



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 9, 1998

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221

Dear Mr. Gontrum :

RE: Honeygo Reclamation Center, Zoning Case #94-87-SPHXA, 11th Election District

This is a response to your request for zoning confirmation concerning the above referenced site. The responses are in the order presented in your letter.

1. The current zoning of the site is M.L.R. (Manufacturing, Light Restricted), which is a proper zone to support the use described below.

2. A special exception to allow a rubble landfill and a special hearing to approve a proposed concrete recycling and wood waste chipping operation as accessory uses to the existing mining and proposed rubble landfill was granted in case #94-87-SPHXA, subject to certain restrictions (see the attached copy of the order).

You have confirmed that the site has been lined and material has been accepted for recycling. An inspection by our Code Enforcement Section gives clear indication to this office that the special exception use has been established on site and subject to the Zoning Commissioner's restrictions, is operating as granted under the existing zoning and order.

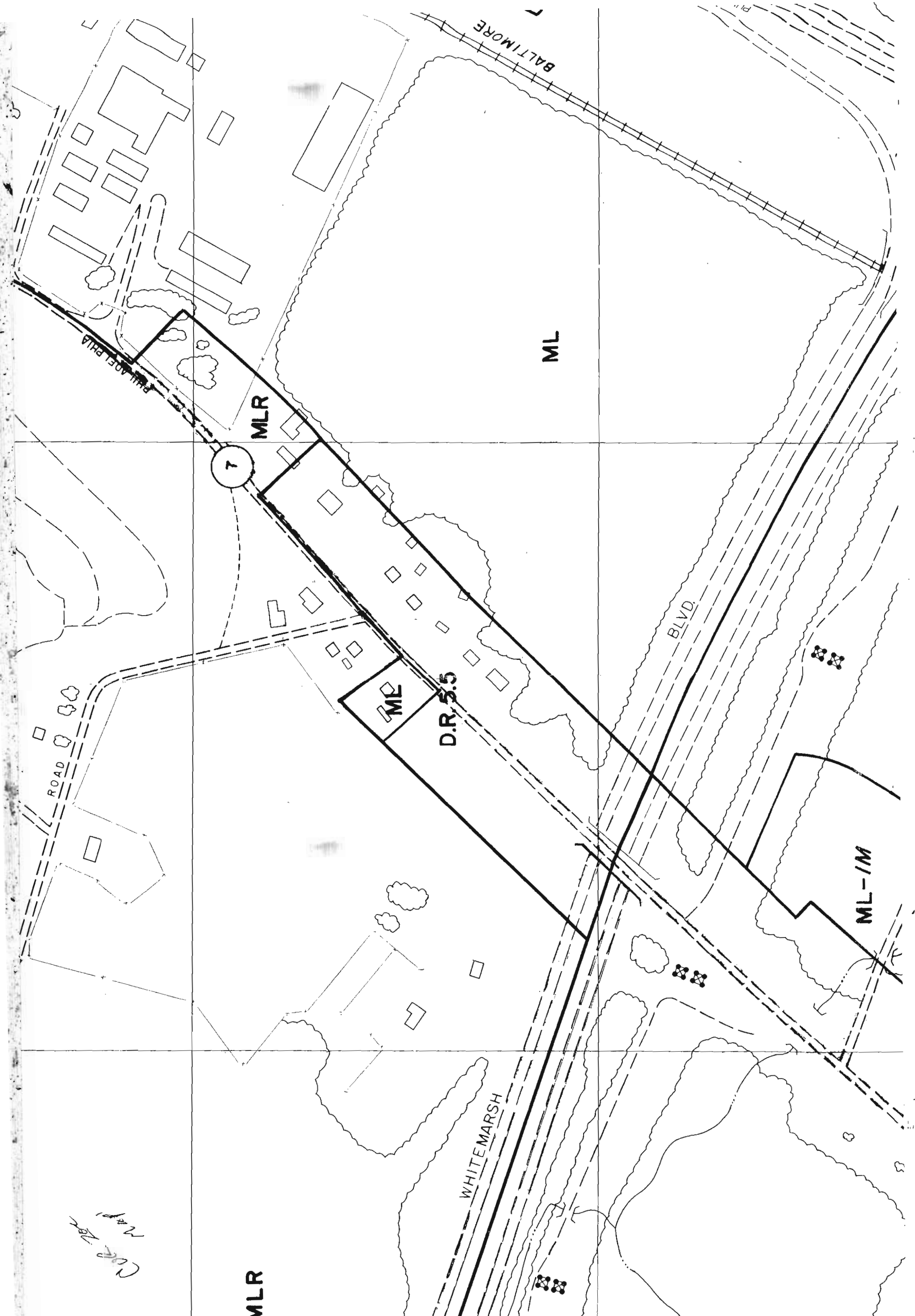
3. A review of the zoning violation files indicates that there are no outstanding zoning complaints or violations filed against the property.

4. A copy of the M.L.R. use regulations for allowed uses in this zone is attached for your review.

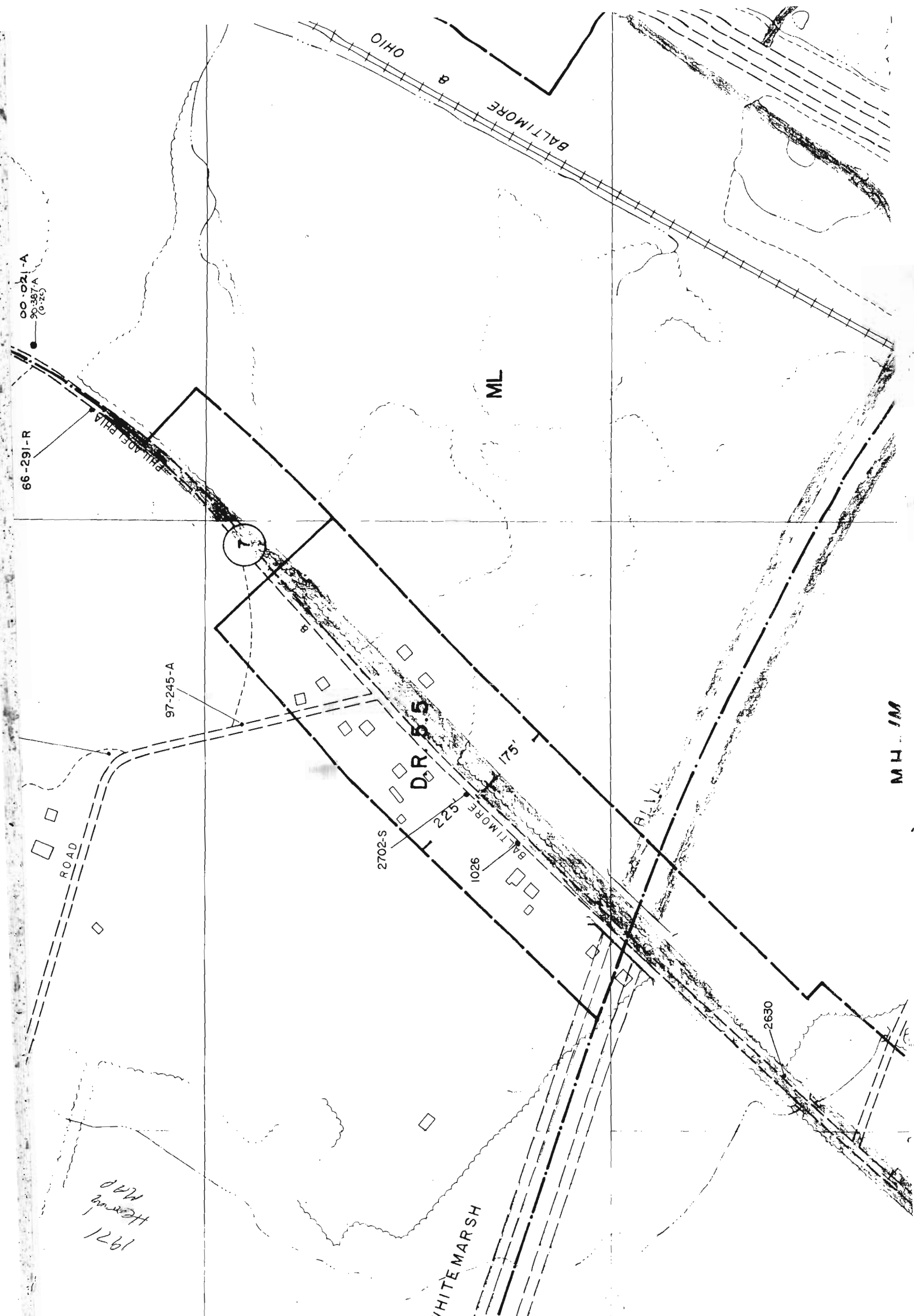
Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



COC 284
Map



1971
Herring
Bay



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 9, 1998

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221

Dear Mr. Gontrum :

RE: Honeygo Reclamation Center, Zoning Case #94-87-SPHXA, 11th Election District

This is a response to your request for zoning confirmation concerning the above referenced site. The responses are in the order presented in your letter.

1. The current zoning of the site is M.L.R. (Manufacturing, Light Restricted), which is a proper zone to support the use described below.

2. A special exception to allow a rubble landfill and a special hearing to approve a proposed concrete recycling and wood waste chipping operation as accessory uses to the existing mining and proposed rubble landfill was granted in case #94-87-SPHXA, subject to certain restrictions (see the attached copy of the order).

You have confirmed that the site has been lined and material has been accepted for recycling. An inspection by our Code Enforcement Section gives clear indication to this office that the special exception use has been established on site and subject to the Zoning Commissioner's restrictions, is operating as granted under the existing zoning and order.

3. A review of the zoning violation files indicates that there are no outstanding zoning complaints or violations filed against the property.

4. A copy of the M.L.R. use regulations for allowed uses in this zone is attached for your review.

Come visit the County's Website at www.co.ba.md.us

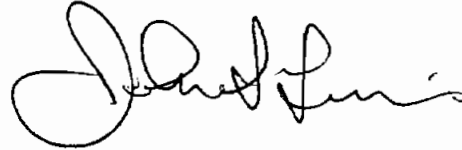


Printed with Soybean Ink
on Recycled Paper

John Gontrum, Esquire
December 9, 1998
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis". The signature is fluid and cursive, with a large initial "J" and "L".

John L. Lewis
Planner II
Zoning Review

JLL:cjs

Enclosure

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

11/15/98

To: JLL
See Restrictive
11/27/98
uan

November 23, 1998

Carl Richards
Zoning Supervisor
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Honeygo Reclamation Center

Dear Mr. Richards:

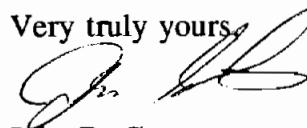
My client Honeygo Reclamation needs a letter from the County for title insurance purposes attesting that the site has the proper zoning for the existing use. The description and location of the property is described in the below-referenced case. A multi-paged site plan was filed.

The following issues need to be addressed:

- 1) current zoning. My records indicate that the site is zoned MLR.
- 2) special exception for a rubble landfill and recycling. A special exception for a rubble landfill with recycling was granted in Case XI-611; 94-87-SPHXA. A copy of the opinion and order of the Board of Appeals addressing both zoning and development issues is attached. The site has been lined and material has been accepted for recycling. The title company needs to be assured that the use as granted is permitted under the existing zoning and order.
- 3) no outstanding complaints or violations - To my knowledge there are no violations or complaints filed against the property.

Your co-operation in issuing this letter addressing these issues is appreciated.

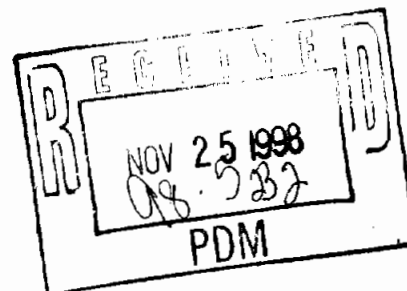
Very truly yours,



John B. Gontrum

enc.

cc. Daniel Hanley, Esq.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060381

DATE 11/30/98 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JLL)

RECEIVED FROM: Romadka, Gontrum & McLaughlin

FOR: VERIFICATION #98-5232

Honeygo Reclamation Center

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 12/02/1998 12/01/1998 16:24:02
REF 4900 CASHIER PWES FEW DROMER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 060381
CR NO. 060381

40.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

Arnold

NO ACTIVE NOR
PRIOR EVIDENCE OF
A ZONING ENFORCEMENT
CASE AGAINST -

10,006 Philadelphia Road

10,600 OR Philadelphia Road

6-11-01



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

LEN

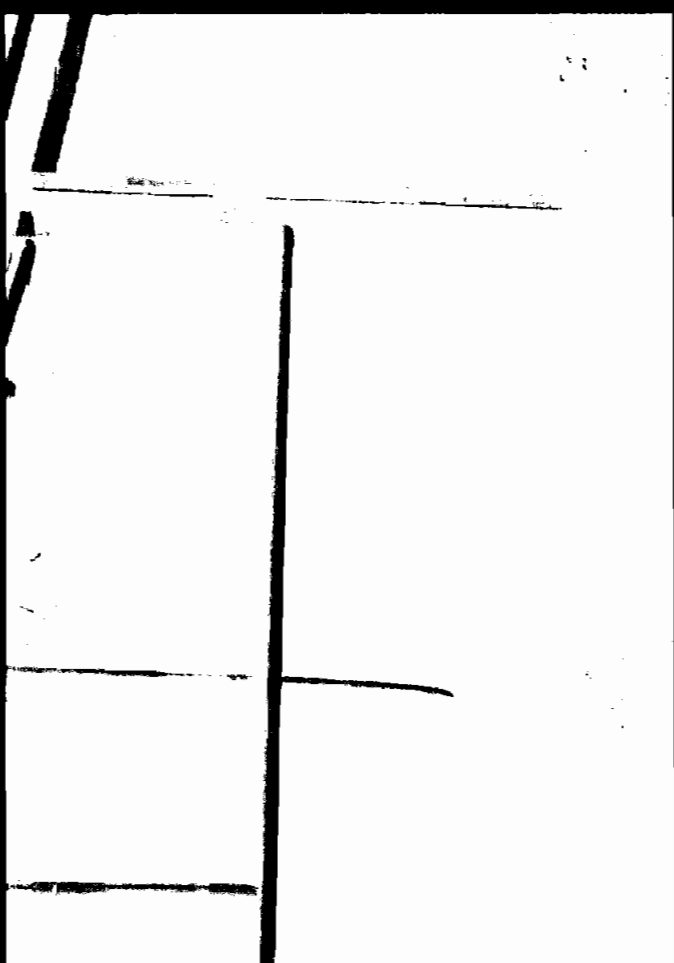
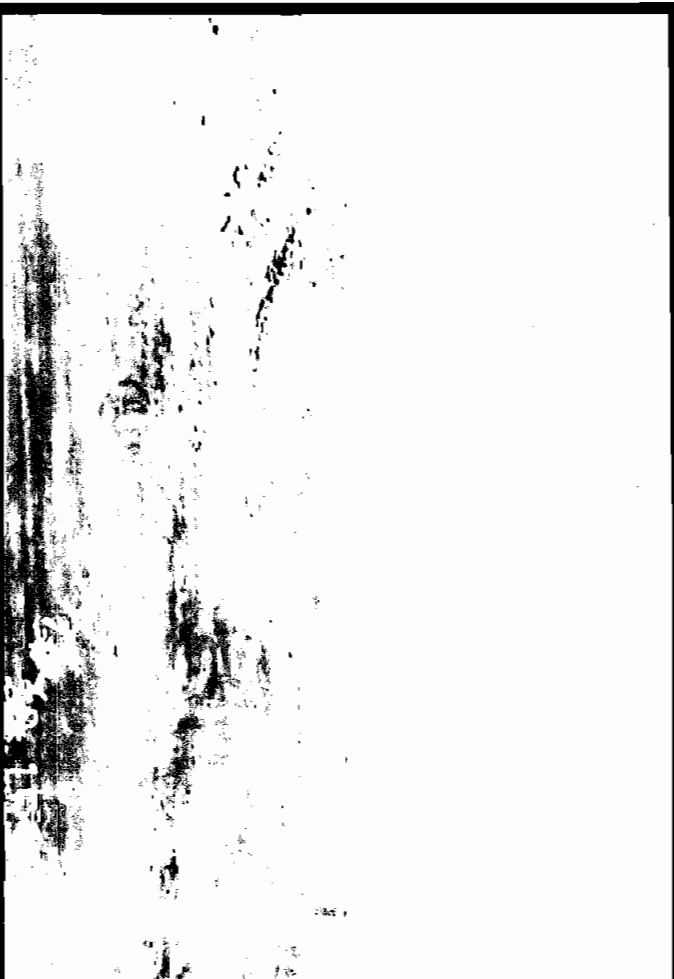
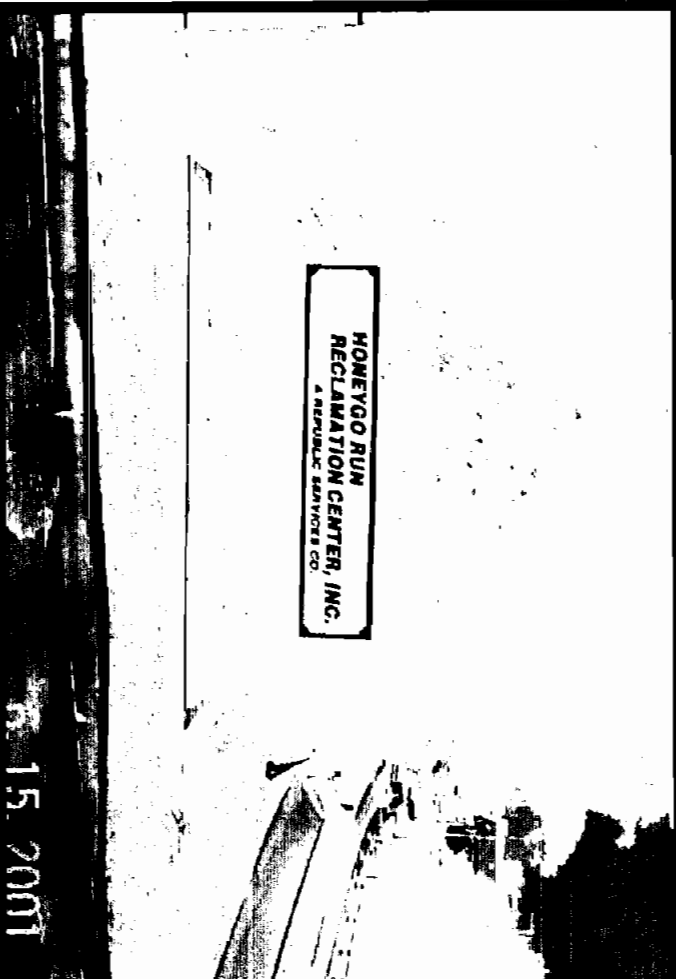
Work into your
schedule an inspection
of the intersection of
Silver Spring Road &
Philadelphia Road (Map 33,
H 10).

Per Arnold, the
existence of a "landfill"
has been created.

hanks
✓

6.14.01

check to verify!



PERMIT NO 01-21

RECYCLING FACILITY

/SITE PERMIT



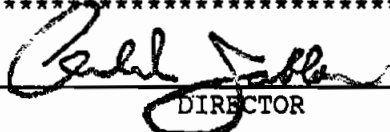
EXPIRES 12/31/01

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
887-3616

IN ACCORDANCE WITH SECTION 32-79, BALTIMORE COUNTY CODE, PERMISSION IS HEREBY GRANTED TO
THE PERMIT HOLDER TO OPERATE A SOLID WASTE PROCESSING FACILITY/SITE IN BALTIMORE COUNTY,
AT THE LOCATION DESIGNATED BELOW, AND AUTHORIZES THE ACCEPTANCE AND PROCESSING OF SOLID
WASTE.

HONEYGO RUN RECLAMATION CENTER
10710 PHILADELPHIA RD
PERRY HALL MD 21128

(RUBBLE LANDFILL)
* PERMIT CONDITIONS ATTACHED


DIRECTOR
May 21, 2001
Date Issued

PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE AT THE PRINCIPAL PLACE OF BUSINESS

REV 12/96



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204
WASTEWATER DISCHARGE PERMIT

LICENSING YEAR: AUGUST 1, 2000 THROUGH JULY 31, 2001

EFFECTIVE DATE: 08/01/2000

FACILITY NO. 119410

SIC NO. 4952

Facility Address:

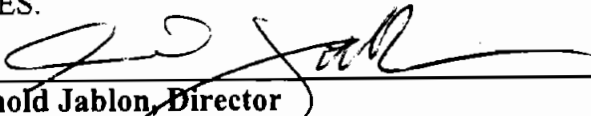
HONEYGO RUN RECLAMATION CENTER, INC
10710 PHILADELPHIA RD
PERRY HALL, MD 21128

Mailing Address:

HONEYGO RUN RECLAMATION CENTER, INC
10710 PHILADELPHIA RD
PERRY HALL, MD 21128

PERMISSION IS HEREBY GRANTED FOR
THE DISCHARGE OF INDUSTRIAL
WASTEWATER IN COMPLIANCE WITH
TERMS AND CONDITIONS OF THE
BALTIMORE COUNTY CODE, ARTICLE III,
DIVISION 5, SECTIONS 35-286 to 35-317 ET SEQ,
INTO THE BALTIMORE COUNTY SEWER LINES.

APPROVED:

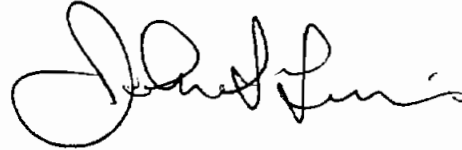

Arnold Jablon, Director
Permits and Development Management

CUSTOMER COPY

John Gontrum, Esquire
December 9, 1998
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis". The signature is fluid and cursive, with a large initial "J" and "L".

John L. Lewis
Planner II
Zoning Review

JLL:cjs

Enclosure



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

BUILDING PERMIT

[Signature]
BUILDINGS ENGINEER

PERMIT #: B284633 CONTROL #: GRC- DIST: 11 PREC: 04
DATE ISSUED: 03/05/97 TAX ACCOUNT #: 1118051240 CLASS: 07

PLANS: CONST 00 PLOT 8 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 10700 PHILADELPHIA RD
SUBDIVISION: 363 NE SILVER SPRING RD

OWNERS INFORMATION

NAME: HONEYGO RUN RECLAMATION CENTER INC
ADDR: 8814 COWENTON AVE PERRY HALL MD 21128

TENANT:

CONTR: T.B.D.

ENGNR:

SELLR:

WORK: CONSTRUCT A RUBBLE LANDFILL DURING A SIX STAGE
GRADING OPERATION. CONSTRUCT SEDIMENT CONTROL
MEASURES. TOTAL DISTURBED AREA 2,429.000SF
PERMIT WILL EXPIRE 2 YEARS FROM DATE OF
ISSUANCE.

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: RUBBLE FILL
200,000 EXISTING USE: MINING ACTIVITIES & CRUSHER RECYCLER

TYPE OF IMPRV: OTHER

USE: OTHER - NON-RESIDENTIAL

FOUNDATION:

BASEMENT:

SEWAGE:

WATER:

LOT SIZE AND SETBACKS

SIZE: 21.926AC

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

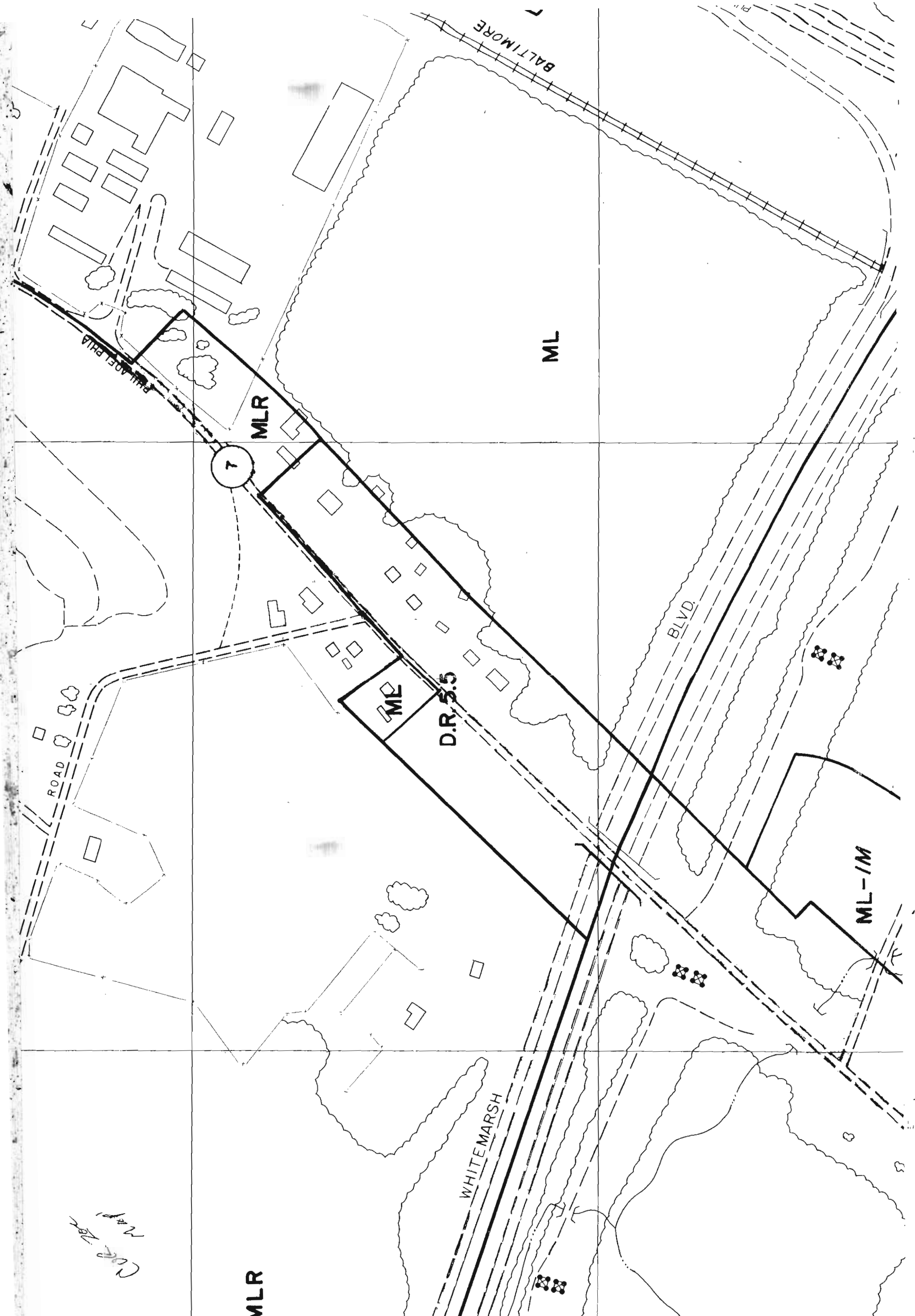
SIDE SETB: NC/NC

SIDE STR SETB:

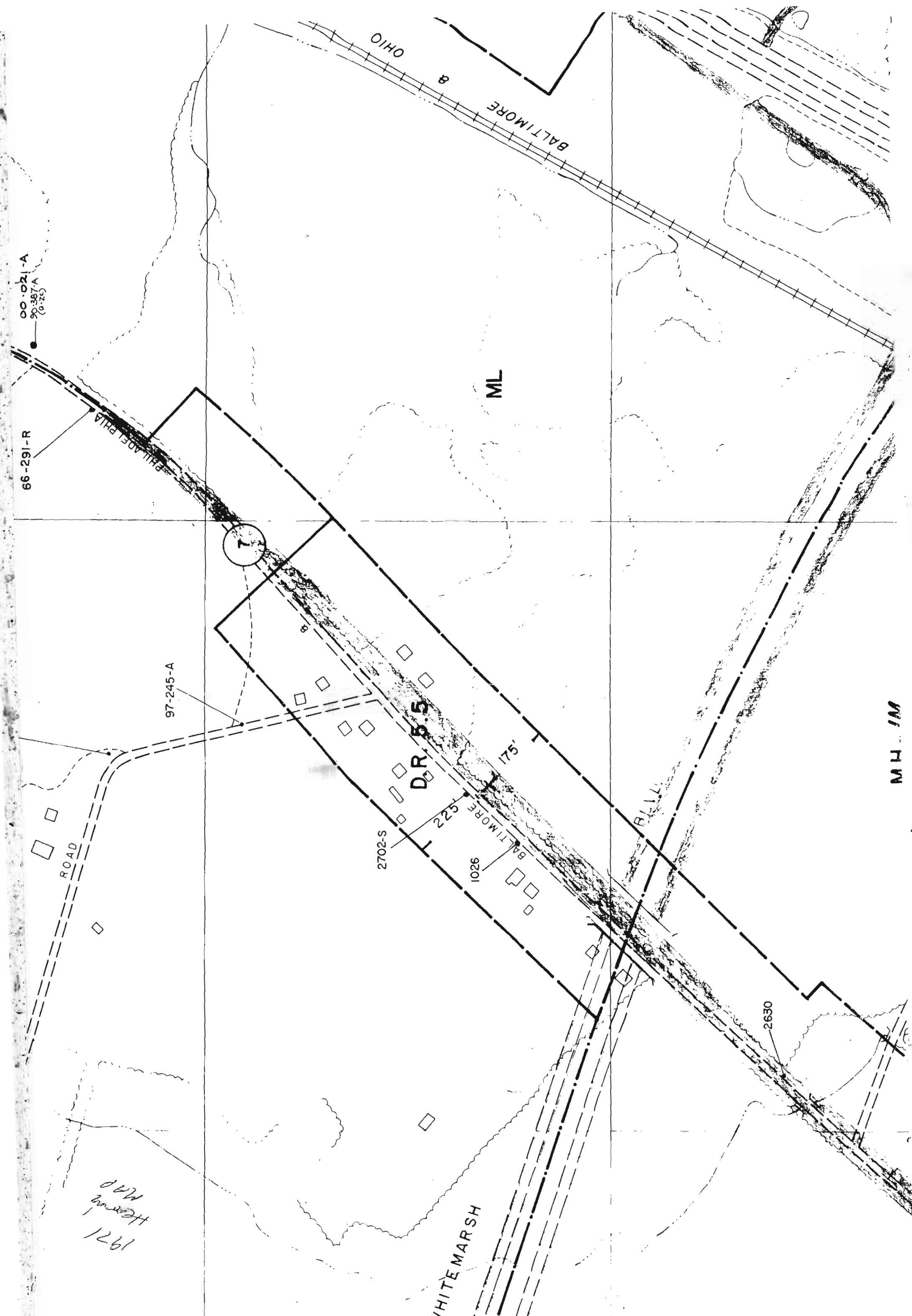
REAR SETB: NC

This letter will serve as your notification that Permit #B284633 will retain its validity until such time as the security being held is no longer valid. In essence, this permit will be automatically renewed each year unless the security is not in place or the permit is closed.

