICP - Planning Consultant.
Specializing in all land planning issues, preparation of development regulations, evaluating property development potential and providing expert testimony on planning and zoning matters.
- 2/89 to 10/90 CITY OF LAUREL, MARYLAND
Director of the Department of Planning and Zoning
- 4/86 - 1/88 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
Director of the Office of Planning and Zoning:
- 1977 to 1980 Deputy Director of Planning

MICROFILME

Carl J. Mantegna, Jr.
396 Stablers Church Road
Parkton, Maryland 21120

Kathleen Weidenhammer
County Board of Appeals
Rm 315
County Office Bldg.
Towson, Md. 21204
Dear Mr. Weidenhammer,

As our phone discussion we are interested in more information on the proposed zoning variances on the referenced property. Please send us pertinent information. Thanks for your courteous assistance.

Very Truly
Carl Mantegna

11 JUL 22 AM 1997

Carl J. Mantegna, Jr.
396 Stablers Church Road
Parkton, Maryland 21120

Kathleen Wadenkomer
County Board of Appeals
Rm. 315 County Office Bldg
111 W. Chesapeake Ave.
Towson, Md. 21204

Re: 91-462A

Dear Ms Wadenkomer,
Per our phone conversation and
my subsequent letter, I would like
to receive some information on the
proposed project at Waller and Cameron
Mill road. I've received nothing to date
except a notice of relocation of Board of
Appeals. Thank you in advance for your help.

Very Truly,
Carl Mantegna

12-2-91 5-10-92

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD
TELEPHONE: (301) 527-1555

HUNT VALLEY, MARYLAND 21030
FACSIMILE: (301) 527-1553

DATE: 5/13/91

TO: BALTO. COUNTY
ZONING OFFICE

RE: "CAMERON MILL"

ATTENTION: KATE MILTON

91-462-A

Gentlemen:
☒ We are submitting ☒ Herewith ☐ Under separate cover
☐ We are forwarding
☐ We are returning

No.	Description
10	ZONING PLATS
3	PETITIONS
3	DESCRIPTIONS
1	ZONING MAP
1	CHECK FOR #450

☐ For processing ☐ For yr use
☐ For your review ☐ Please call when ready
☒ In accordance with your request ☐ Please return to this office

Remarks:

For further information, please contact the writer at this office.

Very truly yours,
McKee & Associates Inc.

Enclosures

MICROFILMED

G.C. Saff

Case # 91-462A

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Chris M. Royston	1-5 Sparkstara Rd. Sparks, Md. 21152
RONALD MARK NEHUS	30623 CAMERON MILL RD. 21120
ROBERT C. LEONARD	19800 EAGLE MILL RD 21120
Nicholas B. Merceyman	19635 Eagle Mill Rd 21120
Nell W. Merceyman	19635 Eagle Mill Rd 21120
Ellemer M. Haledog	19635 Eagle Mill Rd 21120
John Merceyman	19635 Eagle Mill Rd 21120
Dr. Richard W. McQueen	1501 Harris Mill Rd 21120
Glada M. RUARO	1501 Harris Mill Rd. Parkton 21120
Mary Wallace	19721 Eagle Mill Rd 21120

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Newton Williams	823-7800
John McKee, P.L.S.	700 Court Travis 21214
Barry Miller, Esq.	Shawen Place - Shawen Rd. 21130
Dennis Hummer	101 Weyburn Ave. 21204
Norman E. Kluber	400 E. Apple Rd. 21205 825-6000
	350 Paddock Ct. 21030

MICROFILMED

Maryland Line rights variances

JEFFERSONIAN 8-10-91

Cameron Mill lot width at issue in zoning appeal

Pai van den Beemt

A developer's request for zoning variances for 31 of 51 building lots in Parkton brought members of the Maryland Line Area Association to Towson last week to argue against the request.

The association contends that the 276-acre parcel known as Cameron Mill has too many steep slopes and flood plain areas to allow 51 homes. "We'd really like to see no development at all, but if we can't get that, we'd like to see them build only what they can without variances," said Richard McDonald, president of the MCAA. "By placing these lots so close together, we think it's a threat to the health, safety and welfare of the community."

The proposed development off Cameron Mill and Eagle Mills Roads in Parkton received County Review Group approval in March. McDonald's group has already filed an appeal of that decision.

Because the land is zoned RC4 (watershed protection), county regulations stipulate that each lot be wide enough to allow for a 300-foot-wide circle. The current plan shows that 31 lots are not wide enough to meet the regulation, so the developers are asking for variances.

According to developer James W. McKee of McKee & Associates, the homes will be clustered on three-plus acre lots on several ridges, allowing 169 acres to be left as open space that will benefit the environment, the homeowners and the public.

When questioned by Newton A. Williams, attorney for Cameron Mill Partnership, McKee said eight acres will be donated to the County's Department of Parks and Recreation; 17 acres along the Northern Central Railroad Bike & Hike Trail which cuts through the property will be sold to the Department of Natural Resources; 85 acres are to be saved as forest buffers; and an additional 58 acres will be held as open space and owned by a future homeowners' association.

ZONING VARIANCES CONTESTED

Members of the Maryland Line Area Association are opposing a request by James McKee and Associates for zoning variances for 31 of 51 building lots in the proposed Cameron Mill development in Parkton.



91-462-A

INFORMED BY JOHN MCQUEEN

McKee said that granting the variances would be beneficial to the environment. He stated he could still build 51 houses without the variances, but the re-arrangement of the lots would take much of the land earmarked for open space. If the lot dimensions were redrawn, many of the homes would remain in the same locations, but a wide circle of land would be added to each lot to allow for the 300-foot regulation. The added portions would come from slopes, forests and flood plain areas.

"We are attempting to keep large amounts of land in perpetual open space," McKee said during the variance hearing. "We've substantially exceeded the forest buffer requirements and we're trying to protect the forest rather than sell it with the lots."

J. Carroll Holzer, Jr., attorney for

the community group, said the land being saved for open space is un-buildable land and called the request for variances "an effort to cram 51 lots onto the buildable area."

Holzer claimed the spirit of the 300-foot area requirement was to create substantial space between each home's well and septic system in a watershed area. Two streams — Bee Tree Run and Little Falls — cross the Cameron Mill property and join the Gunpowder Falls River which feeds Loch Raven Reservoir.

However, former planning director Norman Gerber said he believed the 300-foot restriction was in place to avoid long, narrow lots from being carved out of watershed land. He said the RC4 land is being protected by three-acre zoning and that wells and septic systems are dealt with by other county's regulations.

County Board of Appeals of Baltimore County
ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Ms. Ruth Ann Desoto
1124 McKee Building
Baltimore, MD 21202

County Board of Appeals of Baltimore County
ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Newton A. Williams, Esquire
NULAN, PLUMBHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

County Board of Appeals of Baltimore County
ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

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

County Board of Appeals of Baltimore County
ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Mayer, C. Kalichman
1431 White Hall Road
White Hall, MD 21161

Case No. 41
September Term, 1991

Appellants

vs.
CROWN DEVELOPMENT COMPANY
Appellee

Appeal from the Circuit Court for Baltimore County
(William Hinkel, Judge)

BRIEF OF APPELLANTS

J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
301-825-6960
Attorneys for Appellants
Allison and Jack Tucker

PHYLLIS COLE FRIEDMAN
People's Counsel for
Baltimore County

PETER MAX ZIMMERMAN
Deputy People's Counsel
111 West Chesapeake Avenue
Third Floor
Towson, Maryland 21204
301-887-2188

PETER MAX ZIMMERMAN
Deputy People's Counsel
111 West Chesapeake Avenue
Third Floor
Towson, Maryland 21204
301-887-2188

TEST #	BLOCK	LOT	DOWN IN MINUTES	OF TEST	SOIL AND DEPTH AT WHICH POROUS SOIL WAS ENCOUNTERED
					cameron mill
1A		1			Clay 0-7' PBS 7'-15' (R)
1B		1			" 0-8' " 8'-16'
1C	ng	1			" 0-10' s.l/hy PBS 10'-16'
1X		1	5	4'	" 0-4' PBS 4'-13' (R)
2A		2	2	4'	" 0-3' " 3'-16'
2B		2			" 0-4' " 4'-16'
2C	ng	2			" 0-10' PBS/clay 10'-15' (R)
2X		2	2	4'	" 0-4' PBS 4'-13' (R)
3A	ng	3			" 0-2' " 2'-9' (P)
3B	ng	3			" 0-2' " 2'-7' (R)
3C		3			" 0-2' " 2'-12' (R)
3X		3			" 0-3' " 3'-11' (R)
3Y		3	2	3'	" 0-2' " 2'-12' (R)

PROTESTANTS
EXHIBIT 1

Baltimore County Government
Office of Planning and Zoning401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5863

TO: Baltimore County Planning Board

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: Proposed Development Involving a Structure on
the Baltimore County Landmarks List -- "Cameron
Miller's House"

DATE: December 5, 1990

Background - Planning Board's Role

Before the County Review Group (CRG) can take final action on any plan for development on a property which involves a building, structure or site included on the National Historic Preservation List, the plan must be referred to the Planning Board. 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 into the final action on a plan." These requirements are specified in the Development Regulations at sub-sections 22-59(a)(4), 22-60(b)(2) and 22-60(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 (which has authority only in regard to the exterior of the structures on the Landmarks Lists).

Background - Cameron Mill Complex

The first mill on this site, located about 1-1/2 miles northwest of Parkton, was a log structure built before 1795. The mill was probably totally replaced in 1886 when the millstone technology was superseded by a steel-roller grinding mechanism. In its latter years the old mill had figured in a landmark case (Gladfelter v. Walker, 40 Md. 1 (1874)) involving water pollution by another mill further up the Little Falls stream.

The miller's house was built after the writing of the 1798 tax list; when the house was added to the Landmarks List in 1977, Mr. Richard Cameron (whose family had inherited the property 100 years earlier) estimated the construction date at 1800-1805. The house, built of stone in the plain, well-proportioned style typical of the homes of

CAMERON MILL - AREA BREAKDOWN

1. GROSS AREA OF PROPERTY	276.2 AC ± = 100.0 %
2. OPEN SPACE DATA	
DNR AREA	17.5 AC ± = 6.3 %
R & P AREA	8.2 AC ± = 3.0 %
HOA AREA	58.0 AC ± = 21.0 %
FOREST BUFFER AREA	85.7 AC ± = 31.0 %
TOTAL OPEN SPACE PROVIDED	169.4 AC ± = 61.3 %
3. PROPOSED IMPERVIOUS AREA	5.8 AC ± = 2.5 %
4. EXISTING WOODS	176.2 AC ± = 63.8 %
5. EXISTING CULTIVATED AREA	60.0 AC ± = 21.7 %
6. EXISTING MEADOW & OPEN LAND	40.0 AC ± = 14.5 %

**PETITIONER'S
EXHIBIT** *11* 3

BALTIMORE COUNTY MASTER PLAN

NORTHERN SECTOR LAND USE PLAN

RATIONALE FOR THREE ACRE
MINIMUM LOT SIZE REQUIREMENT
OUTSIDE OF AREAS TO BE SERVED
BY PUBLIC UTILITIES

PETITIONERS
EXHIBIT 5

**PETITIONER'S
EXHIBIT** 4

A.
B.
C.

3 overlays of How it could have been laid out on property

1977 COMPREHENSIVE ZONING MAP
Request For Zoning Change
Applicant must present this form
and required supplemental material in person

Waltham County
Office of Planning and Zoning
401 Bosley Avenue
Tucson, MD 21204
410-887-3400

OFFICE USE ONLY
 Issue No. 3-137
 Council District 3rd
 Planner J. Dillon
 Received on 10.29.97
 Fee Non-refundable: 1250
 Receipt No. 094897
094958

PLEASE TYPE OR PRINT

--- Applicant Information ---

1. Mine Branch Golf Community
Name
2. H&I Development Corporation
Organization, if applicable
3. 135 N. George Street, P.O. Box 1705
Mailing address
4. York, Pennsylvania 17405
City, state, and zip code

--- Property Information ---

7. See Attached
Property owner's name

8. Dovnes Road & Stabler's Church Road 111
(Number) (Zip)

Property street address and zip code

9. 971.648 Acres ±
Acres or lot size of total property

10. N/S Stabler's Church Rd
Adjacent to 4-03 E/S 1-83
Direction of proximity to nearest street/intersection

5. (H) _____ (B) 717/843-5551
Home and business phone numbers

6. Thomas A. Church, P.E.
Attorney or other representative, if any

Development Engineering Consultants,
Representative's firm name (if applicable)

11. See Attached
Property-tax number _____

12. See Attached
Property-tax map number _____

13. Parcel number
NW 33A, 34A, 35A,
33B, 34B, 35B

14. A-2

15. _____

Zoning Request Information

17. HC-2 = 903,430 Ac; HC-4 = 69.21 Ac.
(Existing zoning, in acres per zone)

18. Forest, Residential, Agricultural and
Public Landfill
Existing use of property

19. HC-5 = 971,648 Ac.
Proposed zoning, in acres per zone

20. Residential & Golf Course
Proposed use of property

21. _____
Zoning history of property

22. _____
Community organizations in the area of this zoning request

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Robert J. Reardon BWS Dwyer
(signature) (print)

OWNER ACKNOWLEDGEMENT: Y N
Are you the owner? If yes, review and sign below

21 I hereby grant permission to Baltimore County for any required field inspections of my property in regard

Let $E_{\text{eff}} = \frac{1}{2} \epsilon_0 E^2$

[illegible]

Resume Of

JAMES W. GRACIE

Brightwater Consulting Services

Of

J.W. Gracie & Associates, Inc.

Brightwater, Inc. Environmental Consulting

Cameron Mills Macroinvertebrate Study

Macroinvertebrates were collected on February 19 in the Fourth Mine Branch and the Little Falls in Baltimore County, MD. A surber sampler was used for the study. The surber sampler is designed so that a one square foot area is sampled for aquatic insects. All rocks in the one square foot area were washed by hand and all particles were allowed to drift downstream into the surber net. When all rocks were washed, the sampler stirred up the bottom (in the 1 square foot area) by hand until hard impenetrable substrate is reached. The samples were then preserved in alcohol, and identified to the genus level except for the class *Diptera* which was identified to the family level.

The Shannon Weaver Diversity Index was used to measure the relative diversity of the samples. Both samples contained several taxa which are generally considered to be intolerant to degraded water quality conditions.

The collection station characteristics were as follows:

Station 1
Fourth Mine Branch: 300 ft downstream of Stablers Church Road

width: 6 ft.
Substrate: small gravel w/sand
Velocity: 0.5 fps
Depth: 2-3"

Station 2
Little Falls 300 ft upstream of Stablers Church Road

width: 30 ft.
Substrate: medium gravel
Velocity: 2 fps
Depth: 3-4"

Station locations are shown on the enclosed map

9130 C RED BRANCH ROAD • COLUMBIA, MARYLAND 21045 • (301) 964-9429

NORMAN E. GERBER, AICP

35 Pickburn Court
Cockeysville, MD 21030

Home
(410)667-4232

Business
(410)667-4543

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

- Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.
- Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.
- Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

- Reviewed and approved new development.
- Enforced zoning, agricultural and historic preservation regulations.
- Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

- Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.
- Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.
- Prepared RFP's, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE

2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

Principal
Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation and expert testimony in zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning
Director
Administered the planning program and enforced the zoning code.

Box 866, Rt. Reyes Sta., CA 94956
Phone: (415) 463-8680
(415) 654-1426

RESUME

DR. EUGENE KOJAN
Engineering Geologist

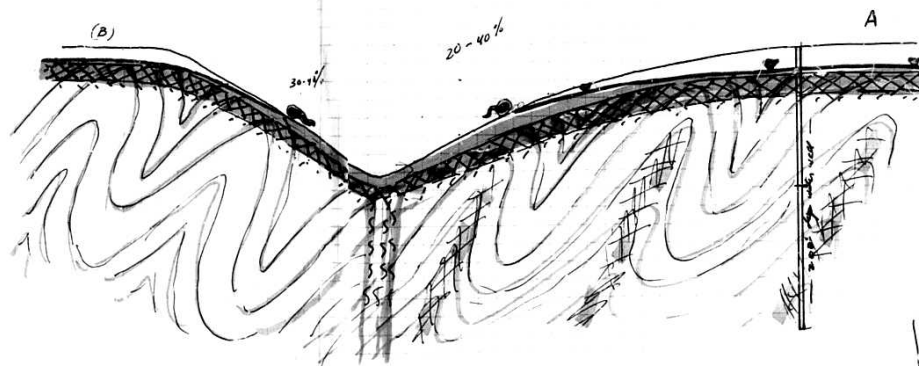
Mining Geologist

Specialist in Landslide Hazard Evaluation and Stabilization

Special Qualifications and Experience

- Road feasibility, location and design in unstable mountainous terrain. Specialist in landslide hazard evaluation and stabilization. Have worked as a special consultant involving major landslide hazards to roads, bridges, dams, irrigation canals and population centers throughout Western North America, Southern Italy, Peru, Nepal and Central America.
- Designed special landslide stabilization measures which were effectively carried out by available labor-intensive construction methods in Central America, Nepal (Western Hills Rd., U.S. AID; Shwayambu Temple, Katmandu; UNESCO) and at sensitive sites inaccessible to ordinary construction equipment in California.
- Location, exploration and evaluation of construction materials required for major civil engineering projects in Western United States, Nepal, and Central America.
- Environmental impact evaluation, erosion control, mitigation measures, and impact-control design in connection with land use changes, logging, road building, and stream modification in Western United States in mountainous National Forest lands.
- Bridge foundation design and site selection.
- Extensive experience in application of remote sensing techniques to geologic and engineering problems.
- International consultant on landslide disasters and landslide hazard evaluation, zoning and reduction.

600 -
550 -
500 -
450 -
400 -



60
530
500
450
400

Part 16
to 20

Curriculum Vitae

Thomas A. Hall, CIH

PERSONAL

DOB: February 11, 1948
21923 Academy Lane
Hagerstown, Maryland 21740

Phone: 301-824-3577
703-934-3108
703-934-3278 (fax)

EDUCATION

- 1991 The Johns Hopkins University, Department of Environmental Health Sciences, Baltimore, Maryland
Ph.D., Environmental Health Engineering
Doctoral Candidate
- 1984 The Johns Hopkins University, Department of Environmental Health Sciences, Baltimore, Maryland
Master of the Health Sciences, Occupational Safety & Health
- 1976 University of California, Santa Barbara, California
Bachelor of Arts, Biochemistry/Molecular Biology

PROFESSIONAL CERTIFICATION

Certified Industrial Hygienist - Comprehensive Practice - 1984

EXPERIENCE

Mr. Hall has more than 15 years of experience in industrial hygiene and occupational health as well as 5 years in occupational epidemiology dealing primarily with exposure assessment. Mr. Hall has concentrated in areas of occupational and environmental exposure assessment, in particular focusing on exposures to airborne particulates such as asbestos, talc, crystalline silica and coal dust. Additionally, Mr. Hall has designed and implemented large field studies to assess asbestos exposure in non-occupational settings, variability in silica exposures in mining environments, mercury exposures in a manufacturing facility and lead exposures in ceramic tile manufacturing. The following studies have been completed by Mr. Hall:

- **Assessment of Exposure to Airborne Silica in Foundry (Ferrous and Non-Ferrous) Environments** Mr. Hall has conducted exposure assessments in more than 10 ferrous and non-ferrous foundries. These assessments focused on crystalline silica exposures associated with removal of casting sand from formed products. Mr. Hall has designed and evaluated local exhaust systems for control of exposure to crystalline silica.

RECEIVED

MAY 26 1990

GROUNDWATER AND SPECIAL
INVESTIGATION DIVISION

FACSIMILE TRANSMISSION

COVER SHEET

Date: 5/29/90

FROM: Name Keith E Sutton, E.A.I.
Agency/Bureau Bur. of Sanitation
Telephone number (301) 887-6036
TO: Name Sam Bellucci
Company/Agency Dept. of Environment - Md.
FAX number 631-3321

NO. OF PAGES: 6
(including this cover sheet)

COMMENTS: Parkton Landfill VOC's Testing
Results of Cells 1-A & 7 on 3/6/90



STATE OF MARYLAND Department of the Environment

2500 BROENING HIGHWAY BALTIMORE, MARYLAND 21224

William Donald Schaefer
Governor

(410) 631-3424

Robert Perciasepe
Secretary

January 31, 1992

Dr. Richard McQuaid
1501 Harris Mill Road
Parkton MD 21120

Dear Dr. McQuaid:

In response to your recent request, the latest monitoring results on the Parkton Landfill are enclosed along with a diagram showing the locations of the wells and stream sampling points. Also enclosed is a copy of a response for the same information from Senator Piccinini, which provides an interpretation of the results.

I hope this information is useful to you. If you have any questions regarding this matter, please contact Mr. Robert Daniel of my staff at (410) 631-3424.

Sincerely,

Robert B. Daniel (for)

Edward M. Dexter, Acting Chief
Solid Waste Enforcement Division

EMD:rls

Enclosures

cc: The Honorable Janice Piccinini
Mr. Richard W. Collins
Mr. Robert Daniel



RECYCLED PAPER



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
2500 BROENING HIGHWAY BALTIMORE, MARYLAND 21224
(410) 631-3084

William Donald Schaefer
Governor

Robert Perciasepe
Secretary

JAN 30 1992

The Honorable Janice Piccinini
Senate of Maryland
308 Senate Office Building
Annapolis MD 21401-1991

Dear Senator Piccinini:

Thank you for your December 23, 1991 letter to Mr. Jim Pittman of my staff regarding your recent request for additional information regarding the closed Parkton Landfill in Baltimore County. As requested, the most recent monitoring data is enclosed, as well as a diagram depicting the locations of the groundwater monitoring wells and surface water sampling points. One of your constituents, Dr. Richard McQuaid, has also made a recent inquiry regarding this landfill and will be sent copies of the data as well.

The groundwater monitoring data indicates the presence of various pollutants in some of the wells at the site that are: (1) attributable to the release of leachate from the solid waste in the landfill; and (2) are of undetermined origin which may be attributable to industrial or agricultural activities at the site that occurred prior to the construction of the landfill at or upgradient of the site. The waste that was placed in the Parkton Landfill during its entire period of operation (1977-1983) consisted solely of municipal waste that was processed and screened at the waste recycling facility located in Texas, Maryland, to ensure that hazardous materials were excluded from the waste stream.

The landfill was designed with a system to collect most of the leachate generated from the waste in the landfill. While the system would not have met today's design standards it was considered to be a state-of-the-art design at the time it was constructed. The leachate collected has been extensively analyzed over the years as part of our efforts to establish a data base on landfill leachate. The exclusion of industrial wastes and household hazardous wastes from the Parkton Landfill made it an ideal site for the collection of leachate derived solely from the natural bio-degradation of non-hazardous municipal waste.

TDD FOR THE DEAF (301) 631-3009

Recycled Paper

BIOGRAPHIC NOTE
Dr. Robert L. Kondner, P.E.
President, Kondner Engineering And Technical Services

Education: Bachelor and Master's Degrees in Civil Engineering and Doctorate from the Department of Mechanical Engineering of The Johns Hopkins Univ., with special emphasis in Deformable Mechanics, Geotechnical Engineering, Structures, Foundation Engineering, Rheology, and Geology.

Teaching-Research: Professorships at Technological Institute of Northwestern Univ., Univ. of Maryland, The Johns Hopkins Univ., Loyola College - Teaching at both the undergraduate and graduate levels; Director of numerous projects and programs of Ph.D. and Master Degree graduates.

Publications: Author of more than 125 publications in areas of expertise in various national and international journals, symposia, proceedings, texts, etc.

Areas of Expertise: Geotechnical Engineering, Mechanics and Rheology, Hydrogeotechnical Engineering, Materials, Structural Mechanics, Soil Mechanics and Foundation Engineering, Environmental Studies, Underground Construction, Damage Assessments, Hydrology-Erosion Studies, Dynamics of Soil-Water-Structure Systems, Highway Design, etc. Registered professional Engineer and Consultant to private, industrial and governmental organizations with over 35 years experience as a troubleshooter on construction projects.

Expert Testimony: City, County, State Courts, U.S. District Courts, U.S. Court of Claims, Legislative Hearings, Arbitration Proceedings, Insurance Investigations.

National Committee Service: U.S. Academy of Sciences Committees on "Soil and Rock Properties" and "Mechanics of Earth Masses and Layered Systems" - Secretary American Society of Civil Engineers Technical Conference on Design of Foundations for Control of Settlements - Director of applied research project under National Cooperative Highway Research Program.

Awards and Honors: Alfred A. Raymond International Award for Soil Mechanics and Foundation Engineering, Collingwood Prize of the American Society of Civil Engineers, Chicago One of Ten Outstanding Young Men of 1963 and Nominee for U.S. Numerous Fellowships, etc.

Utility Construction Projects: Buchanan Co. Va. Water Distribution System 25 Miles 6-16 inch; Fairfax Co. Va. 42", 48", 72" Sanitary - 30" Force Main projects; Staten Island New York 10" thru 18" Sanitary-Water; Hampton Roads Va. 54", Subaqueous Sanitary; Washington Suburban Sanitary Co. 42", 48", 72", 96", 108" Sanitary-Water; Bergen Co. N.J. Interceptor Sewer; Pumping Stations in Va., Md., Del.; Tunnels in Md., Pa., N.J.; Box Culverts in Md., Balto. Co., 42", 48", 54", 66", 72" Sanitary Projects; Wash. Co. Sanitary Dist. 8"-12" Sewer, 3"-10" Main, etc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Adon W. Phillips, Chief
Administrative Services
FROM: Ted Tochtman, Assistant
Sanitation Officer, Title Dept.
SUBJECT: Request for Bottled Drinking Water and
Cooler for Northern County Medic Unit

The attached Purchase Requisition #52569 is forwarded at the request of the Office of Central Services so as to procure pure bottled drinking water, and an appropriate water cooler/dispenser for the Fire Department's new northern County paramedic facility.

The Fire Department has been advised by the Health Department that the existing domestic water at the site is not fit for internal human consumption. Therefore, until a new well can be drilled, it will be necessary for our personnel to utilize bottled water. (See attached correspondence). Please note that the Health Department estimates we will use approximately two (2) bottles per week, and the supplying vendor should automatically deliver same.

The existing Bureau of Sanitation maintenance building personnel on the same site presently utilize bottled drinking water which is supplied from the "Crat Water Company", and the Health Department has approved the use of their water. Please note that Mr. B. Melvin Cole, County Administrative Officer, has determined this project to be of an emergency nature and, therefore, the normal procurement procedures may not apply. Your prompt handling of our request is appreciated. The mobile home is scheduled for delivery to the site on Monday, December 19, 1983, at 1100 hours. If you have any further questions, please feel free to contact me on Extension 4508.

EST/1

Attch.

cc: John Hohner, Health Department

Prot. Sub #17

DEC 19 1983

TEST	DATE	LOC	SOIL AND DEPTH AT WHICH POROUS SOIL WAS ENCOUNTERED
1A	1		Clay 0-7' PBS 7'-15' (R)
1B	1		" 0-8' " 8'-16'
1C	ng	1	" 0-10' s.l.f. PBS 10'-16'
1X	1	5	" 0-4' PBS 4'-13' (R)
2A	2	2	" 0-3' " 3'-16'
2B	2		" 0-4' " 4'-16'
2C	ng	2	" 0-10' PBS/clay 10'-15' (R)
2X	*	2	" 0-4' PBS 4'-13' (R)
3A	ng	3	" 0-2' " 2'-9' (R)
3B	ng	3	" 0-2' " 2'-7' (R)
3C	3		" 0-2' " 2'-12' (R)
3X	3		" 0-3' " 3'-11' (R)
3Y	3	2	" 0-2' " 2'-12' (R)

Prot. Sub #15

PARAMETER	DATE	DATE	DATE	DATE	DATE	DATE	DATE
PH	6.5		6.2	6.5	7.9	7.9	6.7
ALK	25		16	18	29	32	16
HARDNESS	50		25	26	19	22	16
AM-N	10.2		10.10			0.20	
NITRATE N	10.2		0.24			0.020	
NITRITE N	0.24		0.24		12	0.24	26.0
CHLORIDE	24		9			28.3	
TURBIDITY	11.8		14.0		120	136	149
SPEC COND	24.1		23			2.8	1.3
SULFATE	1.2		1.0		2.1	2.8	1.3
TOTAL DISS	142		66			90	
AS	1.001		6.001			2.001	
BS	1.001		2.001			0.001	
CS	1.001		2.001			0.001	
CR	1.001		2.001			0.001	
PD	1.001		2.001			0.001	
TE	1.001		2.001			0.001	
SE	1.001		2.001			0.001	
CA	1.001		2.001			0.001	
CU	1.001		2.001			0.001	
FE	1.001		2.001			0.001	
MG	1.001		2.001			0.001	
NA	1.001		2.001			0.001	
K	1.001		2.001			0.001	
NO	1.001		2.001			0.001	
CO	1.001		2.001			0.001	
CD	1.001		2.001			0.001	

VOLATILE ORGANICS

PARAMETER	DATE	DATE	DATE	DATE	DATE	DATE	DATE
1,1,1-Trichloroethane							
1,1,2-Trichloroethane							
1,2-Dichloroethane							
1,1-Dichloroethene							
1,2-Dichloroethene							
1,1,1-Trichloroethene							
1,1,2-Trichloroethene							
1,2-Dichloroethene							
1,1-Dichloroethene							
1,2-Dichloroethene							
1,1,1-Trichloroethene							
1,1,2-Trichloroethene							
1,2-Dichloroethene							
1,1-Dichloroethene							
1,2-Dichloroethene							
1,1,1-Trichloroethene							
1,1,2-Trichloroethene							
1,2-Dichloroethene							
1,1-Dichloroethene							
1,2-Dichloroethene							
1,1,1-Trichloroethene							
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1,2-Dichloroethene							
1,1-Dichloroethene							
1,2-Dichloroethene							
1,1,1-Trichloroethene							
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1,2-Dichloroethene							

MARTEL

Certificate of Laboratory Analysis

MARTEL LABORATORY SERVICES, INC. 1025 Cromwell Bridge Road, Baltimore, Maryland 21244 (301) 221-7777
5920 North Gate, Suite 111, Houston, Texas 77296 (713) 441-2600
Capital Airport, Springfield, Illinois 62714 (217) 522-7609

Page No. 11
03/30/90

EPA Priority Pollutant Analysis

Analytical Parameter	Result	Detection Limit	Units
** Volatile Organic Compounds			
* Cell 3, 03/01/90	ND	500	ug/l
Chloromethane	ND	500	ug/l
Bromomethane	ND	500	ug/l
Vinyl Chloride	ND	500	ug/l
Chloroethane	ND	50	ug/l
Methylene Chloride	ND	50	ug/l
1,1-Dichloroethane	ND	50	ug/l
1,1-Dichloroethane	ND	50	ug/l
trans-1,2-Dichloroethylene	ND	50	ug/l
Chloroform	ND	50	ug/l
1,2-Dichloroethane	ND	50	ug/l
1,1,1-Trichloroethane	ND	50	ug/l
Carbon Tetrachloride	ND	50	ug/l
Bromodichloromethane	ND	50	ug/l
1,2-Dichloropropane	ND	50	ug/l
trans-1,3-Dichloropropylene	ND	50	ug/l
Trichloroethylene	ND	50	ug/l
Chlorodibromomethane	ND	50	ug/l
1,1,2-Trichloroethane	ND	50	ug/l
cis-1,3-Dichloropropylene	ND	500	ug/l
2-Chloroethylvinyl ether	ND	50	ug/l
Bromoform	ND	50	ug/l
1,1,2,3-Tetrachloroethane	ND	50	ug/l
Tetrachloroethylene	ND	50	ug/l
Chlorobenzene	ND	50	ug/l
Benzene	1600	50	ug/l
Toluene	ND	50	ug/l
Ethylbenzene	ND	50	ug/l
m-Xylene	ND	50	ug/l
(o- + p-) Xylenes	ND	50	ug/l

Prot. Exh # 18

Page 11 of 1054
GCONEX COMPANY

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR upon penalty of perjury, that I am currently a duly elected member of the Board of Directors of the Maryland Line Area Association, Inc.