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.



COE 284
Map



ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

11/15/98

To: JLL
See Restrictive
11/27/98
uan

November 23, 1998

Carl Richards
Zoning Supervisor
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Honeygo Reclamation Center

Dear Mr. Richards:

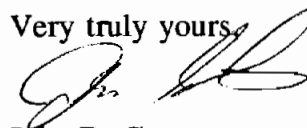
My client Honeygo Reclamation needs a letter from the County for title insurance purposes attesting that the site has the proper zoning for the existing use. The description and location of the property is described in the below-referenced case. A multi-paged site plan was filed.

The following issues need to be addressed:

- 1) current zoning. My records indicate that the site is zoned MLR.
- 2) special exception for a rubble landfill and recycling. A special exception for a rubble landfill with recycling was granted in Case XI-611; 94-87-SPHXA. A copy of the opinion and order of the Board of Appeals addressing both zoning and development issues is attached. The site has been lined and material has been accepted for recycling. The title company needs to be assured that the use as granted is permitted under the existing zoning and order.
- 3) no outstanding complaints or violations - To my knowledge there are no violations or complaints filed against the property.

Your co-operation in issuing this letter addressing these issues is appreciated.

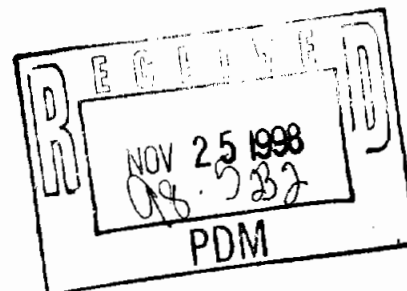
Very truly yours,



John B. Gontrum

enc.

cc. Daniel Hanley, Esq.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060381

DATE 11/30/98 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JLL)

RECEIVED FROM: Romadka, Gontrum & McLaughlin

FOR: VERIFICATION #98-5232

Honeygo Reclamation Center

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 12/02/1998 12/01/1998 16:24:02
REF 4900 CASHIER PWES FEW DROMER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 060381
CR NO. 060381

40.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

Arnold

NO ACTIVE NOR
PRIOR EVIDENCE OF
A ZONING ENFORCEMENT
CASE AGAINST -

10,006 Philadelphia Road

10,600 OR Philadelphia Road

6-11-01



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

LEN

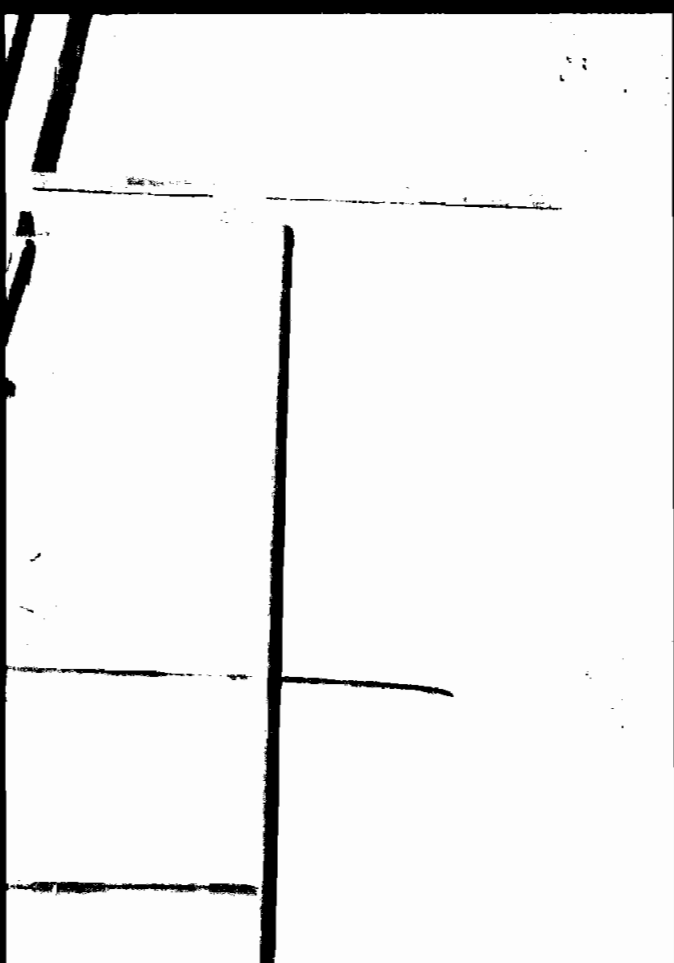
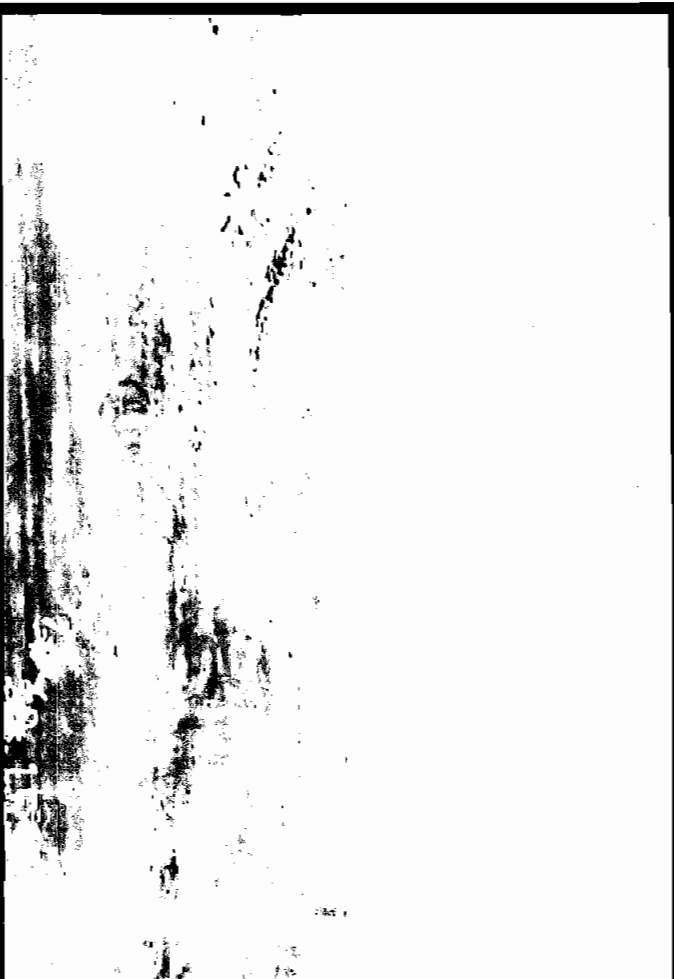
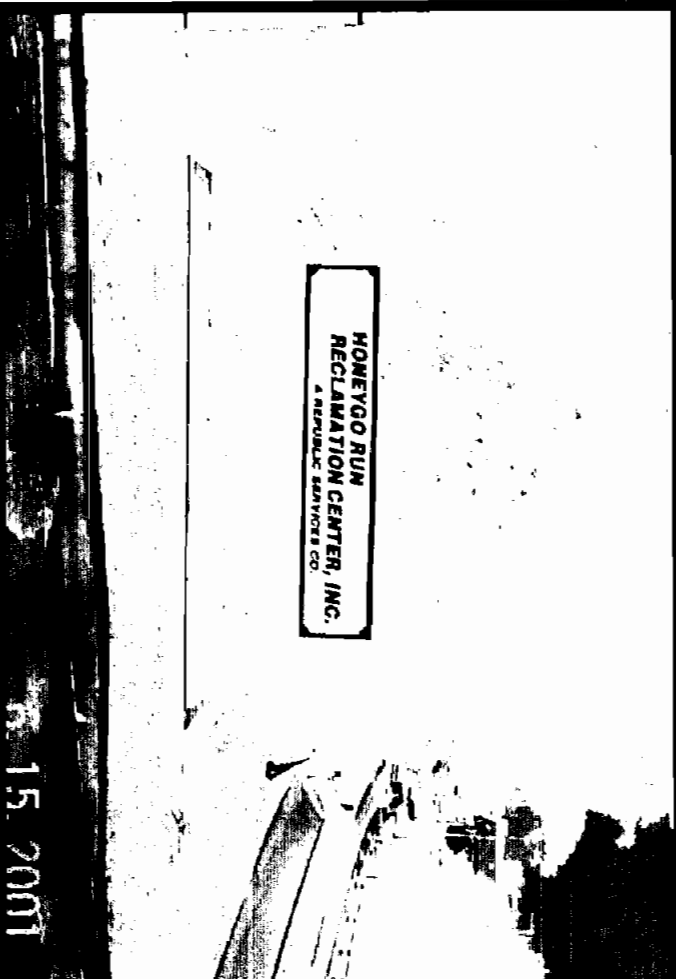
Work into your
schedule an inspection
of the intersection of
Silver Spring Road &
Philadelphia Road (Map 33,
H 10).

Per Arnold, the
existence of a "landfill"
has been created.

hanks
✓

6.14.01

check to verify!



PERMIT NO 01-21

RECYCLING FACILITY

/SITE PERMIT



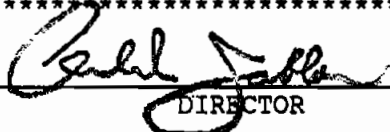
EXPIRES 12/31/01

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
887-3616

IN ACCORDANCE WITH SECTION 32-79, BALTIMORE COUNTY CODE, PERMISSION IS HEREBY GRANTED TO
THE PERMIT HOLDER TO OPERATE A SOLID WASTE PROCESSING FACILITY/SITE IN BALTIMORE COUNTY,
AT THE LOCATION DESIGNATED BELOW, AND AUTHORIZES THE ACCEPTANCE AND PROCESSING OF SOLID
WASTE.

HONEYGO RUN RECLAMATION CENTER
10710 PHILADELPHIA RD
PERRY HALL MD 21128

(RUBBLE LANDFILL)
* PERMIT CONDITIONS ATTACHED


DIRECTOR
May 21, 2001
Date Issued

PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE AT THE PRINCIPAL PLACE OF BUSINESS

REV 12/96



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204
WASTEWATER DISCHARGE PERMIT

LICENSING YEAR: AUGUST 1, 2000 THROUGH JULY 31, 2001

EFFECTIVE DATE: 08/01/2000

FACILITY NO. 119410

SIC NO. 4952

Facility Address:

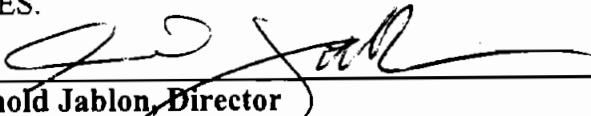
HONEYGO RUN RECLAMATION CENTER, INC
10710 PHILADELPHIA RD
PERRY HALL, MD 21128

Mailing Address:

HONEYGO RUN RECLAMATION CENTER, INC
10710 PHILADELPHIA RD
PERRY HALL, MD 21128

PERMISSION IS HEREBY GRANTED FOR
THE DISCHARGE OF INDUSTRIAL
WASTEWATER IN COMPLIANCE WITH
TERMS AND CONDITIONS OF THE
BALTIMORE COUNTY CODE, ARTICLE III,
DIVISION 5, SECTIONS 35-286 to 35-317 ET SEQ,
INTO THE BALTIMORE COUNTY SEWER LINES.

APPROVED:


Arnold Jablon, Director
Permits and Development Management

CUSTOMER COPY



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

BUILDING PERMIT

[Signature]
BUILDINGS ENGINEER

PERMIT #: B284633 CONTROL #: GRC- DIST: 11 PREC: 04
DATE ISSUED: 03/05/97 TAX ACCOUNT #: 1118051240 CLASS: 07

PLANS: CONST 00 PLOT 8 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 10700 PHILADELPHIA RD
SUBDIVISION: 363 NE SILVER SPRING RD

OWNERS INFORMATION

NAME: HONEYGO RUN RECLAMATION CENTER INC
ADDR: 8814 COWENTON AVE PERRY HALL MD 21128

TENANT:

CONTR: T.B.D.

ENGNR:

SELLR:

WORK: CONSTRUCT A RUBBLE LANDFILL DURING A SIX STAGE
GRADING OPERATION. CONSTRUCT SEDIMENT CONTROL
MEASURES. TOTAL DISTURBED AREA 2,429.000SF
PERMIT WILL EXPIRE 2 YEARS FROM DATE OF
ISSUANCE.

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: RUBBLE FILL
200,000 EXISTING USE: MINING ACTIVITIES & CRUSHER RECYCLER

TYPE OF IMPRV: OTHER

USE: OTHER - NON-RESIDENTIAL

FOUNDATION:

BASEMENT:

SEWAGE:

WATER:

LOT SIZE AND SETBACKS

SIZE: 21.926AC

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC/NC

SIDE STR SETB:

REAR SETB: NC

This letter will serve as your notification that Permit #B284633 will retain its validity until such time as the security being held is no longer valid. In essence, this permit will be automatically renewed each year unless the security is not in place or the permit is closed.

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

IN RE: DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE 300 ft. NW of Intersection of Philadelphia & Silver Spring Pk Honeygo Run Park 5th Councilmanic District Honeygo Run Reclamation Center, Inc., Developer

* BEFORE THE ZONING COMMISSIONER

* Case No. XI-611 & 94-87-SPHXA Project No. 92-285-2)

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN VARIANCE ORDER

This matter comes before the Hearing Officer Zoning Commissioner as a combined development plan review hearing and zoning petition hearing for the proposed project known as the Honeygo Run Reclamation Center. The zoning petitions and development plan are presented by the owner of the subject property, Honeygo Run Reclamation Center, Inc. The property owner requests approval of the development plan submitted as Petitioner's Exhibit No. 4. That approval is sought pursuant to the development plan regulations as codified in Section 26-10 of the Baltimore County Code.

As to the zoning petitions, they come before me as Zoning Commissioner pursuant to the authority granted by Section 26-11 of the Baltimore County Code and Section 500 of the Baltimore County Zoning Regulations (B.C.Z.R.). A Petition for Special Exception, Petition for Special Hearing, and Petition for Zoning Variance are all filed. As to the Petition for Special Exception, relief is sought to allow an "Excavation Controlled" on the subject site in an M.L.R. zone, pursuant to Section 248.4 of the B.C.Z.R. The definition of Excavation Controlled in Section 101 of the B.C.Z.R. encompasses the mining operation on this site. It is to be noted from the onset that this site has been actively mined for sand and gravel since the 1920s. Thus, that use would be permissible as a nonconforming use pursuant to Section 104 of the B.C.Z.R. However, the Petitioner wishes to legitimize the use through the special exception process. As

MICROFILMED

a second prong of the special exception petition, relief is requested to allow a rubble landfill operation on the subject site, pursuant to Section 218.4 of the B.C.Z.R. It is envisioned that the rubble landfill operation will commence when the excavation operation ceases. Obviously, the mining operations have resulted in the creation of deep pits throughout the property. The Petitioner desires to fill these pits through the rubble landfill operation. Thereafter, the property will be conveyed to Baltimore County for use as a recreational facility, to include ball fields and similar facilities.

As to the Petition for Special Hearing, approval is sought for a proposed concrete recycling and wood waste chipping operation as accessory uses to the existing mining operation and proposed rubble landfill. That is, the site will be improved with a concrete recycling operation and wood recycling center. In addition to accepting rubble waste for burial and disposal, the site will accept concrete and wood waste and contain facilities to grind and recycle those materials.

Lastly, two variances are requested. The first is from Sections 409.8A.2 and 409.8A.6 of the B.C.Z.R. to allow a crushed concrete surface for the internal haul road in lieu of the required durable and dustless surface and to permit same without the required permanent striping for offstreet parking facilities. Second, a variance is sought from Section 413.6.B. of the B.C.Z.R. to allow two free standing signs with 50 sq. ft. per face, and 8 ft. in height, in lieu of the permitted one free standing sign with 25 sq. ft. per face with a permitted height of 6 ft.

As noted above, this matter was scheduled for a combined hearing on the development plan and zoning petitions which was conducted over seven (7) full days. At that hearing, the Developer was represented by John B.

ORDER RECEIVED FOR FILING
Date 12/1/93
By [Signature]

- 2 -

Gontrum, Esquire. Several Protestants, including individuals and community groups appeared and participated. Nottingham Improvement Association, Inc., White Marsh Civic Association, Irene Albin, Bernard and Edna Jednoralski and Gladys Cook were all represented by J. Carroll Holzer, Esquire.

A substantial volume of testimony and evidence was offered. The testimony will be recounted here, in relevant part. However, 15 full double sided tapes were used to record the proceedings. They reflect the full record of this case. Moreover, 28 Petitioner's exhibits and 12 Protestants' exhibits were accepted and form part of this case file. Lastly, the Hearing Officer visited the site and the surrounding locale. All of this body of evidence was considered carefully by me in adjudging the merits of the zoning petitions and development plan.

As to the history of the development plan process, a Concept Plan was originally submitted and a meeting thereon held on December 7, 1992. This meeting was continued and completed on December 14, 1992. Thereafter, as required, a Community Input Meeting was conducted on January 7, 1993 at the White Marsh Library. Thereafter a development plan was submitted and a meeting held thereon on September 22, 1993. The Hearing Officer's hearing commenced on October 15, 1993 and the last day of hearing was on November 10, 1993. Counsel were then allowed until December 3, 1993 to submit memorandum in lieu of closing argument. Memorandums have been submitted by both the Developer/Petitioner and Protestants and have been carefully read and considered by the Hearing Officer. Moreover, it was agreed by all parties that the Hearing Officer's opinion would be rendered no later than 15 days after the due date for those memorandums, as required by the Baltimore County Code.

ORDER RECEIVED FOR FILING
Date 12/1/93
By [Signature]

- 3 -

Although the relevant testimony presented by the witnesses will be detailed hereinafter, a brief overview of the property and project is appropriate. The property is comprised of approximately 64 acres and, as noted above, zoned M.L.R. It is located on the north side of Silver Spring Road, west side of Old Philadelphia Road (Route 7), east side of I-95 and south of Cowenton Avenue in the White Marsh area of Baltimore County.

As noted above, the site is presently used and has been used for many years for mining operations. These operations fall within the definition of an Excavation Controlled, as defined within Section 101 of the B.C.Z.R. However, it is clear that the mining operations are nearly completed. In that the property has been mined out and the available minerals fully extracted, the Petitioner wishes to redevelop the property for use as a rubble landfill. This proposal appears to make logical sense in that the rubble will be utilized to fill up the pits previously created. The landfill operation will be comprised of three cells. The first to be utilized (cell 1) is located on the western portion of the site near I-95. The center of the site is comprised of cell 2 which will be utilized when cell 1 has been filled. The smallest cell, cell 3, is located on the eastern site adjacent to Old Philadelphia Road. That cell will be filled last. Immediately to the north of cell 3 is the concrete recycling and wood waste recycling centers. Moreover, the sole means of vehicular access to the site will be by way of an access road on the northwest corner of the site. This access road will provide vehicular ingress/egress from Old Philadelphia Road. The proposed entrance/exit will be improved to accommodate the anticipated truck traffic as shown on the development plan. Generally, trucks delivering waste to the site will enter the site

ORDER RECEIVED FOR FILING
Date 12/1/93
By [Signature]

- 4 -

from Old Philadelphia Road where they will be inspected and pass the offices and inspection stations provided. They will then be directed to dispose their loads in whatever cell is operational at that given time or at one of the recycling centers. Obviously, a fee will be collected for each truckload of rubble to be received. The Petitioner anticipates that the capacity of the site will be 4,000,000 cubic yards of space and that 400,000 cubic yards will be utilized per year; with a life expectancy of the fill for 10 years. After the fill is completed, the owner operator proposes to turn the facility over to Baltimore County's Department of Recreation and Parks. Thereinafter, it will be utilized to house ball diamonds, athletic fields and similar recreational purposes.

Testifying on behalf of the Petition was Frank Roscoe, a Professional Engineer, who is a Vice-President at Century Engineering. Mr. Roscoe is the Project Manager for this development and has coordinated all of the various engineering studies prepared in support of the zoning Petitions and Development Plan. He qualified as a professional engineer with expertise in site design and planning and more particularly was designated as an expert in storm water management and sediment control.

Mr. Roscoe testified that he was very familiar with the area and described the surrounding uses. The property is surrounded by both commercial and residential uses. To the southwest is the Honeygo Trailer Park and several residences. Other residential communities exist to the north. To the east is the McIlvain Lumber Yard and the Knight Trucking Company. The property is bounded on the west by I-95. Mr. Roscoe also identified and also introduced into evidence the development plan (Petitioner's Exhibit No. 4). This is a 10 page plan which includes numerous plats reflecting the studies which have evaluated the parcel and the pro-

ORDER RECEIVED FOR FILING
Date 12/1/93
By [Signature]

- 5 -

MICROFILMED

posed use. Mr. Roscoe noted that the site is zoned M.L.R. and that such zoning designation permits an Excavation Uncontrolled as of right. An Excavation Controlled, which includes surface mining activities, is permitted by special exception. Thus, a special exception has been requested to clean up, from a zoning standpoint, the activity which goes on at present. Mr. Roscoe also indicated that approximately 12 acres of the site continue to be mined at the present time pursuant to a mining permit issued by the State. The balance of the site has been mined out over the years. Sand and gravel is extracted from the soils.

Mr. Roscoe also described the setback buffers to the proposed rubble fill operation. He noted that the proposed landfill would be setback a minimum of 100 ft. on all sides. Mr. Roscoe also noted that this site had received C.R.G. approval for a project to be known as the I-95 Business Center. This was a combination/office warehouse facility which would contain over 870,000 sq. ft. of warehouse/office use. The site would contain numerous large buildings and large impervious parking and road network area. No doubt if this plan would be implemented traffic generated to the site would be substantial. However, these plans have been abandoned in favor of the proposed rubble fill. Mr. Roscoe also described the proposed access to the facility. He noted that the sole means of vehicular access would off Philadelphia Road. The proposed access lane is 35 ft. wide and 100 ft. in length. Near the entrance, the road would be paved. However, the haul road would then continue into the interior of the site and would be constructed of crushed concrete stone material.

He also described other features of the proposed landfill. That is, there would be an inspection station near the entrance and also inspection at the working cells to ensure only permitted material would be accepted.

The operation would be divided into a 3 cell operation with only one cell working at any one time. Thus, only a limited open dumping area will be exposed. He also described other improvements to the site which include the installation of a water line so as to provide two fire hydrants on the site. These hydrants will be located where wood chips are stored near the wood recycling facility. Mr. Roscoe also described the material which will be accepted; namely, demolition debris, paving, stumps and similar items. He contrasted these items with the garbage and household waste items which are allowed at a sanitary landfill. Also, this facility will not accept tires, asbestos, drums, white goods and hazardous waste.

He also described the extensive review and permitting process procedures required for approval to be obtained from the State. In addition to County approval, the facility will need approval from the Maryland Department of Environment. Also a permit will be needed to ensure air quality and to regulate the wood waste and concrete recycling center.

Mr. Roscoe also testified that the State approval process may take 3 to 4 years, thus it can be expected that the facility would not be operational for some time. He also noted that the fill area will be a minimum of 100 ft. from all wetlands to ensure that the wetlands are not compromised.

Mr. Roscoe also discussed the storm water management plan. He noted that the middle of the site will have the highest elevation and that there will be a swale around the perimeter. This will provide excellent drainage and water quality management. There will be no need for a storm water management pond due to the swale system. Calculations show that there will be less storm water runoff than presently occurs due to the installation of the swale system. This method of storm water management, known as

ORDER RECEIVED FOR FILING
Date 12/1/93
By [Signature]

- 6 -

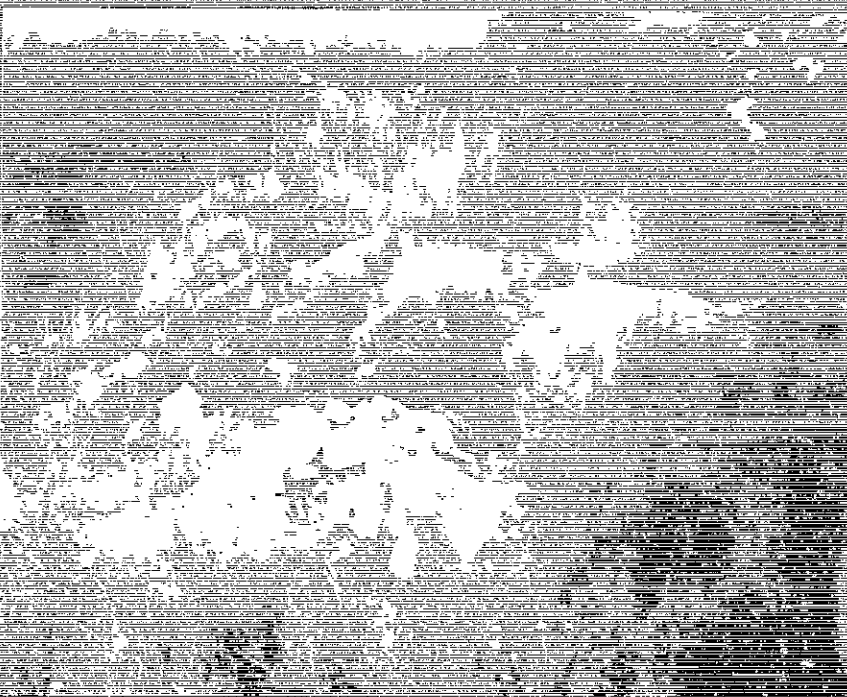
the "reach routing system", captures the water and disposes same into the underground water system within the perimeter of the site. He noted the existence of the Honeygo Run on the north portion of the site and efforts made by the Petition to protect same from contamination. He observed that the stream would have to rise more than 6 ft. above the 100 year flood plain to cause flooding into the fill. That is, his studies show that even in the worse case scenario (100 year storm) the water would have to rise 6-1/2 ft. (12 ft. in most places) to flood into the fill. Thus, he concluded that the development will have no adverse affect on the flood plain, wetland or storm water management issues. Actually, he concluded that storm water would be more better managed than is presently the case.

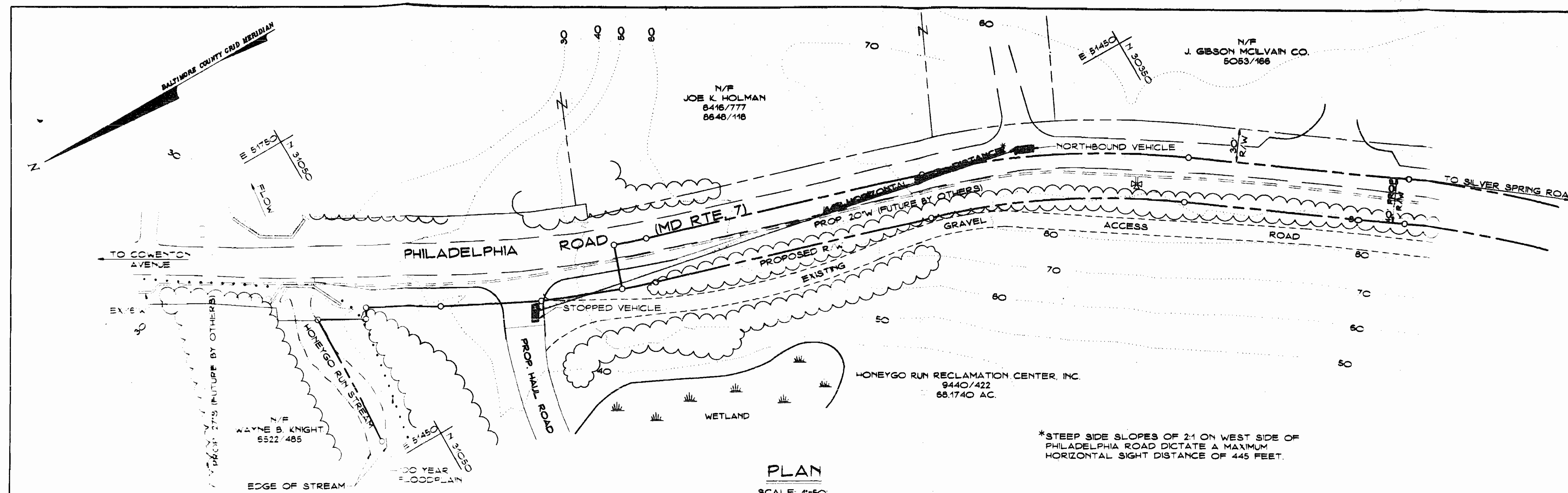
As to the ground water, Mr. Roscoe testified that 12 wells have been on site for approximately 1 year in addition to 12 piezometers. The water has been monitored by these devices for more than one year to ensure that a clear understanding as to the ground water system has been realized. The effects of the proposed use on the ground water system were explained in detail by other witnesses.

Mr. Roscoe opined that the recycling center will have three positive effects on the use of the property. It will (1) extend the life of the landfill (2) provide a profitable operation for the operator and (3) will provide the opportunity to additional sorting to ensure that hazardous materials are not placed into the fill. Also, he said that personnel will be trained by the Fire Department to prevent the possibility of an underground fire and that the sprinkler truck will be kept on the property to control dust and be available in the event of any type of fire. Also, he indicated that most traffic will be routed from I-95 onto Ebenezer Road to Route 40 to Philadelphia Road into the site. The developer has promised

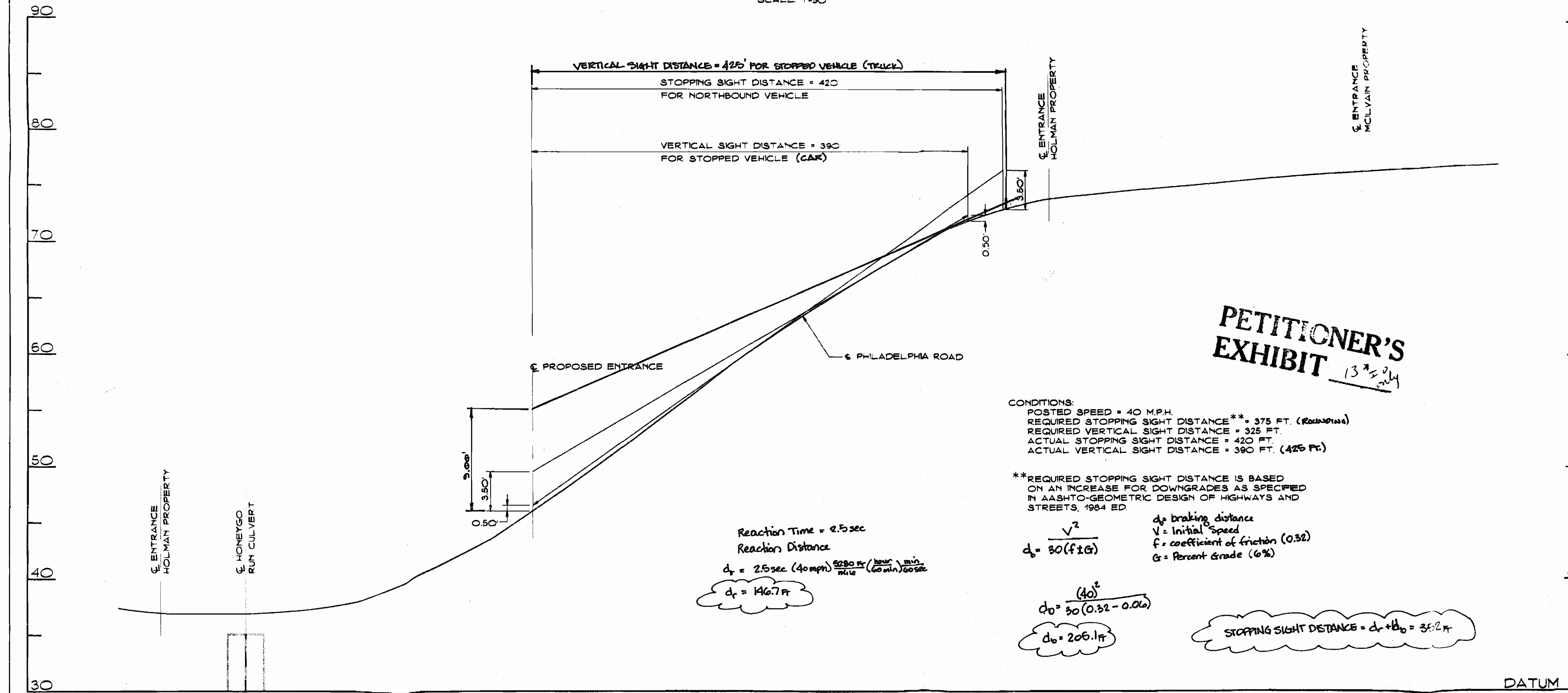
ORDER RECEIVED FOR FILING
Date 12/1/93
By [Signature]

- 8 -





PLAN
SCALE 1"=50'



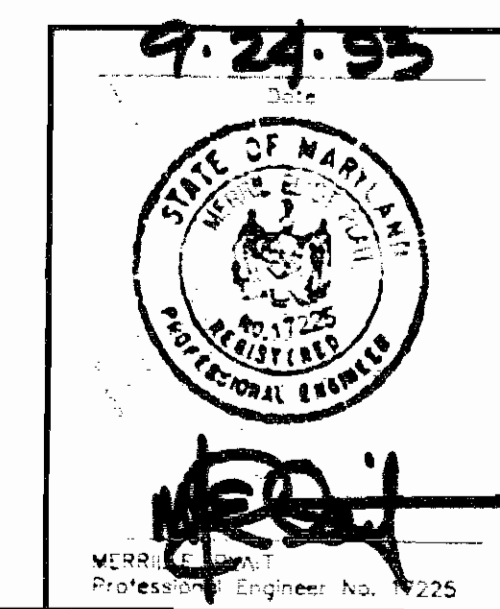
CENTERLINE PROFILE PHILADELPHIA ROAD (MD. RTE. 7)

SCALE: HORIZ. = 1"=50'
VERT. = 1"=5'

PETITIONER'S
EXHIBIT 13

EXHIBIT

DPW #92285 Z



DATE	NO.	REVISION DESCRIPTION
9-24-95		
HONEYGO RUN RECLAMATION CENTER, INC. 8814 COWENTON AVENUE PERRY HALL, MARYLAND 21428		
HONEYGO RECLAMATION PROJECT COUNCILMATIC DISTRICT #5 ELECTION DISTRICT #11 ADDRESS: 10700 PHILADELPHIA ROAD PERRY HALL, MD. 21428		
CENTURY ENGINEERING, INC. CONSULTING ENGINEERS, PLANNERS 32 WEST ROAD TOWSON, MARYLAND 21204 (410) 823-8070		
AREA	TAX MAP NO. 72 & 82 PARCEL 107 LIBER 9440 FOLIO 422	
TITLE	SIGHT DISTANCE PLAN & PROFILE	
Des. By: M.B.P.	Scale: 1"=50'	Proj. No.: 92-032
Drn. By: M.L.A./A.O.	Date: 08-13-93	
Chk. By: M.B.P.	Approved: F.E.R.	1 OF 1

Pet #13

to assist in the realignment of the intersection of Cowenton, Ebenezer and Philadelphia Roads in the future. There is no level of service intersection nearby. In Mr. Roscoe's view, traffic appears not to be a problem.

As to security, the site will have a 8 ft. high chain link fence around the perimeter. There will also be lighting, a significant berm and vegetation. In terms of the timetable of operation, it is anticipated that cell No. 1 will be filled after three years, cell No. 2, after 8 years, and cell No. 3 after 11 years. As to the development plan, Mr. Roscoe believes that all County issues have been resolved and community issues have been addressed. He also noted the significant community involvement in the project which was resolved through a Community Advisory Committee. This Committee has assisted in the resolution of many issues. Among the changes to the plan, which have been implemented due to the Community Advisory Committee input, are: (1) the water truck (2) the movement of the inspection station towards the interior of the site to provide internal traffic stacking spaces, (3) additional landscaping near the entrance, (4) a left turn only lane at the exit of the site onto Philadelphia Road, (5) elimination of the entrance to the property from Silver Spring Road and (6) a limitation to the height of the top off.

As to cross examination, he admitted that the precise location of the gate was not shown on the plan. This must be added. He also admitted that the number of trucks going in and out per day is variable and advised that the type of vehicles bringing rubble would be roll offs, which are similar to tractor trailers, and 10 wheel dump trucks. He also acknowledged that many of the safeguards built into the plan are dependent on the operator complying with the proposed manual. He opined that 18 to 20 tons of debris would come in per truck and was questioned as to how an inspection

ORDER RECEIVED FOR FILING
Date 12/1/83
By M. D. Clark

MICROFILMED

tor can see and inspect each load, particularly with a large volume of traffic entering the site on a daily basis. He said there would be sufficient inspections to ensure that no hazardous materials would be accepted. He also noted that material eventually destined for the subject site would be sorted where it was being collected as part of "razing permit" process. This additional inspection provides further opportunity to evaluate the material to be disposed. He did admit certain uncertainty as to the developer's exact responsibility relating to the realignment of the intersection at Cowenton, Ebenezer and Route 7. Also, he acknowledged that the slope of the finished fill will be 4% per the State's requirement. There will be steeper slopes to the north and east with a more gradual slope towards the south and west.

Also testifying on behalf of the Petitioner was Robert Harris, a civil engineer, employed with Century Engineering. Mr. Harris submitted an extensive resume (Pet. Exh. No. 17) as well as an extensive traffic study which he had conducted relative to the site and surrounding locale. (Pet. Exh. No. 13). He testified as a traffic expert as to his studies and conclusions.

Mr. Harris conducted an extensive study concerning the proposed entrance/exit from the site. As part of this study, he conducted counts of traffic volume on Philadelphia Road. He also computed the stopping distance necessary based on the posted speed limit (40 mi. per hr.). His calculations and studies are shown within his report. Based on the studies, Mr. Harris concluded that there was sufficient sight distance for both exiting vehicles from the landfill as well as for traffic northbound and southbound on Philadelphia Road. That is, both drivers of vehicles exiting the operation, as well as general traffic on Philadelphia Road,

ORDER RECEIVED FOR FILING
Date 12/1/83
By M. D. Clark

will have sufficient distance to identify vehicles and avoid accidents from traffic generated by the proposed operation. Moreover, Mr. Harris noted that the actual average speed limit on Philadelphia Road at the site was less than the 40 mi. an hour speed limit. According to his studies, the average vehicles proceeding northbound traveled at 39 miles an hour and the average southbound speed was 37 mi. per hour.

Mr. Harris also calculated the peak traffic to be generated by this use. He concluded that 240 trips in and 240 trips out would be generated per day. Of this amount, 13% would be generated during the A.M. peak hours and 7% during the P.M. peak traffic hours for vehicular traffic on Philadelphia Road. Computing these percentages into actual vehicle trips, he concluded that 35 trucks would come in and out during the morning peak hour and 35 trucks in and out during the evening peak hour. In Mr. Harris' opinion, such a volume could be handled by the existing and surrounding road network. Therefore, he concluded that the traffic generation produced by the proposed use would not adversely affect the traffic scheme in this area. Lastly, Mr. Harris observed that the Petitioner has agreed to post a no right turn for vehicles exiting the site onto Philadelphia Road. Thus, traffic would be mandated to proceed north. He felt that this restriction was appropriate in that a routing of traffic to the north of the site onto Ebenezer Road and ultimately to Route 40 and the surrounding interstate highway would reduce potential traffic congestion in the residential neighborhoods which lie to the south of the property.

Also testifying in favor of the Petition was John Rist, an environmental engineer who is also employed with Century Engineering. Mr. Rist's field of expertise related to the environmental effects expected to be produced by the landfill operation, as they relate to noise levels. Mr.

ORDER RECEIVED FOR FILING
Date 12/1/83
By M. D. Clark

Rist referred to standards produced not only by the State (see Code of Md. Regulations) but also federal highway standards. Based on his studies, as codified within his analysis marked as Petitioner's Exhibit No. 19, Mr. Rist concluded that noise expected to be generated from this site would not adversely affect the surrounding locale. He noted that the loudest pieces of equipment expected to be present on the site were the concrete crusher and wood shredder. He has reviewed the manufacturer's informational booklet about this machinery as part of his noise evaluation study. Mr. Rist concluded that the wood shredder would generate 70 decibels of noise at a distance of 25 ft. and the concrete crusher would produce 80 decibels of noise at 25 ft. This can be compared to a lawn mower, which would be expected to generate 95 decibels at a distance of 3 ft. Moreover, Mr. Rist noted that approximately 7.5 decibels are reduced at each doubling of the distance measured. Using these calculations and information, Mr. Rist evaluated potential noise levels at the Cooney/Bennett properties to the south of the site, the Hampshire Village community on Philadelphia Road and the trailer park community to the southeast of the property. From all of these points, Mr. Rist concluded that noise levels would be acceptable. Moreover, he noted that the ambient noise levels in this area are approximately 57 decibels. Ambient noise is defined as the existing background noise levels generated by traffic, machinery, people and other natural sources. Mr. Rist compared the ambient noise levels at this site favorably to suburban and urban areas. Thus, based on the existing scenario, the size of the site and the expected noise to be generated, Mr. Rist concluded that noise pollution would not be significant and that the amount of noise to be generated on the property would not harmfully affect the surrounding locale.

ORDER RECEIVED FOR FILING
Date 12/1/83
By M. D. Clark

Another expert witness who testified on behalf of the Petitioner was Dickson Wood. Mr. Wood is also employed with Century Engineering and is a professional geologist. He testified extensively as to his studies and conclusions regarding the ground water under this site and the potential effects of the proposed special exception uses. Although he has not finalized his comprehensive studies, Mr. Wood was able to offer a number of opinions. These were largely the result of information which was obtained from 12 monitoring wells and 7 piezometers which have been monitoring ground water on site for more than one year.

Mr. Wood testified that there are two existing aquifers under the surface at this site. The upper aquifer begins at a depth of approximately 40 ft. below the natural grade. This aquifer is covered by a layer of sand and silt materials. The water contained within this upper aquifer contains some acidity, nitrates and iron. Mr. Wood opined that the water found in this upper aquifer is not drinkable. Below this aquifer, according to the witness' testimony, is a thick layer of silt and clay. Below this level is a second aquifer which Mr. Wood labeled a confined aquifer. That is, he testified that the aquifers are separated and that the ground waters which exist in each do not co-mingle. Thus, Mr. Wood believes that any pollutant which might affect the upper aquifer would not affect the confined (deeper) aquifer.

Mr. Wood also determined the ground water flow direction. These flow directions are shown on Petitioner's Exhibit No. 22. Although unable to determine the exact flow rate, Mr. Wood testified that the ground water will not flow across the Honeygo stream. Also, Mr. Wood opined that the direction of the ground water flow was away from the trailer park, which constitutes the nearest residential neighbors to the site. Mr. Wood also

ORDER RECEIVED FOR FILING
Date 12/1/83
By M. D. Clark

MICROFILMED

noted on direct examination that additional reviews would be necessary in order to obtain State of Maryland Department of the Environment approvals and that information obtained from the monitoring devices on site would be reviewed at least two times per year during the operation. Thus, he concluded that if any pollution resulted, same could be controlled before it adversely affected ground water offsite.

On cross examination, Mr. Wood's opinions were broadened. He conceded that he did not know the rate of flow or the quantity of ground water flow. Moreover, he admitted that an analysis had not been completed to fully adjudge the impact of recharge on the Honeygo Run. That is approximately 25% of the volume in the unconfined aquifer feeds into the Honeygo Run. However, Mr. Wood did state that due to the large recharge area of the site, there would be little possibility of a significant adverse impact by storm water infiltration into the Honeygo Run.

A significant point raised on cross examination was Mr. Wood's testimony about the standards regarding the necessary distance to be maintained between the bottom of the fill and the top of the aquifer. Mr. Wood placed great reliance on the standard which has been established by the State requiring a 5 ft. cover from the top of the ground water to the bottom of the fill. Mr. Wood insisted that this distance would be maintained uniformly throughout the site. Unfortunately, he did not explain why the 5 ft. was an appropriate distance from a geological standpoint. Instead, there appeared to be a blind reliance upon this standard without independent inquiry as to whether it was sufficient at this site. That is, Mr. Wood relied significantly on the State standards, rather than offering expert geological opinion as to the validity of those standards in this instance.

ORDER RECEIVED FOR FILING
Date 12/1/83
By M. D. Clark

Mr. Wood was recalled on a later day after additional studies had been performed by him. The testimony offered at that time was in response to testimony offered by the Protestants' expert witness, Dr. Robert Kondner. Mr. Wood noted that the rate of flow was determined by the grade of the aquifer (the amount of drop ground water takes in a given distance) and the porosity (the level of porous nature in a given material). Based on these two characteristics as found on this site, Mr. Wood concluded that the ground water would move approximately .7 ft. per day at this site. Thus, ground water will move approximately 200 to 250 ft. per year. Moreover, Mr. Wood noted that as ground water approached the Honeygo Run, the gradient was less and the water would slow down. The significance of this testimony was to support Mr. Wood's conclusion that any pollution to the ground water would not escape the site quickly. With the required monitored wells and piezometers, Mr. Wood believes that any potential problem can be detected and resolved before adversely impacting the underlying confined aquifer and the ground water systems below adjacent properties.

Also testifying on behalf of the Petitioner was James Krawczyk, another Century employee in the Environmental Division. Mr. Krawczyk qualified as an expert engineer and in landfill design. Mr. Krawczyk testified at length about the State process which governs approval and regulation of landfills. Apparently, this is a four stage process. Phase I constitutes a preliminary general application which has been made by the Petitioner at this time. Mr. Krawczyk noted, however, that the State would not consider the application until local zoning approval was obtained. Thus, the State process will continue only after the decision herein is rendered and finalized. Following the Phase I preliminary studies, Phase II is undertaken.

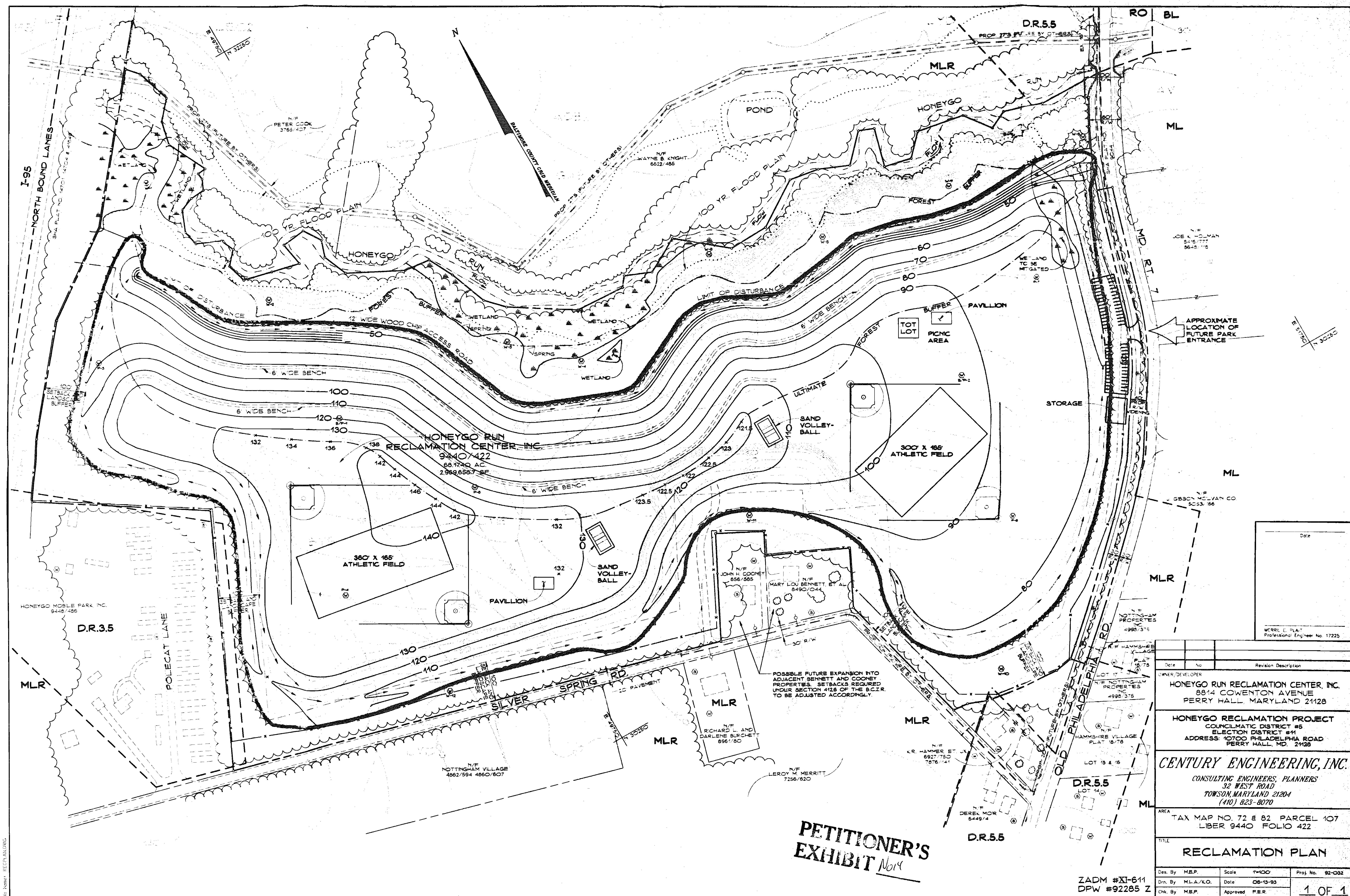
ORDER RECEIVED FOR FILING
Date 12/1/83
By M. D. Clark

This phase includes submission of significant geology and ground water studies, which will no doubt be prepared in part by Mr. Wood. Assuming those studies are appropriate and are accepted, the process then moves into Phase III regarding the design of the landfill. The final review, Phase IV involves a public hearing on the proposed use.

Mr. Krawczyk corroborated the testimony offered by Mr. Wood regarding the 5 ft. standard between the bottom of the fill and top of the ground water. Mr. Krawczyk noted that this distance was established based upon the State's studies of other landfills. The State's position, in Mr. Krawczyk's view, is that this is a safe distance and ensures adequate protection to the underground water system. Mr. Krawczyk noted the Maryland Department of the Environment will insist that the fill operation not adversely impact the nature and character of the ground water below the site.