ATTEST:

Maryland Line Area Association, Inc.

Handwritten Signature
Secretary

Handwritten Signature
President

Prot. Exh # 21

CLERK OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1989, Legislative Day No. 35
BILLS NO. 1242

Mr. William H. Evans, Councilman
by Request of County Executive

By the County Council, September 3, 1989

A BILL

INTRODUCED

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 Code, 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. CIRCUMFLEXES INDICATE MATTER STRICKEN FROM EXISTING LAW. DASHES INDICATE MATTER STRICKEN FROM BILL. UNDERLINING INDICATES AMENDMENTS TO BILL.

Prot. Exh # 22

12/1/91

Prot. Exh # 19

MARYLAND SPECTRAL SERVICES, INC.
1500 CATON CENTER DRIVE, BALTIMORE, MD 21227

LABORATORY RESULTS

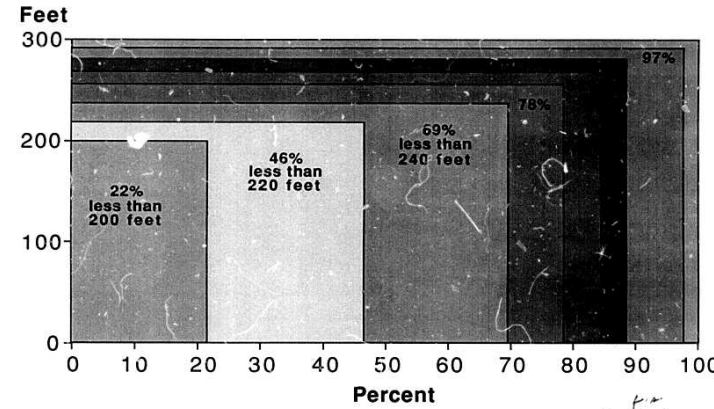
RESULTS OF GAS CHROMATOGRAPHY/MASS SPECTROMETRY
VOLATILE ORGANICS ANALYSIS OF
MARYLAND LINE AREA ASSOCIATION, INC. PROJECT WATER SAMPLE
COLLECTED 21 FEBRUARY 1992

PREPARED FOR
MARYLAND LINE AREA ASSOCIATION, INC.
PARKTON, MD

26 FEBRUARY 1992

Prot. Exh # 20

84% of the variances are for lots that are more than 10% below the 300 foot requirement



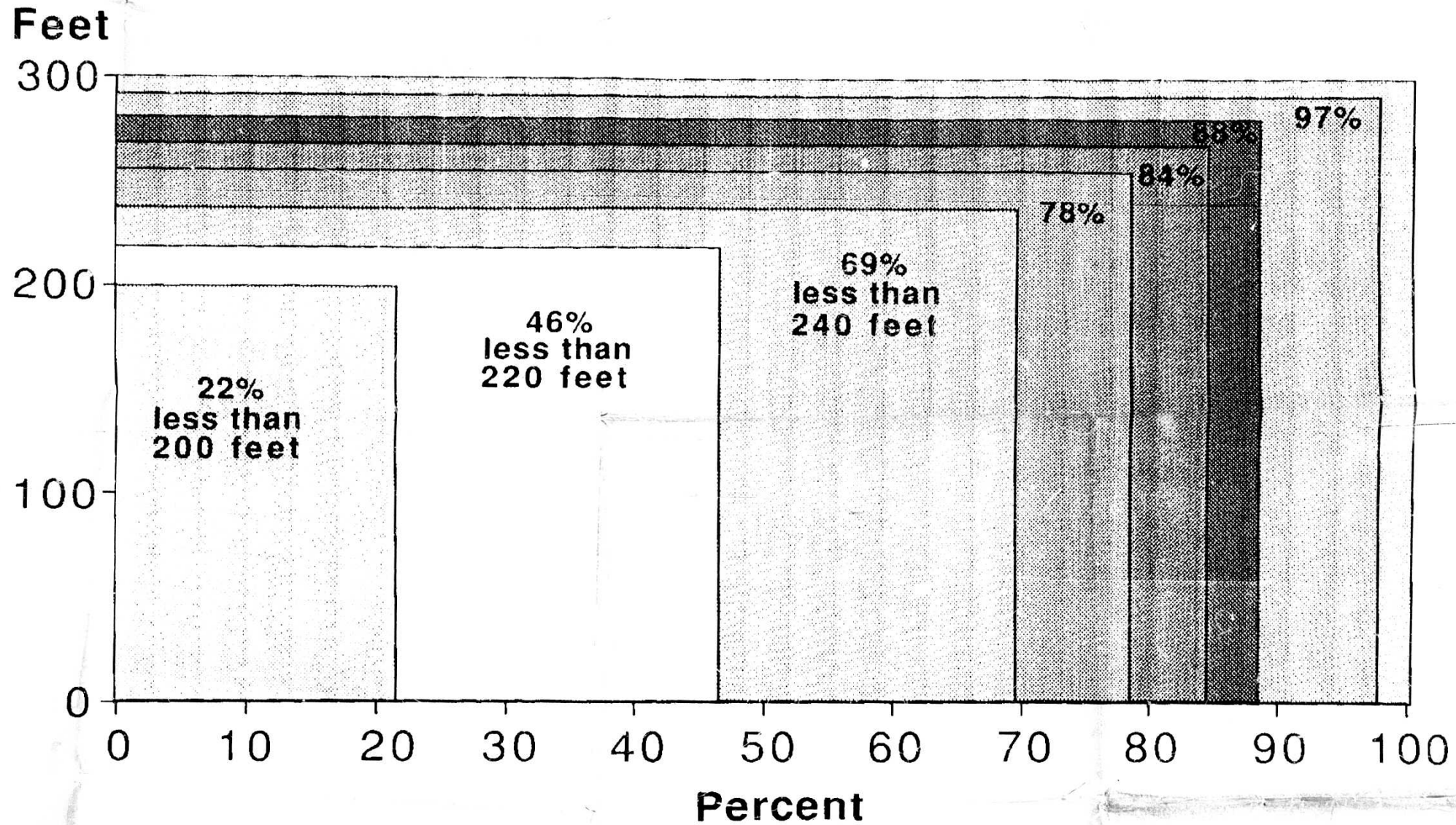
Prot. Exh # 25

CBA-71-45
Prot. Exh # 23
51120

CBA-71-45
Prot. Exh # 24
(CRG TAPES- 8/9/90)

8-940
SIC-7

84% of the variances are for lots that are more than 10% below the 300 foot requirement



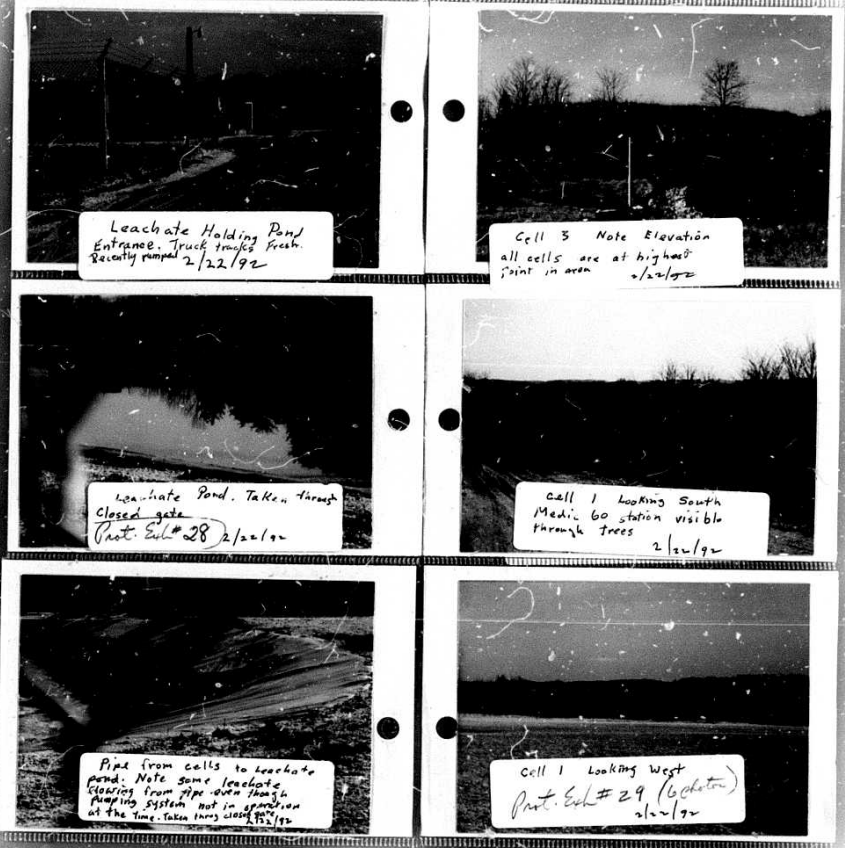
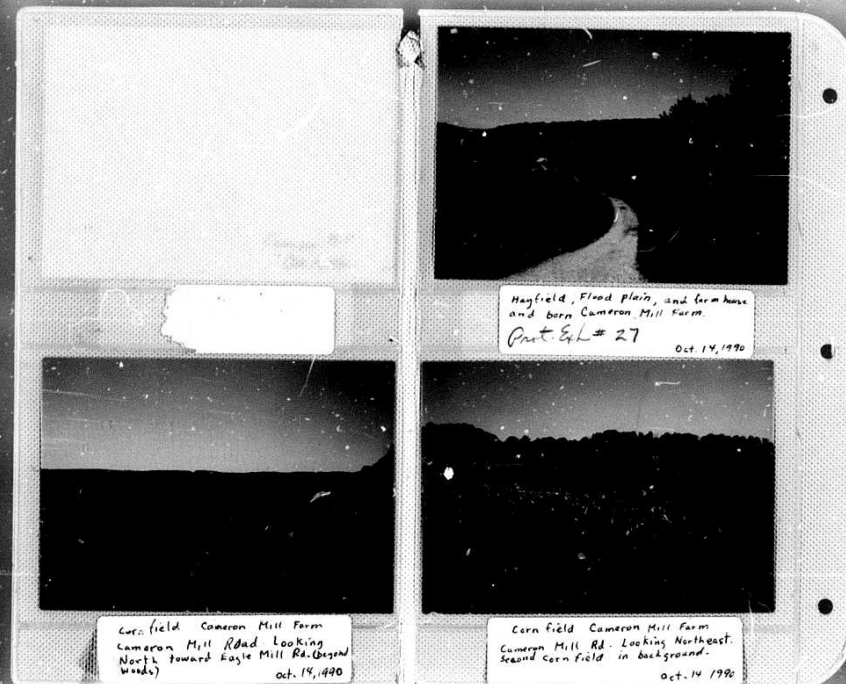
Part 6/14/25

H. Miller
100pg.

**RATIONALE FOR THREE ACRE
MINIMUM LOT SIZE REQUIREMENT
OUTSIDE OF AREAS TO BE SERVED
BY PUBLIC UTILITIES**

*Petitioner's
Exhibit 5
Part 1
Part 2
#26*

BALTIMORE COUNTY HEALTH DEPARTMENT



Paul
Environment File Copy Only
Part. Ex. #30

July 26, 1991

Mr. Harry L. Nittel
Director of Public Works
for Baltimore County
County Office Building
Towson, Maryland 21204

Dear Mr. Nittel:

I have received your letter dated June 10, 1991 concerning the Parkton and Eastern Landfills. I have the following comments:

1. Relative to the testing of Parkton and Eastern leachate collection tanks, we concur with the proposed six month, 72-hour physical (dis-charge) monitoring program that was proposed in your letters of April 19 and June 10, 1991. We do suggest that the first testing begin when the specific tank is at least 75% full. This should indicate whether significant leakage is occurring. It is requested that the program be conducted on a biannual basis. Please send us copies of the readings as they become available.
2. Relative to the installation of the new leachate collection tanks, the County will install some type of monitoring system to insure the integrity of the leachate collection tanks. For example, an impermeable bed overlain by a gravel blanket placed beneath the tanks, graded so that it drains to an observable outfall, or to a sump in which a piezometer has been installed to allow for measurement, would allow for the detection of any leakage of leachate from the tanks.
3. At the time of our June 23, 1991 letter to you outlining our concerns relative to the installation of a leachate pond in place of leachate tanks, we were under the impression that the County no longer wanted to proceed with the proposed lagoon. This was learned in telephone discussions with County staff. Our recent experience has indicated that leachate ponds have a high potential to contaminate ground water

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

Mr. John C. Luthers, Chief
Solid Waste Division
Hazardous and Solid Waste Management Administration
Maryland Department of Environment
2500 Browning Highway
Baltimore, Maryland 21224

RE: Parkton Sanitary Landfill
Permit #75-03-07-04A(A)

Dear Mr. Luthers:

In compliance with Section B-7 of the County's Refuse Disposal Permit, Baltimore County is submitting its quarterly report.

B-7(e): Total number of gallons of leachate collected and disposed

January, 1990	283,600
February, 1990	291,869
March, 1990	251,280
TOTAL	826,749

See attached charts for daily and individual cell quantities. (Total is sum of columns marked Cell #2, Cell #4, Cell #7, and Lagoon)

B-7(f): Total precipitation

January, 1989	
Rain	4.42"
Snow	3.0"
February, 1990	1.52"
March, 1990	2.97"

See attached charts for daily precipitation quantities.

If you have any questions, please call the Bureau's Engineer,
Stephen G. Lippy (887-2009).

Sincerely yours,

Charles K. Weiss
Charles K. Weiss, Chief

CNK:SGJ:jh
Attachments
cc: James J. Pittman, III
Eugene G. Siewierski
Gene L. Neff (w/o attach.)
PARKTON2/SC7TXX

John D. Beck
Gary L. Sipes
Arthur K. Sproles

Schmidt
Part. Ex. #31

MARYLAND LINE AREA ASSOCIATION INC.

Re: WELL WATER SAMPLE IDENTIFICATION

To Whom It May Concern:

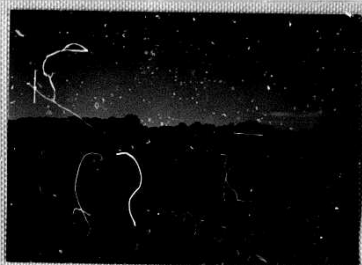
Well water Sample Number 9204 SE was taken by me at the residence of Ms. Sandra Enrique located at 19821 York Rd. Parkton, Md. on March 14, 1992 at 1:53 p.m. The sample (three containers) was taken according to instructions given by the Maryland Spectral Services, Inc. and placed into bottles provided by Maryland Spectral Services, Inc.

The sample was refrigerated and delivered to Maryland Spectral Services, Inc. for volatile organic chemical analysis. Samples were coded so that individual privacy would be maintained.

The depth of the well on this property is three hundred and fifty feet (350') and is located approximately fifteen hundred feet (1500') due west from monitoring well #2 at the Parkton Sanitary Landfill.

Richard W. McQuaid
Dr. Richard W. McQuaid
President
1501 Harris Mill Rd.
Parkton, Md. 21120





Corn Field Cameron Mill Farm
Looking North from Cameron Mill
Road

Oct 19, 1990



Cameron Mill Farm.
View from hay field across
flood plain to wooded slope and
ridge near East's Mill Rd. NCR inter-
sect. B.R. Trail visible just beyond flood plain.
Oct. 19, 1990

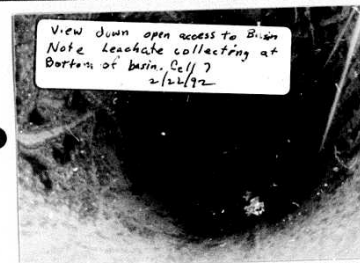
Corn Field

Cameron Mill

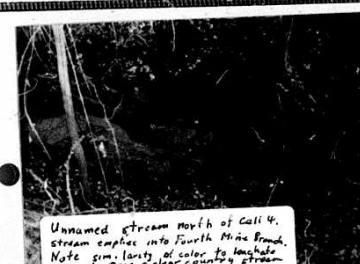
Oct 19



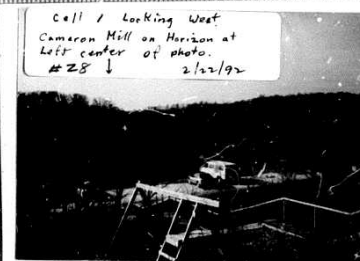
Settling Basin Cell #7. Note
uncovered man hole access to
basin at right of photo
2/22/92



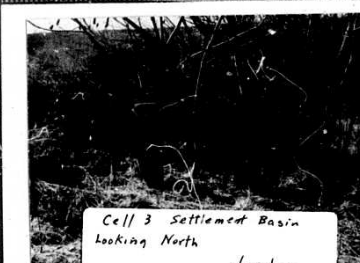
View down open access to Basin
Note Leachate collecting at
bottom of basin, Cell 7
2/22/92



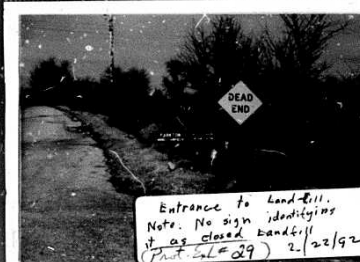
Unnamed stream north of Cell 4.
stream empties into Fourth Mine Branch.
Note sim. luster of color to leachate
in pond. Once alone country stream
2/22/92



Cell 1 Looking West
Cameron Mill on Horizon at
left center of photo.
#28 2/22/92



Cell 3 Settlement Basin
looking North
2/22/92



Entrance to land-fill.
Note. No sign identifying
it as closed bandfill
(Photo #29) 2/22/92



top



ORIGINAL

1 IN THE MATTER OF * BEFORE THE
2 RUTH ANN DESOTO/ * COUNTY BOARD OF APPEALS
3 MAYER C. KALICHMAN * OF BALTIMORE COUNTY
4 CAMERON MILL * Case No. 91-145
5 * October 8, 1991
6

7 The above-entitled matter came on for hearing
8 before the County Board of Appeals of Baltimore County at
9 Room 48, Old Courthouse, Towson, Maryland at 10 o'clock
10 a.m., October 8, 1991.

BOARD MEMBERS:

11
12
13
14
15 WILLIAM T. HACKETT, Chairman
16 HARRY E. BUCHHEISTER, JR.
17 C. WILLIAM CLARK
18
19

20 Reported by:
21 C.E. Peatt

BOARD OF APPEALS

ORIGINAL

1 IN THE MATTER OF * BEFORE THE
2 RUTH ANN DESOTO/ * COUNTY BOARD OF APPEALS
3 MAYER C. KALICHMAN * OF BALTIMORE COUNTY
4 CAMERON MILL * Case No. 91-145
5 * October 8, 1991
6

7 The above-entitled matter came on for hearing
8 before the County Board of Appeals of Baltimore County at
9 Room 48, Old Courthouse, Towson, Maryland at 1 o'clock
10 p.m., October 8, 1991.

BOARD MEMBERS:

11
12
13
14
15 WILLIAM T. HACKETT, Chairman
16 HARRY E. BUCHHEISTER, JR.
17 C. WILLIAM CLARK
18
19

20 Reported by:
21 C.E. Peatt

BOARD OF APPEALS

ORIGINAL

1 IN THE MATTER OF * BEFORE THE
2 RUTH ANN DESOTO/ * COUNTY BOARD OF APPEALS
3 MAYER C. KALICHMAN * OF BALTIMORE COUNTY
4 CAMERON MILL * Case No. 91-145
5 * February 13, 1992
6

7 The above-entitled matter came on for hearing
8 before the County Board of Appeals of Baltimore County at
9 Room 48, Old Courthouse, Towson, Maryland at 10 o'clock
10 a.m., February 13, 1992.

BOARD MEMBERS:

11
12
13
14
15 WILLIAM T. HACKETT, Chairman
16 HARRY E. BUCHHEISTER, JR.
17 C. WILLIAM CLARK
18
19

20 Reported by:
21 C.E. Peatt

BOARD OF APPEALS

ORIGINAL

1 IN THE MATTER OF * BEFORE THE
2 RUTH ANN DESOTO/ * COUNTY BOARD OF APPEALS
3 MAYER C. KALICHMAN * OF BALTIMORE COUNTY
4 CAMERON MILL * Case No. 91-145
5 * February 20, 1992
6

7 The above-entitled matter came on for hearing
8 before the County Board of Appeals of Baltimore County at
9 Room 48, Old Courthouse, Towson, Maryland at 10 o'clock
10 a.m., February 20, 1992.

BOARD MEMBERS:

11
12
13
14
15 WILLIAM T. HACKETT, Chairman
16 HARRY E. BUCHHEISTER, JR.
17 C. WILLIAM CLARK
18
19

20 Reported by:
21 C.E. Peatt

BOARD OF APPEALS

ORIGINAL

1 IN THE MATTER OF * BEFORE THE
2 RUTH ANN DESOTO/ * COUNTY BOARD OF APPEALS
3 MAYER C. KALICHMAN * OF BALTIMORE COUNTY
4 CAMERON MILL * Case No. 91-145
5 * March 5, 1992
6

7 The above-entitled matter came on for hearing
8 before the County Board of Appeals of Baltimore County at
9 Room 48, Old Courthouse, Towson, Maryland at 10 o'clock
10 a.m., March 5, 1992.

BOARD MEMBERS:

11
12
13
14
15 WILLIAM T. HACKETT, Chairman
16 HARRY E. BUCHHEISTER, JR.
17 C. WILLIAM CLARK
18
19

20 Reported by:
21 C.E. Peatt

BOARD OF APPEALS

ORIGINAL

1 IN THE MATTER OF * BEFORE THE
2 RUTH ANN DESOTO/ * COUNTY BOARD OF APPEALS
3 MAYER C. KALICHMAN * OF BALTIMORE COUNTY
4 CAMERON MILL * Case No. 91-145
5 * May 1, 1992
6

7 The above-entitled matter came on for hearing
8 before the County Board of Appeals of Baltimore County at
9 Room 48, Old Courthouse, Towson, Maryland at 10 o'clock
10 a.m., May 1, 1992.

BOARD MEMBERS:

11
12
13
14
15 WILLIAM T. HACKETT, Chairman
16 HARRY E. BUCHHEISTER, JR.
17 C. WILLIAM CLARK
18
19

20 Reported by:
21 C.E. Peatt

BOARD OF APPEALS

CAMERON MILL

SHEET 2 OF 2

6th. & 7th. Election Districts Baltimore County, Md.
Scale: 1"=100' FEBRUARY 5, 1991

OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL, MD 21161

TAX MAP 12 - PARCELS 15, 17, AND 17A
DEEDS - E.H.K. JR. 6015/400 + 6445/175
ACCOUNT NOS 07-09-00075, 16-00-00467
18-00-01427, 19-00-01048

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
50 McKEE & ASSOCIATES, INC.
5 SHAWAN RD.
HUNT VALLEY, MD 21090
(301) 527-1555

Public Services C.R.G. No. 90212

Planning No. VII-244

SITE TABULATION

1. Existing Zoning of Property	(RC-4) 271.8 Ac. (RC-5) 4.8 Ac.
2. Gross Area of Property	TOTAL 276.2 Ac.
3. Number of Lots Allowed	(RC-4) 271.8 x .2 = 54 Lots (RC-5) 4.8 x .667 = 2 Lots
4. Number of Lots Proposed	(RC-4) 52 Lots (RC-5) 1 Lot
5. Highway Widening Area	TOTAL 53 Lots
A. Cameron Mill Road	4.0 Ac.
B. Eagle Mill Road	0.8 Ac.
C. Walker Road	0.5 Ac.
D. Stabler's Church Road	1.7 Ac.
6. Road Dedication	TOTAL 7.0 Ac.
A. Road A	1.4 Ac.
B. Road B	2.8 Ac.
C. Road C	0.8 Ac.
7. H.O.A. Resource Conservation Area	TOTAL 66.7 Ac.
8. DSR Green Space	17.5 Ac.
9. Net Area of Lots	180.6 Ac.
10. Average Lot Size	3.4 Ac.

NOTE (LOT 50)

Lot 50 as shown cross-hatched on this sheet and the adjacent road right-of-ways are not part of this CRG Plan. It is being subdivided as Minor Subdivision No. 90443M with a Right of-way plat prepared for the Public Road Dedication. The acreage of this portion of ground, however, has been included in the density notes at the request of the Zoning Office for purposes of density confirmation only.

NOTE:

This property as shown on the plan has been held intact by the ownership shown since March 27, 1979. The Developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site drawings.

PLANNING BOARD RECOMMENDATIONS

(CONCERNING HISTORIC LOT 50)

The following recommendations as adopted by the Planning Board by resolution dated December 7, 1990 have been complied with and are reflected on this plan:

- Accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stabler's Church Road, reduce the width to 85 feet.
- Enlarge "Lot 50" to approximately 5.6 acres, including about 1.2 acres on the west/south side of Cameron Mill Road.
- Preserve the springhouse as well as the existing historic dwelling to be renovated and restored subject to approval by the Landmarks Preservation Commission.
- Establish a perpetual easement to protect the cemetery and to allow pedestrian access.

ZONING REQUESTS

LOT VARIANCES

Requesting a variance to Section 1803.4.B.3 of the Baltimore County Zoning Regulations for Lots 1, 3, 4, 7, 9, 10, 11, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 36, 37, 38, 42, 43, 44, 45, 46, 47, 48, and 49 to permit a minimum diameter dimension of less than the required 300 feet for each lot. The specific diameter dimensions requested for each lot are as follows:

LOT	DIAMETRAL	LOT	DIAMETRAL	LOT	DIAMETRAL
1	240	18	260	37	220
3	260	19	260	38	25
4	210	22	270	42	220
7	240	23	200	43	180
9	180	24	190	44	180
10	220	25	190	45	180
11	280	26	220	46	190
14	280	27	220	47	200
15	200	28	210	48	230
16	200	29	220	51	200
17	210	36	220		

LOT 53 VARIANCES

- Requesting a variance to Section 101 (definition) to permit an accessory structure (barn) larger than the principle building or the lot.
- Requesting a variance to Section 400.1 to permit an accessory structure (barn) to be located in the side and front yard of the lot.
- Requesting a variance to Section 400.3 to permit a height of an accessory building (barn) of 35 feet in lieu of the maximum permitted height of 15 feet.

PRE-CRG REVISIONS

DEVELOPERS
Added dimensions of all paving and right-of-ways.
Clarified status of Lot 50.

PLANNING
Added General Notes 27, 28, and 29, revised Note 48.
Revised Future access to 3411 and Herbert.
Changed lot numbers to agree with Planning Board.
Added existing ruins to Lot 50.

D.E.P.R.M.
Increased Forest Buffers of Road A and Road C.
Added General Notes 25 and 26.
Revised Septic Areas as requested.

STORM WATER MANAGEMENT
Increased area of Lot 52 to two acres.
Located ditch at Eagle Mill Road.
Applied for storm water management exemption.

RECREATION AND PARKS
Added access parcel adjacent to Little Falls.

ZONING
Revised zoning request.
Added note for Lot 50 status.