In designing the proposal, Mr. Krawczyk admitted that he had a "fair way to go between the plans prepared now and the final plans". He noted that these plans would be submitted to the State after zoning approval was obtained. However, Mr. Krawczyk listed a number of mitigating factors which have been developed and will be included in the plans. In his view, these factors will eliminate the possibility of adverse affect of the landfill operation on the surrounding locale. First, he observed that the list of materials to be accepted by the landfill will be limited. There will be no toxic or other hazardous chemicals nor materials such as asbestos, tires, etc. Secondly, Mr. Krawczyk noted that the site was protected by an extensive berm including an earth berm and 100 ft. buffer distance which would protect the Honeygo Run and neighboring properties. Thirdly, he described the operations manual which has been prepared and was de-

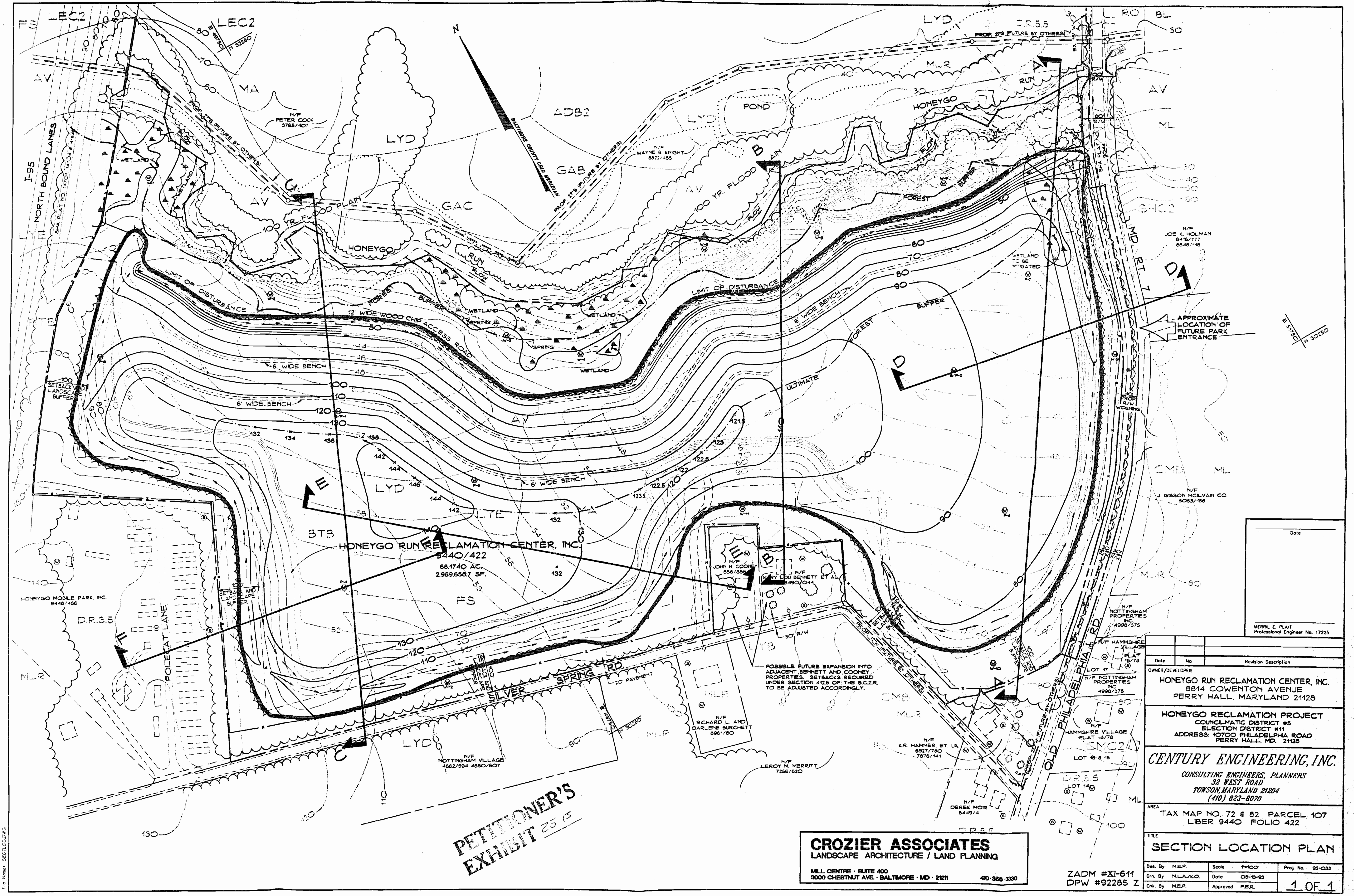
ORDER RECEIVED FOR FILING
Date 12/1/83
By M. D. Clark



Date	No.	Revision Description
OWNER/DEVELOPER		
HONEYGO RUN RECLAMATION CENTER, INC.		
8814 COWENTON AVENUE		
PERRY HALL, MARYLAND 21128		
HONEYGO RECLAMATION PROJECT		
COUNCILMATIC DISTRICT #5		
ELECTION DISTRICT #41		
ADDRESS: 10700 PHILADELPHIA ROAD		
PERRY HALL, MD. 21128		
CENTURY ENGINEERING, INC.		
CONSULTING ENGINEERS, PLANNERS		
32 WEST ROAD		
TOWSON, MARYLAND 21204		
(410) 823-8070		
TAX MAP NO. 72 & 82 PARCEL 107		
LIBER 9440 FOLIO 422		
TITLE		
RECLAMATION PLAN		
Des. By M.E.P.	Scale 1"=100'	Proj. No. 92-032
Dwn. By M.L.A./K.O.	Date 08-13-93	
Chk. By M.E.P.	Approved F.E.R.	1 OF 1

ZADM #XI-611
DPW #92285 Z

Pet #14



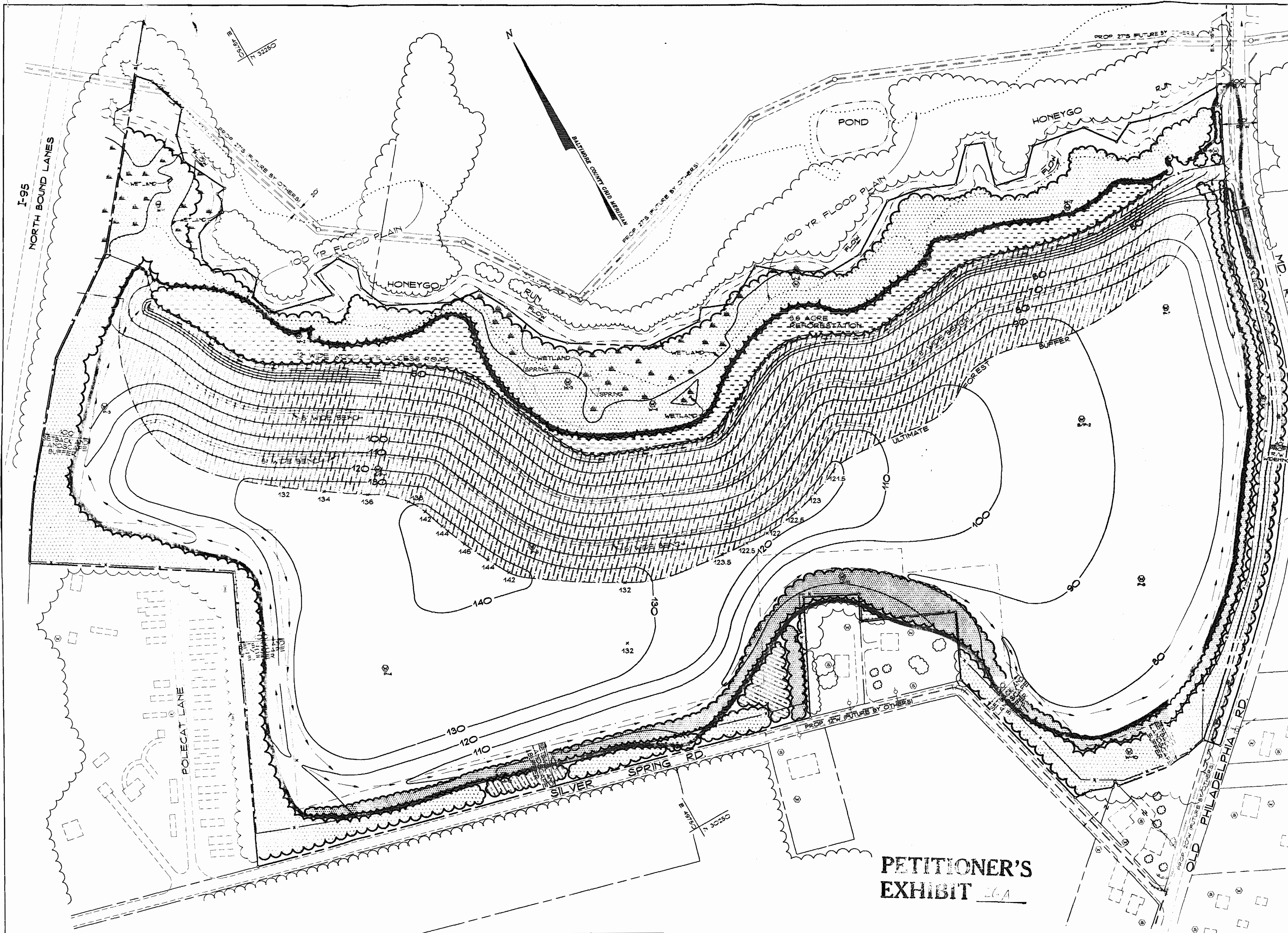
PETITIONER'S
EXHIBIT 25 B

CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE / LAND PLANNING
MILL CENTRE - SUITE 400
3000 CHESTNUT AVE. - BALTIMORE - MD - 21211 410-388-3330

ZADM #XI-611
DPW #92285 Z

Date			Revision Description
Date			No
OWNER/DEVELOPER			
HONEYGO RUN RECLAMATION CENTER, INC.			
8814 COWENTON AVENUE			
PERRY HALL, MARYLAND 21128			
HONEYGO RECLAMATION PROJECT			
COUNCILMATIC DISTRICT #5			
ELECTION DISTRICT #11			
ADDRESS: 10700 PHILADELPHIA ROAD			
PERRY HALL, MD. 21128			
CENTURY ENGINEERING, INC.			
CONSULTING ENGINEERS, PLANNERS			
32 WEST ROAD			
TOWSON, MARYLAND 21204			
(410) 823-8070			
AREA			
TAX MAP NO. 72 & 82 PARCEL 107			
LIBER 9440 FOLIO 422			
TITLE			
SECTION LOCATION PLAN			
Des. By	M.E.P.	Scale	1"=100'
Dra. By	M.L.A./K.O.	Date	08-03-93
Chk. By	M.E.P.	Approved	F.E.R.
Proj. No.			92-032
			1 OF 1

Pet #25 B



- LEGEND**
- PROPERTY LINE
 - FLOOD PLAIN
 - EXISTING FOREST TO REMAIN
 - FINAL LIMIT OF DISTURBANCE
 - 100' SETBACK LANDSCAPE BUFFER
 - SECURITY FENCE
 - REFORESTATION AREA 'A'
 - REFORESTATION AREA 'B' - SHALLOW ROOTED PLANTING WITHIN ULTIMATE FOREST BUFFER, INCLUDING SHRUBS AND GRASSES
 - EXISTING FOREST TO REMAIN UNTIL FINAL FILL PHASE - THEN REMOVED, REGRADED & REPLANTED WITH LANDSCAPE BUFFER PLANTING
 - EXISTING EARLY GROWTH VEGETATION TO REMAIN WHERE DESIRABLE - NEW PLANTS TO BE ADDED WHERE NEEDED TO IMPROVE THE LANDSCAPE BUFFER PLANTING
 - NEW LANDSCAPE BUFFER PLANTING USING EVERGREEN AND DECIDUOUS TREES AND SHRUBS

NOTE

- FOR MORE INFORMATION CONCERNING PRELIMINARY PROPOSED LANDSCAPE BUFFER PLANTING SEE CHART ON SHEET 6 OF 6.
- ALL LANDSCAPE BUFFER AREA PLANTINGS WILL BE COMPLETED DURING THE OPERATING PHASE OF THE LANDFILL, AS SOON AS PROPOSED GRADES ARE ESTABLISHED.

Aug 20, 1993
Date

James E. Padlock
JAMES EDWARD PADLOCK
Registered Landscape Architect No. 611

DATA TABLE

NET TRACT AREA	63.51 AC.
FOREST CONSERVATION THRESHOLD	9.52 AC.
TOTAL REFORESTATION REQUIRED	6.10 AC.

PETITIONER'S EXHIBIT 26A

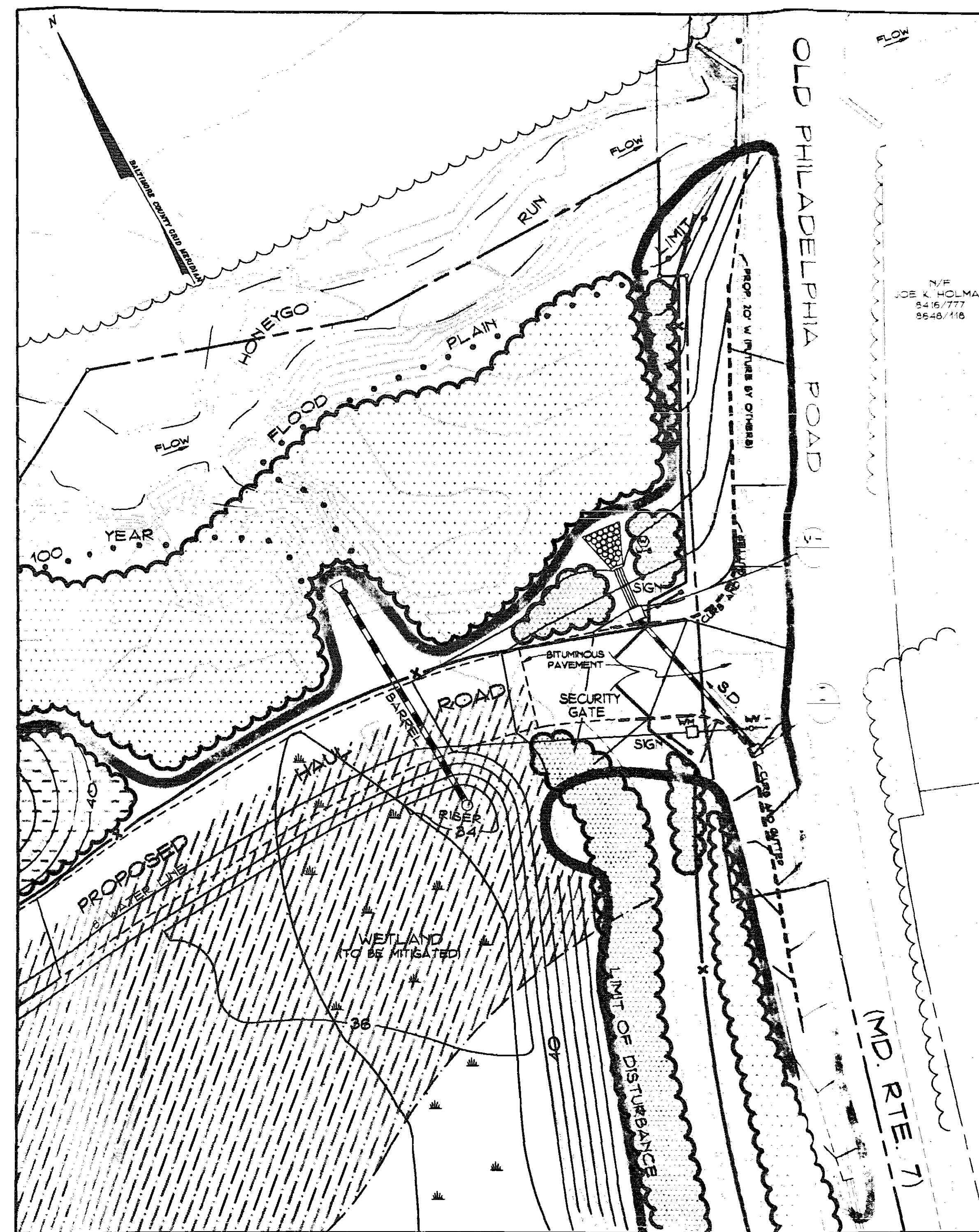
CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE / LAND PLANNING

MILL CENTRE - SUITE 400
3000 CHESTNUT AVE. - BALTIMORE - MD - 21211 410-368-3330

ZADM #XI-611
DPW #92285 Z

Date	No.	Revision	Description
OWNER/DEVELOPER			
HONEYGO RUN RECLAMATION CENTER, INC. 8814 COWENTON AVENUE PERRY HALL, MARYLAND 21128			
HONEYGO RECLAMATION PROJECT COUNCILMATIC DISTRICT #5 ELECTION DISTRICT #11 ADDRESS: 10700 PHILADELPHIA ROAD PERRY HALL, MD. 21128			
CENTURY ENGINEERING, INC. CONSULTING ENGINEERS, PLANNERS 32 WEST ROAD TOWSON, MARYLAND 21204 (410) 823-8070			
TAX MAP NO. 72 & 82 PARCEL 107 LIBER 9440 FOLIO 422			
TITLE PRELIMINARY FOREST CONSERVATION/ LANDSCAPING/SECURITY PLAN (1 OF 2)			
Des. By	J.P./E.T.	Scale	1"=100'
Drn. By	K.O./M.L.A.	Date	08-13-93
Chk. By	M.E.P.	Approved	F.E.R.
			Proj. No. 92-032
			5 OF 6

Pet #26 A



MILL CENTRE • SUITE 400
3000 CHESTNUT AVE. BALTIMORE, MD • 21211 410-366-3330

BUFFER AREA 1



NEW LANDSCAPE BUFFER PLANTING
LONG EVERGREEN AND DECIDUOUS
TREES AND SHRUBS

Chk. By M.E.P.	Approved F.E.R.	6 OF 6
----------------	-----------------	--------

Pet F26 B

94-87-SPHXA

HONEYGO RUN RECLAMATION CENTER

WHITE MARSH, BALTIMORE COUNTY, MARYLAND

GENERAL NOTES

- GROSS AREA: 68.7 AC (2,969,559 SF)
NET AREA: 67.33 AC (2,931,401 SF)
PLANNING DISTRICT #375
EXISTING ZONING: M-2 DR-35
ZONING MAP # 8 AND 9
EXISTING USE: SAND GRAVEL
PROPOSED TRPS: 240 DAY
ZON DUMPTRUCKS: 10 TRPS
BON ROLL-OFFS: 30 TRPS
PREVIOUS COMMERCIAL PERMITS: SITE CURRENTLY
OPERATING UNDER A STATE OF MARYLAND SURFACE
MINING LICENSE NO. 93-S-0506
- ELECTION DISTRICT #11
- COUNCILMANIC DISTRICT #5
- CENSUS TRACT #41301
- WATERSHED #6 SUBWATERSHED #15
- THE DR-35 ZONE LIES WITHIN THE 100' SETBACK AND
LANDSCAPE BUFFER FOR THE LANDFILL OPERATION NEAR
THE HONEYGO MOBILE PARK, INC. THEREFORE NO
LANDFILLING OPERATIONS SHALL BE PERFORMED IN THE
DR-35 ZONE.
- IN 1980 THE SITE WAS ISSUED A SEWAGE SLUDGE
UTILIZATION PERMIT NUMBER S-03-522-ABE FOR THE
COLLECTION, TRANSPORTATION AND HANDLING OF DIGESTED
SEWAGE SLUDGES FROM THE PATAPSCO AND BACK RIVER
WASTEWATER TREATMENT PLANTS. IN JULY OF 1988 THE
PERMIT WAS RENEWED BY THE STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT NUMBER S-03-522-ABE1
FOR A PERIOD OF THREE (3) YEARS. THE PERMIT EXPIRED
ON JULY 21, 1991.
- A REQUEST FOR COMBINED HEARINGS HAS BEEN FILED UNDER
SECTION 26-206.1 OF THE BALTIMORE COUNTY DEVELOPMENT
REGULATIONS.
- THIS SITE DOES NOT LIE WITHIN ANY OF THE DESIGNATED
AREAS OF CRITICAL STATE CONCERN IDENTIFIED AS SUCH
UNDER THE PROCEDURES OF SECTION 561 OF THE STATE
FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED
CODE OF MARYLAND.
- CRG PLAN # SUBDIVISION PLAN FOR THIS SITE B.C.Z.R. 2541
ENTITLED "H-95 NORTH BUSINESS CENTER" TO ALLOW 97,000 SF
OF OFFICE SPACE AND 78,825 SF OF ACCESSORY SPACE WAS
APPROVED BY THE BALTIMORE COUNTY REVIEW GROUP ON 12/14/89.
- THE SUBJECT PROPERTY IS CURRENTLY OPERATING UNDER
SURFACE MINING PERMIT NUMBER M-93-010 EXPIRATION
DATE JULY 1, 1994 AS ISSUED BY THE STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES AND RESOURCES
ADMINISTRATION AND HAS BEEN ACTIVE SINCE THE 1920S
AS A MINING OPERATION WHICH IS PRIOR TO THE ADOPTION
IN 1955 OF THE B.C.Z.R. THIS IS A NONCONFORMING USE FOR
EXCAVATION IN AN MLR ZONE IN ACCORDANCE WITH
SECTION 104.1.
- THE PRE-CONCEPT PLAN FOR THE HONEYGO RUN
RECLAMATION CENTER WAS SUBMITTED TO BALTIMORE
COUNTY ON NOVEMBER 5, 1992. THE PRE-CONCEPT PLAN
CONFERENCE WAS HELD ON DECEMBER 1, 1992 AT BALTIMORE
COUNTY. THE COMMUNITY INPUT MEETING WAS CONDUCTED
AT THE WHITE MARSH LIBRARY ON JANUARY 1, 1993.
- AS PER SECTION 412 OF THE B.C.Z.R. THE PROPOSED RUBBLE
LANDFILL:
 - WILL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF
THE BALTIMORE COUNTY DEPARTMENT OF HEALTH AND THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
RESOURCE MANAGEMENT.
 - WILL COMPLY WITH THE COUNTY'S APPLICABLE PERMIT
REQUIREMENTS.
 - SHALL HAVE SCREENING PROVIDED OF SUCH TYPES AND
AT SUCH LOCATIONS AS MAY BE REQUIRED BY THE ZONING
COMMISSIONER ON RECOMMENDATION OF THE DIRECTOR
OF PLANNING AND ZONING.
 - HAS ADEQUATE ROAD ACCESS FOR THE TRUCK TRAFFIC
GENERATED BY THE LANDFILL.
 - WILL HAVE A POST-USE LAND RECLAMATION PLAN SUBMITTED
TO THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT
AND THE BALTIMORE COUNTY OFFICE OF PLANNING AND
ZONING AND THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT WHICH WILL BE
APPROVED AS REQUIRED BEFORE THE USE MAY BE
AUTHORIZED BY THE ZONING COMMISSIONER.
 - IS NOT LOCATED WITHIN 100 FEET OF ANY PROPERTY LINE
OR WELL OR SEPTIC SYSTEM OR WITHIN 100 FEET OF ANY
STREAM OR NATURAL WATER COURSE OR WETLANDS OR
FLOODPLAIN.
- THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE
MANAGEMENT PERIODICALLY WILL INSPECT THE RUBBLE LANDFILL
IN ORDER TO MONITOR THE TYPE OF WASTE MATERIAL RECEIVED
FOR DISPOSAL.

- THE FLOOR TO AREA RATIO = 3000 SF/2000000 SF = 0.001
- PARKING SPACES REQUIRED = 1 SPACE PER EMPLOYEE X MAXIMUM 12
EMPLOYEES PER SHIFT = 12 SPACES
PARKING SPACES PROVIDED = 45 SPACES
- ALL STANDARD PARKING SPACES ARE A MINIMUM OF 8.5X15'
- THE FOLLOWING PROPERTIES WILL BE CONVEYED TO THE
ADJACENT PROPERTY OWNERS WHEN AREA 'A' IS COMPLETELY
CONVEYED TO BALTIMORE COUNTY DEPARTMENT OF RECREATION
AND PARKS. THIS WILL OCCUR AFTER THE CESSATION OF
THE SPECIAL EXCEPTION USES.
AREA 'A' 60.50 ACRES TO BE CONVEYED TO BALTIMORE
COUNTY DEPARTMENT OF RECREATION AND PARKS.
AREA 'B' 2.68 ACRES TO BE CONVEYED TO HONEYGO
MOBILE PARK OR SUCCESSORS
AREA 'C' 1.57 ACRES TO BE CONVEYED TO JOHN H. COONEY
OR SUCCESSORS
AREA 'D' 1.16 ACRES TO BE CONVEYED TO MARY LOU
BENNETT OR SUCCESSORS
AREA 'E' 0.98 ACRES TO BE CONVEYED TO K.R. HAMMER
OR SUCCESSORS
AREA 'F' 1.13 ACRES TO BE CONVEYED TO MARYLAND
STATE HIGHWAY ADMINISTRATION
AREA 'G' 0.44 ACRES TO BE CONVEYED TO BALTIMORE
COUNTY DEPARTMENT OF PUBLIC WORKS
TOTAL AREA CONVEYED = 68.7 ACRES
FOR LOCATION OF AREAS 'A'-'G' SEE SPECIAL
EXCEPTION PLAT SHEET 2 OF 2.
- THE HONEYGO RUN RECLAMATION CENTER WILL COMPLY WITH
ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
- FINAL PLANS AND OPERATION MANUALS ARE SUBJECT TO
FURTHER STATE AND COUNTY REVIEW AND APPROVAL DURING
THE REVIEW PROCESS. ADDITIONAL CHANGES MAY OCCUR TO
THE PLANS AND MANUALS.
- DEVELOPER AGREES TO REIMBURSE THE COUNTY OR STATE
HIGHWAY ADMINISTRATION FOR THE COSTS OF OFF-SITE
RIGHTS-OF-WAY ACQUISITION FOR REALIGNMENT OF COWENTON
AVENUE AS A PROPOSED SEVENTY FOOT (70') RIGHT-OF-WAY.
LIGHTING WILL BE PROVIDED AT THE ENTRANCE TO THE
SITE AND ALONG THE FENCE PERIMETER AS NECESSARY
FOR SECURITY. LIGHTING SHALL BE DIRECTED ONTO THE
SITE AND SHADDED FROM OFF-SITE PREMISES. ADDITIONALLY,
NO TRESPASSING SIGNS WILL BE POSTED AT 100'
INTERVALS ALONG THE PERIMETER OF THE SITE.
- WETLANDS SHOWN ON THE PLANS HAVE BEEN FIELD DELINEATED
AND VERIFIED BY CORP OF ENGINEERS AND BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE
MANAGEMENT.
- A RECLAMATION PLAN WILL BE FILED IN ACCORDANCE WITH
SECTION 26-301 ET. SEQ. OF BALTIMORE COUNTY CODE.

SPECIAL EXCEPTIONS APPLIED FOR:

- TO ALLOW A RUBBLE LANDFILL OPERATION IN AN MLR ZONE
AS PER SECTION 248.4 'SPECIAL EXCEPTIONS' OF THE
B.C.Z.R.
- TO ALLOW FOR 'EXCAVATIONS CONTROLLED' IN AN MLR ZONE
SECTION 248.4 OF THE B.C.Z.R. BY SPECIAL EXCEPTION
'CONTROLLED EXCAVATION MEANS 'SURFACE MINING'
(B.C.Z.R. 1955; BILL NO. 32, 1988)

DEFINITIONS FOUND ON PAGES 1-13 AND 1-14 ON THE B.C.Z.R. ARE AS FOLLOWS:

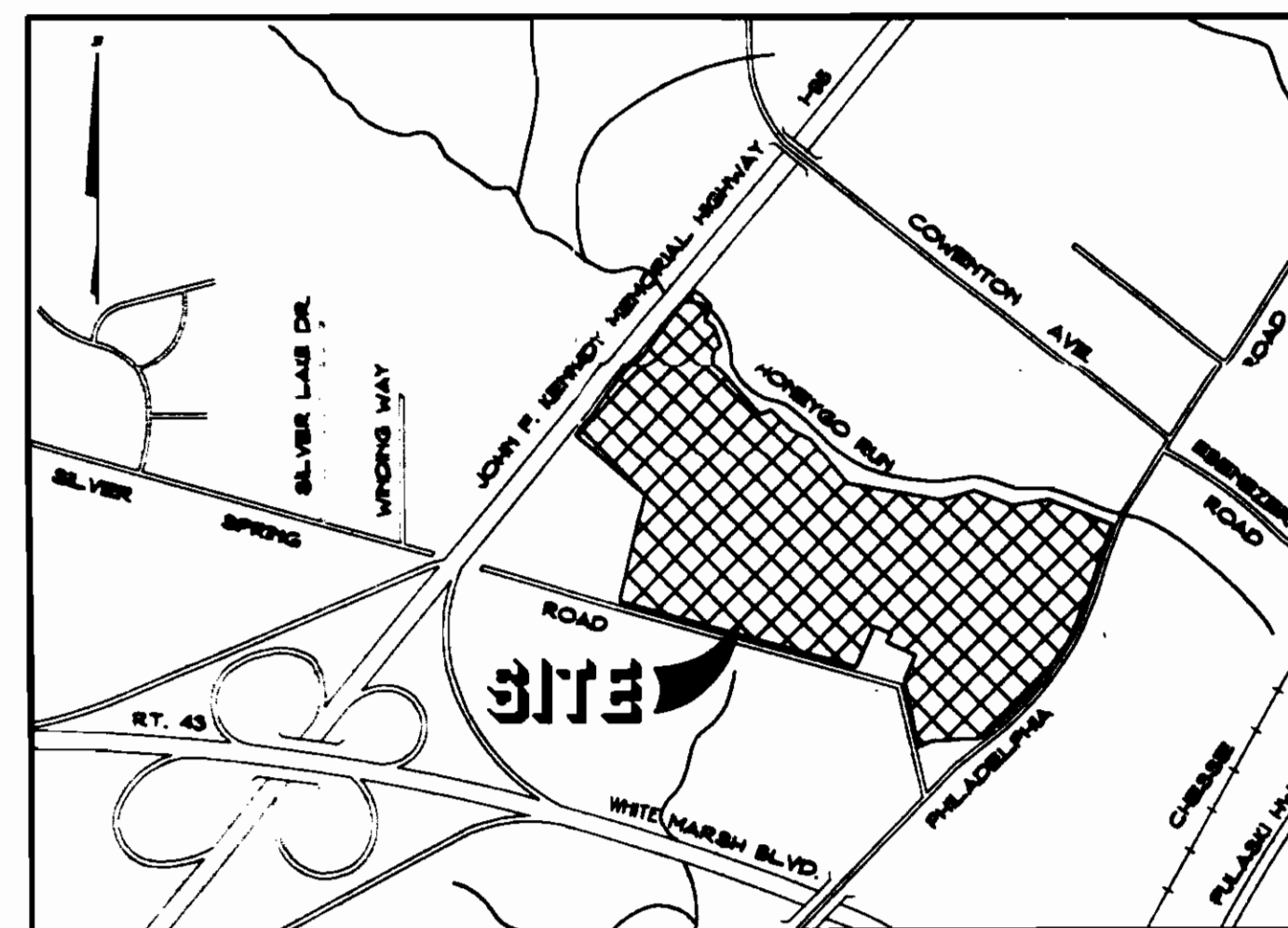
EXCAVATIONS UNCONTROLLED: THE DIGGING OF SOIL,
SAND, GRAVEL, ROCK, MINERALS, CLAY OR OTHER EARTHEN
MATERIAL FROM A LAND SURFACE FOR ANY OF THE
FOLLOWING PURPOSES:

- WHEN INCIDENTAL TO THE OPERATION OF A PERMITTED
BUSINESS OR MANUFACTURING USE LOCATED ON THE SAME
PROPERTY, BUT EXCLUDING ANY DIGGING OF MATERIAL FOR
SALE, PROCESSING OR MANUFACTURE.
- FOR GRADING OR OTHER PURPOSES INCIDENTAL TO
IMPROVEMENT OF THE LAND.
- WHEN INCIDENTAL TO THE DEVELOPMENT OF LAND OR
TO GRADING FOR PUBLIC IMPROVEMENTS. (B.C.Z.R. 1955;
RESOLUTION NOVEMBER 21, 1955)

EXCAVATIONS CONTROLLED: ALL TYPES OF EXCAVATIONS
OTHER THAN THOSE DEFINED ABOVE AS 'EXCAVATIONS
UNCONTROLLED'. (B.C.Z.R. 1955)

INDEX OF SHEETS

NO.	DESCRIPTION
1	TITLE SHEET
2	SPECIAL EXCEPTION PLAT



LOCATION MAP

SCALE: 1" = 1000'

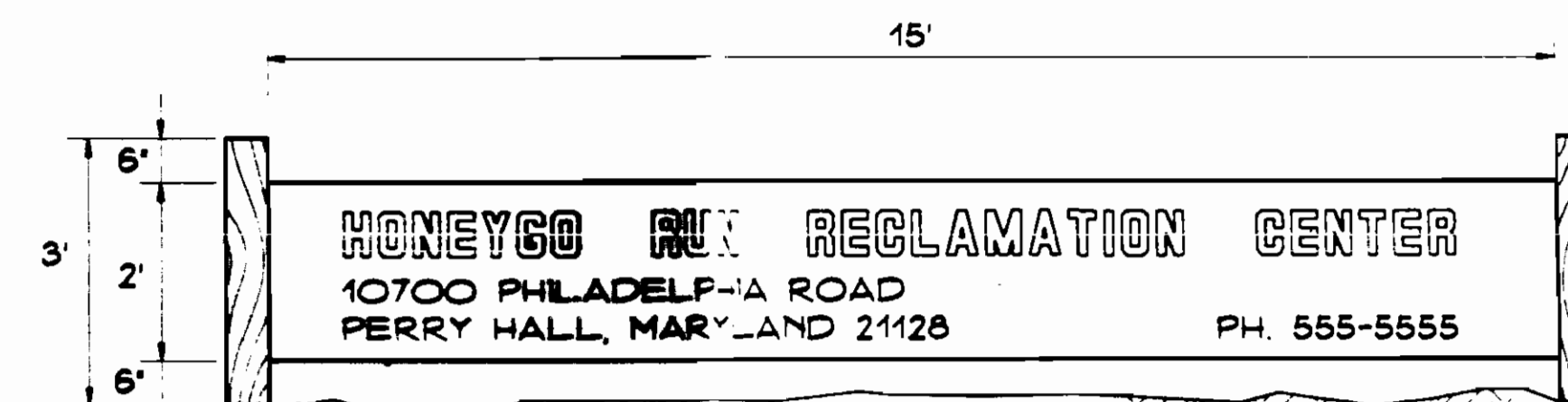
SPECIAL HEARING REQUIRED:

- TO DETERMINE THAT THE PROPOSED CONCRETE RECYCLING/WOOD
WASTE CHIPPING OPERATIONS ARE PERMITTED FOR ACCESSORY
USES TO THE EXISTING MINING OPERATION AND THE PROPOSED
RUBBLE LANDFILL.

VARIANCES APPLIED FOR:

- TO SECTION 408.8 A2 AND 5 OF THE B.C.Z.R. TO ALLOW A
CRUSHED CONCRETE SURFACE (EQUIVALENT TO CR-6) IN LIEU OF THE
REQUIRED DURABLE, DUSTLESS SURFACE WITHOUT THE REQUIRED
PERMANENT STRIPING FOR OFF-STREET PARKING FACILITIES.
- TO SECTION 412.6 B TO ALLOW TWO FREE-STANDING SIGNS
WITH 30 SQUARE FEET PER FACE 3 FEET IN HEIGHT IN LIEU OF
ONE FREE-STANDING SIGN WITH 25 SQ. FT. PER FACE, 6 FEET
IN HEIGHT.

* IN ACCORDANCE WITH SECTION
412.6 OF THE B.C.Z.R.

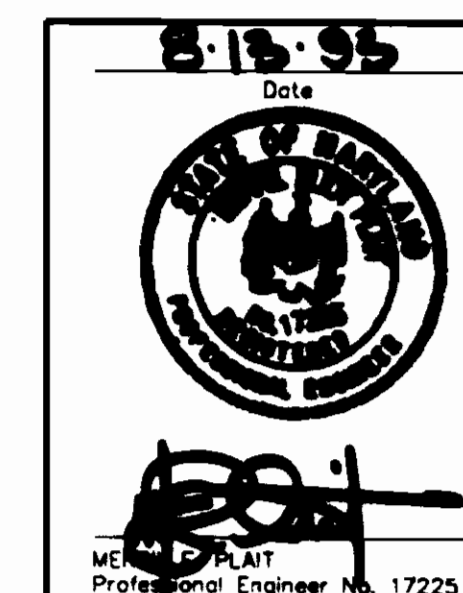


PROPOSED SIGNS (2) FREE STANDING
NON-ILLUMINATED SINGLE FACE
30 SQ. FT. PER SIGN
60 SQ. FT. TOTAL

LEGEND

- BUILDING RESTRICTION LINE
- EXISTING WELL
- EXISTING SEPTIC SYSTEM
- EXISTING TREE LINE
- CELL DIVISION LINE
- PROPERTY BOUNDARY
- 100 YR. FLOOD PLAIN
- STREAM
- ZONING LIMIT
- WETLAND
- 100' PROPERTY LINE SETBACK
- 100' SETBACK
- LIMIT OF LANDFILL

94-87-SPHXA



OWNER/DEVELOPER
HONEYGO RUN RECLAMATION CENTER, INC.
8814 COWENTON AVENUE
PERRY HALL, MARYLAND 21128

HONEYGO RECLAMATION PROJECT
COUNCILMANIC DISTRICT #5
ELECTION DISTRICT #11
ADDRESS: 10700 PHILADELPHIA ROAD
PERRY HALL, MD. 21128

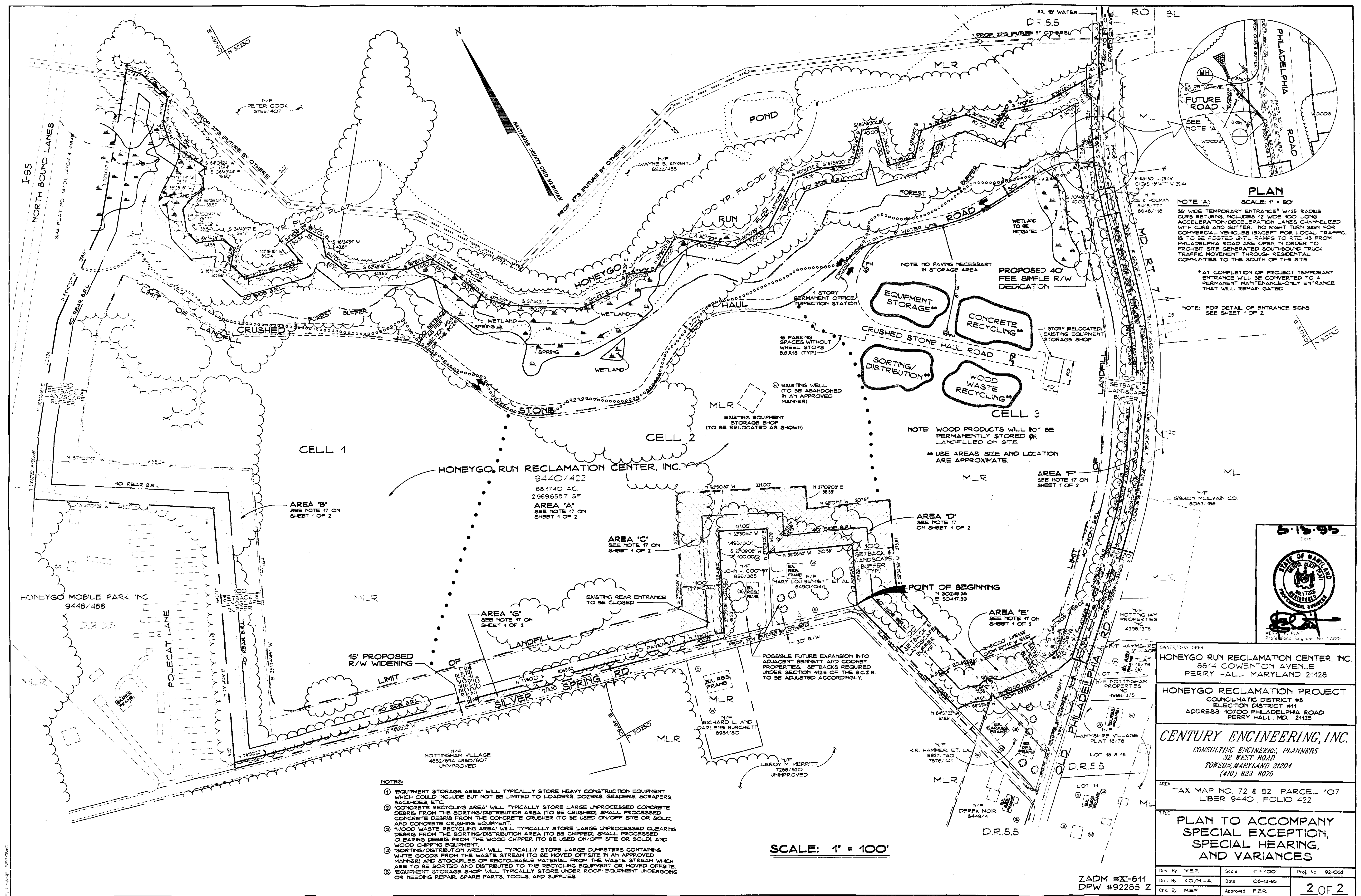
CENTURY ENGINEERING, INC.
CONSULTING ENGINEERS, PLANNERS
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070

AREA
TAX MAP NO. 72 & 82 PARCEL 107
LIBER 9440 FOLIO 422

TITLE
PLAN TO ACCOMPANY
SPECIAL EXCEPTION,
SPECIAL HEARING,
AND VARIANCES

Des. By: M.E.P.	Scale: AS SHOWN	Proj. No.: 92-032
Dir. By: K.O./M.L.A.	Date: 08-13-93	
Chk. By: M.E.P.	Approved: M.E.R.	1 OF 2

MICROFILMED



OWNER/DEVELOPER
HONEYGO RUN RECLAMATION CENTER, INC.
8814 COWENTON AVENUE
PERRY HALL, MARYLAND 21128

HONEYGO RECLAMATION PROJECT
COUNTY/DISTRICT #5
ELECTION DISTRICT #11
ADDRESS: 10700 PHILADELPHIA ROAD
PERRY HALL, MD. 21128

CENTURY ENGINEERING, INC.
CONSULTING ENGINEERS, PLANNERS
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070

TAX MAP NO. 72 & 82 PARCEL 107
LIBER 9440, FOLIO 422

**PLAN TO ACCOMPANY
SPECIAL EXCEPTION,
SPECIAL HEARING,
AND VARIANCES**

Des. By: M.E.P.	Scale: 1" = 100'	Proj. No. 92-032
Drn. By: K.O./M.L.A.	Date: 08-13-93	
Chk. By: M.E.P.	Approved: F.E.R.	2 OF 2

MICROFILMED

Baltimore County Area. When questioned, he denied that he would accept waste haulers from other areas of the state of Maryland or from Pennsylvania and New Jersey, etc. The developer points to the Baltimore County Plan approved by the Baltimore County Council permitting a rubble fill in this location as specifying for the Honeygo Reclamation Project that "recycling and waste materials generated in Baltimore County and adjacent areas with no waste being accepted from out-of-state." Such local county restrictions would unconstitutionally infringe upon interstate commerce as decided by the Supreme Court of the United States under the Commerce Clause of the U.S. Constitution. City of Philadelphia vs. New Jersey, 437 US 617 (1978).

E. Environmental Impact

The Protestants presented Dr. Kondner and Richard Klein as experts, Klein on the environmental impact assessment on aquatic systems, and Kondner in regard to hydrogeology of the area. The site proposed by the developer for Honeygo Run Reclamation Center is unique in that it sits on one of the major streams and tributaries to the Bird River. Baltimore County and the state of Maryland have embarked on a joint campaign to restore Honeygo Run and all other portions of the Bird River system. The County has expended in excess of \$280,000 in preparation of a restoration plan for the Bird River watershed and has allocated another \$2 million for specific restoration projects within the watershed. Honeygo Run appears to be the highest quality stream within the Bird River system. As the Bird River Restoration Project begins producing

MICROFILMED

higher quality conditions in the streams, then Honeygo Run will serve as the sole source of the pollution-sensitive fish which will repopulate the stream. In the opinion of Klein, protecting the quality of Honeygo Run was vitally important to the overall success of the Bird River Restoration Project. Klein concluded that, as a result of his study, the aquifers underlying the site, the wetlands located on the site, and Honeygo Run were all at risk as a result of the proposed rubble fill as well as White Marsh Run and Bird River. Klein testified to the type of toxic materials normally detected in monitoring wells of not active rubble fill sites in Maryland.

Dr. Kondner testified to the nature of the geology underlying the site. He found that as a result of the sandy and silty soil on site and the direction and flow of the underground water system, that groundwater will flow toward Honeygo Run. He had also studied the rainfall and infiltration rates and opined that the leachate would clearly reach not only Honeygo Run, but the "unconfined" aquifer as well as the "confined" aquifer. He advised that the only method to protect the underground aquifer and Honeygo Run was to provide a liner for the rubble fill. The developer's own consultant, James Crawcheck, both in rebuttal and in cross examination, acknowledged that a liner for this fill would be appropriate if it were located above a water supply area, and that the only reason it was not recommended for this site was because there was only one well downstream. Protestants submit that that position clearly ignores the impact of potential leachate upon the

8

Honeygo Run and Bird River systems. In Crawcheck's words, his concern for a liner would be great if there was a downstream water supply.

It is clear from all testimony that the State Department of the Environment is being raising, at this very minute, the state requirements for rubble fills to require the same type of protection that municipal landfills once required. Protestants submit that Dr. Kondner's testimony concerning the need for a synthetic material sandwiched between clay, with a leachate collection system, should be a condition imposed if the Special Exception is granted.

SUMMARY

Protestants submit that because of the traffic concerns, the violation of the spirit and intent of the zoning classification, the environmental impact, and the fact that the successful operation of this rubble fill, totally depends upon the integrity and the experience of the operator, that this Special Exception request should be denied. In the event that the Special Exception is granted, Protestants request that as conditions precedent, the Zoning Commissioner should require documentation of the gift of this property to the Department of Recreation and Parks; some requirement as to when stream restoration must take place; the correction of Route 7 and Cowenton intersection; more specifics in regard to the developer's \$250,000 gift to Baltimore County; a condition setting forth the requirement of a liner to consist of at

9

least compacted clay materials combined with a synthetic material and a leachate collection system.

Respectfully submitted,

J. Carroll Holzer
J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
(410) 825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 1993, a copy of the foregoing Memorandum was mailed, postage prepaid, to John B. Gontrum, Esquire, 814 Eastern Boulevard, Essex, Maryland, 21221.

J. Carroll Holzer
J. Carroll Holzer

me05/honeygo.ase

10



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10700 Philadelphia Road, Perry Hall, MD 21128
which is presently zoned MLR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve

The proposed concrete recycling/wood waste chipping operations as permitted accessory uses to the existing mining operation and the proposed rubble landfill.

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

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessor:
Type or Print Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Legal Owner: Honeygo Run Reclamation Center, Inc.
Charles F. Volpe, Vice President
(Type or Print Name) _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

8814 Cowenton Avenue (410) 335-5424
Address: _____
Perry Hall, MD 21128
City: _____ State: _____ Zipcode: _____

John B. Gontrum, Romadka, Gontrum & McLaughlin
814 Eastern Boulevard (410) 686-8274
Address: _____
Baltimore, MD 21221
City: _____ State: _____ Zipcode: _____

ESTIMATED LENGTH OF HEARING: 1 1/2 DAYS

the following date: _____

ALL: _____

RECEIVED BY: _____ DATE: 8-27-93

MICROFILMED



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10700 Philadelphia Road, Perry Hall, MD 21128
which is presently zoned MLR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

1. To allow a rubble landfill operation in an MLR Zone as per Section 218.4 of the B.C.Z.R.
2. To allow for "Excavation Controlled" in an MLR Zone by special exception as per Section 248.4 of the B.C.Z.R.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessor:
Type or Print Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Legal Owner: Honeygo Run Reclamation Center, Inc.
Charles F. Volpe, Vice President
(Type or Print Name) _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

8814 Cowenton Avenue (410) 335-5424
Address: _____
Perry Hall, MD 21128
City: _____ State: _____ Zipcode: _____

John B. Gontrum, Romadka, Gontrum & McLaughlin
814 Eastern Boulevard (410) 686-8274
Address: _____
Baltimore, MD 21221
City: _____ State: _____ Zipcode: _____

ESTIMATED LENGTH OF HEARING: 1 1/2 DAYS

the following date: _____

ALL: _____

RECEIVED BY: _____ DATE: 8-27-93



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10700 Philadelphia Road, Perry Hall, MD 21128
which is presently zoned MLR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(See attached sheet)

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

(See attached sheet)

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessor:
Type or Print Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Legal Owner: Honeygo Run Reclamation Center, Inc.
Charles F. Volpe, Vice President
(Type or Print Name) _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

8814 Cowenton Avenue (410) 335-5424
Address: _____
Perry Hall, MD 21128
City: _____ State: _____ Zipcode: _____

John B. Gontrum, Romadka, Gontrum & McLaughlin
814 Eastern Boulevard (410) 686-8274
Address: _____
Baltimore, MD 21221
City: _____ State: _____ Zipcode: _____

ESTIMATED LENGTH OF HEARING: 1 1/2 DAYS

the following date: _____

ALL: _____

RECEIVED BY: _____ DATE: 8-27-93

Attachment

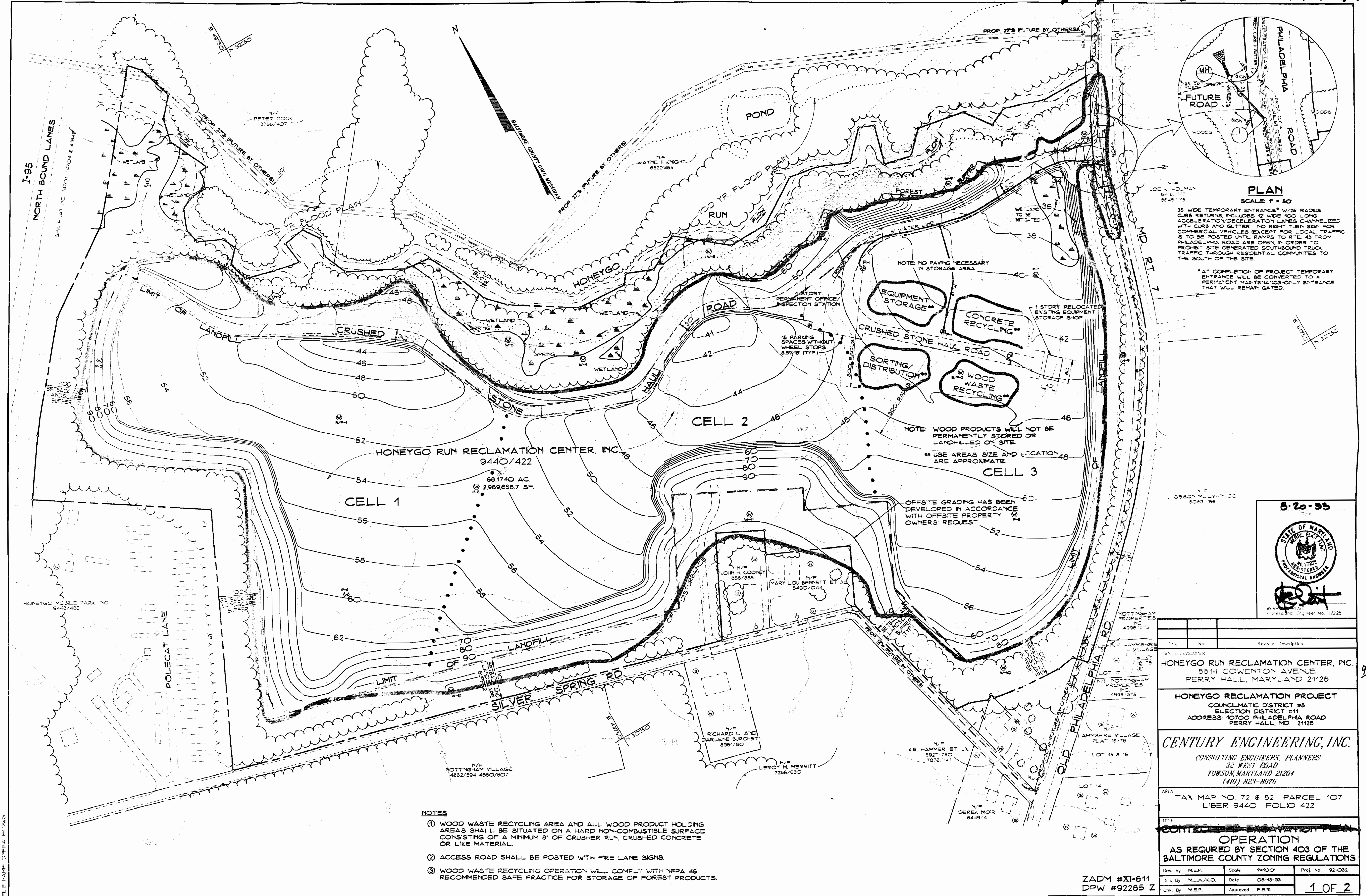
Petition for Variance
to the Zoning Commissioner of Baltimore County

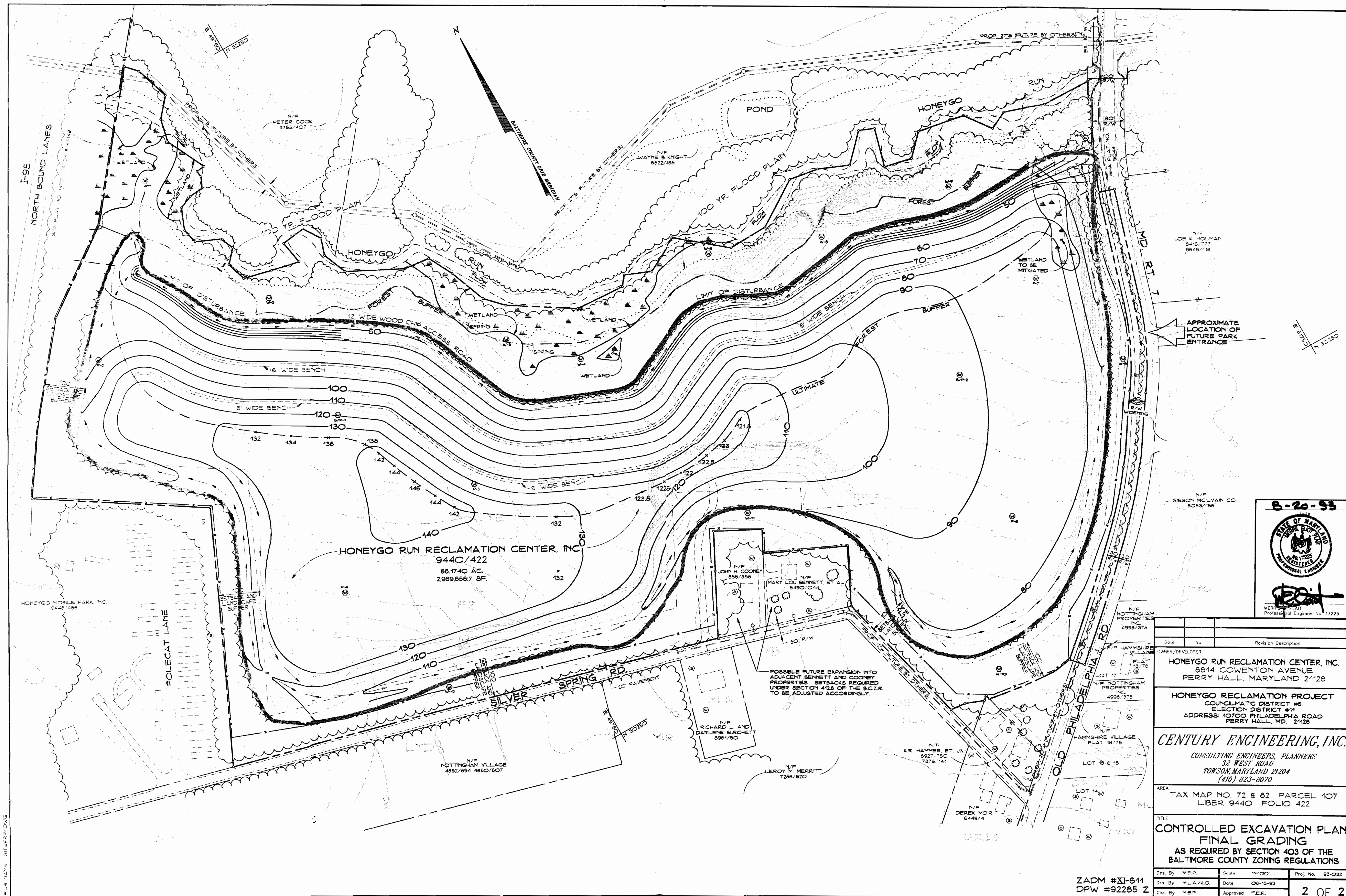
1. 409.8 A.2 and .6 to allow a crushed concrete surface (equivalent to CR-6) in lieu of the required durable, dustless surface without the required permanent striping for off-street parking facilities.
2. 413.6 B. to allow two free-standing signs with 50 square feet per face 8 feet in height in lieu of permitted one free-standing sign with 25 sq. ft. per face, 6 feet in height.

Practical difficulty in building and maintaining a durable, dustless surface in a rubble landfill; i.e., crushed stone/concrete is a much more practical application for the use intended. Also, by the nature of this project, several larger signs are more practical for high visibility.