C.R.G. PLAN

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

SHEET 1 OF 2

6th. & 7th. Election Districts Baltimore County, Md.
Scale: 1"=100' February 6, 1991

OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL, MD 21161

TAX MAP 12 - PARCELS 15, 17, AND 17A
DEEDS - E.H.K. JR. 6015/400 + 6445/175
ACCOUNT NOS 07-09-00075, 16-00-00467
18-00-01427, 19-00-01048

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
50 McKEE & ASSOCIATES, INC.
5 SHAWAN RD.
HUNT VALLEY, MD 21090
(301) 527-1555

Public Services CRG No. 90212

Planning No. VII-244

F1/4

EAGLE

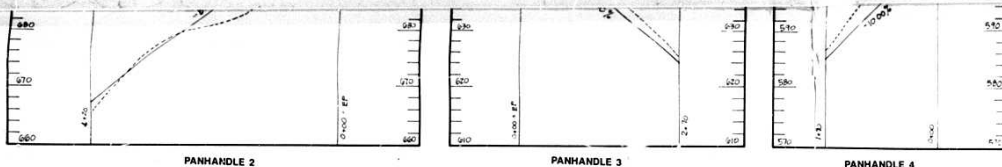
DETAIL 'A'
SCALE 1"=50'

McKee & Associates, Inc.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by: GCS
Drawn by: JGK
Checked by: GCS
Job Number: 90-11

James W. McKee Date
(Maryland Registered No. 5312)

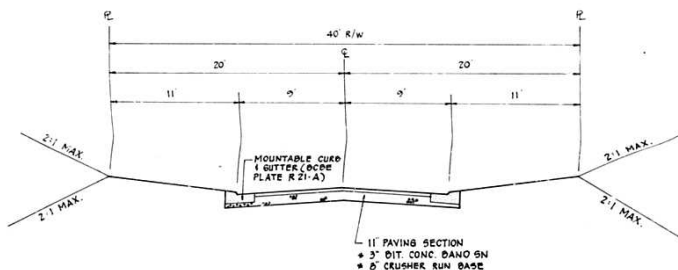


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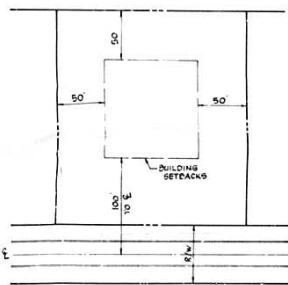
PANHANDLE 3

PANHANDLE 4

PANHANDLE PROFILES
SCALE: HOR. 1"=100' VERT. 1"=10'



PAVING SECTION
40'RW - 18' PAVING



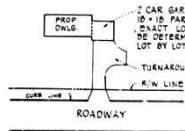
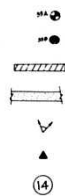
TYPICAL LOT SETBACKS
(R.O. 4 LOTS ONLY)

LEGEND

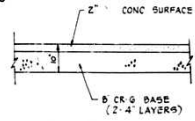
EXISTING CONTOURS
PROPOSED CONTOURS
25% SLOPES OR GREATER
EXISTING STRFAMS
WOODS LINE
SOIL TYPES
PROPERTY LINE



PERC TESTS (PASSING)
PERC TESTS (FAILING)
WELL ENVELOPES
PROPOSED PAVING
DIRECTIONAL ARROW
PROPOSED STREET LIGHTS
LOT NUMBER



TYPICAL PARKING LAYOUT



PANHANDLE PAVING SECTION

McKee & Associates, Inc.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by: GCS
Drawn by: JGK
Checked by: GCS
Job Number: 90-11

James W. McKee Date
(Maryland Registered No. 9012)

DATE	REVISION
9/18/91	AS PER THE C.R.G. MEETING COMMENTS (SEE LIST)

SOIL TYPES & LIMITATIONS					
TYPE CLASS	FILTER FIELDS	HOMESITES #1 BENTS	HOMESITES #1A BENTS	STREETS PARKING LOTS	MITIGATION
CU	SLIGHT	SLIGHT	SLIGHT	MODERATE SLOPE	SEE GENERAL NOTE 21
CU	MODERATE SLOPE	MODERATE SLOPE	MODERATE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21

LESLIE CHAIKIN
301 MONTGOMERY RD.
DEED NO. 07-018/17
ACCT NO. 07-018/17

DELL, JOHN THOMAS & MIRIAM BEATRICE
647 BENTLEY RD.
DEED NO. 08/8/93
ACCT NO. 07-04-020025

HERBERT WILLIAM & CYNTHIA
547 BENTLEY RD.
DEED NO. 79/1852
ACCT NO. 07-05-030100
RC-5

PARCEL "A"
TO BE DEDICATED TO BALTIMORE
COUNTY FOR FLEXIBILITY IN
FUTURE ACCESS TO HERBERT
PROPERTY AND DELL PROPERTY
0.6 AC. ±

COMBINED RC-4 / RC-5 LOT AREAS

LOT	RC-4	RC-5	TOTAL
40	1.1 AC. ±	0.1 AC. ±	1.2 AC. ±
41	1.0 AC. ±	0.4 AC. ±	1.4 AC. ±
42	1.0 AC. ±	0.01 AC. ±	1.01 AC. ±
43	1.05 AC. ±	0.05 AC. ±	1.1 AC. ±
44	0.60 AC. ±	1.50 AC. ±	2.10 AC. ±

N 136,000
W 14,000

ROBERT B. & MELLE K. TRACEY
2204 1/2 RD.
ACCT NO. 07-20-00000
RC-5

BCMD

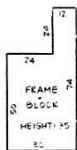
*Zoning Corner
Pct. #2*

TRACEY, RICHARD W. & MELLE K.
1911 N CAMERON MILL RD.
DEED NO. 82/1714
ACCT NO. 07-20-06300

C.R.G. PLAN
SECTIONS ONE, TWO, AND THREE

F 3 / 4

CAMERON MILL



BARN



HOUSE

DETAIL 'B'

NO SCALE

LEONARD HOLDINGS CO.
4500 E. MONUMENT ST.
ACCT. No. 05-12-050177
DEED No. 4516/94

FOREST BUFFER

PROTECTIVE COVENANTS GOVERNING
THE USE OF THE FOREST BUFFER
EASEMENT SHALL BE RECORDED IN THE
LAND RECORDS OF BALTIMORE COUNTY
AT THE TIME OF PLAT RECORDATION.
THESE COVENANTS SHALL RUN WITH THE
LAND AND CONTINUE IN PERPETUITY.

6th. DISTRICT

7th. DISTRICT

W 19,000
N 134,000

RONALD KELLY
3979 1/2 729
ACCT. NO. 1800014190

SEE DETAIL 'A'

ROY & MARY WALLACE
6544/779
ACCT. NO. 1800019861

WINDELL & BETTY BLEVINS
3950 1/2 714
ACCT. NO. 0602041190

EAGLE

HARDY, ELEANOR, MERRITMAN
EAGLE MILL RD
DEED No. 5111/11
ACCT. No. 17-00107122
VACANT

W 18,000
N 133,000

F4/4

ROAD
MILL

EX. STYING HIGHWAY
WIDENING

PLAT OF
TINCHINPAUGH PROPERTY
40' x 20'

LY-51118
PAVING (17' x 1')
(24' x 1' HANDBAND)

ROAD 'A'

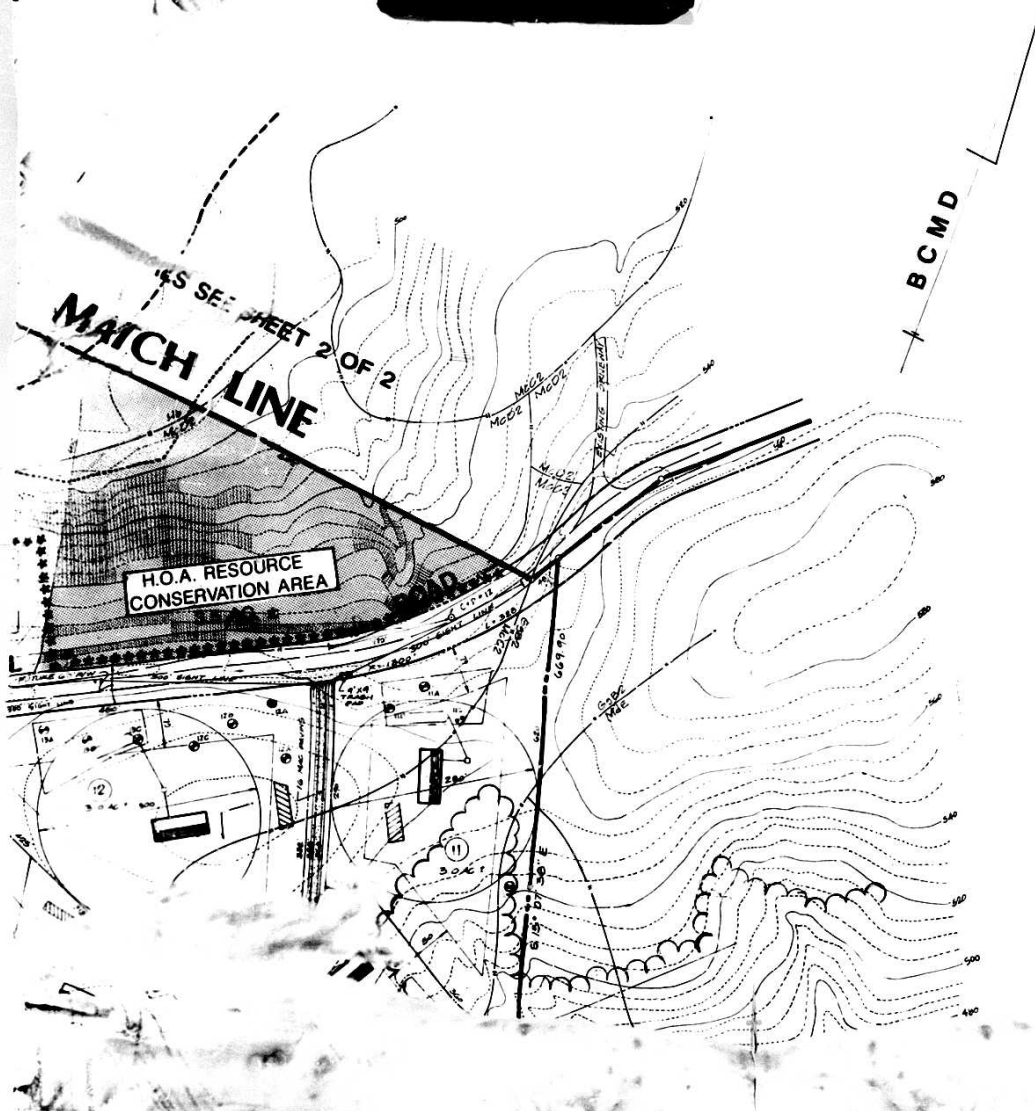
WATER RESOURCE
CONSERVATION AREA

FOREST BUFFER

FOREST BUFFER

CENTRAL
LITTLE

F2/4



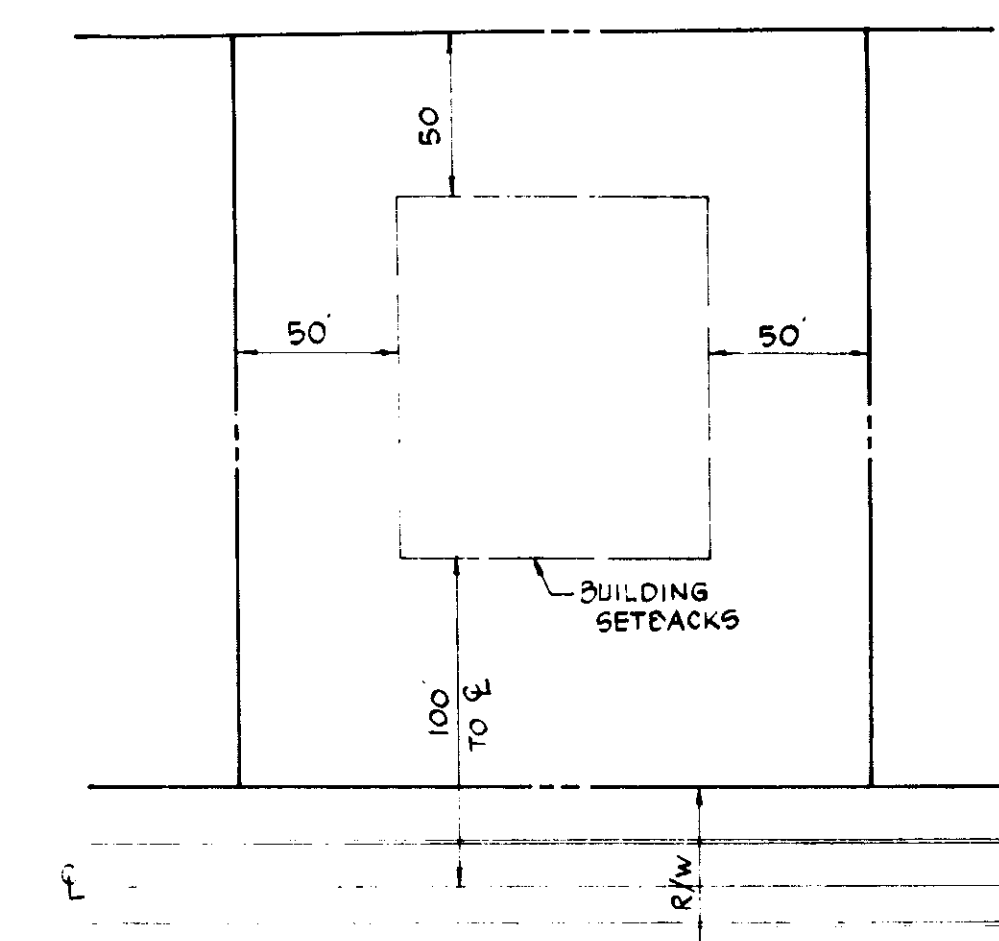
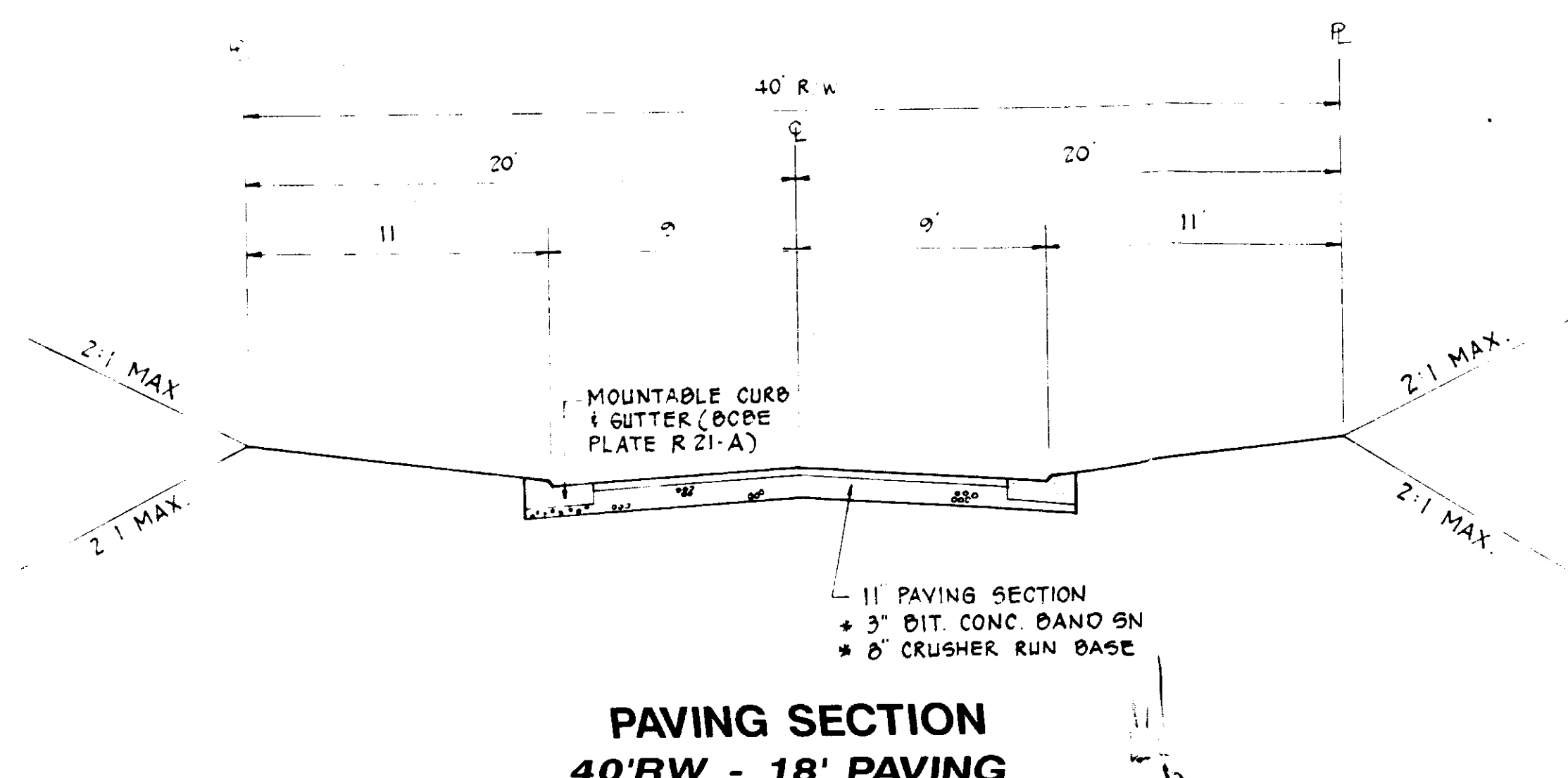
VICINITY MAP

SCALE 1"=100'

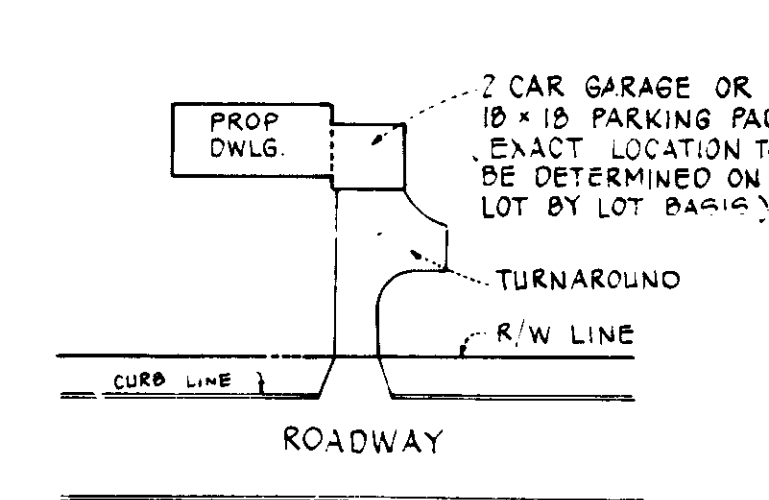
SITE TABLE

Number of Lots Allowed	TOTAL 216
Number of Lots Proposed	(MC-1) 171.4 x .22 = 38 lots
	(MC-2) 8.4 x .482 = 4 lots
	(MC-3) 52 lots
	(MC-4) 1 lot
	TOTAL 53 lots

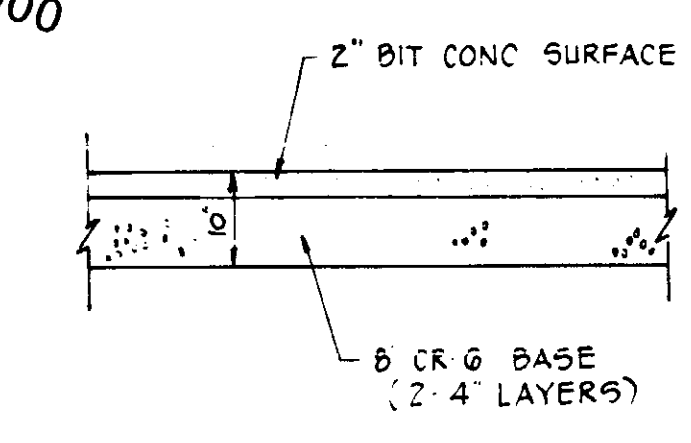
SCALE: HOR. 1"=100' VERT. 1"=10'



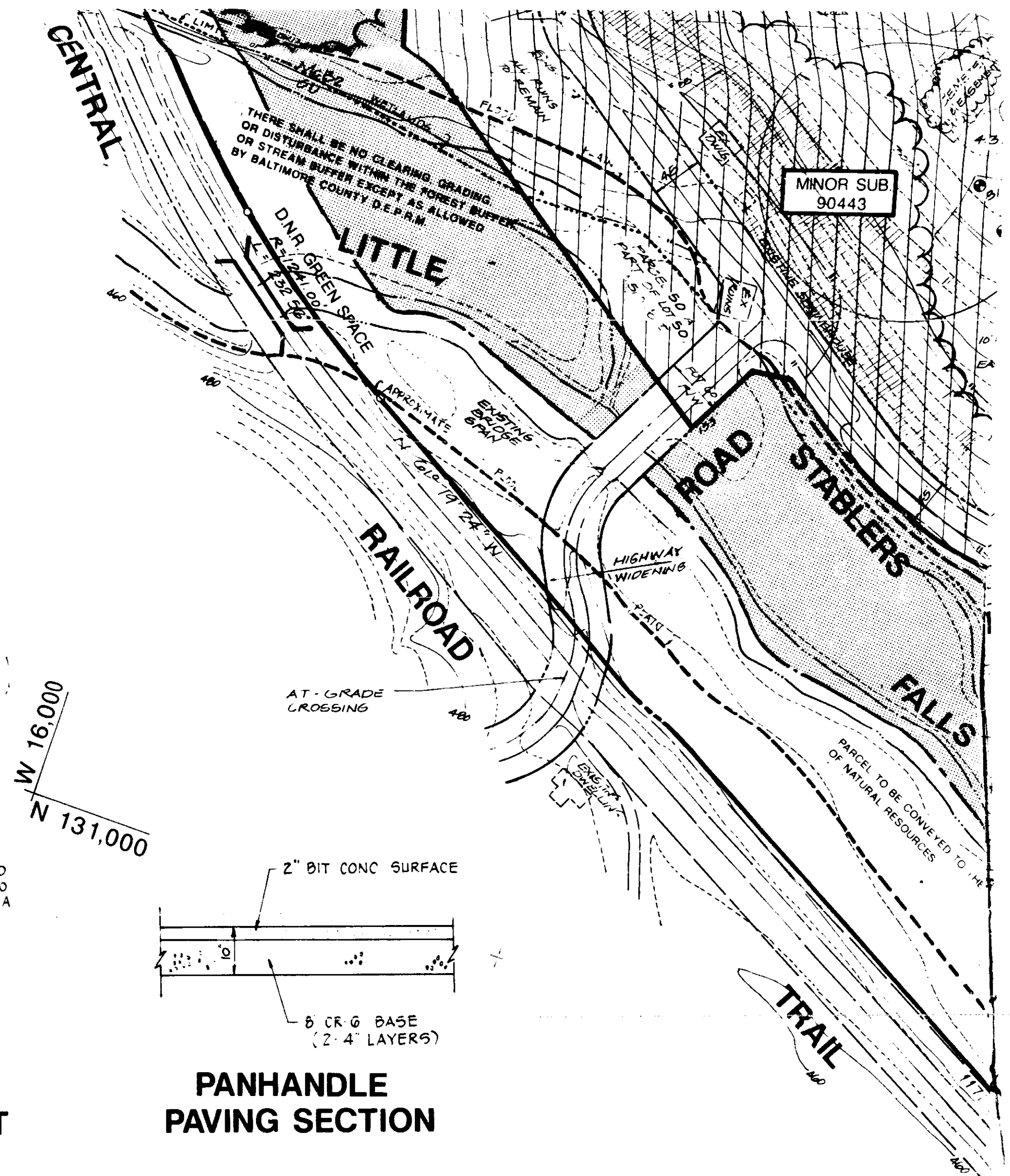
TYPICAL LOT SETBACKS
(R.O. 4 LOTS ONLY)



TYPICAL PARKING LAYOUT



PANHANDLE PAVING SECTION



LEGEND

- | | | | |
|-----------------------|--|------------------------|--|
| EXISTING CONTOURS | | PERC TESTS (PASSING) | |
| PROPOSED CONTOURS | | PERC TESTS (FAILING) | |
| 25% SLOPES OR GREATER | | WELL ENVELOPES | |
| EXISTING STREAMS | | PROPOSED PAVING | |
| WOODS LINE | | DIRECTIONAL ARROW | |
| SOIL TYPES | | PROPOSED STREET LIGHTS | |
| PROPERTY LINE | | LOT NUMBER | |

McKEE & ASSOCIATES, INC.
Engineering, Surveying, Real Estate Development
SHAWAN PLACE 55 SHAWAN ROAD HUNT VALLEY MARYLAND 21030
(301) 527-1555

James W. McKee, P.E.
(Maryland Registered No. 9012)

DATE	REVISION
3/18/91	AS PER PRE-CR.G. MEETING COMMENTS (SEE LIST)
4/1/91	AS PER CR.G. MEETING COMMENTS (SEE LIST)

SOIL TYPES & LIMITATIONS					
TYPE	CLASS	FILTER	FIELD	MITIGATION	W/ R/W
CLAY	B	SLIGHT	SLIGHT	SLIGHT	MODERATE SLOPE
CLAY	B	MODERATE SLOPE	MODERATE SLOPE	MODERATE SLOPE	SEVERE SLOPE
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE

- CRG REV**
- Included "additional"
 - Added well envelope septic area for Lot
 - Added trash pads for
 - Labeled "Baltimore"

F 3 / 4

1. This site lies in County M.
2. This site lies in Township 10N, Range 10E.
3. This site lies in Section 10.
4. This site lies in the NE 1/4 of Section 10.
5. This site is 10 acres in size.
6. All proposed improvements shall be in accordance with the City of Mankato Comprehensive Zoning Ordinance.
7. Existing Land Use is Agricultural.
8. To the best of the applicant's knowledge, there are no known wetlands on this site.
9. Trash is to be collected and disposed of in accordance with the City of Mankato Comprehensive Zoning Ordinance.
10. The proposed improvements shall be in accordance with the City of Mankato Comprehensive Zoning Ordinance.

All storm drain outfalls shall be in accordance with the direction of the City of Mankato Comprehensive Zoning Ordinance.

The Impact Review Division of the City of Mankato shall be notified prior to any clearing or grading on this site so that the City of Mankato may be available for transplanting may be available for transplanting.

Lot 50 contains a structure which appears on the Final Historical Landmarks List as Site 29, Miller's House, near Parkton.

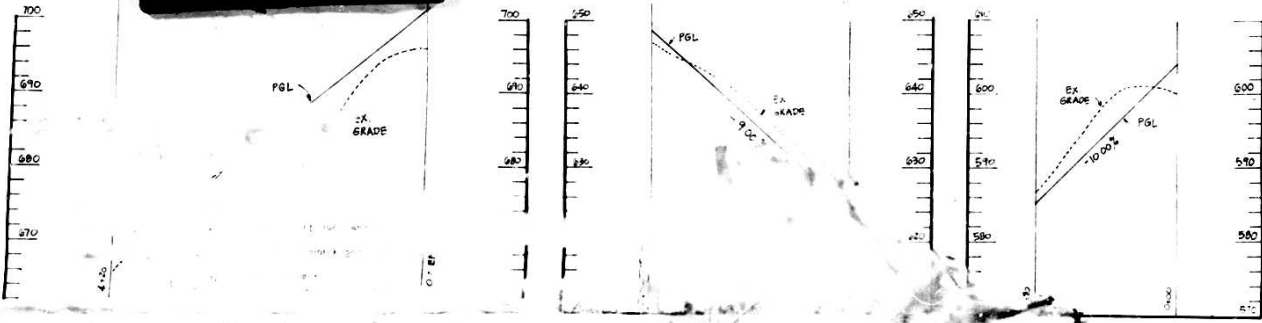
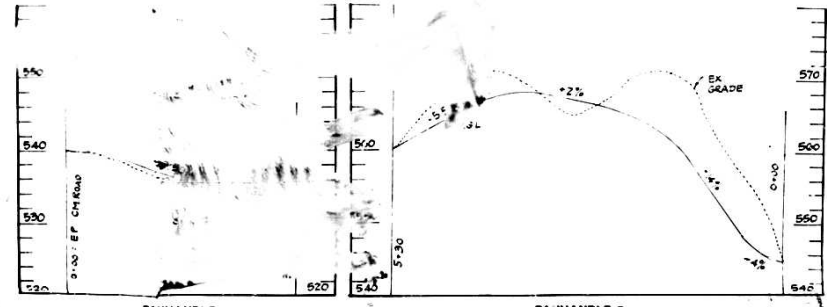
Covenants will be recorded with the platting the amount of clearing and grading to 10,000 square feet.

Pretty Boy Elementary School District

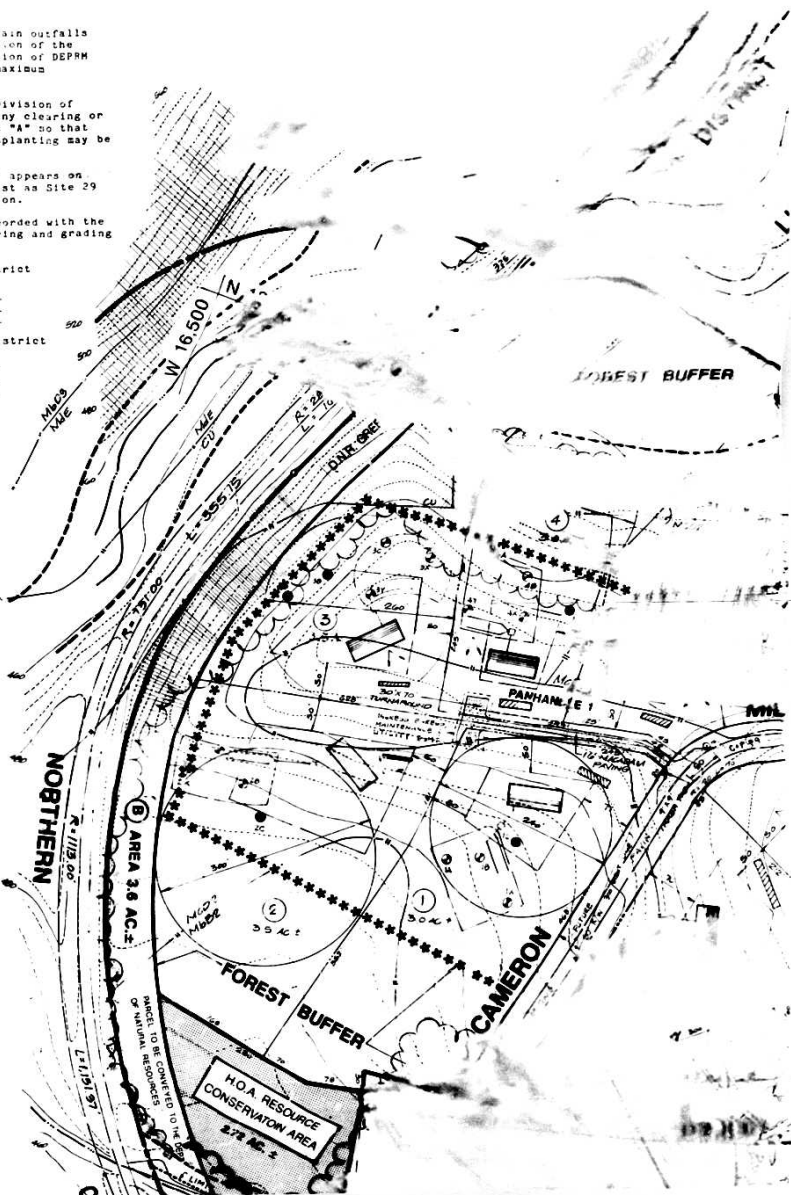
City	320
Field	440
Elementary School District	5
Grade	354
Grade	50
Grade	5

14. Existing trees and vegetation shall be preserved where possible.
15. Soils shall be preserved where possible.
16. Interspersed vegetation shall be preserved where possible.
17. The proposed improvements shall be in accordance with the City of Mankato Comprehensive Zoning Ordinance.
18. The proposed improvements shall be in accordance with the City of Mankato Comprehensive Zoning Ordinance.
19. No more than 10% of any lot may be covered by impermeable surfaces in an R-4 zone.

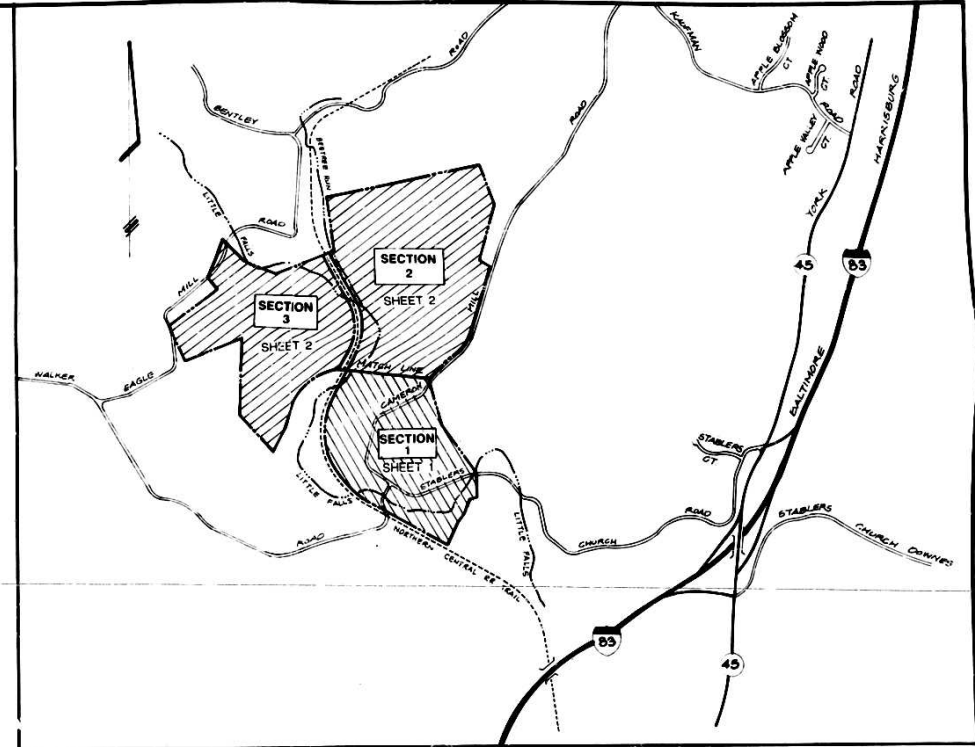
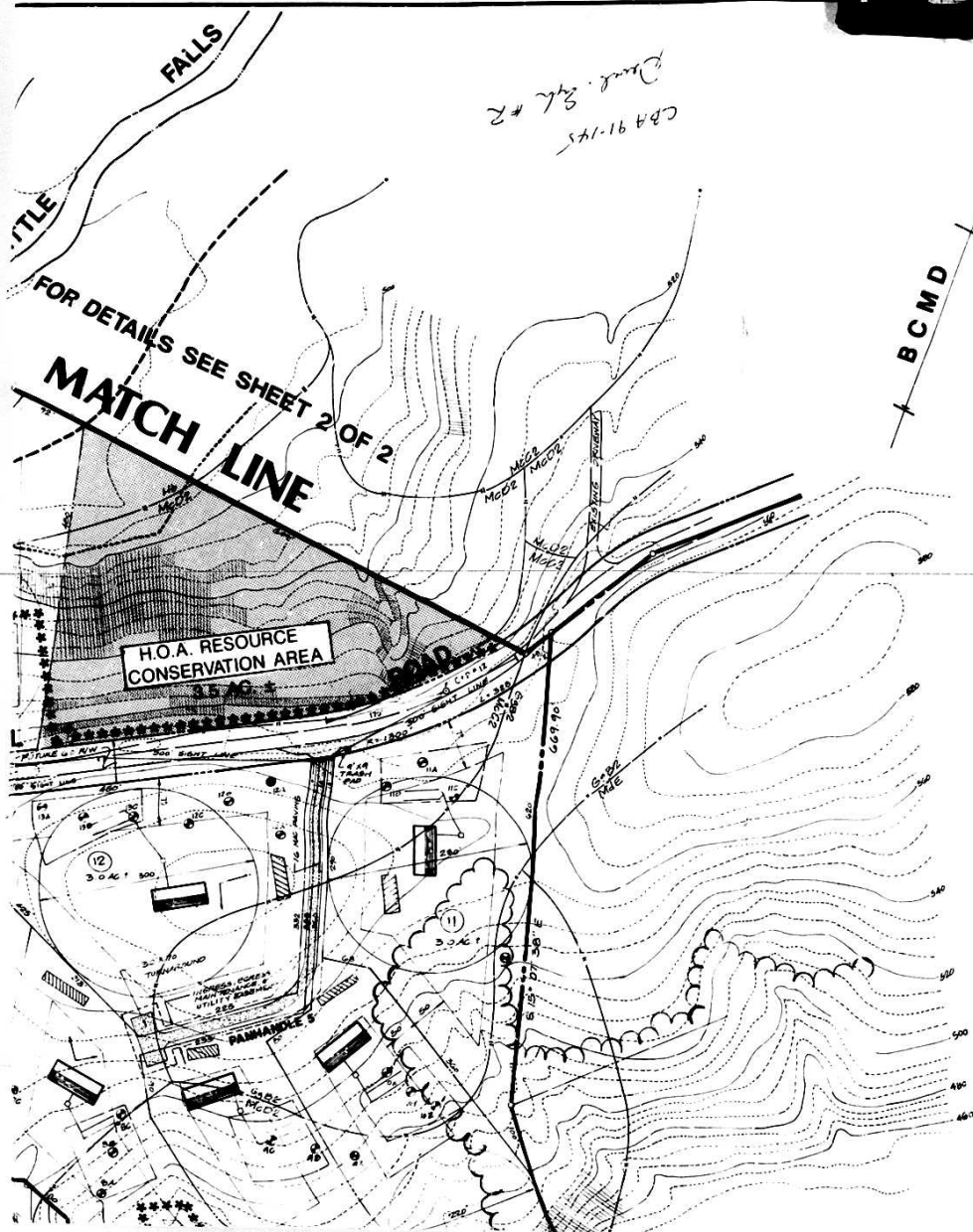
F 4 / 4



PANHANDLE PROFILE



F2/4



VICINITY MAP

SCALE 1"=1000'

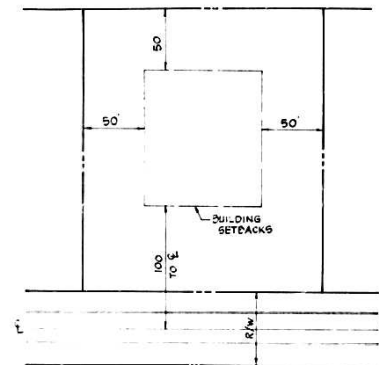
"MILL CREAM SEPT 2"
6/7/147
TRAVIS, RICHARD W & MELIE K
1911 JAMESON MILL RD
DEED No 6004714
ACOT No 07-27-00300

NOTE (LOT 50)

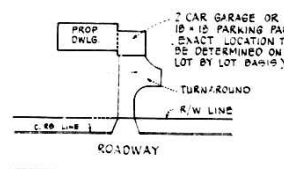
Lot 50 as shown cross-hatched on this sheet and the adjacent road right-of-ways are not part of this CRG Plan. It is being subdivided as Minor Subdivision No. 90443M with a Right

SITE TABULATION

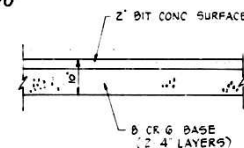
1. Existing Zoning of Property	RC-4 & RC-5
2. Gross Area of Property	(RC-4) 271.8 Ac. (RC-5) 4.4 Ac.
	TOTAL 276.2 Ac.
3. Number of Lots Allowed	(RC-4) 271.8 x .2 = 54 lots (RC-5) 4.4 x .667 = 2 lots
4. Number of Lots Proposed	(RC-4) 52 lots (RC-5) 1 lot
	TOTAL 53 lots
5. Highway Widening Area	
A. Cameron Mill Road	4.0 Ac.
B. Eagle Mill Road	0.8 Ac.
C. Walker Road	0.5 Ac.



TYPICAL LOT SETBACKS



TYPICAL PARKING LAYOUT



PANHANDLE PAVING SECTION

EXISTING CONTOURS
PROPOSED CONTOURS
25% SLOPES OR GREATER
EXISTING STREAMS
WOODS LINE
SOIL TYPES
PROPERTY LINE

PERC TESTS (PASSING)
PERC TESTS (FAILING)
WELL ENVELOPES
PROPOSED PAVING
DIRECTIONAL ARROW
PROPOSED STREET LIGHTS
LOT NUMBER



Engineering - Surveying - Real Estate Development
SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY MARYLAND 21030
(301) 527-1555

[illegible]

SOIL TYPES & LIMITATIONS						
TYPE	CLASS	FILTER FIELD	HOMESTET W/IRFANTE	HOMESTET W/IRBSMTE	STREET PAVING LOT	MITIGATION
WED SAND SAND MUDS MUDS MUDS MUDS	D	SLIGHT	SLIGHT	SLIGHT	MODERATE SLOPE	SEE GENERAL NOTE 2
NJE MUDS MUDS	E	MODERATE SLOPE	MODERATE SLOPE	MODERATE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 2
NJE MUDS MUDS	D	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 2
CV	✓	SEVERE MODERATELY HIGH WATER TABLE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	NOT TO BE DISTURBED
SD	L	SEVERE HIGH WATER TABLE POOR NATURAL DRAINAGE, SLOPE IMPEDIMENT	SEVERE HIGH WATER TABLE POOR NATURAL DRAINAGE	SEVERE HIGH WATER TABLE POOR NATURAL DRAINAGE	SEVERE HIGH WATER TABLE POOR NATURAL DRAINAGE	NOT TO BE DISTURBED
SD	C	SEVERE HIGH WATER TABLE MODERATELY SLOPE PERMEABILITY	HIGH WATER TABLE	MODERATE HIGH WATER TABLE	SEVERE HIGH WATER TABLE	NOT TO BE DISTURBED
HD	D	SEVERE HIGH WATER TABLE, FLOODING HAZARD	SEVERE HIGH WATER TABLE, FLOODING HAZARD	SEVERE HIGH WATER TABLE, FLOODING HAZARD	SEVERE HIGH WATER TABLE, FLOODING HAZARD	NOT TO BE DISTURBED
CV	B	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	NOT TO BE DISTURBED

1. Included "additional"
2. Added well envelope
septic area for Lot
3. Added trash pads for
4. Labeled "Baltimore"

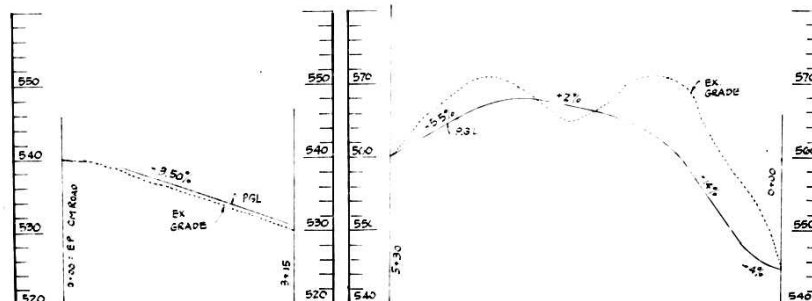
F 3 / 4

GENERAL NOTES

- This site is designated as a Resource Conservation Area by the Baltimore County Master Plan.
- This site lies within Census Tract Nos. 4050 and 4071.
- This site lies within Councilmanic District No. 3.
- This site lies within Watershed No. 14.
- This site lies within Subsewered No. 81.
- All proposed lots are for single family residential use and will be for sale.
- Existing land use is agricultural, residential, and vacant woods. (See Land Use Table.)
- To the best of our knowledge, there are no wetland areas, archaeological sites, endangered species habitats or hazardous materials on this site.
- Trash is to be collected by Baltimore County.
- Individual lot grading will be accomplished by the home building contractor.
- A waiver to the storm water management requirements has been applied for.
- No local open space is required.
- Topography shown hereon is taken from Baltimore County 200 scale topography.
- Existing trees and vegetation are to be preserved where possible. No more than 25% of the natural vegetation may be removed.
- Soils shown hereon are taken from Baltimore County Soil Survey Maps.
- Lots shown hereon will operate on private well and septic systems.
- Average daily trips 63 x 12.4 = 667.
- This proposed development is in close proximity to active agricultural operations. It is the developer's responsibility to advise future homeowners that agriculture has a preferred use status and the odors, noise, dust, farm equipment, livestock and the use of agricultural chemicals (pesticides, fertilizer, herbicides, and other control agents) are in active use.
- No more than 10% of any lot may be covered by impermeable surfaces in an RC-4 zone.
- Covenants shall be recorded to restrict the limits of disturbance on each lot.
- Mitigated measures for soils with limitations due to steep slopes.
 - No areas with 25% or greater slopes will be disturbed.
 - All disturbed areas will be stabilized with permanent seeding and vegetation.
 - Whenever possible, runoff will be diverted away from severe slopes.
 - Storm drain outfalls will be designated so as to spread runoff and avoid concentrated flows.
- Flood plains shown hereon are taken from National Flood Insurance Program Firm Map No. 240010 0050 B.
- The developer will comply with all applicable ZONING requirements.
- FOR PANHANDLE LOTS - Refuse collection, snow removal, and roadway maintenance shall be provided to the junction of the panhandle and street right-of-way line only, and not onto the panhandle driveway. Maintenance agreements governing the use of the panhandles shall be recorded. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first.
- WATER QUALITY NOTE - All storm drain outfalls will be designed under the direction of the Environmental Impact Review Division of DEPRM to achieve minimal erosion with maximum infiltration.
- The Environmental Impact Review Division of DEPRM will be notified prior to any clearing or grading operations begin for Road "A" so that any wildplants suitable for transplanting may be evaluated by their office.
- Lot 50 contains a structure which appears on the Final Historical Landmarks List as Site 29 Cameron Miller's House near Parkton.
- Restrictive covenants will be recorded with the lots limiting the amount of clearing and grading to 10,000 square feet.
- Pretty Boy Elementary School District

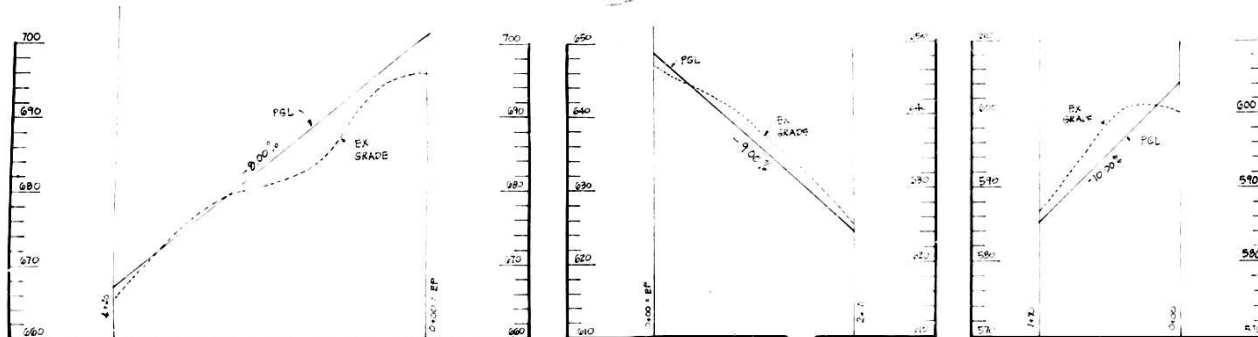
School Capacity	320
1990 Enrollment	440
Estimated Pupil Yield	5
- 7th District Elementary School District

School Capacity	354
1990 Enrollment	281
Estimated Pupil Yield	8



PANHANDLE 1

PANHANDLE 5

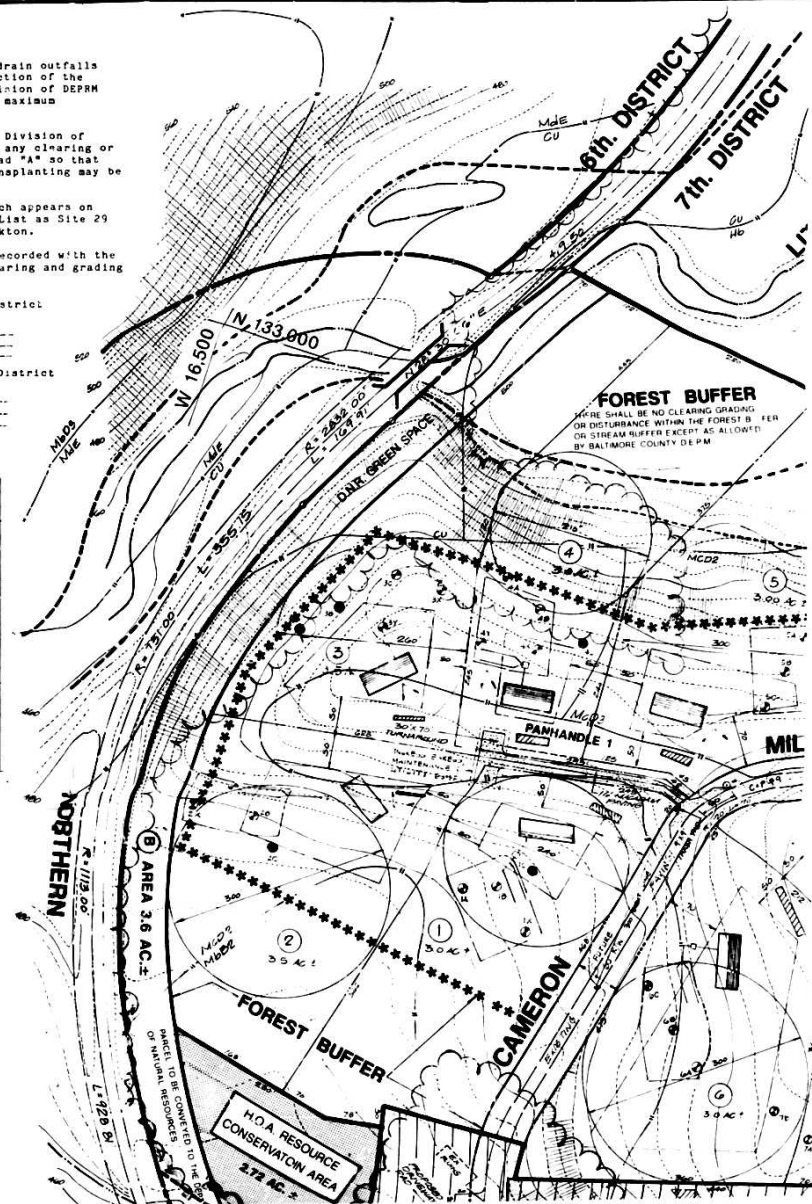


PANHANDLE 2

PANHANDLE 3

PANHANDLE 4

PANHANDLE PROFILES



AVAILABILITY OF GROUND WATER

by
Mark T. Duigon

NATURE OF OCCURRENCE

Ground water in the Piedmont province occurs chiefly in fractures in the crystalline metamorphic rocks, and in the pore spaces of the overlying, unconsolidated material. Interacting fractures allow greater quantities of water to be removed. Fractures tend to become fewer, in number and the water tends to the fractures tend to become deeper with increasing depth (Loftman, 1953) consequently, the rate at which water can flow through the rocks, and the amount of water stored in the fractures decrease as greater depths. The vertical depth to drill a well also involves economic factors. Generally speaking, a domestic well in crystalline rock should be less than 250 ft deep (Davis and York, 1966). If a sufficient quantity of water is not obtained after drilling to this depth, the total cost of drilling deeper rather than drilling elsewhere is offset by the lower probability of obtaining more water.

The water, pumped from a well is commonly derived from storage in the overlying material (unconsolidated) and transmitted through the rock fractures. The rocks themselves have little storage ability. The permeability and storage capacity, due to the network of fractures, controls the yield of a well.

The overburden provides insulation for downward-percolating water. Rock fractures have very little ability to renovate water. If contaminated water passes through an inefficient network of overburden, it can pass unfiltered through the rock fractures and into a water-supply system.

Because a successful well must intersect water-bearing fractures, the selection of a well site should minimize the probability of drilling through fractures. Some rocks tend to fracture more readily than others; some rocks weather more readily, thereby enlarging existing fractures. The rocks underlying the New Freedom quadrangle are relatively uniform schists (Prestonville Schist, Pleasant Grove Schist, and Pinyon Schist; Crowley, 1976), so factors other than rock type affect well yield. Topography, in some cases, is related to major fracture zones, and can be readily assessed on a topographic map or in the field. Wells in valleys and along generally have higher yields than wells on hillsides.

An analysis of linear features aids in selecting the optimum site for a well. In some places, these features, called lineaments, are related to some of more intense fracturing. The features are identified by linear segments of stream channels, linear soil or vegetation line patterns, and alignment of some geological features. They can be seen on topographic maps and aerial photographs, but need to be field-checked for verification. Although fractures can occur anywhere, the probability of drilling a well that will intersect at least one water-bearing fracture is increased by choosing a site suspected of being in a zone of greater fracture density.

EXPLANATION

All of the New Freedom quadrangle is equivalent to what has been mapped as Geologic Unit 3 in adjacent quadrangles. Although it is considered one unit, there is a good deal of variability in yield. Only wells pumped for 3 or more hours were used to derive the tabulated statistics. This time period was selected because specific capacity (discharge, in gpm, divided by drawdown, in ft) decreases with duration of pumping, but at a rate that also decreases with time.

	Sum	Mean	Max	Standard deviation
Reported yield (gpm)	0-22	6	5.7	5.25
Specific capacity (gpm/ft drawdown)	0.00-2.3	.10	.36	.320
Well depth (ft)	57-225	160	182	90.62

NUMBER OF WELLS: 121

Figure 1 shows distribution of well yields calculated from specific capacities. Figure 2 is a cumulative frequency curve for specific capacity of wells in the New Freedom quadrangle.

- Lineaments
- Well with reported yield less than 2 gpm.
 - Well with reported yield greater than 2 gpm.

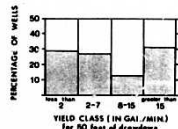


Figure 1.-- Distribution of well yields in the New Freedom quadrangle (121 wells).

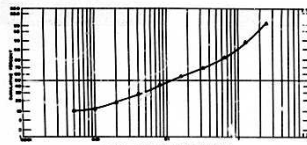


Figure 2.-- Cumulative distribution of well specific capacities in the New Freedom quadrangle (121 wells).

SELECTED REFERENCES

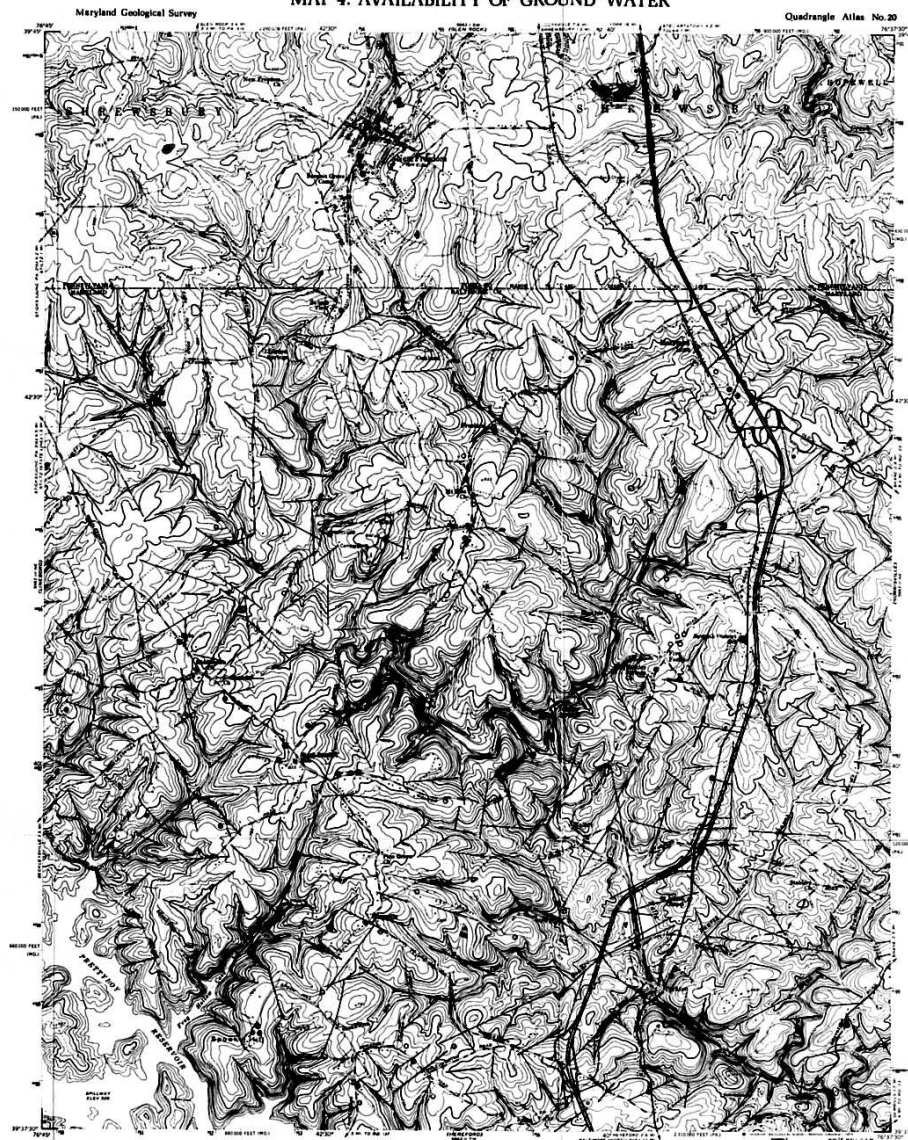
- Crowley, M. P., 1976, The geology of the crystalline rocks near Baltimore and its bearing on the evolution of the eastern Maryland Piedmont: Maryland Geological Survey Report of Investigations No. 27, 40 p.
- Davis, S. B., and York, L. J., 1966, Optimum depth of wells in crystalline rocks: Ground Water, v. 5, no. 2, p. 8-11.
- Ellis, E. R., 1968, Occurrence of water in crystalline rocks: U.S. Geological Survey Water-Supply Paper 180, p. 19-28.
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HYDROGEOLOGIC ATLAS

NEW FREEDOM QUADRANGLE

BALTIMORE COUNTY, MARYLAND

MAP 4. AVAILABILITY OF GROUND WATER



Topography from aerial photographs by photogrammetric methods 1964. Aerial photographs taken 1943. Culture revised by the Geological Survey 1956. Photorevised 1971.