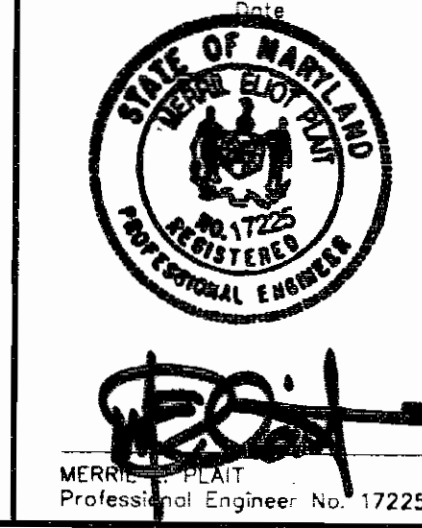
95

94-87-SP HXA





8-26-93



Date	No.	Revision Description
OWNER/DEVELOPER		
HONEYGO RUN RECLAMATION CENTER, INC. 8814 COWENTON AVENUE PERRY HALL, MARYLAND 21128		
HONEYGO RECLAMATION PROJECT COUNCILMATIC DISTRICT #5 ELECTION DISTRICT #11 ADDRESS: 10700 PHILADELPHIA ROAD PERRY HALL, MD. 21128		
CENTURY ENGINEERING, INC. CONSULTING ENGINEERS, PLANNERS 32 WEST ROAD TOWSON, MARYLAND 21204 (410) 823-8070		
AREA		
TAX MAP NO. 72 & 82 PARCEL 107 LIBER 9440 FOLIO 422		
TITLE		
CONTROLLED EXCAVATION PLAN- FINAL GRADING AS REQUIRED BY SECTION 403 OF THE BALTIMORE COUNTY ZONING REGULATIONS		
Des. By M.E.P.	Scale 1"=100'	Proj. No. 92-032
Drn. By M.L.A./O.	Date 08-13-93	
Chk. By M.E.P.	Approved P.E.R.	2 OF 2

ZADM #XI-611
DPW #92285 Z

HONEYGO RUN RECLAMATION CENTER

WHITE MARSH, BALTIMORE COUNTY, MARYLAND

GENERAL NOTES

- GROSS AREA: 66.7 AC. (1,951,559 SF)
NET AREA: 67.33 AC. (1,932,741 SF)
PLANNING DISTRICT #47E
EXISTING ZONING - M.L.R. D-333
ZONING MAP # 8 AND 9
EXISTING USE: SAND GRAVEL
PROPOSED TRIPS: 240,000
ZON DUMPTRUCKS: 10 TRUCKS
FOR DUMPTRUCKS: 30 TRUCKS
PREVIOUS COMMERCIAL PERMIT: SITE CURRENTLY
OPERATING UNDER A STATE OF MARYLAND SURFACE
MINING LICENSE NO. 93-S-0506
- ELECTION DISTRICT #11
- COUNCILMANIC DISTRICT #5
- CENSUS TRACT #41001
- WATERSHED #5 SUBWATERSHED #9
- THERE ARE NO HISTORICAL OR ARCHAEOLOGICAL SITES ON THE PROPERTY.
- IN 1980 THE SITE WAS ISSUED A SEWAGE SLUDGE UTILIZATION PERMIT (NUMBER 3-80-03-12) FOR THE COLLECTION, TRANSPORTATION AND HANDLING OF DIGESTED SEWAGE SLUDGES FROM THE FALTIMORE AND BACK RIVER WASTEWATER TREATMENT PLANTS. IN JULY OF 1988 THE PERMIT WAS RENEWED BY THE STATE OF MARYLAND DEPARTMENT OF THE ENVIRONMENT (NUMBER 3-88-03-522-ABE) FOR A PERIOD OF THREE (3) YEARS. THE PERMIT EXPIRED ON JULY 21, 1991.
- A REQUEST FOR COMBINED HEARINGS HAS BEEN FILED UNDER SECTION 28-206.1 OF THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS.
- THIS SITE DOES NOT LIE WITHIN ANY OF THE DESIGNATED AREAS OF CRITICAL STATE CONCERN IDENTIFIED AS SUCH UNDER THE PROCEDURES OF SECTION 2-41.1 OF THE STATE FRANCHISE AND PROSECUTION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- CRG PLAN 8 SUBDIVISION PLAN 1002-25 FOR THE 1986 NORTH BUSINESS CENTER TO ALLOW 17,000 SF OF OFFICE SPACE AND 787,825 SF OF WAREHOUSE SPACE WAS APPROVED BY THE BALTIMORE COUNTY REVIEW GROUP ON 12/14/89.
- THE SUBJECT PROPERTY IS CURRENTLY OPERATING UNDER SURFACE MINING PERMIT NUMBER 71-55-03-12 SUBDIVISION DATE JULY 1, 1994 AS ISSUED BY THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES WATER RESOURCES ADMINISTRATION AND HAS BEEN ACTIVE SINCE THE 1920'S AS A MINING OPERATION WHICH IS PRIOR TO THE ADOPTION IN 1988 OF THE B.C.Z.R. THIS IS A NONCONFORMING USE FOR EXCAVATION IN AN M.L.R. ZONE. IN ACCORDANCE WITH SECTION 10-4.1.
- THE PRE-CONCEPT PLAN FOR THE HONEYGO RUN RECLAMATION CENTER WAS SUBMITTED TO BALTIMORE COUNTY ON NOVEMBER 5, 1992. THE PRE-CONCEPT PLAN CONFERENCE WAS HELD ON DECEMBER 7, 1992 AT BALTIMORE COUNTY BUREAU OF ENGINEERING. THE COUNTY NAT. MEETING WAS CONDUCTED AT THE WHITE MARSH LIBRARY ON JANUARY 7, 1993.
- FOR PROPOSED PLANTING INFORMATION SEE LANDSCAPING PLAN.
- THERE IS NO HAZARDOUS MATERIAL AS DEFINED BY SECTION 7-01 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND AS FROM THE TIME TO THE AMENDED ON THIS SITE.
- THE EROSION AND SEDIMENT CONTROL PLANS WILL ADDRESS THE REQUIREMENTS OF BALTIMORE COUNTY ORDINANCE NO. 33-98 AND EXECUTIVE ORDER GRADING REGULATIONS FOR BALTIMORE COUNTY EFFECTIVE MAY 31, 1999 AND WILL MEET CURRENT STATE OF MARYLAND REQUIREMENTS AS DETAILED IN THE STATE OF MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
- NO PORTION OF THE SUBJECT PROPERTY IS ZONED R-2 AND THERE ARE NOT ANY PRIME OR PRE-EMPTED SOILS ON SITE.
- AS PER THE DIRECTION OF THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, STEEP SLOPES GREATER THAN 15% OUTSIDE THE LIMIT OF DISTURBANCE ARE DELINEATED ON THE SITE CONSTRAINTS MAP. THE STEEP SLOPES WITHIN THE LIMIT OF DISTURBANCE ARE EITHER TEMPORARY OR MANMADE TO ACCOMMODATE THE LANDFILLING OPERATION AND WILL BE CONTROLLED BY THE PROPOSED SEDIMENT AND EROSION CONTROL DEVICES. THEREFORE ALL STEEP SLOPES WITHIN THE LIMIT OF DISTURBANCE ARE NOT A CONCERN.
- THE NATURAL HERITAGE PROGRAM OF THE MARYLAND DEPARTMENT OF NATURAL RESOURCES HAS DETERMINED THAT THERE ARE NO KNOWN FEDERAL OR STATE THREATENED OR ENDANGERED PLANT OR ANIMAL SPECIES PRESENT AT THIS SITE.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. THE ULTIMATE FOREST BUFFER, AS SHOWN ON SHEETS 1 & 2 IS BASED ON THE PROPOSED FINAL GRADING AND DEPTH WILL ALLOW NECESSARY CONSTRUCTION PERTAINING TO THE LANDFILLING OPERATION TO OCCUR ON A LIMITED BASIS WITHIN THIS BUFFER PRIOR TO FINAL BULDOZING.
- THE FOREST BUFFER SHALL BE RECORDED AT THE TIME OF LAND TRANSFER TO BALTIMORE COUNTY.
- THE 100 YEAR FLOODPLAIN WAS CALCULATED BY CENTURY ENGINEERING SEE FLOODPLAIN STUDY C.E.I. JULY 1993.
- FOR USE AND DISPOSITION OF ALL RECEIVABLES SEE THE OPERATION MANUALS.
- PRIOR TO THE COMMENCEMENT OF THE RECLAMATION OPERATION THE OWNERS OF THE SITE WILL DEED TO BALTIMORE COUNTY A PREVIOUSLY NEGOTIATED PORTION OF THE SITE ON THE SOUTH SIDE OF THE HONEYGO RUN AS A BALTIMORE COUNTY GREENWAY RESERVATION.
- WETLANDS SHOWN ON THE PLANS HAVE BEEN FIELD DELINEATED AND VERIFIED BY COTE CHIPPING OPERATIONS BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- THE HONEYGO RUN RECLAMATION CENTER WILL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL REGULATIONS.
- ALL OFFSITE POTENTIAL EMISSIONS WILL BE IN ACCORDANCE WITH AND AS LIMITED BY FEDERAL, STATE OF MARYLAND AND LOCAL REGULATIONS.
- THERE ARE NO BUILDINGS, PROPERTIES OR SITES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT WHICH ARE INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY OF HISTORICAL PROPERTIES. THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORICAL PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY OR IDENTIFICATION OF ANY BALTIMORE HISTORICAL DISTRICT OR NATIONAL REGISTER DISTRICT COVERING THE PROPOSED DEVELOPMENT.

28. AS PER SECTION 412 OF THE B.C.Z.R. THE PROPOSED RUBBLE LANDFILL:

- WILL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE BALTIMORE COUNTY DEPARTMENT OF HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- WILL COMPLY WITH THE COUNTY'S APPLICABLE PERMIT REQUIREMENTS.
- SHALL HAVE SCREENING PROVIDED OF SUCH TYPES AND AT SUCH LOCATIONS AS MAY BE REQUIRED BY THE ZONING COMMISSIONER ON RECOMMENDATION OF THE DIRECTOR OF PLANNING AND ZONING.
- HAS ADEQUATE ROAD ACCESS FOR THE TRUCK TRAFFIC GENERATED BY THE LANDFILL.
- WILL HAVE A POST-USE LAND RECLAMATION PLAN SUBMITTED TO THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT WHICH WILL BE APPROVED AS REQUIRED BEFORE THE USE MAY BE AUTHORIZED BY THE ZONING COMMISSIONER.
- IS NOT LOCATED WITHIN 100 FEET OF ANY PROPERTY LINE OR WELL OR SEPTIC SYSTEM OR WITHIN 100 FEET OF ANY STREAM OR NATURAL WATER COURSE OR WETLANDS OR FLOODPLAIN (FOR EXCEPTIONS SEE VARIANCES APPLIED FOR BELOW).

- THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT PERIODICALLY WILL INSPECT THE RUBBLE LANDFILL IN ORDER TO MONITOR THE TYPE OF WASTE MATERIAL BEING RECEIVED FOR DISPOSAL.
- THE FLOOR TO AREA RATIO = 3000 SF/2969889 SF = 0.001
- PARKING SPACES REQUIRED = 1 SPACE PER EMPLOYEE X MAXIMUM 12 EMPLOYEES PER SHIFT = 12 SPACES
- PARKING SPACES PROVIDED = 15 SPACES
- ALL STANDARD PARKING SPACES ARE A MINIMUM OF 8.5'X18'
- THE FOLLOWING PROPERTIES WILL BE CONVEYED TO THE ADJACENT PROPERTY OWNERS WHEN AREA 'A' IS COMPLETELY CONVEYED TO BALTIMORE COUNTY DEPARTMENT OF RECREATION AND PARKS. THIS WILL OCCUR AFTER THE CESSATION OF THE SPECIAL EXCEPTION USES.
AREA 'A' 60.50 ACRES TO BE CONVEYED TO BALTIMORE COUNTY DEPARTMENT OF RECREATION AND PARKS.
AREA 'B' 256 ACRES TO BE CONVEYED TO HONEYGO RUN TRAILER PARK OR SUCCESSORS
AREA 'C' 137 ACRES TO BE CONVEYED TO JOHN H. COONEY OR SUCCESSORS
AREA 'D' 1.46 ACRES TO BE CONVEYED TO MARY LOU BENNETT OR SUCCESSORS
AREA 'E' 0.99 ACRES TO BE CONVEYED TO KR. HAMMER OR SUCCESSORS
AREA 'F' 1.10 ACRES TO BE CONVEYED TO MARYLAND STATE HIGHWAY ADMINISTRATION
AREA 'G' 0.44 ACRES TO BE CONVEYED TO BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
TOTAL AREA CONVEYED = 66.7 ACRES
THE LOCATION OF AREAS 'A'-'G' SEE SPECIAL EXCEPTION PLAT SHEET 2 OF 2.

- FINAL PLANS AND OPERATION MANUALS ARE SUBJECT TO FURTHER STATE AND COUNTY REVIEW AND APPROVAL. DURING THE REVIEW PROCESS ADDITIONAL CHANGES MAY OCCUR TO THE PLANS AND MANUALS.
- DEVELOPER AGREES TO REIMBURSE THE COUNTY OR STATE HIGHWAY ADMINISTRATION FOR THE COSTS OF OFF-SITE RIGHTS-OF-WAY ACQUISITION FOR REALIGNMENT OF COWENTON AVENUE AS A PROPOSED SEVENTY FOOT (70') RIGHT-OF-WAY.

- LIGHTING WILL BE PROVIDED AT THE ENTRANCE TO THE SITE AND ALONG THE FENCE PERIMETER AS NECESSARY FOR SECURITY. LIGHTING SHALL BE DIRECTED ONTO THE SITE AND SHAWED FROM OFF-SITE PREMISES. ADDITIONALLY, "NO TRESPASSING" SIGNS WILL BE POSTED AT 400' INTERVALS ALONG THE PERIMETER OF THE SITE.
- WETLANDS SHOWN ON THE PLANS HAVE BEEN FIELD DELINEATED AND VERIFIED BY CORP OF ENGINEERS AND BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

- THE HONEYGO RUN RECLAMATION CENTER WILL COMPLY WITH THE APPLICABLE STATE AND COUNTY STORMWATER MANAGEMENT REGULATIONS. SEE STORMWATER MANAGEMENT REPORT.
- A RECLAMATION PLAN WILL BE FILED IN ACCORDANCE WITH SECTION 28-301 ET. SEQ. OF BALTIMORE COUNTY CODE.

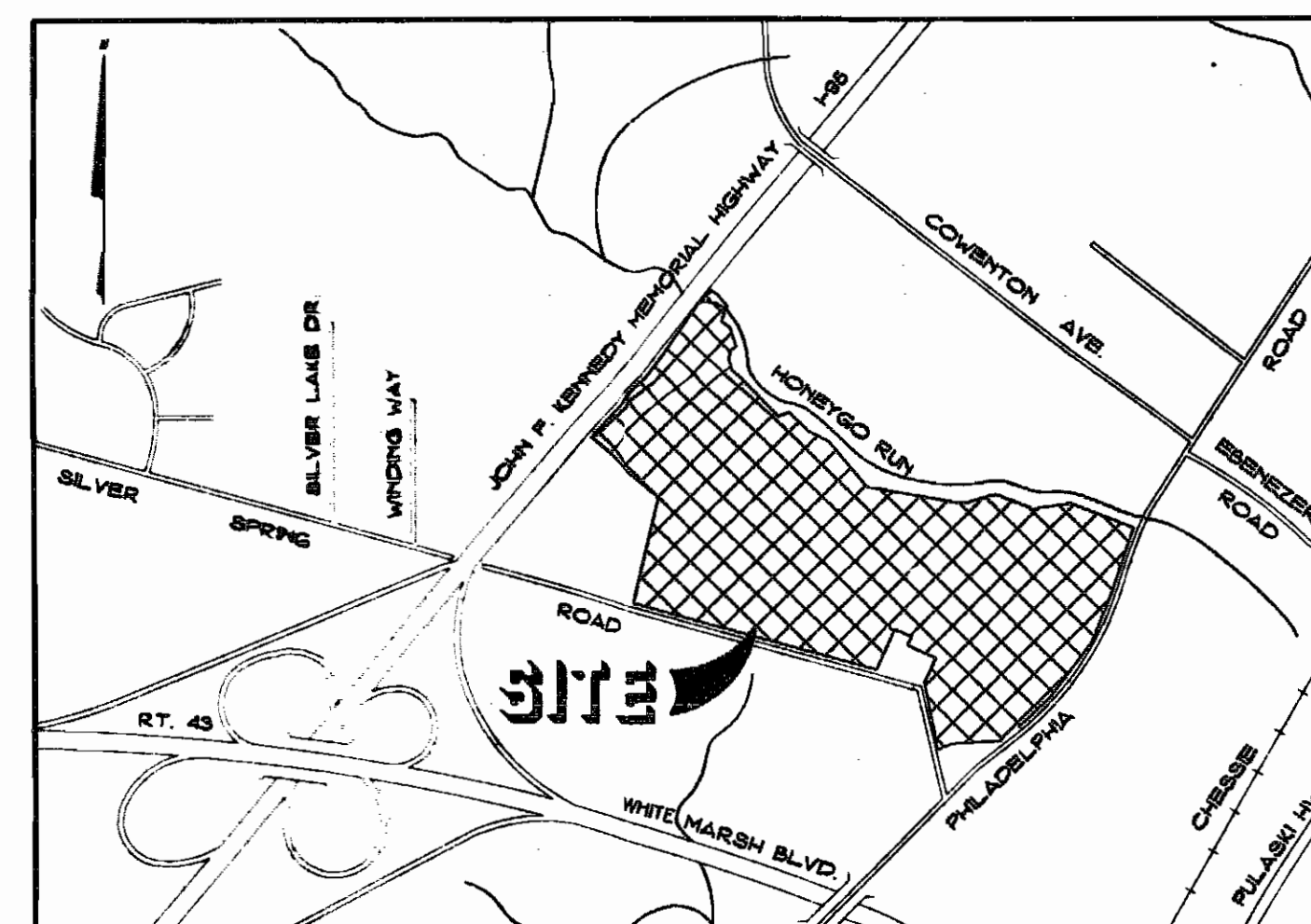
SPECIAL HEARING REQUIRED:

- TO DETERMINE THAT THE PROPOSED CONCRETE RECYCLING/WOOD WASTE CHIPPING OPERATIONS ARE PERMITTED FOR ACCESSORY USES TO THE EXISTING MINING OPERATION AND THE PROPOSED RUBBLE LANDFILL.

VARIANCES APPLIED FOR:

- TO SECTION 403.8 A2 AND 8 OF THE B.C.Z.R. TO ALLOW A CRUSHED CONCRETE SURFACE (EQUIVALENT TO CR-6) IN LIEU OF THE REQUIRED DURABLE, DUSTLESS SURFACE WITHOUT THE REQUIRED PERMANENT STRIPING FOR OFF-STREET PARKING FACILITIES.
- TO SECTION 412.8 B OF THE B.C.Z.R. TO ALLOW TWO FREE-STANDING SIGNS WITH 30 SQUARE FEET PER FACE 3 FEET IN HEIGHT IN LIEU OF PERMITTED ONE FREE-STANDING SIGN WITH 25 SQ. FT. PER FACE, 6 FEET IN HEIGHT.

INDEX OF SHEETS	
NO.	DESCRIPTION
1	TITLE SHEET
2	SITE CONSTRAINTS MAP
3	SITE PROPOSAL PLAN
4	OPERATION'S PLAN
5	PRELIMINARY FOREST CONSERVATION/LANDSCAPING/SECURITY PLAN (1 OF 2)
6	PRELIMINARY FOREST CONSERVATION/LANDSCAPING/SECURITY PLAN (2 OF 2)



LOCATION MAP

SCALE: 1" = 1000'

SPECIAL EXCEPTIONS APPLIED FOR:

- TO ALLOW A RUBBLE LANDFILL OPERATION IN AN M.L.R. ZONE AS PER SECTION 248.4 "SPECIAL EXCEPTIONS" OF THE B.C.Z.R.
- TO ALLOW FOR EXCAVATIONS CONTROLLED* IN AN M.L.R. ZONE BY SPECIAL EXCEPTION PER SECTION 248.4 OF THE B.C.Z.R. *CONTROLLED EXCAVATION MEANS "SURFACE MINING" (B.C.Z.R. 1955, BILL NO. 32, 1988)

DEFINITIONS FOUND ON PAGES 1-13 AND 1-14 ON THE B.C.Z.R. ARE AS FOLLOWS:

EXCAVATIONS UNCONTROLLED: THE DIGGING OF SOIL, SAND, GRAVEL, ROCK, MINERALS, CLAY OR OTHER EARTHEN MATERIAL FROM A LAND SURFACE FOR ANY OF THE FOLLOWING PURPOSES:

- WHEN INCIDENTAL TO THE OPERATION OF A PERMITTED BUSINESS OR MANUFACTURING USE LOCATED ON THE SAME PROPERTY, BUT EXCLUDING ANY DIGGING OF MATERIAL FOR SALE, PROCESSING OR MANUFACTURE.
- FOR GRADING OR OTHER PURPOSES INCIDENTAL TO IMPROVEMENT OF THE LAND.
- WHEN INCIDENTAL TO THE DEVELOPMENT OF LAND OR TO GRADING FOR PUBLIC IMPROVEMENTS. (B.C.Z.R. 1955, RESOLUTION NOVEMBER 21, 1956)

EXCAVATIONS CONTROLLED: ALL TYPES OF EXCAVATIONS OTHER THAN THOSE DEFINED ABOVE AS "EXCAVATIONS UNCONTROLLED". (B.C.Z.R. 1955)

LEGEND

- 50' EXISTING CONTOURS
- 50' PROPOSED CONTOURS
- EXISTING TREE LINE
- PROPERTY BOUNDARY
- EX. 100 YR. FLOOD PLAN
- EXISTING STREAM
- SLOPES 15% TO 25%
- SLOPES > 25%
- EXISTING WETLAND
- ZONING LIMIT
- 100' PROPERTY LINE SETBACK
- CELL DIVISION LINE
- EXISTING MONITORING WELL
- EXISTING WELL
- EXISTING SEPTIC
- NATURAL SPRING
- PROPOSED SECURITY FENCE
- FOREST BUFFER
- ULTIMATE FOREST BUFFER*
- LIMIT OF DISTURBANCE

*SEE GENERAL NOTE NO. 9 THIS SHEET.

SOILS CHART

- ALDRIP SILT LOAM, 3 TO 8% SLOPES, MODERATELY ERODED
- ALLUVIAL LAND
- BELTSVILLE SILT LOAM, 2 TO 5% SLOPES
- CHRISTIANA LOAM, 2 TO 5% SLOPES
- CHRISTIANA LOAM, 5 TO 10% SLOPES, MODERATELY ERODED
- FALLSINGTON LOAM
- GALESTOWN LOAMY SAND, 0 TO 5% SLOPES
- GALESTOWN LOAMY SAND, 5 TO 10% SLOPES
- LEGORE SILT LOAM, 5 TO 15% SLOPES, MODERATELY ERODED
- LOAMY AND CLAYEY LAND, 0 TO 5% SLOPES
- LOAMY AND CLAYEY LAND, 5 TO 15% SLOPES
- LOAMY AND CLAYEY LAND, 15 TO 40% SLOPES
- MADE LAND
- SASSAFRAS SANDY LOAM, 5 TO 10% SLOPES, MODERATELY ERODED

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS ACCURATE AND HAS BEEN PREPARED IN COMPLIANCE WITH SECTION 26-203 OF THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS.

MERRIL E. PLAIT

NAME

SIGNATURE

DATE

8-20-93

DATE

PROFESSIONAL ENGINEER #17225

THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS HONEYGO RUN RECLAMATION CENTER AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-203 (C) OF THE BALTIMORE COUNTY CODE, 1978, AS AMENDED.

I, WAYNE KNIGHT, 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.

Wayne B. Knight
AFFIANT

I HEREBY CERTIFY, THAT ON THIS 20 DAY OF AUGUST 1993, BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED AND MADE OATH IN DUE FORM OF LAW THAT THE MATTERS AND FACTS HEREIN SET FORTH ARE TRUE.

Jaguar D. Parker
NOTARY PUBLIC

MY COMMISSION EXPIRES:

9/1/94

OWNER/DEVELOPER
HONEYGO RUN RECLAMATION CENTER, INC.
8814 COWENTON AVENUE
PERRY HALL, MARYLAND 21128

HONEYGO RECLAMATION PROJECT
COUNCILMANIC DISTRICT #45
ELECTION DISTRICT #11
ADDRESS: 10700 PHILADELPHIA ROAD
PERRY HALL, MD. 21128

CENTURY ENGINEERING
CONSULTING ENGINEERS, PLANNERS
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070

AREA
TAX MAP NO. 72 & 82 PARCEL 107
LIBER 9440 FOLIO 422

TITLE
DEVELOPMENT PLAN
TITLE SHEET

Des. By: M.E.P.	Scale: AS SHOWN	Proj. No.: 92-032
Drn. By: M.L.A./K.O.	Date: 08-19-93	
Chk. By: M.E.P.	Approved: P.E.R.	1 OF 6

scribed in more detail by Mr. Wrope. He admitted that strict adherence to that manual was necessary to ensure that the landfill would be environmentally safe. He also noted that the waste will be compacted on an ongoing basis and that a cover will be placed upon waste every day. Every third day, a more extensive cover will be placed on the disposed rubble. Mr. Krawczyk also described in significant detail the State inspections while the site is operational. He noted that the regulatory review by the State has become much more extensive in recent years to ensure that landfills do not detrimentally affect natural resources of the State and surrounding properties. In his view, the proposed site meets all of the State's standards.

Mr. Krawczyk also talked about liners. These are devices which are inserted into a landfill as a protection from leachate, i.e., seeping contaminants into the ground water system. Liners can be man made (plastic) or natural dense soils, such as clay. Mr. Krawczyk does not believe a liner is appropriate in this case. He noted that they can break and fail, thereby causing a concentration of leachate to be released at a particular location. Overall, Mr. Krawczyk agreed with the testimony offered by Mr. Wood relating to the minimal potential of environmental impact by this landfill.

On cross examination, Mr. Krawczyk admitted that a nondetrimental operation of this site was dependent in large part upon proper operation of the facility. That is, if the operation manual is not followed closely, the chances for pollution and detrimental impact on the surrounding locale are increased. As is obvious from their presentation, the Protestants aver that the operation as proposed can be carried out as planned.

ORDER RECEIVED FOR FILING

Date 12/16/82 By Mr. [illegible]

MICROFILMED

Further, Mr. Krawczyk held fast to his position that a liner was not appropriate in this case. Although admitting that same can provide additional protection, he does not believe that it is necessary in this instance and notes the possibilities of failure of the liner and large concentration of leachate at the failure site.

Mr. Krawczyk also testified extensively about the State regulatory system. As noted above, initial permits are issued only after a four phased inspection. Moreover, Mr. Krawczyk described the ongoing regulation of the landfill by the Maryland Department of Environment. He noted that landfill permits are good for a period of three years and the landfill undergoes an annual inspection to meet current Maryland regulations. Thus, there will be an ongoing review of the operation on this site. Mr. Krawczyk also noted that the Petitioner had a large economic incentive to conduct a clean operation. The cost of cleanup of any potential pollutions are excessive as well as potential sanctions imposed by the State.

As is with Mr. Wood, Mr. Krawczyk was also recalled during the Petitioner's presentation of rebuttal testimony. He emphasized again that the objective of the landfill was to create a disposal system friendly to the environment. He also discussed extensively the liner which the Protestants seek in this case. He noted that the recommendation as to the liner would occur only during the Phase II State review. He was unable to make any firm recommendation until the Phase II studies were done but corroborated his opinion that he does not believe a liner is necessary. In sum, the necessity and the type of liner required will be determined by the State.

Another expert witness testifying on behalf of the Petitioner was Sam G. Crozier. Mr. Crozier was accepted as an expert land planner/landscape

ORDER RECEIVED FOR FILING

Date 12/16/82 By Mr. [illegible]

architect. He extensively discussed the proposed special exception uses, including the existing landfill excavation use and the proposed rubble fill operation.