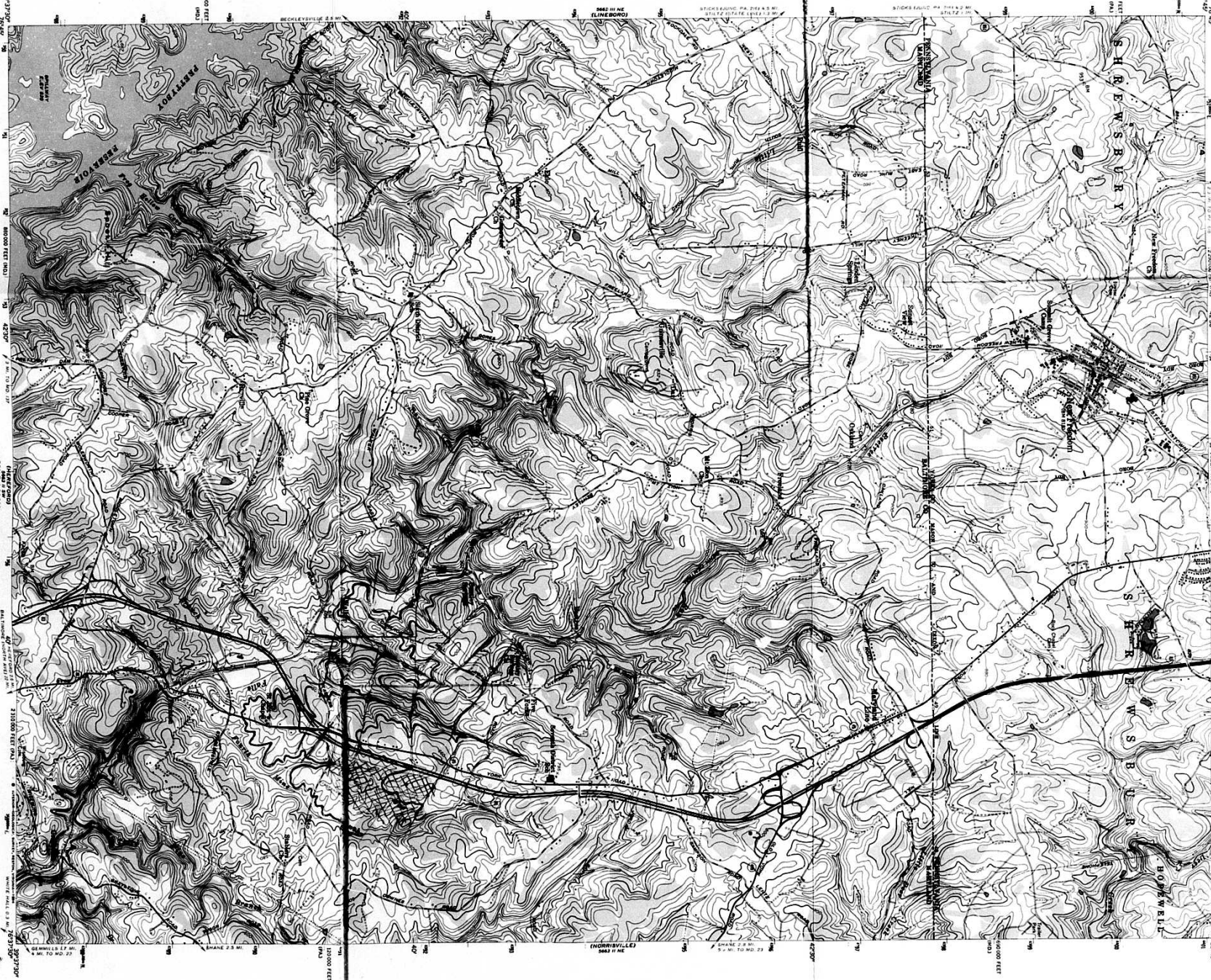
CONTOUR INTERVAL, 50 FEET
NATIONAL GEODETIC SURVEY, DATUM OF 1929

1983

Part 3
91-145
2/15/82

NEW FREEDOM QUADRANGLE
MARYLAND - PENNSYLVANIA
7.5 MINUTE SERIES (TOPOGRAPHIC)

15C
BOSTON
Proctor 10

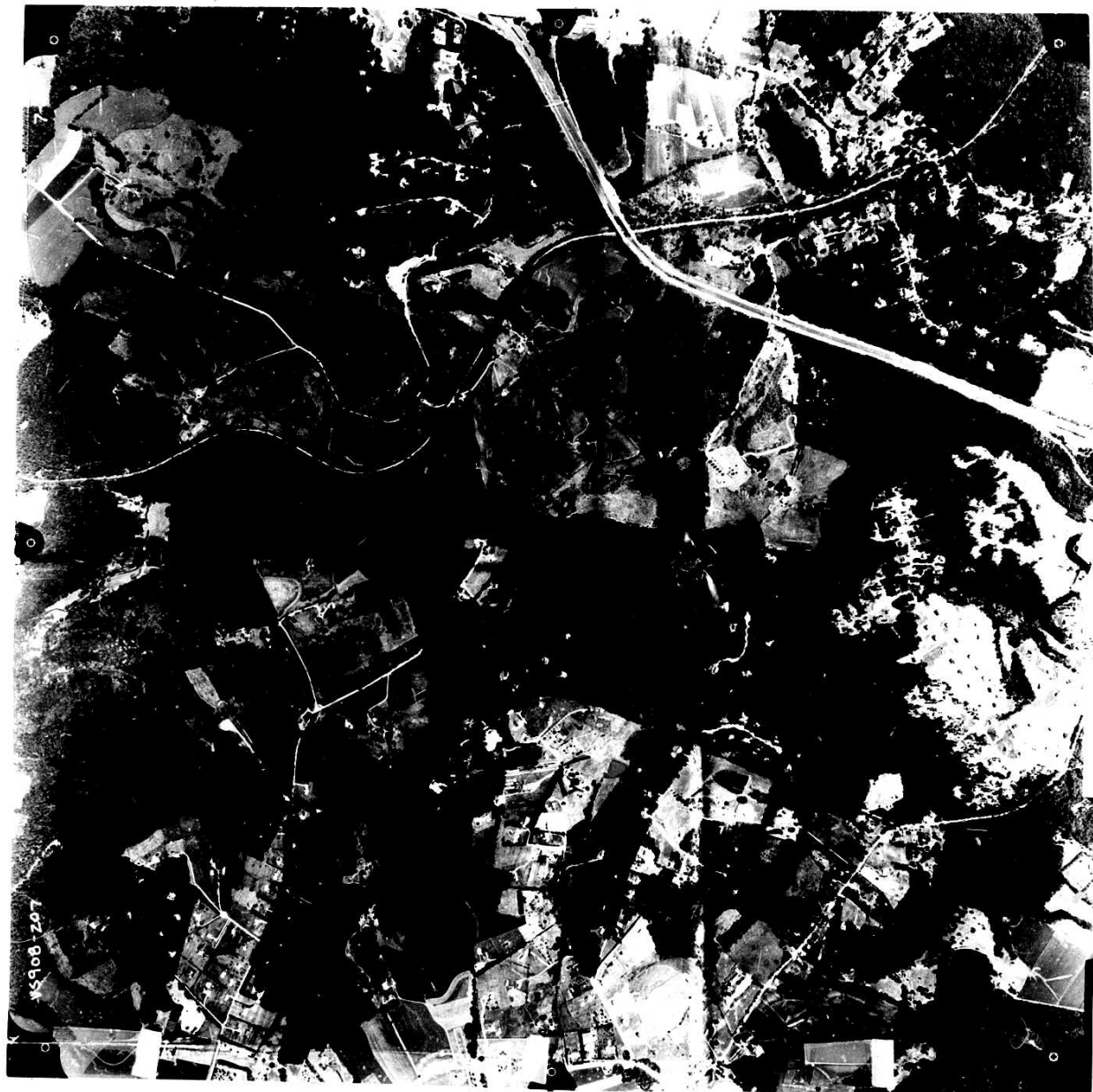


ROAD CLASSIFICATION

Heavy duty	_____	Light duty	_____
Medium-duty	_____	Unimproved dirt	

☐ U. S. Route ☐ State Route

NEW FREEDOM, MD.—PA
1948
N 3937.5—W 7637.5/7.5
PHOTOREPROD 1974
AMS 5643 II HV—SERIES 7633



KS908-207

6th. & 7th. Election Districts Baltimore County, Md.
Scale: 1"=100' FEBRUARY 5, 1991

OWNER

RUTH ANN DEBOTO
1491 WHITE HALL ROAD
WHITE HALL, MD 21161
TAX MAP 12 - PARCELS 15, 17, AND 179
DEEDS - E.H.K. JR. 6015/406 + 6445/175
ACCOUNT NOS 07-09-000015 16-00-00467
18-00-014127, 19-00-010186

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
McKEE & ASSOCIATES, INC.
5 SHAWAN RD
HUNT VALLEY, MD 21090
(301) 527-1555

Public Services C.R.G. No. 90212 Planning No. VII-244

- - forest buffer
- - wetlands
- - steep slopes

"MILLSTREAM SECT 2"
D 571147
TRACEY, RICHARD W & MELIE K.
1919 CAMERON MILL RD
DEED No 604714
ACT No 07-00-00800

NOTE (LOT 50)

Lot 50 as shown cross-hatched on this sheet and the adjacent road right-of-ways are not part of this CRG Plan. It is being subdivided as Minor Subdivision No. 90443M with a Right of-way plat prepared for the Public Road Dedication. The acreage of this portion of ground, however, has been included in the density notes at the request of the Zoning Office for purposes of density confirmation only.

NOTE:

This property as shown on the plan has been held intact by the ownership shown since March 22, 1979. The Developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been unlinked, recorded or represented as density or area to support any off-site dwellings.

**PLANNING BOARD RECOMMENDATIONS
(CONCERNING HISTORIC LOT 50)**

The following recommendations as adopted by the Planning Board by resolution dated December 7, 1990 have been compiled with and are reflected on this plan:

- Accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stablers Church Roads, reduce the width to 45 feet.
- Enlarge "Lot 50" to approximately 5.6 acres, including about 1.2 acres on the west/south side of Cameron Mill Road.
- Protect the springhouse as well as the existing historic dwelling to be renovated and restored subject to approval by the Landmarks Preservation Commission.
- Establish a perpetual easement to protect the cemetery and to allow pedestrian access.

ADDITIONAL NOTES

- Where proposed sewage disposal areas fall within the forest buffer, DEPDM will allow disturbance for installation or replacement of septic system only.
- Cameron Mill Road is maintained by Baltimore County from Stablers Church Road to the intersection of the proposed right-of-way.
- This site is partially located within the Pottersville elementary school district where enrollment exceeds capacity by 205 or more as designated on the Interim Control Map (ICM) adopted by the County Council. Processing at this time of Section Three of this development (Lots 13 through 28 inclusive) shall occur up to but not including the point of signature of the grading permit building permit, public works agreement, and record plat.

ZONING REQUESTS

LOT VARIANCES

Requesting a variance to Section 1803.4.B.3 of the Baltimore County Zoning Regulations for Lots 1, 2, 4, 7, 9, 10, 11, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 36, 37, 38, 42, 43, 44, 45, 46, 47, 48, 49, 50 to permit a minimum diametral dimension of less than the required 300 feet for each lot. The specific diametral dimensions requested for each lot are as follows:

LOT	DIAMETRAL	LOT	DIAMETRAL	LOT	DIAMETRAL
1	210	18	280	37	220
2	260	19	250	38	250
4	210	22	270	42	250
7	240	23	200	43	185
9	180	24	190	44	180
10	220	25	190	45	180
11	280	26	220	46	190
16	280	27	220	47	200
17	200	28	210	48	230
		29	290	49	200
		36	220		

LOT 53 VARIANCES

- Requesting a variance to Section 101 (definition) to permit an accessory structure (barn) larger than the principle building on the lot.
- Requesting a variance to Section 400.1 to permit an accessory structure (barn) to be located in the side and front yard of the lot.
- Requesting a variance to Section 400.3 to permit a height of an accessory building (barn) of 25 feet in lieu of the maximum permitted height of 15 feet.

SITE TABULATION

1. Existing Zoning of Property	(RC-4 & RC-5)
2. Gross Area of Property	(RC-4) 271.8 Ac. (RC-5) 4.8 Ac.
	TOTAL 276.6 Ac.
3. Number of Lots Allowed	(RC-4) 271.8 x .2 = 54 lots (RC-5) 4.8 x .667 = 3.2 lots
4. Number of Lots Proposed	(RC-4) 52 lots (RC-5) 1 lot
	TOTAL 53 lots
5. Highway Widening Area	
A. Cameron Mill Road	4.0 Ac.
B. Eagle Hill Road	0.4 Ac.
C. Walter Road	0.5 Ac.
D. Stablers Church Road	1.7 Ac.
	TOTAL 7.0 Ac.
6. Road Dedication	
A. Road A	1.4 Ac.
B. Road B	2.4 Ac.
C. Road C	0.6 Ac.
	TOTAL 4.4 Ac.
7. HMA Resource Conservation Area	66.7 Ac.
8. DMW Green Space	17.5 Ac.
9. Net Area of Lots	180.6 Ac.
10. Average Lot Size	3.4 Ac.

**BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP**

This Plan Was Reviewed By The CRG On
3-14-91 With The Following Action: **Plan Approved**

PLAN APPROVED

Plan Approved DRW: *[Signature]*
Plan Approved CRP: *[Signature]*
Approval Expiration Date: 3-14-94

Plan Disapproved: _____
Continued Mfg. Required: _____
Plan Referred To Plan, B4: _____



**C.R.G. PLAN
SECTIONS ONE, TWO, AND THREE**

CAMERON MILL

SHEET 1 OF 2

6th. & 7th. Election Districts Baltimore County, Md.
Scale: 1"=100' February 6, 1991

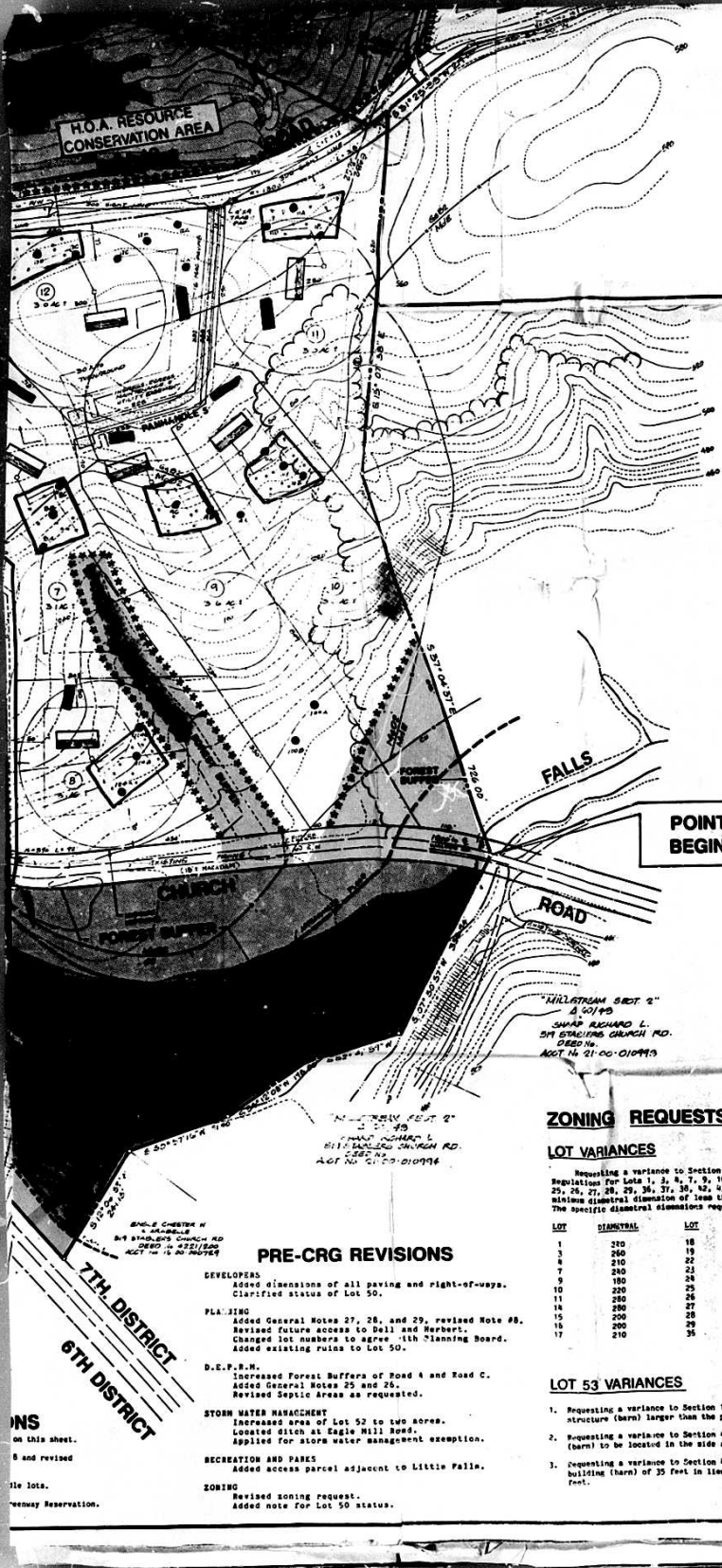
OWNER

RUTH ANN DEBOTO
1491 WHITE HALL ROAD
WHITE HALL, MD 21161
TAX MAP 12 - PARCELS 15, 17, AND 179
DEEDS - E.H.K. JR. 6015/406 + 6445/175
ACCOUNT NOS 07-09-000015 16-00-00467
18-00-014127, 19-00-010186

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
McKEE & ASSOCIATES, INC.
5 SHAWAN RD
HUNT VALLEY, MD 21090
(301) 527-1555

Public Services CRG No. 90212 Planning No. VII-244



PRE-CRG REVISIONS

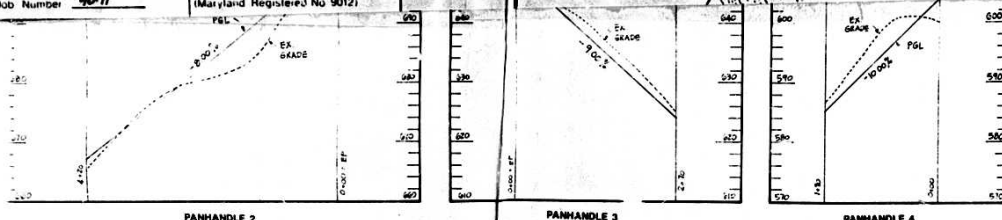
- DEVELOPERS**
Added dimensions of all paving and right-of-ways.
Clarified status of Lot 50.
- PLA/JIB**
Added General Notes 27, 28, and 29, revised Note #8.
Revised future access to Bell and Herbert.
Changed lot numbers to agree with Planning Board.
Added existing rules to Lot 50.
- D.E.F.R.M.**
Increased Forest Buffers of Road A and Road C.
Added General Notes 25 and 26.
Revised Septic Areas as requested.
- STORM WATER MANAGEMENT**
Increased area of Lot 52 to two acres.
Located ditch at Eagle Hill Road.
Applied for storm water management exception.
- RECREATION AND PARES**
Added access parcel adjacent to Little Falls.
- ZONING**
Revised zoning request.
Added note for Lot 50 status.

DETAIL 'A'
SCALE 1"=50'

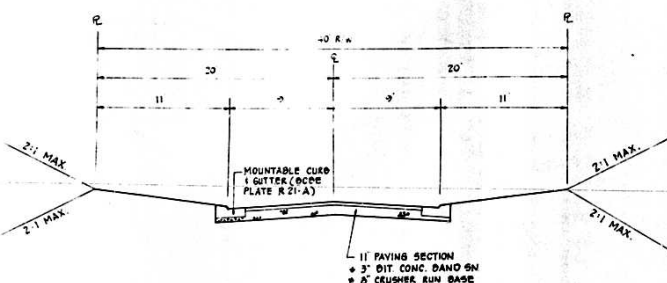
McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

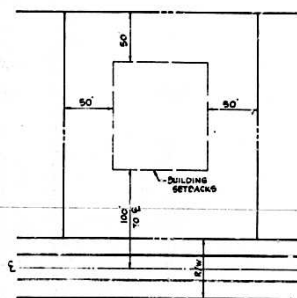
Computed by: GCS
Drawn by: JCK
Checked by: GCS
Job Number: 90-11
James W. McKee Date: (Maryland Registered No. 9012)



PANHANDLE PROFILES
SCALE: HOR. 1"=100' VERT. 1"=10'



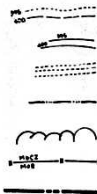
PAVING SECTION
40'RW - 18' PAVING



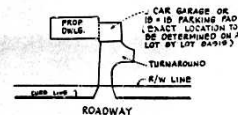
TYPICAL LOT SETBACKS
(R-4 LOTS ONLY)

LEGEND

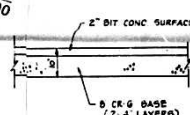
EXISTING CONTOURS
PROPOSED CONTOURS
25% SLOPES OR GREATER
EXISTING STREAMS
WOODS LINE
SOIL TYPES
PROPERTY LINE



PERC TESTS (PASSING)
PERC TESTS (FAILING)
WELL ENVELOPES
PROPOSED PAVING
DIRECTIONAL ARROW
PROPOSED STREET LIGHTS
LOT NUMBER



TYPICAL PARKING LAYOUT



PANHANDLE PAVING SECTION

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by: GCS
Drawn by: JCK
Checked by: GCS
Job Number: 90-11

James W. McKee Date: (Maryland Registered No. 9012)

DATE	REVISION
1/14/11	AS PER MR. CRG'S MEETING COMMENTS (SEE LIST)
4/1/11	AS PER CRG MEETING COMMENTS (SEE LIST)

SOIL TYPES & LIMITATIONS						
TYPE	CLASS	FILTER FIELDS	HOME/SITES "A" / RENTS	HOME/SITES "B" / RENTS	STREETS / PARKING LOTS	MITIGATION
10	D	SLIGHT	SLIGHT	SLIGHT	SEVERE / SLOPE	SEE GENERAL NOTE 21
11	D	MODERATE / SLOPE	MODERATE / SLOPE	MODERATE / SLOPE	SEVERE / SLOPE	SEE GENERAL NOTE 21
12	E	SEVERE / SLOPE	SEVERE / SLOPE	SEVERE / SLOPE	SEVERE / SLOPE	SEE GENERAL NOTE 21
13	G	SEVERE / MODERATE / HIGH WATER TABLE	SEVERE / MODERATE / HIGH WATER TABLE	SEVERE / MODERATE / HIGH WATER TABLE	SEVERE / MODERATE / HIGH WATER TABLE	NOT TO BE DISTURBED
14	D	SEVERE / HIGH WATER TABLE / POOR NATURAL DRAINAGE	SEVERE / HIGH WATER TABLE / POOR NATURAL DRAINAGE	SEVERE / HIGH WATER TABLE / POOR NATURAL DRAINAGE	SEVERE / HIGH WATER TABLE / POOR NATURAL DRAINAGE	NOT TO BE DISTURBED
15	C	MODERATE / HIGH WATER TABLE / MODERATE / SLOPE	MODERATE / HIGH WATER TABLE / MODERATE / SLOPE	MODERATE / HIGH WATER TABLE / MODERATE / SLOPE	MODERATE / HIGH WATER TABLE / MODERATE / SLOPE	NOT TO BE DISTURBED
16	D	SEVERE / HIGH WATER TABLE / MODERATE / SLOPE	SEVERE / HIGH WATER TABLE / MODERATE / SLOPE	SEVERE / HIGH WATER TABLE / MODERATE / SLOPE	SEVERE / HIGH WATER TABLE / MODERATE / SLOPE	NOT TO BE DISTURBED
17	D	SEVERE / HIGH WATER TABLE / MODERATE / SLOPE	SEVERE / HIGH WATER TABLE / MODERATE / SLOPE	SEVERE / HIGH WATER TABLE / MODERATE / SLOPE	SEVERE / HIGH WATER TABLE / MODERATE / SLOPE	NOT TO BE DISTURBED

CRG REVISIC

- Included "additional notes"
- Added well envelope for Lot 52.
- Added trash pass for panhandle.
- Labeled "Baltimore County G"

LESLIE CHAMKIN
351 BENTLEY RD.
DEED No. 657/1017
ACT No. 07-20-01017

DELL, JOAN TRAVIS & MIRIAM BEATRICE
347 BENTLEY RD.
DEED No. 1083/33
ACT No. 07-04-02025

HERBERT WILLIAM & CYNTHIA
349 BENTLEY RD.
DEED No. 701/1022
ACT No. 07-03-030102
RC-5

PARCEL "A"
TO BE DEDICATED TO BALTIMORE
COUNTY FOR FUTURE USE IN
FUTURE ACCESS TO HERBERT
PROPERTY AND DELL PROPERTY
0.6 AC.

COMBINED RC-4 / RC-5 LOT AREAS

LOT	RC-4	RC-5	TOTAL
1	1.1 AC.	0.1 AC.	1.2 AC.
2	1.1 AC.	0.1 AC.	1.2 AC.
3	1.1 AC.	0.1 AC.	1.2 AC.
4	1.1 AC.	0.1 AC.	1.2 AC.
5	1.1 AC.	0.1 AC.	1.2 AC.
6	1.1 AC.	0.1 AC.	1.2 AC.
7	1.1 AC.	0.1 AC.	1.2 AC.
8	1.1 AC.	0.1 AC.	1.2 AC.
9	1.1 AC.	0.1 AC.	1.2 AC.
10	1.1 AC.	0.1 AC.	1.2 AC.
11	1.1 AC.	0.1 AC.	1.2 AC.
12	1.1 AC.	0.1 AC.	1.2 AC.
13	1.1 AC.	0.1 AC.	1.2 AC.
14	1.1 AC.	0.1 AC.	1.2 AC.
15	1.1 AC.	0.1 AC.	1.2 AC.
16	1.1 AC.	0.1 AC.	1.2 AC.
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18	1.1 AC.	0.1 AC.	1.2 AC.
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23	1.1 AC.	0.1 AC.	1.2 AC.
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25	1.1 AC.	0.1 AC.	1.2 AC.
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28	1.1 AC.	0.1 AC.	1.2 AC.
29	1.1 AC.	0.1 AC.	1.2 AC.
30	1.1 AC.	0.1 AC.	1.2 AC.
31	1.1 AC.	0.1 AC.	1.2 AC.
32	1.1 AC.	0.1 AC.	1.2 AC.
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47	1.1 AC.	0.1 AC.	1.2 AC.
48	1.1 AC.	0.1 AC.	1.2 AC.
49	1.1 AC.	0.1 AC.	1.2 AC.
50	1.1 AC.	0.1 AC.	1.2 AC.
51	1.1 AC.	0.1 AC.	1.2 AC.
52	1.1 AC.	0.1 AC.	1.2 AC.
53	1.1 AC.	0.1 AC.	1.2 AC.
54	1.1 AC.	0.1 AC.	1.2 AC.
55	1.1 AC.	0.1 AC.	1.2 AC.
56	1.1 AC.	0.1 AC.	1.2 AC.
57	1.1 AC.	0.1 AC.	1.2 AC.
58	1.1 AC.	0.1 AC.	1.2 AC.
59	1.1 AC.	0.1 AC.	1.2 AC.
60	1.1 AC.	0.1 AC.	1.2 AC.
61	1.1 AC.	0.1 AC.	1.2 AC.
62	1.1 AC.	0.1 AC.	1.2 AC.
63	1.1 AC.	0.1 AC.	1.2 AC.
64	1.1 AC.	0.1 AC.	1.2 AC.
65	1.1 AC.	0.1 AC.	1.2 AC.
66	1.1 AC.	0.1 AC.	1.2 AC.
67	1.1 AC.	0.1 AC.	1.2 AC.
68	1.1 AC.	0.1 AC.	1.2 AC.
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71	1.1 AC.	0.1 AC.	1.2 AC.
72	1.1 AC.	0.1 AC.	1.2 AC.
73	1.1 AC.	0.1 AC.	1.2 AC.
74	1.1 AC.	0.1 AC.	1.2 AC.
75	1.1 AC.	0.1 AC.	1.2 AC.
76	1.1 AC.	0.1 AC.	1.2 AC.
77	1.1 AC.	0.1 AC.	1.2 AC.
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79	1.1 AC.	0.1 AC.	1.2 AC.
80	1.1 AC.	0.1 AC.	1.2 AC.
81	1.1 AC.	0.1 AC.	1.2 AC.
82	1.1 AC.	0.1 AC.	1.2 AC.
83	1.1 AC.	0.1 AC.	1.2 AC.
84	1.1 AC.	0.1 AC.	1.2 AC.
85	1.1 AC.	0.1 AC.	1.2 AC.
86	1.1 AC.	0.1 AC.	1.2 AC.
87	1.1 AC.	0.1 AC.	1.2 AC.
88	1.1 AC.	0.1 AC.	1.2 AC.
89	1.1 AC.	0.1 AC.	1.2 AC.
90	1.1 AC.	0.1 AC.	1.2 AC.
91	1.1 AC.	0.1 AC.	1.2 AC.
92	1.1 AC.	0.1 AC.	1.2 AC.
93	1.1 AC.	0.1 AC.	1.2 AC.
94	1.1 AC.	0.1 AC.	1.2 AC.
95	1.1 AC.	0.1 AC.	1.2 AC.
96	1.1 AC.	0.1 AC.	1.2 AC.
97	1.1 AC.	0.1 AC.	1.2 AC.
98	1.1 AC.	0.1 AC.	1.2 AC.
99	1.1 AC.	0.1 AC.	1.2 AC.
100	1.1 AC.	0.1 AC.	1.2 AC.

N 136,000' W 14,000'

BCMD

F3/4

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP

This Plan Was Reviewed By The CRG On
3-14-94

APPROVED

Joseph V. Mena

3-14-94

Plan Reference

C.R.G. PLAN

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

□ - septic area

■ - well area



BARN

HOUSE

DETAIL 'B'

NO SCALE

LRG 2D HOLDING CO
 293 MONUMENT ST
 250 W. 06-12-0207
 77 No 4516/94

CREST BUFFER

PROVIDE COVENANTS GOVERNING
THE USE OF THE FOREST BUFFER
EASEMENTS SHALL BE RECORDED IN THE
LAND RECORDS OF BALTIMORE COUNTY
AT THE TIME OF PLAT RECORDATION
THESE COVENANTS SHALL RUN WITH THE
LAND AND CONTINUE IN PERPETUITY

6th. DISTRICT

7th. DISTRICT

BEE TREE

N 71° 53' 48" E

RONALD KILBY
7579 / 729
ACCT NO. 142074100

SEE DETAIL 'A'

ROY & MARY WALLACE
2544/779
ACCT NO 1800017861

ANDRELL & BETTY CLEVER
39160 714
ACCT NO 0602047130

HARDY ELEANOR MERRYMAN
EAGLE MILL RD.
DEED No. 51111
NOT No. 17-00/09722
VACANT

FOREST BUFFER

**H.O.A RESOURCE
CONSERVATION AREA**

EXISTING HIGHWAY

747 OF
TJ' CHINGBAUGH PROPERTY
46 '30

LEAVING
PAYING (172) -
(24 HOURS)

ROAD 'A'

SECRET

CAMERON MILL

SHEET 2 OF 2

6th. & 7th. Election Districts Baltimore County, Md.

Scale: 1"=100'

MAY 9, 1991

OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL, MD 21161

TAX MAP 12 - PARCELS 15, 17, AND 17A
DEEDS ENK, JA. 6015/426 & 6445/175
ACCOUNT NOS: 07-09-000075, 15-00-009467
18-00-014127, 19-00-010186

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
% MCKEE & ASSOCIATES, INC.
5 SHAWAN RD.
HUNT VALLEY, MD 21090
(301) 527-1555

Public Services C.R.G. No. 90212

Planning No. VII-244

SITE TABULATION

1. Existing Zoning of Property	RC-4 & RC-5
2. Gross Area of Property	(RC-4) 211.8 Ac. (RC-5) 8.4 Ac.
	TOTAL 275.2 Ac.
3. Number of Lots Allowed	(RC-4) 211.8 x .2 = 54 lots (RC-5) 8.4 x .667 = 2 lots
4. Number of Lots Proposed	(RC-4) 52 lots (RC-5) 7 lots
	TOTAL 53 lots
5. Highway Widening Area	
A. Cameron Mill Road	8.0 Ac.
B. Eagle Hill Road	0.8 Ac.
C. Walker Road	0.5 Ac.
D. Stabler's Church Road	1.7 Ac.
	TOTAL 7.0 Ac.
6. Road Dedication	
A. Road A	1.4 Ac.
B. Road B	2.4 Ac.
C. Road C	0.6 Ac.
	TOTAL 4.4 Ac.
7. H.O.A. Resource Conservation Area	56.7 Ac.
8. DNR Green Space	17.5 Ac.
9. Net Area of Lots	180.6 Ac.
10. Average Lot Size	3.4 Ac.

NOTE (LOT 50)

Lot 50 as shown cross-hatched on this sheet and the adjacent road right-of-ways are not part of this CRG Plan. It is being subdivided as Minor Subdivision No. 90443M with a Right-of-way plat prepared for the Public Road Dedication. The acreage of this portion of ground, however, has been included in the density notes at the request of the Zoning Office for purposes of density confirmation only.

NOTE:

This property as shown on the plan has been held intact by the ownership shown since March 22, 1979. The Developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings.

PLANNING BOARD RECOMMENDATIONS

(CONCERNING HISTORIC LOT 50)

The following recommendations as adopted by the Planning Board by resolution dated December 7, 1990 have been complied with and are reflected on this plan:

- Accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stabler's Church Road, reduce the width to 45 feet.
- Enlarge "Lot 50" to approximately 5.6 acres, including about 1.2 acres on the west/south side of Cameron Mill Road.
- Protect the springhouse as well as the existing historic dwelling to be renovated and restored subject to approval by the Landmarks Preservation Commission.
- Establish a perpetual easement to protect the cemetery and to allow pedestrian access.

ADDITIONAL NOTES

- Here proposed sewage disposal areas fall within the Forest Buffer, DEPDM will allow disturbance for installation or replacement of septic systems only.
- Cameron Mill Road is maintained by Baltimore County from Stabler's Church Road to Kaufman Road.
- This site is partially located within the Prettysboy elementary school district where enrollment exceeds capacity by 20% or more as designated on the Interim Control Map (ICM) adopted by the County Council. Processing at this time of Section Three of this development (Lots 13 through 29 inclusive) shall occur up to but not including the point of signature of the grading permit building permit, public works agreement, and record plat.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

SHEET 1 OF 2

6th. & 7th. Election Districts Baltimore County, Md.

Scale: 1"=100'

MAY 9, 1991

OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL, MD 21161

TAX MAP 12 - PARCELS 15, 17, AND 17A
DEEDS ENK, JA. 6015/426 & 6445/175
ACCOUNT NOS: 07-09-000075, 15-00-009467
18-00-014127, 19-00-010186

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
% MCKEE & ASSOCIATES, INC.
5 SHAWAN RD.
HUNT VALLEY, MD 21090
(301) 527-1555

Public Services CRG No. 90212

Planning No. VII-244

POINT OF BEGINNING

ZONING REQUESTS

LOT VARIANCES

Requesting a variance to Section 180.4.3.3 of the Baltimore County Zoning Regulations for Lots 1, 3, 4, 7, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 to permit a minimum diagonal dimension of less than the required 30 feet for each lot. The specific diagonal dimensions requested for each lot are as follows:

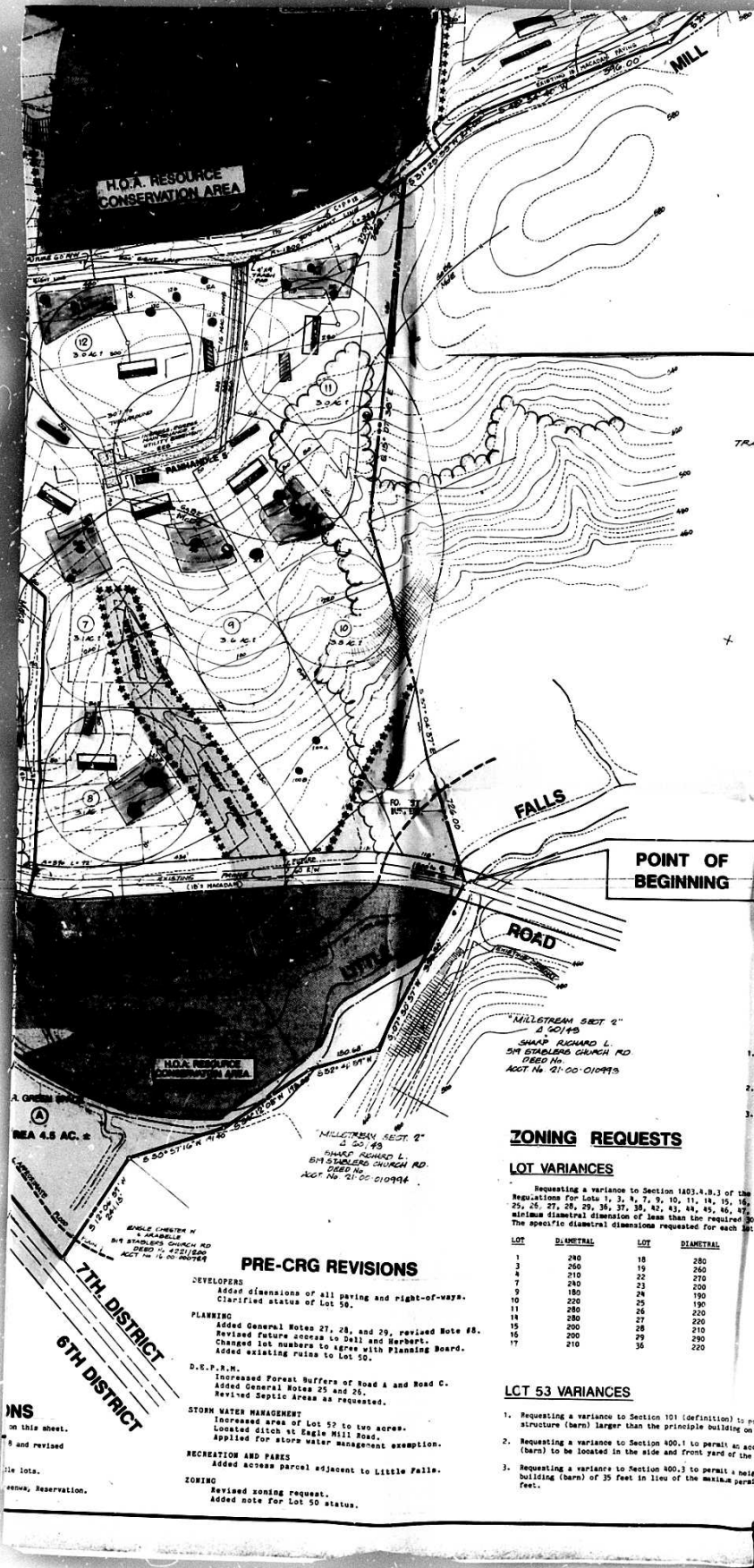
LOT	DIAGONAL	LOT	DIAGONAL	LOT	DIAGONAL
1	240	18	280	37	220
3	260	19	260	38	250
4	210	20	270	42	220
7	240	23	200	43	180
9	180	24	190	44	180
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16	200	29	290	51	200
17	210	36	220		

LOT 53 VARIANCES

- Requesting a variance to Section 101 (definition) to permit an accessory structure (barn) larger than the principal building on the lot.
- Requesting a variance to Section 400.1 to permit an accessory structure (barn) to be located in the side and front yard of the lot.
- Requesting a variance to Section 400.3 to permit a height of an accessory building (barn) of 35 feet in lieu of the maximum permitted height of 15 feet.

PRE-CRG REVISIONS

- DEVELOPERS**
Added dimensions of all paving and right-of-ways.
Clarified status of Lot 50.
- PLANNING**
Added General Notes 27, 28, and 29, revised Note 28.
Revised future access to Dell and Herbert.
Changed lot numbers to agree with Planning Board.
Added existing ruins to Lot 50.
- D.E.P.R.M.**
Increased Forest Buffers of Road A and Road C.
Added General Notes 25 and 26.
Revised Septic Areas as requested.
- STORM WATER MANAGEMENT**
Increased area of Lot 52 to two acres.
Located ditch at Eagle Hill Road.
Applied for storm water management exemption.
- RECREATION AND PARKS**
Added access parcel adjacent to Little Falls.
- ZONING**
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Added note for Lot 50 status.



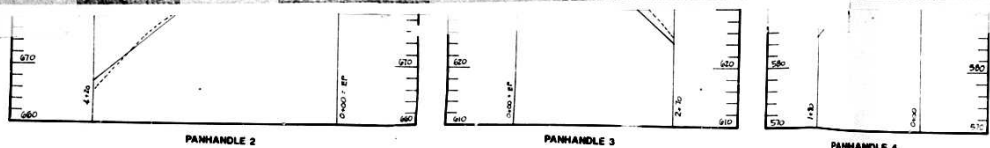
DETAIL 'A' SCALE 1"=50'

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

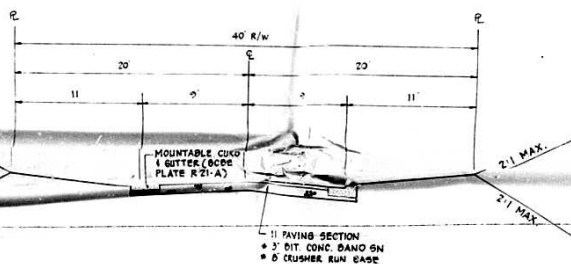
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Drawn by JMK
Checked by GCE
Job Number 90-11

James W. McKee Date 5/2/90
(Maryland Registered No. 9012)



PANHANDLE PROFILES

SCALE: HOR. 1"=100' VERT. 1"=10'



PAVING SECTION 40'RW - 18' PAVING

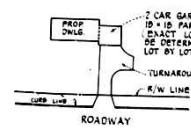
LEGEND

EXISTING CONTOURS
PROPOSED CONTOURS
25% SLOPES OR GREATER
EXISTING STREAMS
WOODS LINE
SOIL TYPES
PROPERTY LINE

PERC TESTS (PASSING)
PERC TESTS (FAILING)
WELL ENVELOPES
PROPOSED PAV'G
DIRECTIONAL ARROW
PROPOSED STREET LIGHTS
LOT NUMBER

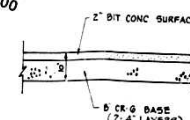


TYPICAL LOT SETBACKS (RC-4 LOTS ONLY)



TYPICAL PARKING LAYOUT

PANHANDLE PAVING SECTION



SOIL TYPES & LIMITATIONS

TYPE	CLASS	FILTER FIELDS	HOMESITES 1/10 PARTS	HOMESITES 1/10 PARTS	STREETS - PARKING LOTS	MITIGATION
CU	D	SLIGHT	SLIGHT	SLIGHT	MODERATE SLOPE	SEE GENERAL NOTE 21
CU	B	MODERATE SLOPE	MODERATE SLOPE	MODERATE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CU	C	SEVERE MODERATELY HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	NOT TO BE DISTURBED
CU	D	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	NOT TO BE DISTURBED
CU	C	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	NOT TO BE DISTURBED
CU	D	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	SEVERE HIGH WATER TABLE FROM NATURAL DRAINAGE	NOT TO BE DISTURBED
CU	B	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	NOT TO BE DISTURBED

CRG REVISION

- Included "additional notes"
- Added well envelope for Lot 52.
- Added trash pads for panhandle
- Labelled "Baltimore County G"

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by GCE
Drawn by JMK
Checked by GCE
Job Number 90-11

James W. McKee Date 5/2/90
(Maryland Registered No. 9012)

DATE	REVISION
5/18/91	5 PER PRE-CRG MEETING COMMENTS (SEE LIST)
7/1/91	AS PER CRG MEETING COMMENTS (SEE LIST)

F2/4

LESLIE CHAMIN
281 BENTLEY RD.
DEED No. 6371/17
ACCT No. 17-20-21817

DELL, JOHN THOMAS & MIRIAM BEATRICE
247 BENTLEY RD.
DEED No. 1889/55
ACCT No. 07-04-080025

HERBERT WILLIAM & CYNTHIA
541 BENTLEY RD.
DEED No. 70/1852
ACCT No. 07-05-130100
RC-5

COMBINED RC-4 / RC-5 LOT AREAS

LOT	RC-4	RC-5	TOTAL
40	3.1 AC±	0.1 AC±	3.2 AC±
41	3.0 AC±	0.4 AC±	3.4 AC±
43	3.0 AC±	3.01 AC±	6.01 AC±
44	3.05 AC±	0.05 AC±	3.1 AC±
51	0.50 AC±	1.50 AC±	2.0 AC±

PARCEL "A"
TO BE DEDICATED TO BALTIMORE
COUNTY FOR FLEXIBILITY IN
FUTURE ACCESS TO HERBERT
PROPERTY AND DELL PROPERTY
0.6 AC±

N 136,000' W 14,000'

EDWARD W. & MELLIE K. TRACEY
2824 7TH AVE.
ACCT No. 07-20-08000
RC-5

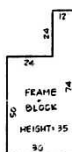
BCMD

TRACEY, RICHARD W. & MELLIE K.
19919 CAMERON MILL RD.
DEED No. 608174
ACCT No. 07-20-06300

PLAT TO ACCOMPANY
PETITION FOR
ZONING VARIANCES
SECTIONS ONE, TWO, AND THREE

F3/4

CAMERON MILL



BARN



HOUSE

DETAIL 'B'

NO SCALE

LEONARD HOLDING CO
4200 E. MONUMENT ST
ACCT. NO. 06-19-060177
DEED NO. 45141, 4

FOREST BUFFER

PROTECTIVE COVENANTS GOVERNING
THE USE OF THE FOREST BUFFER
EASEMENT SHALL BE RECORDED IN THE
LAND RECORDS OF BALTIMORE COUNTY
AT THE TIME OF PLAT RECORDED.
THESE COVENANTS SHALL RUN WITH THE
LAND AND CONTINUE IN PERPETUITY.

W 19,000
N 134,000

W 18,000
N 135,000

RONALD KELLY
1975 / 721
ACCT. NO. 1800014150

SEE DETAIL 'A'

ROY & MARY WALLACE
6594 / 779
ACCT. NO. 1800019861

WINDLE & BETTY BLEVINS
9150 / 716
ACCT. NO. 0602047190

F4/4

EXISTING HIGHWAY
WIDENING

FLAT OR
TALUS/BAULI PROPERTY
40' x 50'

EXISTING
PAVING (15')

ROAD
MILL

ROAD 'A'

M.D.A. RESOURCE
CONSERVATION

6th. DISTRICT

7th. DISTRICT

BEE TREE

CENTRAL

LITTLE

COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, March 14, 1991

CAMERON HILL

Districts 6 & 7 C3

COUNTY REVIEW GROUP - THOSE PRESENT

Les Schreiber, Chairman - Dept. of Public Works
Joe Maranto, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

Larry Pilon - DEPRM
Rahee J. Famili - Traffic Engineering
Pat Kincer - Recreation & Parks
Ed Schmeu - DEPRM/Storm Water Management
James R. Logan - Developers Engineering Division
Wally Lippincott - Office of Planning & Zoning

DEVELOPER AND/OR REPRESENTATIVES

Geoffrey Schultz - McKee & Associates
James McKee - McKee & Associates
Lawrence A. Nelfa - Howard, Butler & Nelfa
Newton A. Williams - Nolan, Plummoff & Williams

INTERESTED CITIES

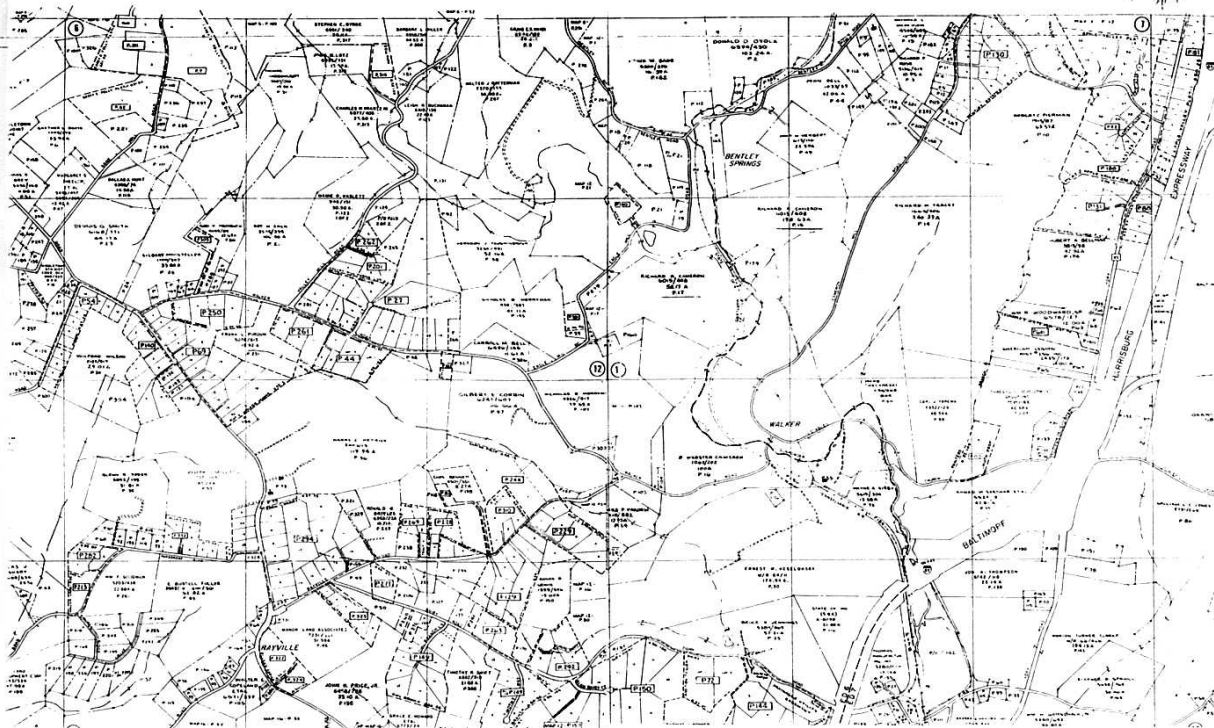
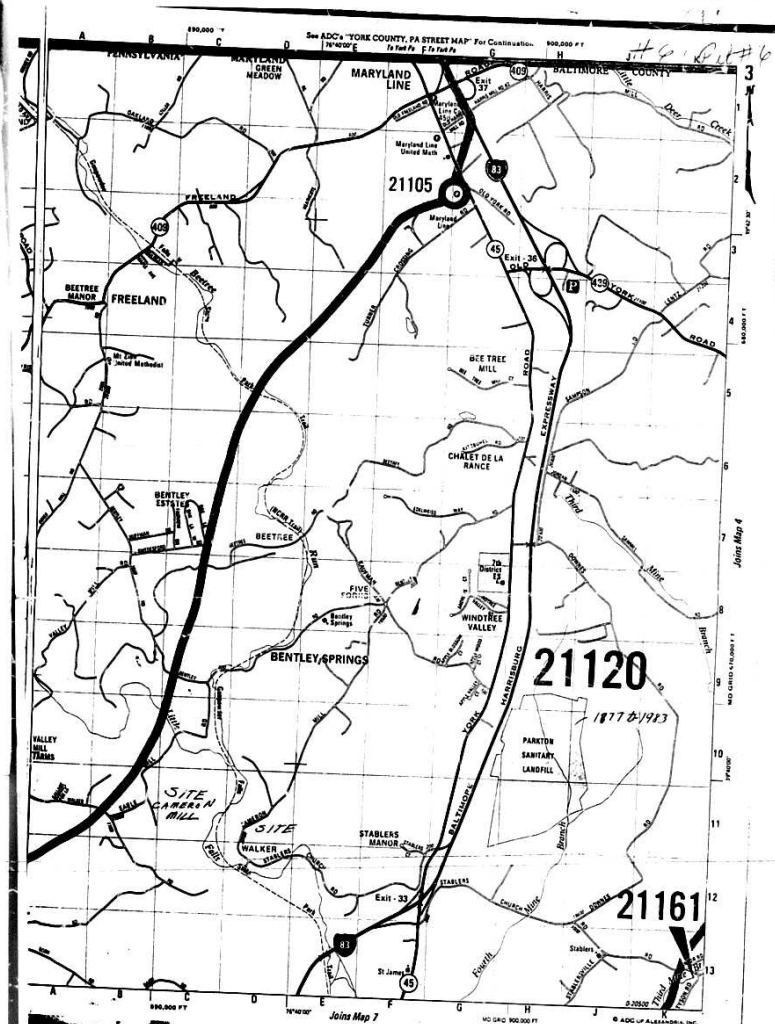
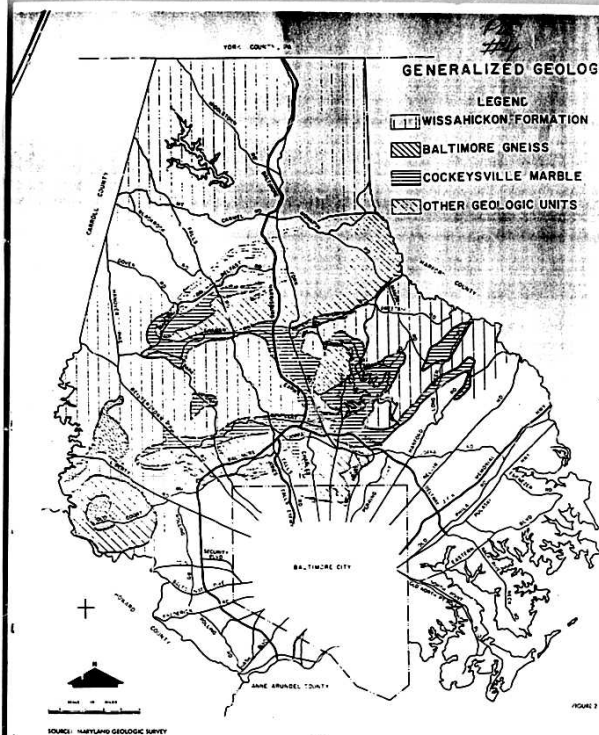
Please See Attached

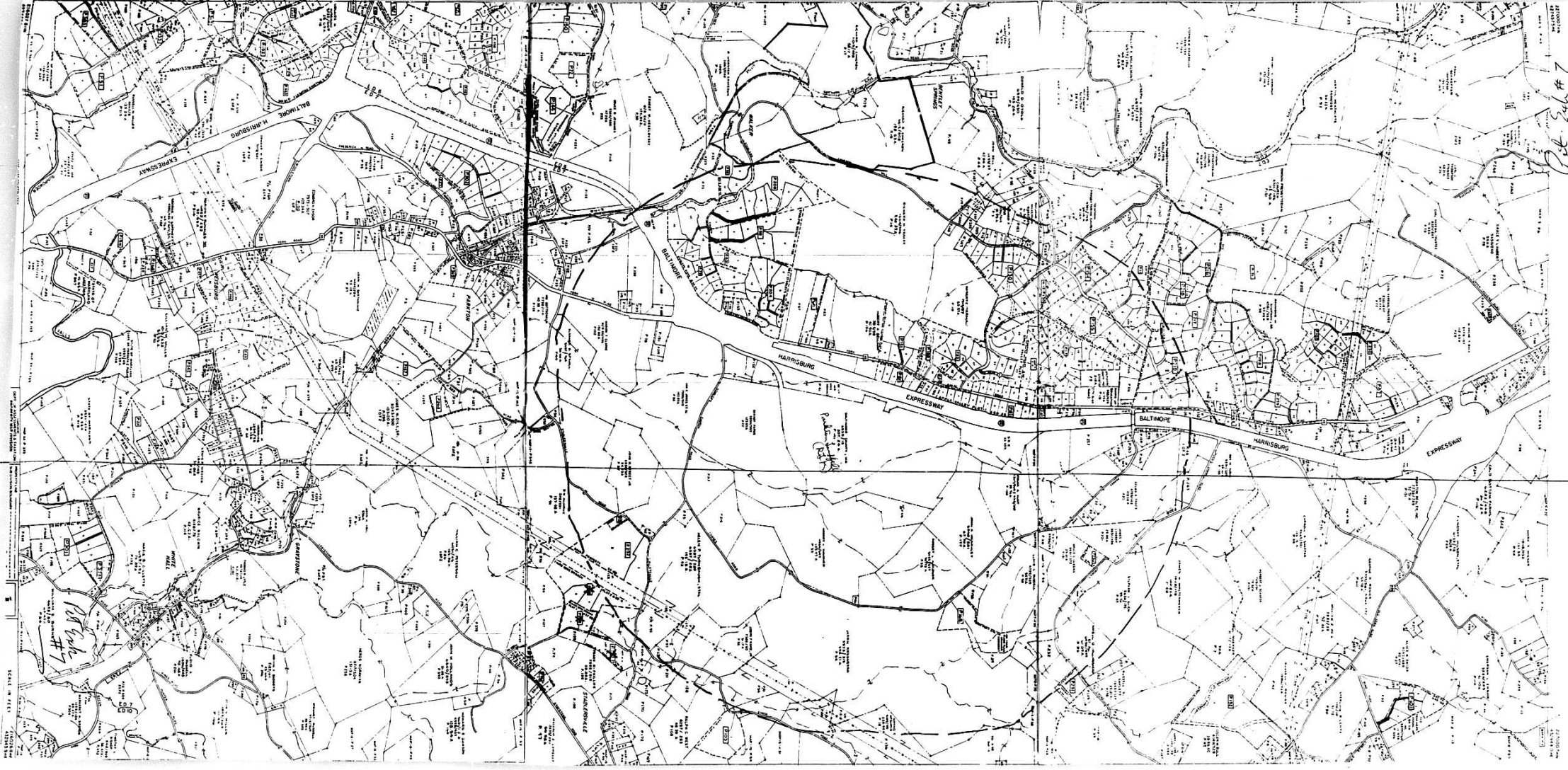
Mr. Schreiber, Chairman, opened the meeting at 2:40 p.m., introduced the staff, and explained the purpose of the meeting. Mr. Newton Williams presented the plan. J. Carroll Holzer, attorney for the Maryland Line Area Association, presented their memorandum of protestants. Mr. Schreiber accepted the presentation and will enter it into the file. Mr. Schreiber advised Mr. Holzer that this is a CRG meeting and a not a court of law or a hearing.

Mr. Maranto 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, 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.

Staff comments to be addressed:

Developers Engineering Division - Grading of the widening of the proposed cross section will only be required to provide safe sight distance where Public Works decides that it is necessary at intersections and curves. A fixed deposit will be required for this work as part of the Public Works Agreement.



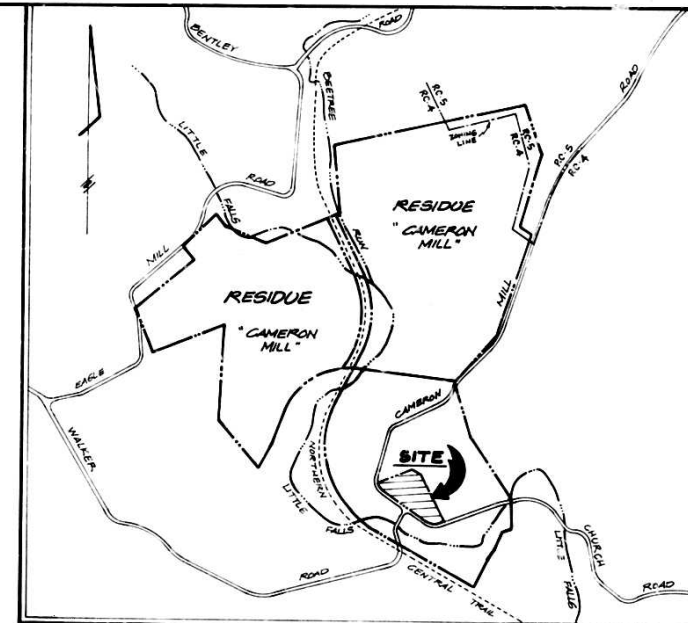
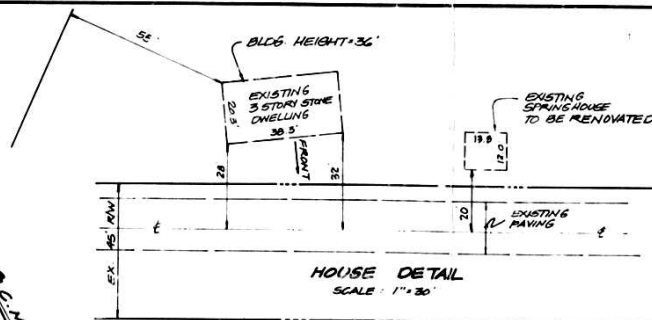


Pt. 54 #7

Pt. 54 #7

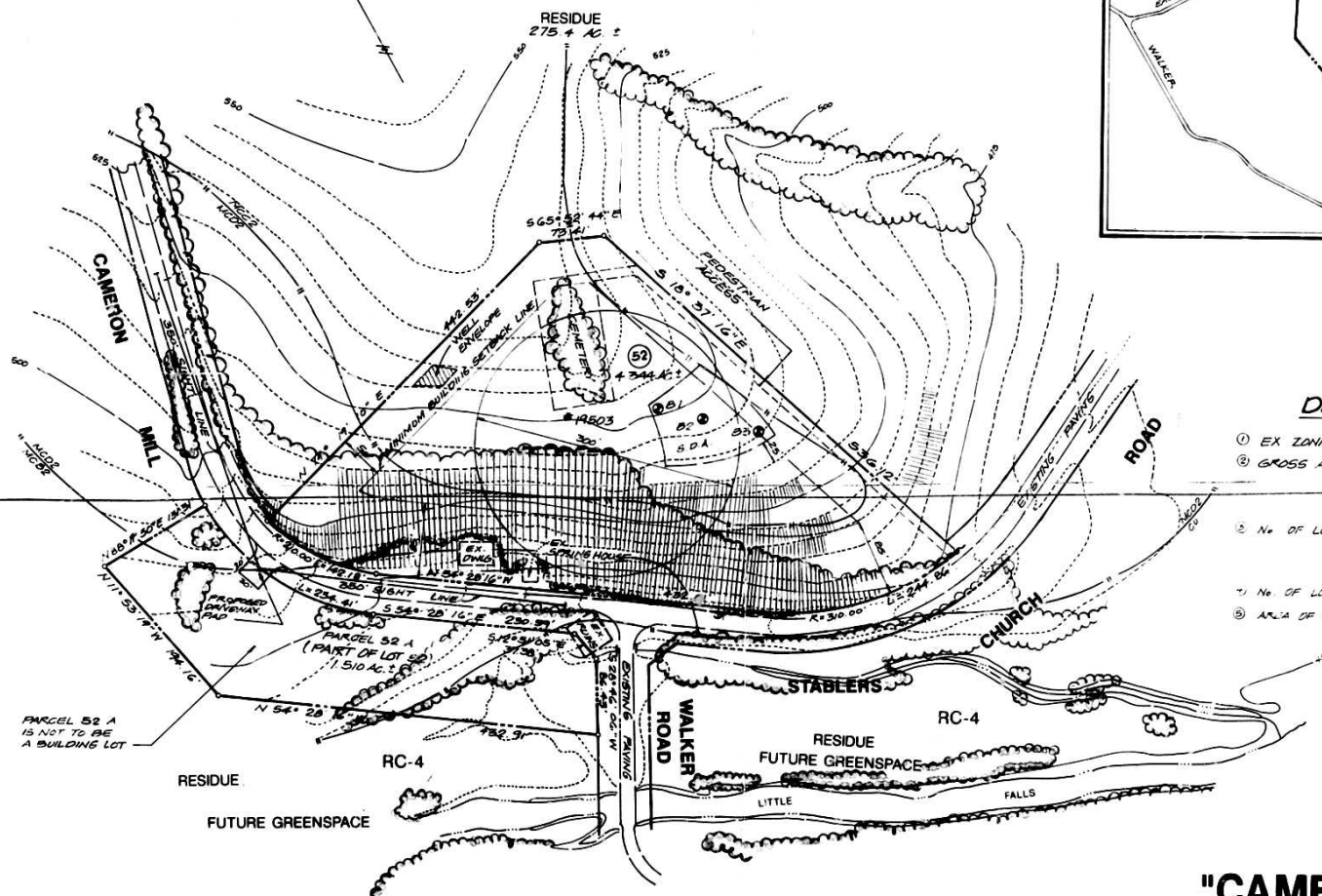
GENERAL NOTES

1. MASTER PLAN DESIGNATION : RESOURCE CONSERVATION
2. CENSUS TRACT : 4000
3. COUNCILMATIC DISTRICT : 3
4. WATERSHED : 14 SUBWATERSHED : 81
5. STORM WATER MANAGEMENT IS NOT REQUIRED FOR THIS SUBDIVISION.
6. THE EXISTING DWELLING APPEARS AS ITEM # 29 ON THE FINAL HISTORICAL LANDMARKS LIST
7. FOR ADDITIONAL INFORMATION REGARDING THE RESIDUE BOUNDARY SEE THE C.R.G. PLAN FOR "CAMERON MILL" ON FILE IN BALTIMORE COUNTY
8. EXISTING DWELLING IS TO BE RENOVATED AND RESTORED, SUBJECT TO APPROVAL BY THE HISTORIC PRESERVATION COMMITTEE
9. EXIST. 16 SPRINGHOUSE IS ALSO TO BE RENOVATED AND RESTORED, BUT NOT TO BE USED AS A WATER SOURCE
10. EXISTING FOUNDATION RUNS ON SOUTH SIDE OF CAMERON MILL ROAD ARE TO REMAIN
11. PROPOSED USE OF HOUSE IS RESIDENTIAL
12. AN EASEMENT FOR INGRESS, EGRESS WILL BE PROVIDED FOR THE CEMETERY.