As to the mining operation, he opined that same is not injurious to the health, safety and general welfare of the community and, therefore, complies with the special exception test set forth in Section 502.1 of the B.C.Z.R. Specifically, he noted that this use has been ongoing at the site for many years and, therefore, the effects of the use are well known. He noted that there was no proof of an existing traffic problem generated by this use, that the use did not pollute or overcrowd the property or its environs, and that there was no evidence of any detrimental effect. He also observed the existence of other mining operations to the south of the site, including the extensive Genstar property which is located nearby. Thus, he concluded that the existing use on the subject site is compatible with the surrounding location.

As to the proposed rubble fill operation, he noted many of the safeguards proposed by the Petitioner which he believes will minimize the impact of the use on the surrounding locale. This includes the significant landscaping and buffering which is to surround the perimeter of the property. This landscaping and buffering will shield the property and the effects of the rubble use on the surrounding locale. Moreover, Mr. Crozier viewed the single vehicular access from Philadelphia Road as appropriate. This will allow the Petitioner to control access to the site and direct traffic away from the residences on Silver Spring Road. Mr. Crozier discussed the inherent effects of any rubble landfill operation and concluded that they would not affect the surrounding locale near this property in any unique fashion.

ORDER RECEIVED FOR FILING

Date 12/16/82 By Mr. [illegible]

Mr. Crozier also discussed the concrete recycling and wood chipping operation. He opined that same should be considered accessory to the landfill operation. He noted that there are temporary uses and would be shut down when the landfill was full. He also observed that they are appropriate and consistent type uses with the landfill operation.

Lastly, Mr. Crozier discussed the proposed signage and the variance necessarily related to same. He believes that the requested variance should be granted in that the amount of signage proposed is entirely appropriate for a site of 64 acres. He also noted the commercial activity around the property and that the proposed signage was consistent with existing signage in the community. He described the proposed signs as long, narrow and low; sufficient to provide needed directions to the site, not billboard in character and not intended to overwhelm and adversely affect the surrounding locale.

The last expert witness presented by the Petitioner was Robert W. Sheesley, a principal in the firm of Brightwater, Inc., and the former director of Baltimore County Department of Environmental Protection and Resource Management. Mr. Sheesley qualified as an expert witness in the areas of environmental science; specifically water, stream quality and natural resource conservation.

Mr. Sheesley is well familiar with the site from his days at Baltimore County and the extensive studies he has made in anticipation of this project. His testimony concerned Honeygo Run, a stream which borders the entire north perimeter of the site. This stream, as well as Wines Run, feed into the Bird River. From there, the water flows into the Gunpowder River and eventually to the waters of the Chesapeake Bay. Mr. Sheesley was, no doubt, retained by the Petitioner to ensure the quality of Honeygo

ORDER RECEIVED FOR FILING

Date 12/16/82 By Mr. [illegible]

Run so as to prevent any detrimental effect from the proposed use from reaching the Chesapeake Bay and its tributaries.

Mr. Sheesley testified at great length about the Honeygo Run and the Bird River. He noted that these bodies of water are under stress at the present time, as a result of deforestation of land in this portion of the water shed and the increase in impervious surface. Moreover, the soils around the stream bed have become very erodible, which foster an extensive amount of sediment into the stream and ultimately to Bird River. Mr. Sheesley produced a report (Pet. Exh. No. 27) and a series of photographs which indicates points of stress along the stream and the severe erosion which has taken place. This erosion creates a destabilization of the stream system and results in an over sedimentation of the water system. This over sedimentation endangers aquatic life, including both fish, water vegetation, and other species which populate the system.

In order to correct this existing situation, Mr. Sheesley proposes three solutions. The first is to reduce and manage the flow of water into the system. In this respect, Mr. Sheesley observed that approximately 1600 acres drain into the stream. Limiting the volume and flow of runoff into the stream is an appropriate method to control sedimentation. Secondly, he notes that the water flow should be directed into the center of the stream channel. As shown from many of the photographs submitted, large sediment bars are created which disrupt the water's natural flow. These need be eliminated and/or reduced in order to protect the health of the system. Thirdly, Mr. Sheesley proposes increasing the vegetation on the existing stream banks.

Mr. Sheesley entered into a very technical explanation of how controlling these three factors would rehabilitate the health of the Honeygo

ORDER RECEIVED FOR FILING

Date 12/16/82 By Mr. [illegible]

MICROFILMED

Run. In fact, he has prepared a plan to implement these procedures in the event the Petitions are approved and the development plan accepted. That is, the Petitioner offers to rehabilitate the 1,000 ft. length of Honeygo Run along its border if the plan is approved. Mr. Sheesley views this as an extremely positive development for this portion of the water shed.

As to the effects of the proposed use on the stream, Mr. Sheesley offered a cautious opinion that the proposed use will not be detrimental to the health of the water system. He noted that the site must be managed in accordance with the Operations Manual to ensure that only acceptable materials were allowed into the fill. Moreover, the proposed buffers must be preserved in order to protect the stream system. In sum, the developer is willing to commit to an extensive renovation of this portion of the Honeygo Run if this project is approved. This, of course, will be a benefit to the surrounding locale and bay tributary system, assuming that the proper safeguards are maintained once the operation of the landfill begins.

Mr. Sheesley remained steadfast to his opinions on cross examination. He did emphasize, however, that his conclusions would remain valid only if the proposed use was managed correctly. He also noted that safe operation of this facility is but a piece of the puzzle necessary to ensure revitalization of the Honeygo Run. Continuing development, farming activities and the removing of the forest cover have all contributed the stream's demise.

Mr. Sheesley was recalled to the stand and offered testimony following the presentation of testimony by the Protestants' expert witnesses. He re-emphasized his earlier conclusions and disputed some of the standards which had formed the basis of the Protestants' expert's opinions.

ORDER RECEIVED FOR FILING

Date 12/16/82 By Mr. [illegible]

Significantly, Mr. Sheesley also discussed the need for the liner. In his view, the regulatory agencies of Baltimore County cannot require a liner; that issue is preempted by the authority of the Maryland Department of the Environment. However, he concluded that the State may very likely require a liner to safeguard the sensitive environment in this locale. However, he was unable to commit to a specific personal opinion in this respect, deferring instead to the State's judgment.

In addition to the expert witnesses produced by the Petitioner in support of the proposal, two members of a community advisory group, formed by the Petitioner, testified. This community advisory group was formed after the project was initially proposed. The purpose of the group was to obtain community input on a regular basis. No doubt the Petitioner sought to minimize community opposition through this advisory committee and also obtain valuable community input as to modifications to the plan. One such member of the community advisory committee who testified was Raymond Holter, who resides on Allender Road in White Marsh. He testified as to the use of the site as a sand and gravel excavation operation for many years. He further noted that he had been on a landfill regulatory committee established by Baltimore County since 1982 and had participated in reviewing plans for other landfills including the Eastern Landfill. As to the proposed project in White Marsh, he noted the citizens have had a great deal of impact and the applicant, in his view, has made exemplary efforts to satisfy the community concerns. In his opinion, all appropriate community concerns have been satisfied and addressed through the Petitioner's revisions to the plans. He does not anticipate any traffic problems and believes that there will be no pollution, be it water, noise or

ORDER RECEIVED FOR FILING

Date 12/16/82 By Mr. [illegible]

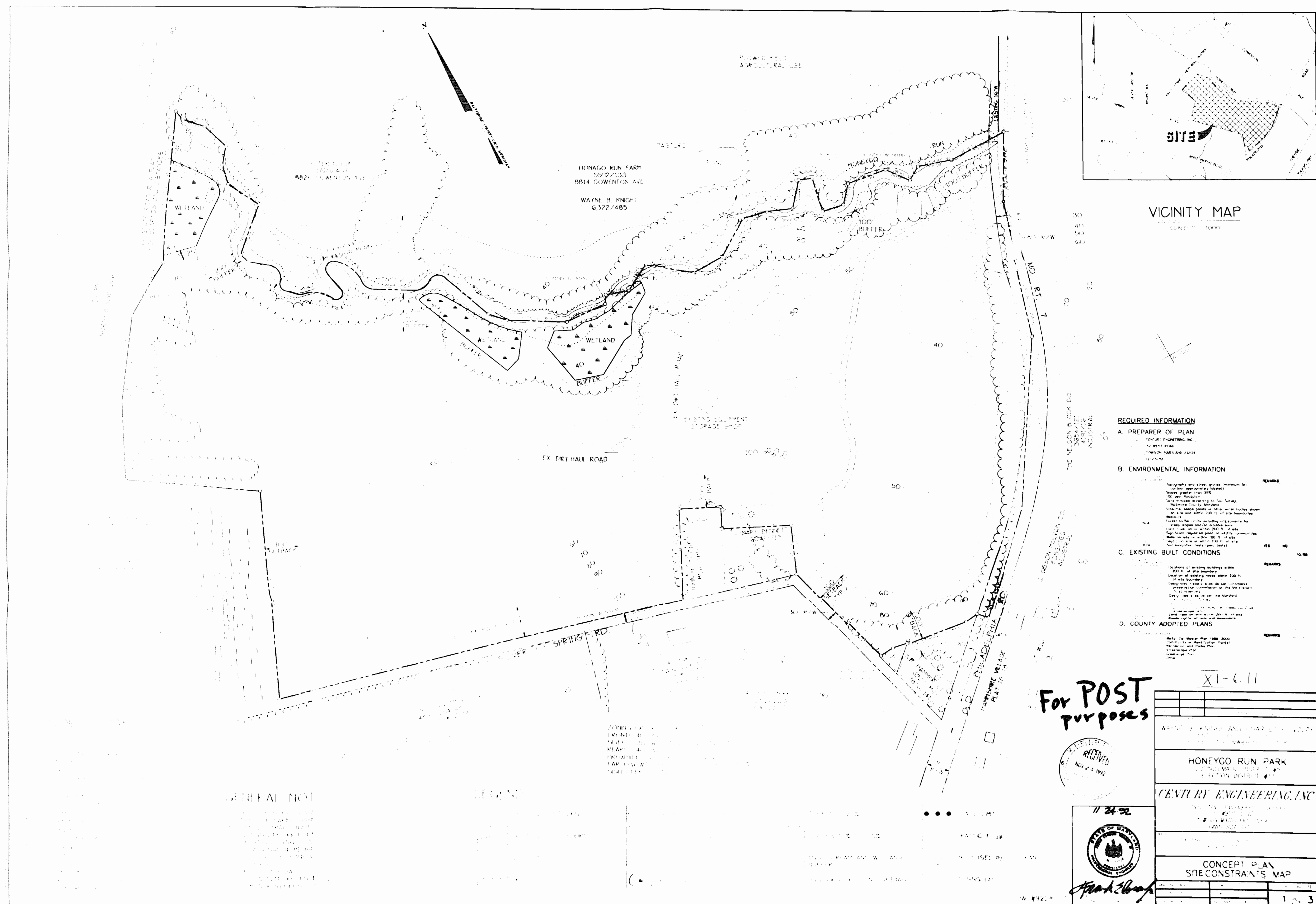
air. Moreover, he is impressed by the fact that the Petitioner proposes to return the site to the County for use as a park in 10 years.

Also testifying from the community advisory group was Carlton Bennett. Mr. Bennett lives in the notch formed on the south of the subject property on Silver Spring Road. The Bennett property, as well as its neighbor (Cooney), are the closest residential properties. Mr. Bennett's testimony was candid and creditable. He recognized the obvious, that no one would like to live next to a landfill if it could be avoided. In his view, if the project could be prevented, he would favor the site remaining in its present condition. However, he conceded the Petitioner's right to develop the property and request the special exception and development approvals sought in this case. Recognizing those rights, Mr. Bennett expressed concerns as to pollution, noise, traffic and security. He noted that he had expressed these concerns sometime ago to the Petitioners and was satisfied with their response. He believes that the operation, if conducted carefully and regulated by the State and Baltimore County, will not cause an adverse affect to the locale.

On cross examination, he reiterated his concerns over living next to an operating landfill. He also expressed some concerns about his well in that his property is not supplied by public water. However, he believes that with proper precautions, the safety of his water will be guaranteed. He also acknowledged that he will acquire approximately one acre of property along the north portion of his site after the landfill operation is completed. Thus, he stands to gain additional land if the project moves ahead. Lastly, Mr. Bennett was pleased that the entrance on Silver Spring Road was to be closed and opined that a sole vehicular access on Philadelphia Road would eliminate any of his concerns as to traffic congestion.

ORDER RECEIVED FOR FILING

Date 12/16/82 By Mr. [illegible]



SCHEMATIC LANDSCAPE PLAN

Nov. 9, 1982

NOTE: PARKING, LOADING &
S.W.M. FACILITIES ARE TO
BE SCREENED FROM ADJACENT
RESIDENCES AND PUBLIC STREETS

NOTE:
NO BUILDING FOOTPRINTS
OR UTILITIES TO BE SHOWN

I-95 NORTH BUSINESS CENTER

GENERAL

- 1) AREA OF TRACT ~ 11.27 AC
 - 2) ZONING DISTRICT ~ 4
 - 3) ZONING DISTRICT ~ 4
 - 4) WATERWAY ~ 0.3
 - 5) PLANNING DISTRICT
 - 6) EXISTING ZONING
 - 7) FAR PERMITTED
 - 8) FAR SHOWN ~ 20
 - 9) PARKING
- LOT #1 - 9,000 SF
20' W.H.
LOT #2 - 14,000 SF
20' W.H.
LOT #3 - 34,000 SF
20' W.H.
LOT #4 - 4,000 SF
20' W.H.
LOT #5 - 24,000 SF
20' W.H.
TOTAL ~ 87,000 SF
20' W.H.
TOTAL ~ 87,000 SF
20' W.H.

NOTE:
ADDITIONAL PARKING
TO BE PROVIDED BY EASTERN
LAUNDRY WORKS.

VICINITY

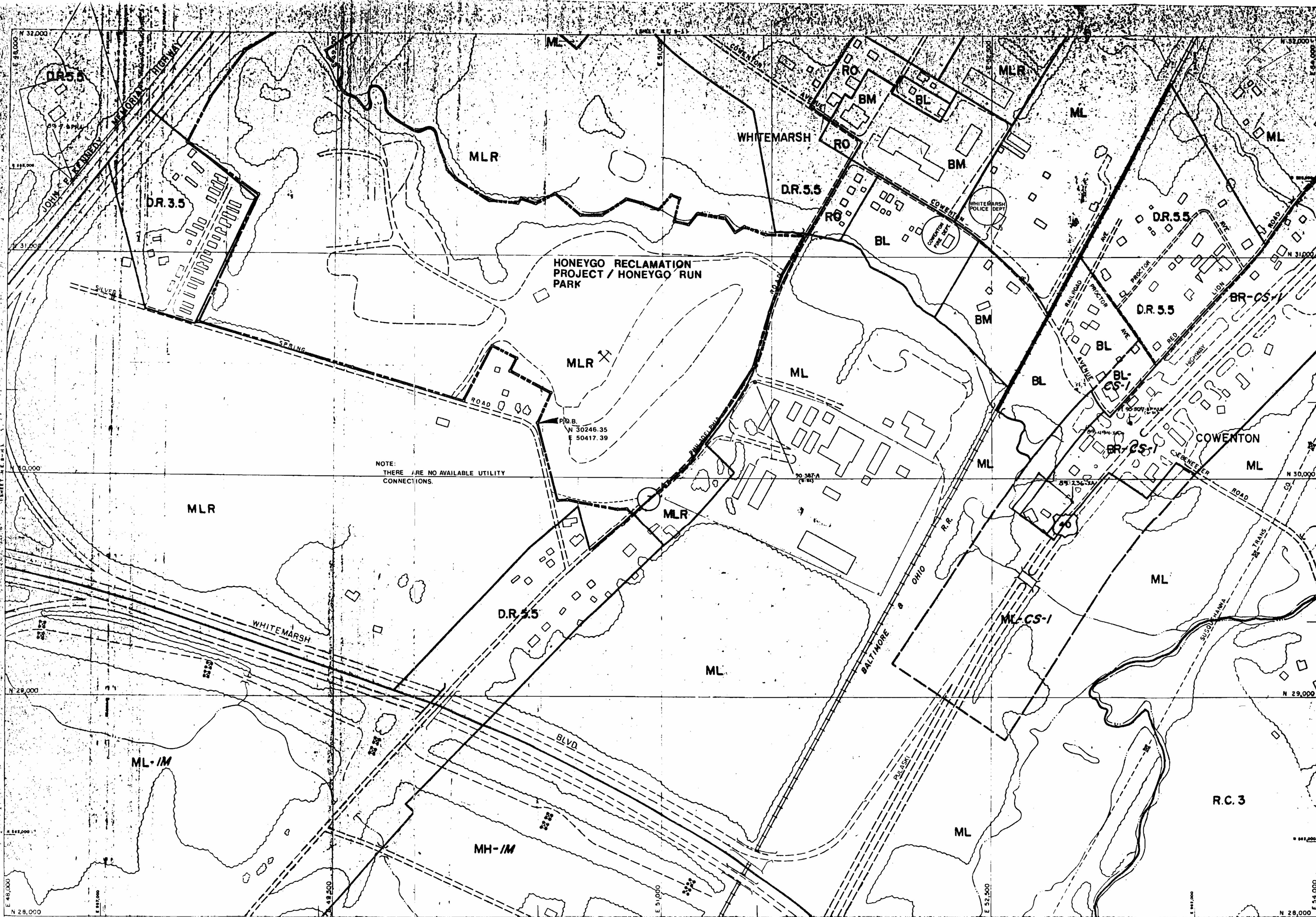
INDUSTRIAL USE

J. HANCOCK & SONS
5093/100

PHILADELPHIA

NOTE:
ADDITIONAL PARKING
TO BE PROVIDED BY EASTERN
LAUNDRY WORKS.

10) AREA OF TRACT ~ 11.27 AC



M-SE
M-NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Map Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE

1" = 200' ±

DATE

OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

WHITE MARSH

COWENTON

SHEET

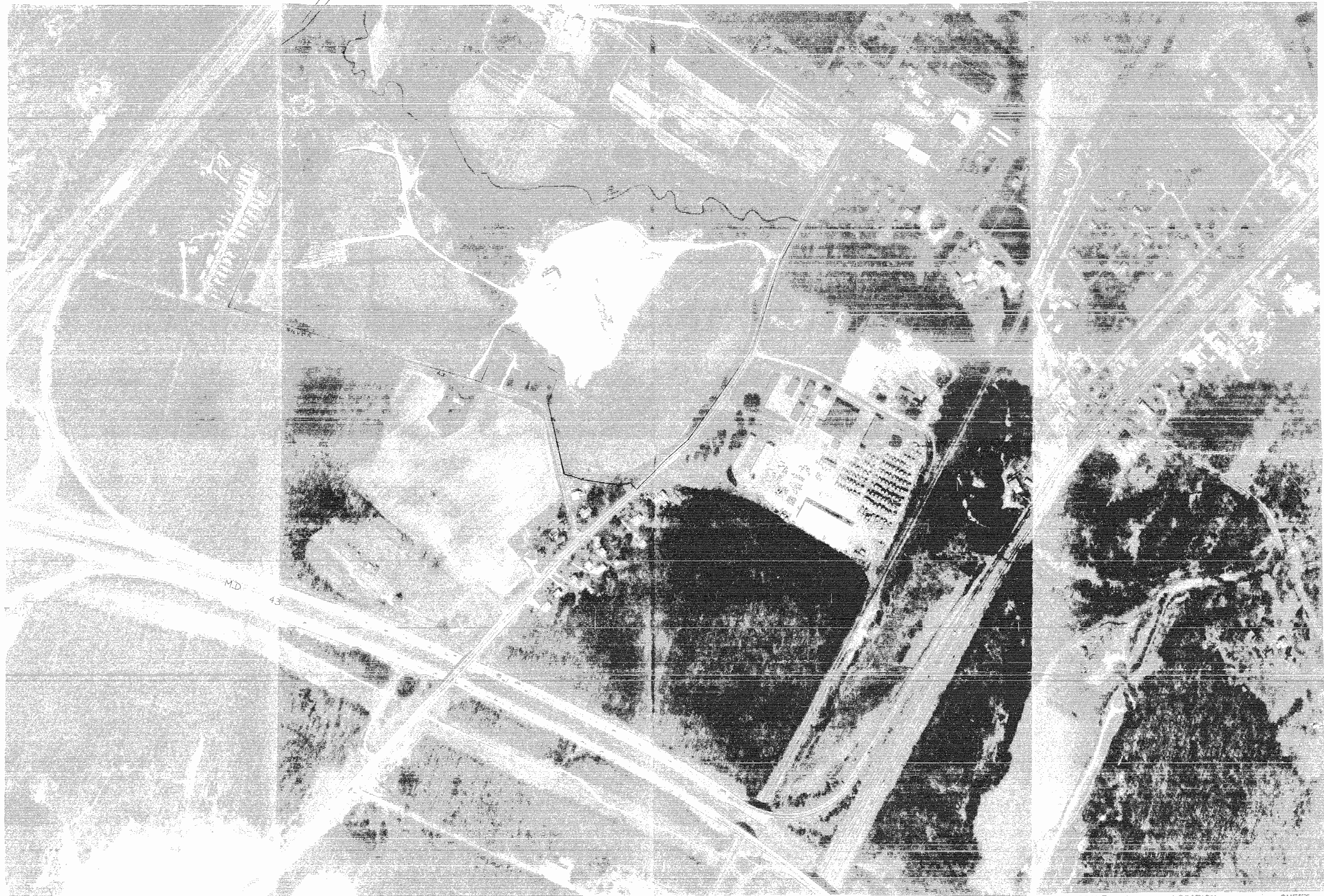
N. E.

8-I

MICROFILMED

94-87-SPHXA

95



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
WHITEMARSH
COWENTON

SHEET
N.E.
8-1

Also testifying in support of the Petition were two representatives of Baltimore County; namely, Andrea VanArsdale from the Office of Planning and Zoning and Albert Svenia, Asst. Director of the Department of Recreation and Parks. Ms. VanArsdale submitted her agency's written comments regarding the project dated September 11, 1993 and October 6, 1993, as amended. As noted in those comments, the Petitioner and the Office of Planning and Zoning (OPZ) have reached an agreement as to certain restrictions and changes to the plan. With the implementation of these changes and restrictions, the plan is now supported by OPZ. OPZ's support includes an endorsement of both the development plan, as submitted, as well as the Petition for Special Exception. Within her testimony, Ms. VanArsdale noted the need for certain services and infrastructure within the Honeygo area. The needed infrastructure includes both waste disposal sites, which will be provided by the landfill, as well as recreation and park facilities, which will be provided on this site after the landfill is utilized and capped. Thus, the public benefit to be gained by these uses outweighs any potential detrimental effect on the surrounding locale. Moreover, Ms. VanArsdale indicated that OPZ has no open issues on the merits of the development plan as submitted. She acknowledged a monetary payment to be made to the County by the developer in lieu of a previous request that a pedestrian bridge be constructed over I-95.

As to Mr. Svehla's testimony, he noted that the site would serve the White Marsh community and White Marsh recreation community. He stated that the development of the site as a park was not originally a part of Recreation and Parks' Master plan. However, he believes that the site is a good place for ball fields in that it is close to the major roadways in this area (I-95, Philadelphia Road, Route 40, etc.) and is near a high growth

area. He likened the proposal to the development of Longview Golf Course and other recreation projects, which converted property which had been previously utilized for landfill purposes. He also noted that the site was being offered to Baltimore County at no cost which he believes constitutes a real public benefit in view of the fiscal restraints imposed on local government in this time.

There was also significant testimony about conversion of the site to athletic fields. Counsel for the Protestants believes that the site will be sloped to such a degree so as to make the property's use for athletic fields untenable. Specifically, four softball/baseball diamonds and two soccer/football fields are proposed. Mr. Svehla noted that a 2% slope is needed on any athletic field to promote drainage and that his department was satisfied with the slope of the proposed field. Mr. Svehla seemed convinced that his department could work with the developer, Maryland Department of Environment and other regulatory agencies after the landfill was capped to convert same to useable athletic fields. He did acknowledge, however, that the site could not be turned over to the County in phases. That is, vehicular access and use of the site would be prohibited until the entire operation was completed. Since Cell one is farthest from Old Philadelphia Road and would be capped first, users of the park facilities thereon would be forced to travel through the active operations on Cells two and three before accessing the fields on Cell one. Clearly, this is neither practical nor feasible. Nonetheless, Mr. Svehla's support for the project is understandable in that his agency stands to gain needed space for facilities. Thus, the Department of Recreation and Parks supports the project under these guidelines.

The final witness produced by the Petitioner was Charles Volpe. Mr. Volpe is a principal in Honeygo Run Reclamation Center, Inc. and will be the individual largely responsible for the facility's operation. He detailed his background and testified that he has been in the waste disposal industry for approximately 18 years. His duties at a company owned by him, Commercial Refuse, Inc., have provided him with experience as to disposal of commercial waste. He admitted, however, that he has never managed a landfill, per se. He has been involved, however, with the operation of the Days Cove Landfill and the Michaelsville Landfill in Aberdeen, Maryland. Mr. Volpe's testimony mainly addressed a number of concerns which were raised by the Protestants. He described in great detail the Operation Manual (Pet. Exh. No. 24) which was submitted and discloses the planned operation of the facility. He commented on the Advisory Committee which had been formed of concerned community members. This committee has provided the Petitioner with a number of suggestions which have been enacted. These suggestions have, in many respects, calmed the Protestants' fears. He proposes keeping the committee intact during the entire life of the project to assure community input as to the operation.

One of the changes arising out of the Advisory Committee concerns was the relocation of the interior gate and increased stacking spaces. As noted on the plan, the gate has been relocated so as to provide 16 stacking spaces between the inspection station and Philadelphia Road. Mr. Volpe noted that these spaces could be doubled by lining waiting vehicles side by side so as to give the site a 32 space stacking capacity. He also noted that the hours of operation of the facility would be 7:00 A.M. to 5:00 P.M. (Monday thru Saturday) and that the outer gate would open at approximately 6:00 A.M. The stacking scheme which has been developed will

ensure that vehicles waiting to enter the site will not queue onto Philadelphia Road and cause traffic congestion.

Mr. Volpe also described in detail the inspection system. He also agreed to restrict the plan by funding the salary of an independent inspector to assure that unacceptable material was not been placed on the site. He noted that both video cameras and personal inspection would be utilized on the site to ensure that only permitted waste was being accepted. Moreover, radio contact will be available between the inspector at the cell and the inspection station to ensure a continuity of inspection. Moreover, Mr. Volpe noted that users of the site who presented unacceptable material would be sanctioned, including but not limited to an assessment of the costs to remove objectionable material and prohibition from additional utilization of the site. Other features of the plan which had been added to address public fears was the installation of a 4,000 gallon water truck. Mr. Volpe noted that this truck would be utilized to reduce dust and would also be available to provide immediate water in the event of fire.

Additionally, Mr. Volpe described the evolution of the site from a landfill and eventual transfer of same to the Baltimore County's Department of Recreation and Parks. He believes that this will provide beneficial services to the Baltimore County community at large in that it will provide necessary infrastructure (rubble landfill) while ultimately providing needed recreational space. Lastly, Mr. Volpe noted a number of other conditions which had been agreed to between the developer and the County including the developer's rehabilitation of the Honeygo Run as described by Mr. Sheesley and improvements to the intersection at Cowenton Avenue, Ebenezer Road and Route 7. Finally, Mr. Volpe evaluated and commented

upon the specific requirements set forth in Section 502.1 of the B.C.Z.R. He believes that the proposed use will not be detrimental to the health, safety and general welfare of the community and that the proposed use complies with the special exception standards set forth within that section.

Testifying in opposition to the request were numerous residents of the surrounding locale. They were spearheaded by Adam Paul, who testified both individually and on behalf of the White Marsh Civic Association. Mr. Paul is a former Baltimore County Police Officer and has been employed in a number of other law enforcement positions. He cited ten specific concerns relating to the proposed use.