VICINITY MAP

SCALE: 1"=1000'



DENSITY NOTES

1. EX ZONING OF PROPERTY	RC-4 & RC-5
2. GROSS AREA	RC-4 273.7 AC. RC-5 47.9 AC. TOTAL 270.6
3. No. OF LOTS PERMITTED	RC-4 (273.7 x 20) = 54 LOTS RC-5 (47.9 x 667) = 3 LOTS TOTAL = 57 LOTS
4. No. OF LOTS PROPOSED	2 LOTS
5. AREA OF PROPOSED LOT 52	4.344 1.510 TOTAL 5.854

C.R.G. PLAN
LOT 50

"CAMERON MILL"

#19503 CAMERON MILL ROAD

7TH ELECTION DISTRICT

BALTIMORE CO; MD.

SCALE: 1"=100'

SEPTEMBER 21, 1990

REVISED: 1-14-1991

REVISED: 2-7-1991

APPLICANT & OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL, MD 21161

VARIANCE REQUESTS

1. REQUESTING A VARIANCE TO SECTION 1A03.4.B.4 TO ALLOW A DWELLING TO STREET CENTERLINE SETBACK OF 20 FEET IN LIEU OF THE MINIMUM PERMITTED SETBACK OF 100 FEET.
2. REQUESTING A VARIANCE TO SECTION 1A03.4.A. TO ALLOW A DWELLING HEIGHT OF 36 FEET IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 35 FEET.

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
HUNT VALLEY, MD 21039
PHONE (301) 527-1555

DEEDS EHK JR 6015/408
EHK JR 6445/175

ACCT NO 07 03 000075 16 00 009467
18 00 014127 19 00 010988

OWNER

RUTH ANN DESOTO
431 WHITE HALL ROAD
WHITE HALL, MD 21151
TAX MAP 12 - PARCELS 15, 17, AND 17A
DEEDS E.H.K. 14 6015/400 & 6445/17A
ACCOUNT NOS 01-09-000075, 16-00-009467
18-00-014127, 19-00-010196

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
5% McKEE & ASSOCIATES, INC.
5 SHAWAN RD
HUNT VALLEY, MD 21030
(301) 527-1555

SITE TABULATION

1. Existing Zoning of Property	RC-4 & RC-5
2. Gross Area of Property	(RC-4) 271.8 Ac. (RC-5) 4.4 Ac.
3. Number of Lots Allowed	TOTAL 276.2 Ac. (RC-4) 271.8 x 1.2 = 326.16 lots (RC-5) 4.4 x .50 = 2.2 lots
4. Number of Lots Proposed	(RC-4) 52 lots (RC-5) 1 lot
5. Highway Widening Area	TOTAL 53 lots
6. Road Dedication	A. Cameron Mill Road 4.0 Ac. B. Eagle Mill Road 0.8 Ac. C. Water Road 0.3 Ac. D. Stabler's Church Road 1.7 Ac.
7. Road Dedication	TOTAL 7.0 Ac.
8. HDA Resource Conservation Area	4.4 Ac.
9. SNV Green Space	17.5 Ac.
10. Net Area of Lots	180.6 Ac.
11. Average Lot Size	3.4 Acres

NOTE (LOT 50)

Lot 50 as shown cross-hatched on this sheet and the adjacent road right-of-ways are not part of this CRG Plan. It is being subdivided as Minor Subdivision No. 90443M with a Right-of-way plat prepared for the Public Road Dedication. The acreage of this portion of ground, however, has been included in the density notes at the request of the Zoning Office for purposes of density confirmation only.

NOTE:

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(CONCERNING HISTORIC LOT 50)**

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PETITION FOR
ZONING VARIANCES**

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

SHEET 1 OF 2

6th. & 7th. Election Districts Baltimore County, Md.

Scale: 1"=100'

MAY 9, 1991

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5 SHAWAN RD
HUNT VALLEY, MD 21030
(301) 527-1555

Public Services CRG No. 90212

Planning No. VII-244

**POINT OF
BEGINNING****ZONING REQUESTS****LOT VARIANCES**

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Clarified status of Lot 50.

PLANNING
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ZONING
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Added note for Lot 50 status.

FI/4

EAGLE

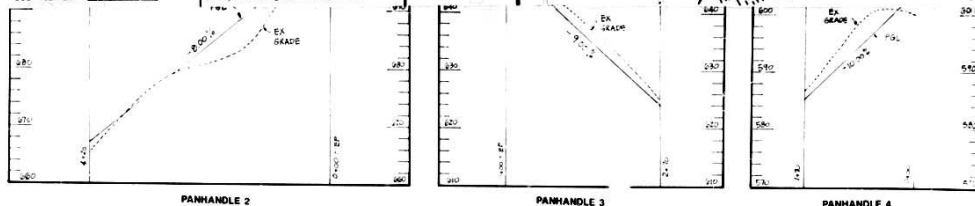
DETAIL 'A'
SCALE 1"=50'

McKEE & ASSOCIATES, INC.

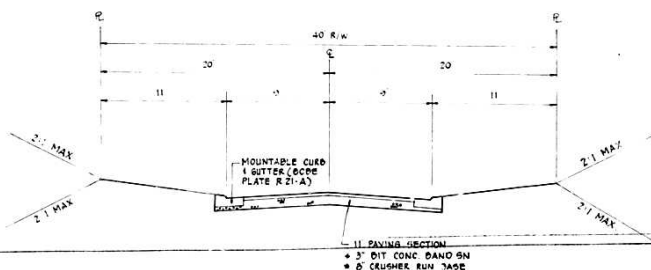
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Computed by: GCB
Drawn by: JCK
Checked by: GCB
Job Number: 90-11

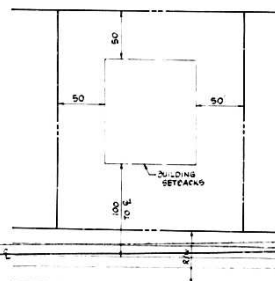
James W. McKee Date
(Maryland Registered No. 9012)



PANHANDLE PROFILES
SCALE: HOR. 1"=100' VERT. 1"=10'



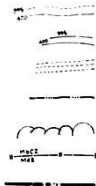
PAVING SECTION
40'RW - 18' PAVING



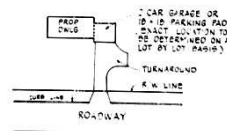
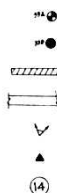
TYPICAL LOT SETBACKS
1" RC & 1 1/2" CURB

LEGEND

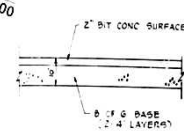
EXISTING CONTOURS
PROPOSED CONTOURS
25% SLOPES OR GREATER
EXISTING STREAMS
WOODS LINE
SOIL TYPES
PROPERTY LINE



PERC TESTS (PASSING)
PERC TESTS (FAILING)
WELL ENVELOPES
PROPOSED PAVING
DIRECTIONAL ARROW
PROPOSED STREET LIGHTS
LOT NUMBER



TYPICAL PARKING LAYOUT



PANHANDLE PAVING SECTION

SOIL TYPES & LIMITATIONS					
TYPE	CLASS	FILTER PILES	REMARKS	MITIGATION	MITIGATION
CLAY	B	SLIGHT	SLIGHT	MODERATE SLOPE	SEE GENERAL NOTE 21
CLAY	A	MODERATE SLOPE	MODERATE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CLAY	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	SEE GENERAL NOTE 21
CLAY	C	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	NOT TO BE DISTURBED
CLAY	D	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD	NOT TO BE DISTURBED
CLAY	C	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD	NOT TO BE DISTURBED
CLAY	D	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD	SEVERE HIGH WATER TABLE FLOODING HAZARD	NOT TO BE DISTURBED
CLAY	B	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	SEVERE FLOODING HAZARD	NOT TO BE DISTURBED

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY MARYLAND 21030
(301) 527 1555

Computed by: GCB
Drawn by: JCK
Checked by: GCB
Job Number: 90-11

James W. McKee Date
(Maryland Registered No. 9012)

F2/4

DATE	REVISION
5/18/11	AS PER PRE-G.A.S. MEETING COMMENTS (SEE LIST)
4/11/11	AS PER CRG MEETING COMMENTS (SEE LIST)

CRG REVISIONS

- Included "additional notes" on 1.
- Added well envelope for Lot 8 and septic area for Lot 52.
- Added trash pads for panhandle.
- Labeled "Baltimore County Green."

LESLIE CHAMAN
- 51 PENTLEY RD
DEED NO. 1031/102
ACCT NO. 12-55-2181

DELL, JOHN THOMAS & MIRIAM BEATRICE
- 547 PENTLEY RD
DEED NO. 1043/103
ACCT NO. 12-55-22025

HERBERT WILLIAM & CYNTHIA
- 547 PENTLEY RD
- 688 AC. 78/1882
ACCT NO. 07-00-151107

RC-5

PARCEL "A"
TO BE DEDICATED TO BALTIMORE
COUNTY FOR FLEXIBILITY IN
FUTURE ACCESS TO HERBERT
PROPERTY AND DELL PROPERTY
0.6 AC.

COMBINED RC-4 / RC-5 LOT AREAS			
LOT	RC-4	RC-5	TOTAL
40	2.1 AC.	0.1 AC.	2.2 AC.
41	1.1 AC.	0.1 AC.	1.2 AC.
42	1.1 AC.	0.1 AC.	1.2 AC.
43	1.1 AC.	0.1 AC.	1.2 AC.
44	1.1 AC.	0.1 AC.	1.2 AC.
45	1.1 AC.	0.1 AC.	1.2 AC.
46	1.1 AC.	0.1 AC.	1.2 AC.
47	1.1 AC.	0.1 AC.	1.2 AC.
48	1.1 AC.	0.1 AC.	1.2 AC.
49	1.1 AC.	0.1 AC.	1.2 AC.
50	0.50 AC.	1.50 AC.	2.0 AC.



**PLAT TO ACCOMPANY
PETITION FOR
ZONING VARIANCES**

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

F 3/4

TRACEY, RICHARD W. & MELBA K.
- 1819 CAMERON MILL RD
- 484 AC. 74
DEED NO. 1044/104
ACCT NO. 07-00-151107



BARN



HOUSE

DETAIL 'B'

NO SCALE

ESTUARIAL WILSONS CK
421' S. MEASUREMENT OF
200' N. S. 10' 55' 17" S.
DEED NO. 4216/14

FOREST BUFFER

PROTECTIVE COVENANTS GOVERNING
THE USE OF THE FOREST BUFFER
EASEMENT SHALL BE RECORDED IN THE
LAND RECORDS OF BALTIMORE COUNTY
AT THE TIME OF PLAT RECORDECTION
THESE COVENANTS SHALL RUN WITH THE
LAND AND CONTINUE IN PERPETUITY

6th. DISTRICT

7th. DISTRICT

BEE TREE

RUN

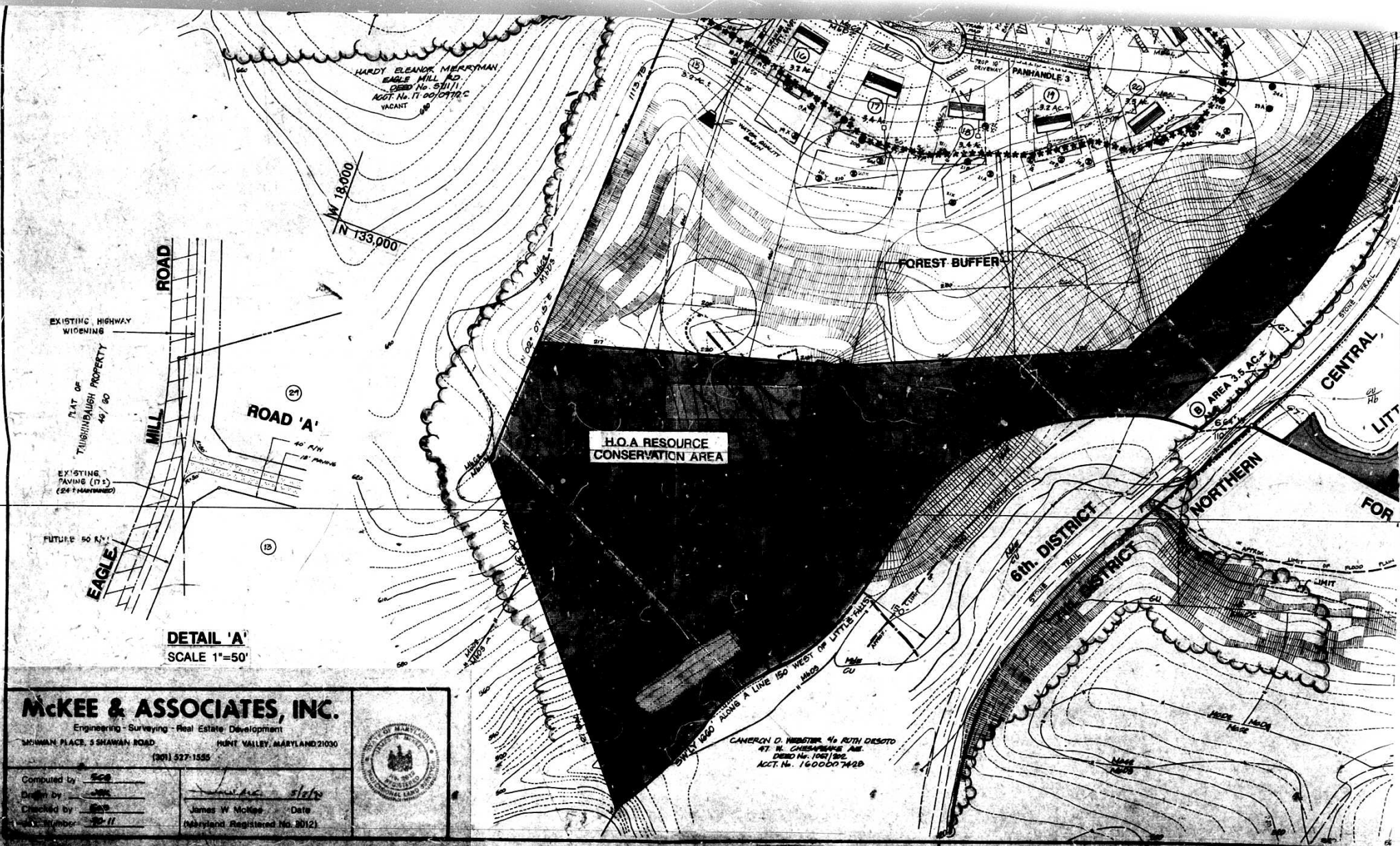
RAILROAD

CENTRAL

LITTLE

H.O.A RESOURCE
CONSERVATION AREA

F4/4



McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD
(201) 527-1559



James W. McKee Date 5/2/93
Maryland Registered No. 2012

Computed by	SCB
Drawn by	JMK
Checked by	SCB
Map Number	20-11

F2/4

LESLIE CHAIKIN
681 BENTLEY RD.
DEED No. 6571/817
ACCT No. 17-00-01817

DELL, JOHN THOMAS & MIRIAM BEATRICE
647 BENTLEY RD.
DEED No. 1089/33
ACCT No. 07-04-220025

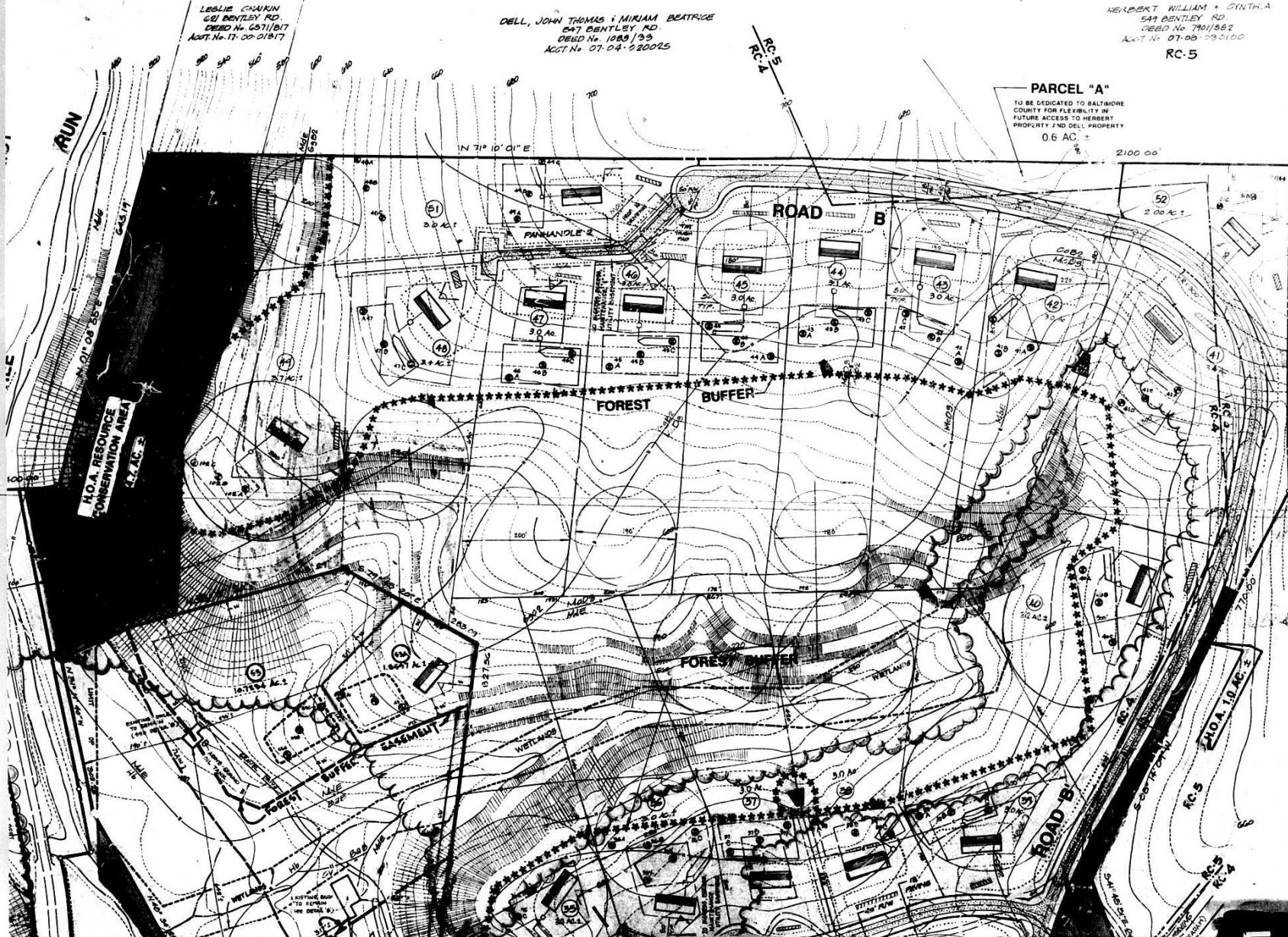
HERBERT WILLIAM & SYNTHIA
641 BENTLEY RD.
DEED No. 7901/552
ACCT No. 07-05-220100

RC-5

PARCEL "A"
TO BE DEDICATED TO BALTIMORE
COUNTY FOR FLEXIBILITY IN
FUTURE ACCESS TO HERBERT
PROPERTY AND DELL PROPERTY
0.6 AC. ±

COMBINED RC-4 / RC-5 LOT AREAS

LOT	RC-4	RC-5	TOTAL
40	1.1 AC ±	0.1 AC ±	1.2 AC ±
41	1.0 AC ±	0.4 AC ±	1.4 AC ±
42	1.0 AC ±	0.01 AC ±	1.01 AC ±
44	1.05 AC ±	1.05 AC ±	2.1 AC ±
45	0.50 AC ±	0.5 AC ±	1.0 AC ±

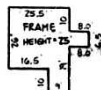
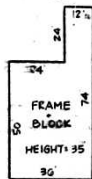


N 136.000
W 14.000

RICHARD W. & MELLIE K. TRACEY
6822 / 714
ACCT No. 07-22-08000
RC-5

BCMD

F 4 / 4



BARN

HOUSE

DETAIL 'B'

NO SCALE

LEONARD HOLDING CO.
4800 E. MONUMENT ST.
ACCT. No. 06-12-080177
DEED No. 4316194

FOREST BUFFER

PROTECTIVE COVENANTS GOVERNING THE USE OF THE FOREST BUFFER EASEMENT SHALL BE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY AT THE TIME OF PLAT RECORDED. THESE COVENANTS SHALL RUN WITH THE LAND AND CONTINUE IN PERPETUITY.

6th. DISTRICT

7th. DISTRICT

BETTER

FALLS

RESERVATION

RONALD. KELLY
7973 / 729
ACCT. NO. 1800014156

SEE DETAIL 'A'

ROY & MARY WALLACE
6514 / 779
ACCT. NO. 1800019861

WINDOELL & BETTY BLIVINS
3150 / 715
ACCT. NO. 0602047150

EAGLE

ROAD 'A'

ROAD

BALTIMORE COUNTY
LITTLE

FOREST BUFFER

W 19,000
N 134,000

W 18,000
N 135,000

N 71° 53' 48" E

N 61° 30' E

S 64° 15' E

S 83° 45' E 29' 25"

N 44° 52' 25" E

3.00 AC. 1

3.00 AC. 2

3.00 AC. 3

3.00 AC. 4

3.00 AC. 5

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3.00 AC. 7

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3.00 AC



REFINEMENT
C.R.G.

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

SHEET 2 OF 2

6th. & 7th. Election Districts Baltimore County, Md.

Scale: 1"=100'

MAY 9, 1991

OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL, MD. 21161

TAX MAP 12 - PARCELS 15, 14, AND 179
DEEDS - E.H.K. JR. 6015/400 & 6448/179
ACCOUNT NOS. 07-09-000718, 16-00-001467
18-00-014127, 17-00-010186

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
% MCKEE & ASSOCIATES, INC.
5 SHAWAN RD.
HUNT VALLEY, MD. 21030
(301) 527-1555

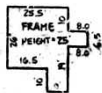
Public Services C.R.G. No. 90212

Planning No. VII-243

FI/4



F 4 / 4



BARN

HOUSE

DETAIL 'B'
NO SCALE

W 18,000
N 135,000

LEONARD HOLDING CO.
4800 E. MONUMENT ST.
ACCT. NO. 06-19-020177
DEED NO. 4514/94

FOREST BUFFER

PROTECTIVE COVENANTS GOVERNING
THE USE OF THE FOREST BUFFER
EASEMENT SHALL BE RECORDED IN THE
LAND RECORDS OF BALTIMORE COUNTY
AT THE TIME OF PLAT RECORDEATION.
THESE COVENANTS SHALL RUN WITH THE
LAND AND CONTINUE IN PERPETUITY.

6th. DISTRICT

7th. DISTRICT

BEE TREE

FALLS

RESERVE

ROAD

LITTLE

FOREST BUFFER

ROAD "A"

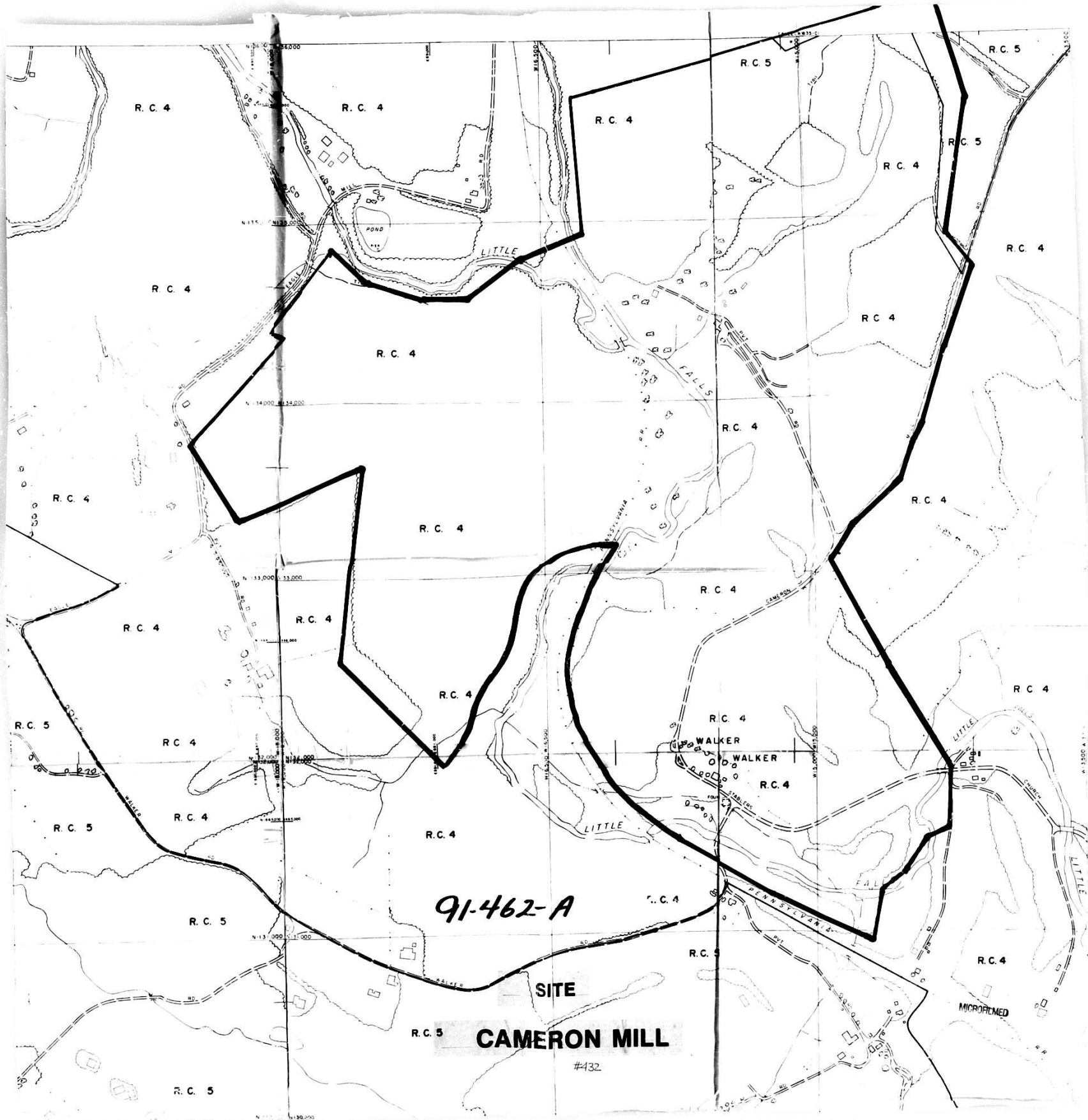
RONALD. KELLY
7975 / 724
ACCT. NO. 1800014150

SEE DETAIL 'A'

ROY & MARY WALLACE
6544/772
ACCT. NO. 1800014361

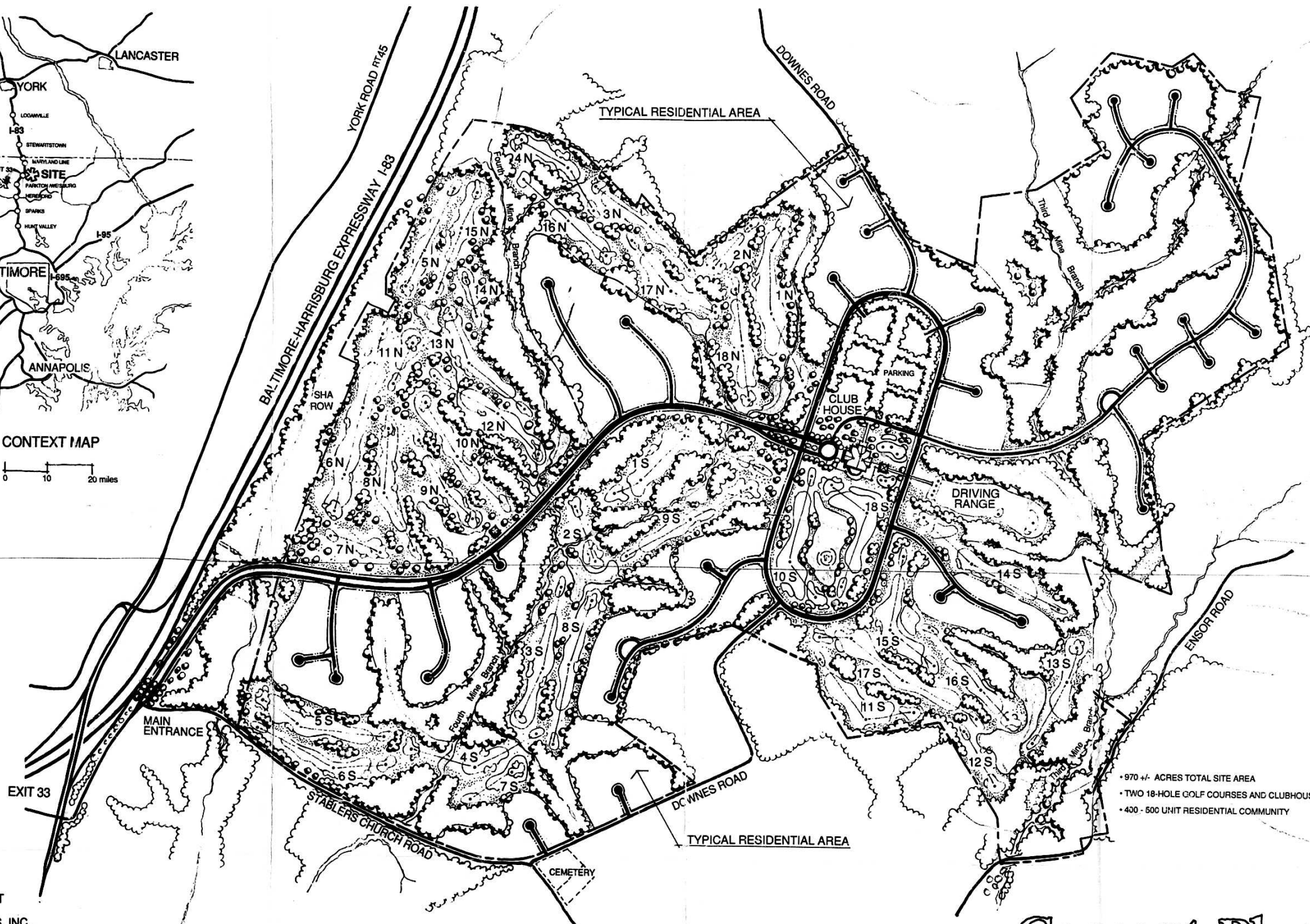
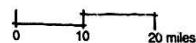
WINDLELL & BETTY BLEVINS
9190/718
ACCT. NO. 0602047180

EAGLE





CONTEXT MAP



- 970 +/- ACRES TOTAL SITE AREA
- TWO 18-HOLE GOLF COURSES AND CLUBHOUSE
- 400 - 500 UNIT RESIDENTIAL COMMUNITY

DEVELOPMENT
ENGINEERING
CONSULTANTS, INC.
SITE ENGINEERS — SURVEYORS
6603 YORK ROAD
BALTIMORE, MARYLAND 21212

CROZIER ASSOCIATES
LAND PLANNERS — LANDSCAPE ARCHITECTS
MILL CENTRE SUITE 400
3000 CHESTNUT AVENUE
BALTIMORE, MARYLAND 21211

BW
DEVELOPMENT CORPORATION
135 NORTH GEORGE ST. YORK, PA 17405

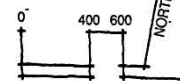
3-139

Mine Branch Golf Community

Concept Plan

THIS CONCEPT PLAN IS FOR
ILLUSTRATIVE PURPOSES ONLY

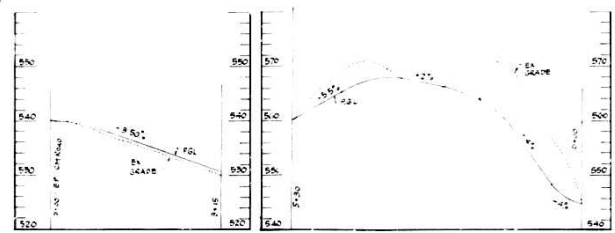
DATE: OCT 1, 1991



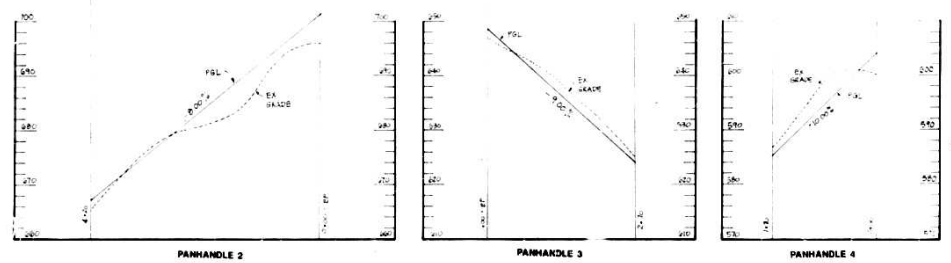
1. This site is designated as a Resource Conservation Area by the Baltimore County Master Plan.
2. This site lies within Connans Trust No. 4050 and M071.
3. This site lies within Cinnahills District No. 3.
4. This site lies within Watershed No. 18.
5. This site lies within Subwatershed No. 84.
6. All proposed lots are for single family residential use and will be for sale.
7. Existing land use is agricultural, residential, and vacant woods. (See Land Use Table).
8. To the best of our knowledge, there are no known areas, archeological sites, endangered species habitat or hazardous materials on this site.
9. Trash is to be collected by Baltimore County.
10. Individual lot grading will be accompanied by the home building contract.
11. A waiver to the storm water management requirements has been applied for.
12. No local open space is required.
13. Topography shown hereon is taken from Baltimore County 200 scale topography.
14. Existing trees and vegetation are to be preserved where possible. No more than 25% of the natural vegetation may be removed.
15. Soils shown hereon are taken from Baltimore County Soil Survey Maps.
16. Lots shown hereon will operate on private well and septic systems.
17. Average daily trips 55 x 12.4 x 66.
18. This proposed development is in close proximity to active agricultural operations and the applicant has the responsibility to advise future homeowners that agriculture has a preferred use status and the odors, noise, dusts, and equipment, livestock and the use of agricultural chemicals (pesticides, fertilizer, herbicides, and other control agents) are an active use.
19. No more than 10% of any lot may be covered by impermeable surfaces in any

20. Covenants shall be recorded to restrict the limits of disturbance on each lot.
21. Mitigated measures for soils with limitations due to steep slopes:
 - a. Areas with 75% or greater slopes will be disturbed.
 - b. Disturbed areas will be stabilized with permanent seeding and vegetation.
 - c. Disturbed areas will be revegetated with native plants and shrubs.
 - d. Sedimentation, runoff will be diverted away from severe slope areas.
 - e. Storm drain outfalls will be designated so as to avoid runoff to avoid concentrated flows.
22. Flood plains hazard areas are taken from National Flood Insurance Program Flood Hazard Data, 1980-1985.
23. new developer will comply with all applicable COMS requirements.
24. FOR PARCELS LOT 1: Before collection, snow removal, and roadway maintenance shall be provided to the junction of the parhandle and street right-of-way line only, and the parhandle shall be maintained to the street right-of-way line. The use of the parhandle shall be recorded. The parhandle shall be paved within one year of the date the first occupancy permit is issued and prior to the vacating of the occupancy permit of the last lot to be served, whichever comes first.

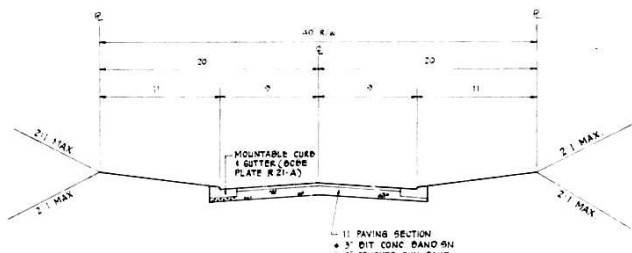
25. **WATER QUALITY NOTE** - All storm drain outfalls will be designed under the direction of the Environmental Impact Review Division of DEPRM to achieve minimal erosion with maximum infiltration.
26. The Environmental Impact Review Division of DEPRM will be notified prior to any clearing or excavations beyond Far Road "A" so that any wetlands suitable for transplanting may be evaluated by their office.
27. Lot 50 contains a structure which appears on the Historic Landmarks List as Site 29, Cameron Miller's House near Parkton.
28. Restrictive covenants will be recorded with the lot plat indicating the extent of clearing and grading to 10,000 square feet.
29. **Pretty Boy Elementary School District**
- | | |
|-----------------------|-----|
| School Capacity | 320 |
| 1990 Enrollment | 441 |
| Estimated Pupil Field | |
30. **7th District Elementary School District**
- | | |
|-----------------------|-----|
| School Capacity | 350 |
| 1990 Enrollment | 440 |
| Estimated Pupil Field | |



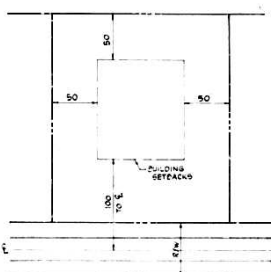
PANHANDLE PROFILES
SCALE: HOR. 1"=100' VERT. 1"=10'



PAVING SECTION
40'RW - 18' PAVING



TYPICAL LOT SETBACKS



EXISTING CONTOURS
PROPOSED CONTOURS
25% SLOPES OR GREATER
EXISTING STREAMS
WOODS LINE
SOIL TYPES
PROPERTY LINE

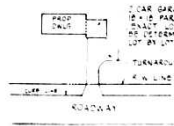
- PERC TESTS (PASSING)
PERC TESTS (FAILING)
WELL ENVELOPES
PROPOSED PAVING
DIRECTIONAL ARROW
PROPOSED STREET LIGHTS
LOT NUMBER

2 CAR GAR
10 x 15 PAR
BUILT 19
AS PERM
LOT BY LOT

TURNAROUND

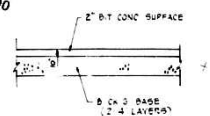
R.W. LINE

ROADWAY



2" BIT CONC SURFACE

8" GR. BASE (2.4 LAYERS)



SOIL TYPES & LIMITATIONS						
TYPE	CLASS	FILLER FIELD	INTERESTED W/ PLANTS	HOUSEHOLD W/ PLANTS	STRENGTH HAZARDING LOTS	MITIGATION
TYPE A	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE B	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE C	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE D	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE E	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE F	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE G	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE H	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE I	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE J	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE K	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE L	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE M	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE N	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE O	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
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TYPE P	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
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TYPE W	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE X	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE Y	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE Z	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	

SOIL TYPES & LIMITATIONS						
TYPE	CLASS	FILLER FIELD	INTERESTED W/ PLANTS	HOUSEHOLD W/ PLANTS	STRENGTH HAZARDING LOTS	MITIGATION
TYPE A	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE B	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE C	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE D	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE E	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE F	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE G	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE H	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE I	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE J	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE K	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
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TYPE L	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
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TYPE M	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
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TYPE N	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
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TYPE O	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
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TYPE S	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
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TYPE T	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
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TYPE U	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE V	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE W	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE X	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE Y	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	
TYPE Z	E	CLAY	CLAY	SLIGHT	MULTICATE SLOPES	SEE GENERAL NOTE 2
		CLAY	CLAY	SLIGHT	MULTICATE SLOPES	

1. Included "additional notes" on this sheet.
2. Added wall envelope for Lot 8 and revised septic area for Lot 57.
3. Added trash pads for pathandle lots.
4. Labeled "Baltimore County Greenway Reservation."

DEVELOPMENT
Added dimensions of all paving and right-of-ways.
Classified status of Lot 50.

PLANNING
Added General Notes 27, 28, and 29, revised Note #8.
Revised future access to Dell and Herbert.
Classified lot numbers and added Planning Board.
Added existing points to Lot 50.

D.R.P.F.W.M.
Increased Future Buffers of Road A and Road C.
Added General Notes 29 and 30.
Revised Septic Areas as Requested.

STORM WATER MANAGEMENT
Increased area of Lot 17 to two acres.
Located ditch at Eagle Mill Road.
Applied for storm water management exemption.

RECREATION AND PARKS
Added access parcel adjacent to Little Falls.

ZONING
Revised zoning request.
Added note for Lot 50 status.

LOT VARIANCES

Requesting a variance to:
Regulations for Lots 1, 3, 4,
25, 26, 27, 28, 29, 36, 37, 38
minimum diametral dimension of
The specific diametral dimension

LOT	DIAMETRAL	LI
1	240	1
3	260	1
4	210	2
7	240	2
9	180	2
10	220	2
11	280	2
18	260	2
15	200	2
16	200	2
17	210	3

1. Requesting a variance to Se
structure (bore) larger the

2. Requesting a variance to Se (barn) to be located in the
3. Requesting a variance to Se building (barn) of 35 feet feet.

McKEE & ASSOCIATES, INC. Engineering Surveying Real Estate Consulting SHAWNEE PLACE 5 SHAWNEE ROAD HUNT VALLEY MARYLAND 20830 (301) 527-1555		
Completed by <u>Geo</u> Drawn by <u>JCK</u> Checked by <u>Geo</u> Job Number <u>90-11</u>	Date <u>11/1/90</u> Station <u>1</u> Station <u>2</u> Station <u>3</u> Station <u>4</u> Station <u>5</u> Station <u>6</u> Station <u>7</u> Station <u>8</u> Station <u>9</u> Station <u>10</u> Station <u>11</u> Station <u>12</u> Station <u>13</u> Station <u>14</u> Station <u>15</u> Station <u>16</u> Station <u>17</u> Station <u>18</u> Station <u>19</u> Station <u>20</u> Station <u>21</u> Station <u>22</u> Station <u>23</u> Station <u>24</u> Station <u>25</u> Station <u>26</u> Station <u>27</u> Station <u>28</u> Station <u>29</u> Station <u>30</u> Station <u>31</u> Station <u>32</u> Station <u>33</u> Station <u>34</u> Station <u>35</u> Station <u>36</u> Station <u>37</u> Station <u>38</u> Station <u>39</u> Station <u>40</u> Station <u>41</u> Station <u>42</u> Station <u>43</u> Station <u>44</u> Station <u>45</u> Station <u>46</u> Station <u>47</u> Station <u>48</u> Station <u>49</u> Station <u>50</u> 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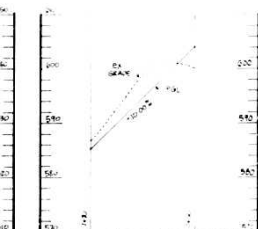
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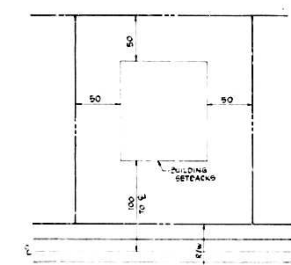
25. WATER QUALITY NOTE - All storm drain outfalls will be designed under the direction of the Environmental Impact Review Division of DEPRM to achieve minimal erosion with maximum infiltration.
26. The Environmental Impact Review Division of DEPRM will be notified prior to any clearing or grading operations begin for Road #4 so that any wetlands suitable for transplanting may be evaluated by their office.
27. Lot 50 contains a structure which appears on the Final Historical Landmarks List as Site 29, Cameron Miller's House near Parkton.
28. Neotropical low-lying will be recorded with the lots limiting the amount of clearing and grading to 10,000 square feet.
29. Pretty Boy Elementary School District
School Capacity: 150
1940 Enrollment: 240
Estimated Pupil Field: 150
7th District Elementary School District
School Capacity: 150
1940 Enrollment: 240
Estimated Pupil Field: 150



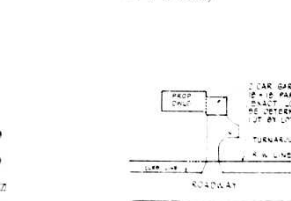
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PANHANDLE 4



TYPICAL LOT SETBACKS
(LOT 4 ONLY)



TYPICAL PARKING LAYOUT

PANHANDLE
PAVING SECTION

SOIL TYPES & LIMITATIONS

TYPE	CLASS	FUNCTION	FIELD	MITIGATION
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7
8	8	8	8	8
9	9	9	9	9
10	10	10	10	10
11	11	11	11	11
12	12	12	12	12
13	13	13	13	13
14	14	14	14	14
15	15	15	15	15
16	16	16	16	16
17	17	17	17	17
18	18	18	18	18
19	19	19	19	19
20	20	20	20	20
21	21	21	21	21
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38	38	38	38	38
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41	41	41	41	41
42	42	42	42	42
43	43	43	43	43
44	44	44	44	44
45	45	45	45	45
46	46	46	46	46
47	47	47	47	47
48	48	48	48	48
49	49	49	49	49
50	50	50	50	50

CRG REVISIONS

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PRE-CRG REVISIONS

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ZONING REQUESTS

LOT VARIANCES

LOT	DIAMETER	LOT	DIAMETER	LOT	DIAMETER
1	240	19	280	37	220
2	240	20	280	38	220
3	240	21	280	39	220
4	240	22	280	40	220
5	240	23	280	41	220
6	240	24	280	42	220
7	240	25	280	43	220
8	240	26	280	44	220
9	240	27	280	45	220
10	240	28	280	46	220
11	240	29	280	47	220
12	240	30	280	48	220
13	240	31	280	49	220
14	240	32	280	50	220
15	240	33	280		
16	240	34	280		
17	240	35	280		

LOT 53 VARIANCES

1. Requesting a variance to Section 101 (definition) to permit an accessory structure (barn) larger than the principle building on the lot.
2. Requesting a variance to Section 400.1 to permit an accessory structure (barn) to be located in the side and front yard of the lot.
3. Requesting a variance to Section 400.1 to permit a height of an accessory building (barn) of 35 feet in lieu of the maximum permitted height of 15 feet.

NOTE (LOT 50)

Lot 50 as shown cross-hatched on this sheet and the adjacent road right-of-ways are not part of this CRG Plan. It is being subdivided as Minor Subdivision No. 90.443M with a lot of way plat prepared for the Public Road. The acreage of this portion of ground, however, has been included in the density notes at request of the Zoning Office for purposes of density confirmation only.

NOTE:

This property as shown on the plan has been held intact by the owner since March 22, 1979. The Developer's engineer has confirmed that no part of the ground shown as shown on the plan has been altered, reconstructed, or used to support any off-site dwelling.

PLANNING BOARD RECOMMENDATION (CONCERNING HISTORIC LOT 50)

The following recommendations as adopted by the Planning Board resolution dated December 7, 1990 have been complied with and are reflected on this plan:

1. Accepting the western/southern line of the proposed road, Cameron Mill - Stables Church Road, reduce the width of the road to 20 feet.
2. Enlarge "Lot 50" to approximately 5.6 acres, including the area on the west/south side of Cameron Mill Road.
3. Prorated the springhouse as well as the existing historic house and outbuildings subject to approval by the Historic Preservation Commission.
4. Establish a perpetual easement to protect the cemetery and pedestrian access.

ADDITIONAL NOTES

1. Where proposed sewage disposal areas fall within the Forest Buffer, they shall be subject to the Forest Buffer regulations.
2. Cameron Mill Road is maintained by Baltimore County from Stables Church Road to Kaufman Road.
3. This site is partially located within the Pretty Boy Elementary School District where enrollment exceeds capacity by 18 in 1990 as shown on the Interim Control Map (ICM) adopted by the County Council. From this time of Section Three of this development (Lot 13) through "inclusive" shall mean up to but not including the point of release of the grading permit building permit, public works agreement, and so on.

POINT OF BEGINNING

"MILLSTREAM SECT 2"
2.50/4.0
CHAMP, RICHARD L.
501 STABLES CHURCH RD
DEED NO 90.443M
ACCT NO 90.443M

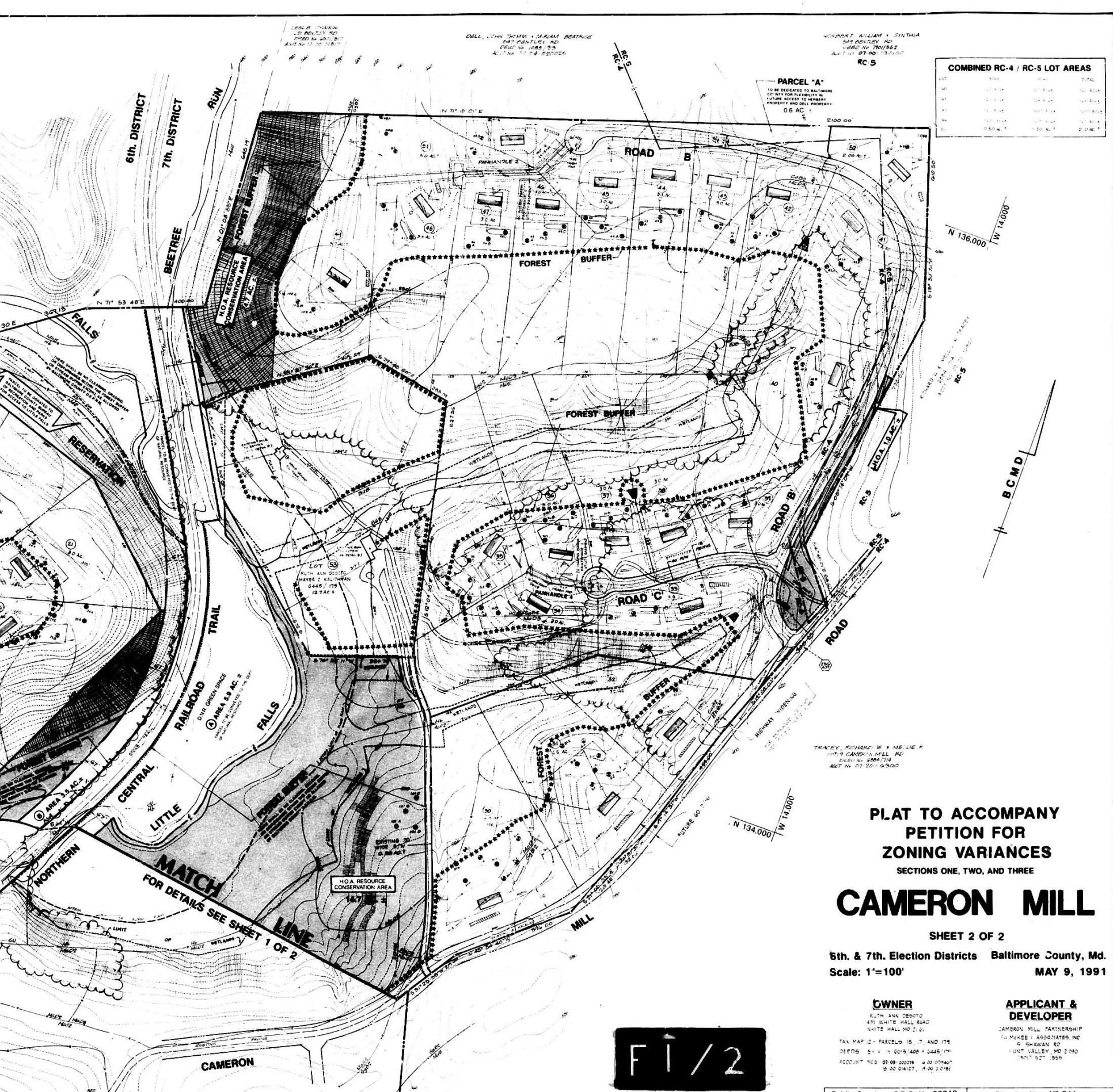
ZONING REQUESTS

LOT VARIANCES

LOT	DIAMETER	LOT	DIAMETER	LOT	DIAMETER
1	240	19	280	37	220
2	240	20	280	38	220
3	240	21	280	39	220
4	240	22	280	40	220
5	240	23	280	41	220
6	240	24	280	42	220
7	240	25	280	43	220
8	240	26	280	44	220
9	240	27	280	45	220
10	240	28	280	46	220
11	240	29	280	47	220
12	240	30	280	48	220
13	240	31	280	49	220
14	240	32	280	50	220
15	240	33	280		
16	240	34	280		
17	240	35	280		

LOT 53 VARIANCES

1. Requesting a variance to Section 101 (definition) to permit an accessory structure (barn) larger than the principle building on the lot.
2. Requesting a variance to Section 400.1 to permit an accessory structure (barn) to be located in the side and front yard of the lot.
3. Requesting a variance to Section 400.1 to permit a height of an accessory building (barn) of 35 feet in lieu of the maximum permitted height of 15 feet.



COMBINED RC-4 / RC-5 LOT AREAS

LOT	AREA	TOTAL
1	1.00 AC.	1.00 AC.
2	1.00 AC.	1.00 AC.
3	1.00 AC.	1.00 AC.
4	1.00 AC.	1.00 AC.
5	1.00 AC.	1.00 AC.
6	1.00 AC.	1.00 AC.
7	1.00 AC.	1.00 AC.
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93	1.00 AC.	1.00 AC.
94	1.00 AC.	1.00 AC.
95	1.00 AC.	1.00 AC.
96	1.00 AC.	1.00 AC.
97	1.00 AC.	1.00 AC.
98	1.00 AC.	1.00 AC.
99	1.00 AC.	1.00 AC.
100	1.00 AC.	1.00 AC.

**PLAT TO ACCOMPANY
PETITION FOR
ZONING VARIANCES**

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

SHEET 2 OF 2

6th. & 7th. Election Districts Baltimore County, Md.

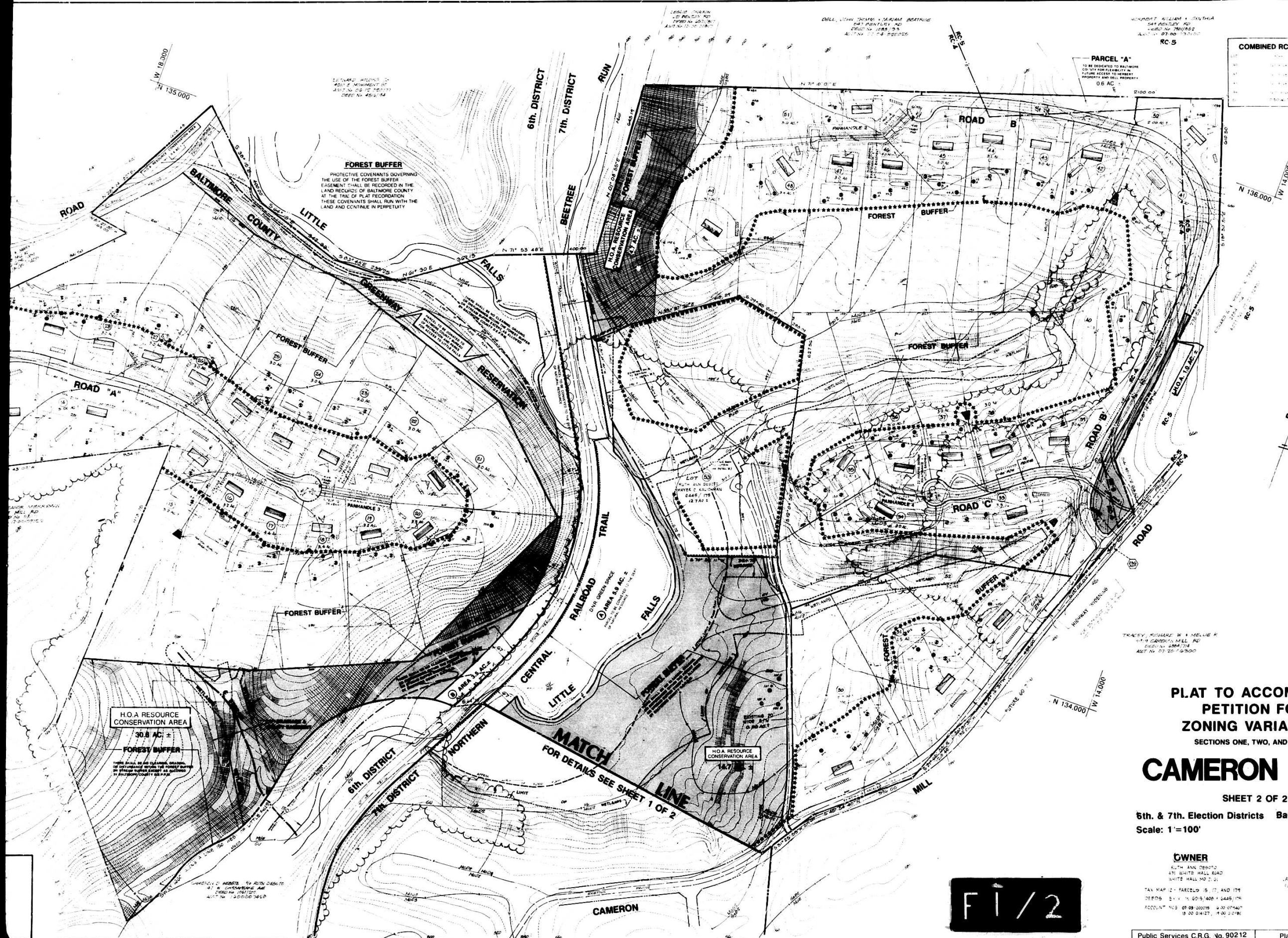
Scale: 1"=100'

MAY 9, 1991

OWNER
RUTH ANN DEBOTO
431 QUITE HALL ROAD
WHITE HALL, MD 21154

APPLICANT & DEVELOPER
CAMERON MILL PARTNERSHIP
c/o MCKEE ASSOCIATES, INC.
5 SHAWAN RD
MOUNT VALLEY, MD 20850
APR 1991

TAX MAP 12 - PARCELS 15, 17, AND 17A
DEEDS 24-4-15, 60/5, 408 + 6445/17A
ACCOUNT NOS 07 09 000278 4-00 074407
18 00 014127, 18 00 014128



COMBINED RC-4
RC-5

PARCEL "A"
TO BE DEDICATED TO BALTIMORE
COUNTY FOR FLEXIBILITY IN
FUTURE ACCESS TO HERBERT
PROPERTY AND DELL PROPERTY
0.6 AC

N 136,000
W 14,000

RC-5

B.C.

TRACY, RICHARD W & MELIE K
141 CAMERON HALL RD
CUMULATIVE AREA 174
ACCT NO 07-25-19300

N 134,000
W 14,000

PLAT TO ACCOMMODATE
PETITION FOR
ZONING VARIANCE
SECTIONS ONE, TWO, AND THREE

CAMERON

SHEET 2 OF 2

6th. & 7th. Election Districts Baltimore

Scale: 1"=100'

OWNER

RUTH ANN DENTON
141 WHITE HALL ROAD
WHITE HALL MD 21155

TAX MAP 12 - PARCELS 15, 17, AND 17A
DEEDS 24 V. 16, 60-9/408 + 6448/17A
ACCOUNT NOS 07-09-00078 + 03-07407
18-00-01427, 14-00-01786

F1/2