First, he was concerned about storm water management and the lack of a storm water management pond on site. He commented on the Petitioner's proposal to construct a swale around the perimeter of the property. He believes that this is an inadequate system to dispose of storm water. He expressed concerns that if a landfill is not lined, storm water could get into the underlying aquifer.

Second, Mr. Paul expressed certain concerns regarding the expected traffic to be generated from this site. In this regard, he drew on his past experience as a police officer in Baltimore County. He believes that the proposed access/egress from the property on Philadelphia Road is inadequate. He also expressed concerns about the needed realignment of the Cowenton Road/Ebenezer Road/Old Philadelphia Road intersection which is located to the north of the site. Overall, Mr. Paul opined that he does not believe that Philadelphia Road was intended to carry the volume of traffic which is anticipated to be generated by this site.

Mr. Paul's next area of concern regarded the ultimate use of the property by the Department of Recreation and Parks. He questioned whether there was need for park space and athletic areas in this portion of the County. He expressed an opinion that there were other sites nearby which could accommodate athletic fields and recreational facilities if they were truly needed. He also observed that there were no sidewalks in the Philadelphia Road corridor which could make potential pedestrian traffic to the park dangerous.

The next area of concern expressed by Mr. Paul related to the ground water. This tied into his expressed reservations about the storm water management system. As set forth in much of the expert testimony produced by the Protestants, Mr. Paul believes that potential contamination of ground water could result from this site.

Mr. Paul also expressed concerns over the operation of the site. He stated the obvious; that if the landfill is not operated as proposed, the potential detrimental effects of same will be magnified. This is clearly the case, although same does not necessarily justify denial of the Petition for Special Exception and development plan. The Petitioner's commitment to operate the facility in a proper and prudent manner and assurance that the governmental regulatory authorities will monitor such an operation is important.

Six, Mr. Paul believes that the proposed use is inconsistent with the property's M.L.R. zoning. He believes that this development is fiscally irresponsible and that development of the parcel as an office park would increase the tax base to Baltimore County. He also observed a number of residences nearby which, he believes, are incompatible with the proposed use. Although understandable, Mr. Paul's comments regarding the expected

tax revenue which could be generated from the site are irrelevant. My decision in this case must be governed by the development regulations, the zoning regulations and case law. Comparison to other operations and their expected tax generating potential is not germane.

Surprisingly, Mr. Paul also objects to the restoration of Honeygo Run by the developer. It would seem that this is a benefit which everyone would appreciate. Clearly, preservation and restoration of our natural resources, including the Honeygo Run, is in the public interest. Although he acknowledged such, Mr. Paul objects to a perceived impropriety of the developer offering such services in exchange for OPZ's support of the project. I am appreciative of these sentiments and clearly the merits of the subject Petition and development plan must be considered in accordance with the applicable provisions of law. However, imposing reasonable restrictions on the Petitioner to benefit the health of the surrounding environment is appropriate.

Mr. Paul's remaining objections regarding the adjacent trailer park, the impact on the general health and welfare of the community, and fire protection were also duly noted within the record.

A number of other residents also testified. Among them was Ann Witlow who resides north of the intersection of Ebenezer and Cowenton Roads on Philadelphia Road. As did Mr. Paul, she expressed concerns over traffic to be generated by the site. She also fears any new development in the area which might increase storm water runoff and flooding to her property. However, it appears that her house is situated such a distance from this property that flooding would not be an issue as it relates to the subject site.

Also testifying was Barbara Bell, who lives approximately one mile south of the site on Philadelphia Road in the community of Nottingham. She noted a potential for structural damage to her house if truck traffic were increased. She observed that Philadelphia Road already carries a number of heavy trucks from the commercial/industrial uses which are in this area. She fears that the opening of a landfill would dramatically increase truck traffic in her area which could compromise the structural stability of her house.

Also testifying was Jesse Carr, a nearby resident of Philadelphia Road. He is a long time resident of this area and testified as to the history of the site and his recollection of same from when he was a child and played near this property. He believes that the landfill should only be allowed with a liner so as to protect the ground water in this area. He is also concerned about the finished grades of the property, although he clearly did not review the plan in detail.

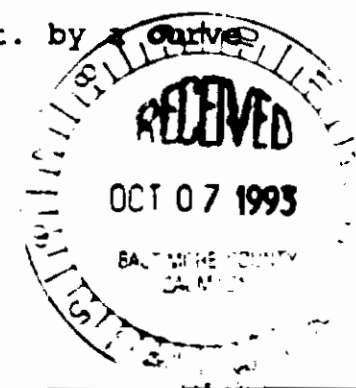
Also testifying in opposition was James Maszczenski. He lives on Ebenezer Road around the corner from the site and down the street from the intersection of Philadelphia and Ebenezer Roads. He presented very real concerns about the traffic pattern at the Ebenezer Road/Philadelphia Road intersection. He noted that that large trucks have difficulty negotiating the turns at this intersection. He testified as to his personal knowledge of the heavy truck traffic at this locale and his observations that many trucks are unable to negotiate that corner. Often, traffic congestion will result when trucks are attempting to make this turn.

Based on part of Mr. Maszczenski's testimony, I visited the intersection and observed traffic. Unfortunately, no tractor trailers passed at the time of my visit. However, dump trucks and other commercial vehicles

ZONING DESCRIPTION
HONEYGO RECLAMATION PROJECT
BEGINNING at an angle break on the northerly and easterly
sides of Silver Spring Road, 30 feet wide, at the distance of 690
feet north of the centerline of Old Philadelphia Road (Maryland
Route 7). Thence the following courses and distances:

N. 25°34'46" E. 152.53 ft., N. 65°56'52" W. 210.55 ft.,
N. 27°09'08" E. 61.79 ft., N. 62°50'52" W. 121.00 ft.,
S. 27°09'08" E. 100.00 ft., S. 27°09'08" W. 170.00 ft.,
N. 74°50'22" W. 1273.30 ft., N. 25°34'46" E. 657.32 ft.,
N. 57°01'29" W. 448.52 ft., N. 33°37'25" E. 160.36 ft.,
N. 39°06'16" E. 301.24 ft., N. 54°40'07" E. 258.61 ft.,
N. 39°14'57" E. 403.80 ft., S. 42°40'14" E. 37.85 ft.,
S. 17°40'14" E. 90.00 ft., S. 41°12'46" W. 61.04 ft.,
S. 12°49'46" W. 60.00 ft., S. 26°10'14" E. 110.00 ft.,
thence running on the existing centerline of Honeygo Branch
to the west side of Old Philadelphia Road (of varying
width); thence S. 29°18'10" W. 43.37 ft., S. 60°41'50" E.
10.00 ft., S. 29°18'10" W. 73.81 ft., S. 26°10'38" W. 89.78
ft., S. 21°27'24" W. 72.73 ft., S. 70°48'18" E. 40.00 ft.,
Southwesterly 29.45 ft. by a curve to the left having a
radius of 881.50 ft. and whose chord bears S. 18°14'17" W.
29.44 ft., S. 16°53'45" W. 254.38 ft., Southwesterly 238.83
ft. by a curve to the right having a radius of 727.08 ft.
and whose chord bears S. 25°59'53" W. 237.76 ft., S.
35°24'29" W. 196.73 ft., Southwesterly 142.61 ft. by a

10/4/93



ZONING DESCRIPTION
HONEYGO RECLAMATION PROJECT
PAGE 2
to the right having a radius of 901.04 ft. and whose chord
bears S. 39°56'33" W. 142.46 ft. to a point of compound
curvature, Southwesterly 337.86 ft. by a curve to the right
having a radius of 4929.70 ft. and whose chord bears
S. 46°26'24" W. 337.80 ft., and S. 48°24'12" W. 35.70 ft.,
N. 41°35'48" W. 40.00 ft., S. 80°30'54" W. 45.82 ft.,
Northwesterly 181.01 ft. by a curve to the right having a
radius of 1910.00 ft. and whose chord bears N. 83°14'00" W.
for a distance of 180.94 ft., N. 13°51'50" W. 11.79 ft.,
S. 48°24'12" W. 13.56 ft., N. 68°59'51" W. 49.61 ft.,
N. 84°57'23" W. 37.85 ft., N. 13°51'50" W. 363.85 ft. to the
point of beginning.
CONTAINING 2,969,658.67 square feet or 68.1740 acres.
BEING a part of Properties One, Two, Three and all of
Property Four described in deed dated November 26, 1980, and
recorded among the Land Records of Baltimore County, Maryland, in
Liber 6237, Folio 90, and located in the eleventh election
district of Baltimore County.

SAVING AND EXCEPTING that portion of the above-described
property zoned D.R.-3.5 adjacent to the Honeygo Mobile Park as
shown on Plan to Accompany Special Exception, Special Hearing,
and Variances, Sheet 2 of 2, attached.

rev. 10-4-93

10/4/93

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 11th Date of Posting: 9/15/93
Posted for: Special Hearing & Excepting Variances
Petitioner: Honeygo Run Reclamation Center, Inc.
Location of property: 10700 Philadelphia Rd., NE of Silver Spring Rd.
Location of Sign: Along the way, on property, being removed
Remarks: None
Posted by: [Signature] Date of return: 9/15/93
Number of Signs: 2 MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/19/93
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 9/19/93

THE JEFFERSONIAN,
A. Henrichsen
LEGAL AD. - TOWSON

MICROFILMED

94-87-SPHXA
Date: 8-27-93
Honeygo Run Reclamation Center, Inc.
10700 Philadelphia Rd. (2028)
#070 - MAX Fee (Publication) - 650.00
(94 x 84 x 100)
= 080 - 6 Signs @ \$5.00 = 210.00
Total \$860.00
Please Make Checks Payable To: Baltimore County
Cashier Validation
MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD. 21204 (410) 887-3353
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES
Baltimore County Zoning Regulations require that notice be given to
the general public/neighborhood property owners relative to property
which is the subject of an upcoming zoning hearing. For those petitions
which require a public hearing, this notice is accomplished by posting
a sign on the property and placement of a notice in at least one
newspaper of general circulation in the County.
This office will ensure that the legal requirements for posting and
advertising are satisfied. However, the petitioner is responsible for
the costs associated with these requirements.
PAYMENT WILL BE MADE AS FOLLOWS:
1) Posting fees will be assessed and paid to this office at the
time of filing.
2) Billing for legal advertising, due upon receipt, will come
from and should be remitted directly to the newspaper.
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.
[Signature] ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 95
Petitioner: Charles F. Volpe
Location: Honeygo Reclamation Project
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Charles F. Volpe
ADDRESS: 8814 Cowenton Avenue
Perry Hall, MD 21228
PHONE NUMBER: (410) 335-5424
A3:ggg (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
SEPTEMBER 20, 1993
NOTICE OF FULL HEARING SCHEDULE
DEVELOPMENT PLAN HEARING - HONEYGO RUN PARK
and
CASE NUMBER: 94-87-SPHXA
HEARING DATES:
DAY 1: FRIDAY, OCTOBER 15, 1993 at 8:30 a.m. in Rm. 106, County Office Building.
DAY 2: WEDNESDAY, OCTOBER 27, 1993 at 8:30 a.m. in Rm. 118, Old Courthouse.
DAY 3: THURSDAY, OCTOBER 28, 1993 at 8:30 a.m. in Rm. 118, Old Courthouse.
DAY 4: MONDAY, NOVEMBER 8, 1993 at 8:30 a.m. in Rm. 118, Old Courthouse.
DAY 5: TUESDAY, NOVEMBER 9, 1993 at 8:30 a.m. in Rm. 118, Old Courthouse.
DAY 6: WEDNESDAY, NOVEMBER 10, 1993 at 8:30 a.m. in Rm. 118, Old Courthouse.
DAY 7: FRIDAY, NOVEMBER 12, 1993 at 8:30 a.m. in Rm. 118, Old Courthouse.
cc: Honeygo Run Reclamation Center, Inc.
John B. Gontrum, Esq.
J. Carroll Holzer, Esq.

TO: PETITIONER PUBLISHING COMPANY
September 9, 1993 Issue - Jeffersonian
Please forward billing to:
Charles F. Volpe
8814 Cowenton Avenue
Perry Hall, Maryland 21228
410-335-5424
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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-87-SPHXA (Item 95)
10700 Philadelphia Road
NE of Silver Spring Road, 690' N of c/l Philadelphia Road
11th Election District - 5th Councilmanic
Petitioner(s): Honeygo Run Reclamation Center, Inc.
Special Hearing to approve the proposed concrete recycling/wood waste chipping operations as permitted
accessory use to the existing mining operation and the proposed rubble landfill.
Special Exception to allow a rubble landfill operation; and to allow for "Excavation Controlled".
Variance to allow a crushed concrete surface (equivalent to CR-6) in lieu of the required drainage,
drainage surface without the required permanent striping for off-street parking facilities; and to allow
2 free-standing signs with 50 square feet per face, 8 feet in height in lieu of the permitted 1
free-standing sign with 25 square feet per face, 6 feet in height.
HEARING DATES:
DAY 1: FRIDAY, OCTOBER 15, 1993 at 8:30 a.m. in Room 106, County Office Building.
DAY 2: WEDNESDAY, OCTOBER 27, 1993 at 8:30 a.m. in Room 118, Old Courthouse.
DAY 3: THURSDAY, OCTOBER 28, 1993 at 8:30 a.m. in Room 118, Old Courthouse.
LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
October 4, 1993
John B. Gontrum, Esquire
Ronadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221
RE: Case No. 94-87-SPHXA, Item No. 95
Petitioner: Honeygo Run Reclamation Center, Inc.
Petitions for Variance/Special Hearing/Special Exception
Dear Mr. Gontrum:
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans
submitted with the above referenced petition. The attached comments from
each reviewing agency are not intended to indicate the appropriateness of
the zoning action requested, but to assure that all parties, i.e., zoning
commissioner, attorney and/or the petitioner, are made aware of plans or
problems with regard to the proposed improvements that may have a bearing
on this case.
Enclosed are all comments submitted thus far from the members of ZAC
that offer or request information on your petition. If additional
comments are received from other members of ZAC, 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 August 27, 1993,
and a hearing was scheduled accordingly.
The following comments are related only to the filing of future
zoning petitions and are aimed at expediting the petition filing process
with this office.
1. The director of Zoning Administration and Development Management
has instituted a system whereby seasoned zoning attorneys who
feel that they are capable of filing petitions that comply with
all aspects of the zoning regulations and petitions filing
requirements can file their petitions with this office without
the necessity of a preliminary review by zoning personnel.
MICROFILMED

were able to negotiate the corner without difficulty. Nonetheless, I am appreciative of Mr. Maszozenski's concern and the obvious need for realignment of the Ebenezer Road/Cowenton Road/Philadelphia Road intersection.

Roy Reiner, President of Oliver Beach Community Association also testified. His association is concerned about the potential contamination of the Honeygo Run which leads to Bird River and ultimately to the Gunpowder River. He also expressed concerns over traffic and opined that if this Zoning Commissioner seriously considers the issue, the project would be denied.

Richard T. Burnett, a resident of Oliver Beach echoed Mr. Reiner's testimony. He, likewise, is concerned over potential pollution to the waterways in the Eastern end of the County and traffic concerns. He also expressed a concern whether out of state haulers would be able to utilize the site.

Marie Simoes, on behalf of the Nottingham Improvement Association, also testified in opposition. Nottingham is a residential community which is located approximately 1-1/2 miles south of the site on Philadelphia Road. She echoed many of the concerns previously set forth, including traffic, pollution, etc. She succinctly stated her general concerns that the proposed use at this location would negatively affect the quality of life in the residential communities which are nearby. She expressed a perceived conflict between the inherent nature of the immediate use as a landfill and the future use of the property as a park. That is, Mrs. Simoes believes that the diametrically opposed potential uses are inconsistent and incompatible. I am appreciative of this sentiment. However, need only refer Mrs. Simoes to Longview Golf Course and similar projects which have been developed in this manner. At first glance, a landfill operation

and park are on the opposite ends of the zoning use spectrum. However, upon further consideration, both provide important services and satisfy public needs. The services offered by a landfill operation are needed. Once the operation is completed, conversion of the property to another useful purpose is appropriate. There should be no prohibition on ball playing and recreational activities in the middle of an urban area. One need only examine Oriole Park at Camden Yards to see recreational opportunities being provided in the midst of an, otherwise, urban/manufacturing/business community. Mrs. Simoes was also concerned about the proposed operation of the site and whether the stated safeguards testified to by the Petitioner would actually be implemented. She is also concerned about many of the other inherent effects of the property, including potential pollution and noise.

The last lay Protestant who appeared was Ms. Julie Smith, who resides in Rogers Forge. It is quite difficult to understand Ms. Smith's standing to testify in this case, in that she did not appear on behalf of the organization in which she is a member, namely, the Sierra Club. Rather, she appeared in an individual capacity. Clearly, Ms. Smith is against all landfills. However, she did admit to a preference for the landfill to be located where proposed in lieu of downtown Rogers Forge. Ms. Smith's well meaning comments concerning pollution and the health of the Chesapeake Bay and its tributaries are well taken. Often it is most difficult to balance the uses such as the one proposed with the goal of a pristine environment. Clearly, careful balancing of these considerations is needed.

The Protestants also produced expert witnesses in reference to the issues presented in this case. These included Richard D. Klein, a principal in the firm of Community and Environmental Defense Services. Mr.

Klein was formerly employed by the Maryland Department of Natural Resources and did a number of studies while in that employment of landfills and issues related to those presented in this case. He was presented as an expert witness as to the environmental impact of landfills on aquatic systems. There was extensive cross examination of Mr. Klein on voir dire. His educational background is limited and he is not a college graduate. He did not qualify as an expert in the areas of hydrology, chemistry, biology, civil engineering, sanitary sciences, soil sciences or hydrogeology. However, based upon his broad work experience and background, he was accepted as an expert to offer opinion testimony regarding the environmental impact of the landfill on the surrounding water system.

In this respect, Mr. Klein reviewed the studies and plans offered by the Petitioner and was present for much of the testimony presented during the hearing. After presenting the foundation for his studies, he offered the following opinions.

He first took issue with the standards employed by the Maryland Department of Environment within the Code of Maryland Regulations. He noted that the standards for evaluating impacts on the ground water in this case are based on the State standards for drinking water. These standards are less stringent than those mandated by the State for the protection of aquatic life. That is, the Maryland Department of Environment will evaluate this project in accordance with drinking water standards rather than the more stringent aquatic life standards. When questioned by the Zoning Commissioner as to why drinking standards were not as rigorous, Mr. Klein noted that the aquatic life live within the water system and are less tolerant of certain pollutants. Thus, Mr. Klein opined that even if the proposed landfill does not adversely affect the surrounding aquatic system,

when adjudged pursuant to MDE's standards, there still could be great detrimental effect to the aquatic life which reside in the Honeygo Run as a result of the impact of this use. Specifically, Mr. Klein opined that the underlying aquifer, the wetlands on or near the site, the Honeygo Run and the Bird River are all at risk.

In order to remedy these potential effects, Mr. Klein offered two alternatives. First, he proposed that a liner be inserted in the bottom of the fill operation. He proposed both a synthetic and natural clay liner to assure that leachate would not penetrate into the underground water system. Secondly, Mr. Klein suggested that the distance between the bottom of the fill and water table be increased to more than the required 5 feet. This would provide an additional safety net to ensure that pollution would not enter the underlying system. Lastly, this witness commented that the proposed landfill use would detrimentally effect this locale in a manner unique than the inherent effects of the use. Specifically, he pointed to the unusual natural features of the surrounding locale, including the existence of the Honeygo Run and aquifer, which he believed distinguished this site from other similarly zoned properties.

Also testifying as an expert witness was Dr. Robert Kondner, a civil engineer. Dr. Kondner testified extensively about potential contamination of the ground water system from the operation of the proposed landfill. He offered a variety of technical opinions about potential contamination of the underlying aquifer. Essentially, he noted that the soils on site were very porous and therefore would absorb a large percentage of the rainfall which falls on site. That is, there will be very little storm water runoff because of the high absorptency characteristics of the surface conditions. A full 85% of the rain on the site will be absorbed into the

soil by his calculations. Using this rate of absorptency, Dr. Kondner then computed the amount of actual water which would enter the site based on the annual rain projections for this area. In this respect, he concluded that 10,317 liters of water per day, per acre, would be infiltrated into the ground. Due to this large volume of rain water which will be absorbed, Dr. Kondner believes that the underlying aquifer will be contaminated. That is, the rain water will pass through the porous soils and enter the underlying aquifer without proper filtration. In order to mitigate this effect, he proposes an extensive series of liners including a combination of clay and a synthetic liner.

As with all witnesses, I am required to adjudge the credibility of Dr. Kondner's testimony. In this respect, it was difficult to accept this expert's testimony as accurate. It is first important to note that Dr. Kondner admitted that he had never been to the site and his conclusions were based entirely upon his review of the studies and exhibits presented by the Petitioner. Certainly, a field investigation would be appropriate for any expert witness in order to personally inspect conditions on which opinions would be based. Moreover, Dr. Kondner appeared to misinterpret some of the Petitioner's exhibits relating to ground water levels. His conclusions regarding absorptency also ignored interim levels of cover which will be applied on a regular basis as the cells are filled. That is, the Petitioner proposes to cover waste as same is accumulated. This natural cover would affect the absorptency and filtration of any rain water which would enter the system. Although this expert's educational and experienced credentials are indeed impressive, his evaluation of the subject site appear to be less than thorough and his conclusions therefore were questionable.

Having summarized the testimony and evidence offered, attention is next turned to the relief requested. Consideration is first given to the Petition for Zoning Variance which has been filed. Therein, the Petitioner requested relief from Sections 409.8A.2, 409.8A.6 and 413.6.B of the B.C.Z.R. The first two of these sections mandate a required durable and dustless surface paving of the internal roadway and permanent striping for the offstreet parking facilities. The remaining section limits signage to one free standing sign with 25 sq. ft. per face, 6 ft. in height.

As to the parking requirements, the Petitioner proposes a crushed concrete surface in the haul road which will not be striped. As to the signage, two free standing signs with 60 sq. ft. per face, 8 ft. in height, are requested.

Zoning variances must be evaluated in accordance with Section 307.1 of the B.C.Z.R. This section sets forth a three prong test. It provides that the Petitioner must demonstrate practical difficulty or unreasonable hardship, that a granting of a variance will be in strict harmony with the spirit and intent of the regulations, and that the relief granted will be without injury to the public health, safety and general welfare. Moreover, the definition of practical difficulty is well settled at law. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

As to the haul road requirements, I am persuaded that the Petitioner has met its burden. It is entirely logical for the haul road to be constructed of a nondurable material. First, the material to be used for construction (crushed concrete) will be readily available on site from the concrete recycling facility. Also, the road's configuration may be altered during the life of the landfill. That is, different areas of the site will be utilized during the 10 year expected life span of this facility. Thus, the length and configuration of the roadway will be changing. Moreover, this road will be used only for customers and employees of the site; that is, it is not a public facility. A crushed concrete surface will also promote better drainage and absorptency. For all of these reasons, it is entirely appropriate for this variance to be granted and strict adherence to Sections 409.8A.2 and 409.8A.6 should not be required.

As to the signage variance, I am, likewise, persuaded that this should be granted. The signs proposed by the Petitioner, as shown on the site plan, are entirely consistent with a property of this size. Clearly, two signs will not overwhelm a 64 acre parcel. Moreover, they are necessary in order to direct traffic and improve conditions at the vehicular entrance to the site. They will provide advance notice of the precise location of the entrance road to customers. I concur with the Petitioner's assertions that the signs proposed are the minimal necessary in order to serve their necessary function.

Next for consideration is the Petition for Special Hearing. Therein, the Petitioner requests approval of the proposed concrete recycling and wood waste chipping operations as permitted accessory uses to the existing mining operation and the proposed rubble landfill. Accessory uses are defined in Section 101 of the B.C.Z.R. Essentially, they are uses which are subordinate to a principal use, are subordinate in area, extent or purpose to a principal use, are located on the same lot as the principal use and contribute to the comfort, convenience or necessity of the business and industry involved in the principal use. In applying the characteristics of the recycling operations to the principal uses described, it is clear that all features of this definition are met. The recycling facilities are obviously located on the same site and are reasonable and appropriate uses in connection with the mining operation and proposed rubble landfill. They will particularly compliment the rubble landfill use by providing an additional sorting mechanism. Further, the life of the fill will be expanded by diverting material which might otherwise be buried in the fill to the recycling center. Moreover, I am persuaded that the accessory uses will not be detrimental to the health, safety and general welfare of the community. I am persuaded, in this respect, by the fact that these uses are located in the interior of the site and not on the perimeter. The testimony of Mr. Rist, the noise expert, was particularly persuasive and unchallenged. For these reasons, I will, likewise, grant the Petition for Special Hearing so as to approve these accessory uses.

The next item for consideration is the Petition for Special Exception. This is also a two prong request; for approval of both the existing Excavation Controlled business as well as the future rubble landfill operation. As to the Excavation Controlled operation, it is clear that same

should be approved. This operation has existed on this site for many years and no doubt predates many of the surrounding land uses. Moreover, this is an area of the County in which operations of this type are well known and have been conducted for many years. As noted above, the Genstar operation is a short distance south of this site. Thus, the mining operation fits in well with the surrounding locale. Moreover, much of the locale has grown up with this operation in place and has adjusted to the inherent effects of such an operation. I find no evidence that the mining operation is detrimental to the health, safety and general welfare of this community. I am satisfied that the Petitioner has satisfied the standards enunciated in Section 502.1 of the B.C.Z.R. which must be applied to all special exception uses. Thus, the special exception, for this use, will be and is hereby granted.

The next issue for consideration relates to the other prong of the special exception relief requested, namely, that approval be given to allow a rubble landfill. This issue sparked the most controversy and opposition from the surrounding communities. As noted above, consideration of special exceptions is governed by Section 511.1 of the B.C.Z.R. Therein, a laundry list of considerations are listed which the Zoning Commissioner must apply to any proposed special exception use. Those standards relate to the anticipated impact of the proposed special exception use on the surrounding locality involved and whether the said use would be detrimental to the health, safety and general welfare of the community. Specific considerations as to traffic, pollution, over taxing of public utilities, etc., are all listed.

Although these standards must be applied, it is to be noted that a special exception use is a use which has been predetermined by the Balti-

more County Council to be conditionally compatible with the uses permitted as of right in a particular zone. See Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). Moreover, the Petitioner does not have the burden of establishing affirmatively that the proposed use will be a benefit to the community. Anderson v. Sawyer, 23 Md. App. 612, 329 A.2d 716 (1974).

The leading case in Maryland on special exceptions is Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981). Counsel for both parties have cited this case as controlling. Moreover, Schultz has been revisited by the Court of Special Appeals in Peoples Counsel v. Mangione 85 Md. App. 788 (1991), and most recently in Sharp v. Howard County Board of Appeals, No. 103, Sept. Term, 1993. These cases all discuss the special exception standard and the "unique effect" test which has been formulated by the courts. As noted above, a special exception use is presumptively appropriate. It has been predetermined by the local legislative body to be conditionally compatible with the uses permitted as of right in a given zone. Moreover, the courts have recognized that all special exception uses, by their very nature, cast certain inherent effects on their surroundings. For example, almost any commercial/industrial use can be expected to generate more traffic than an undeveloped property. These effects, in and of themselves, are not sufficient, however, to warrant a denial of the special exception. These characteristics must result in an adverse effect upon the adjoining and surrounding properties different than that which would, otherwise, result from the special exception use if located elsewhere within the zone. Pritts, supra, pg. 1327.

In Mangione, the Petitioner proposed constructing a nursing home within the center of a residential community in Lutherville. The court

noted that the construction and maintenance of the home would introduce additional traffic to the area and exacerbate a storm water runoff problem. Although these by-products of the use were inherent in the placement of a nursing home anywhere, the court sustained a denial of the special exception use by the County Board of Appeals due to the unique effect caused by these impacts in this area. Particularly, the character of the community in which the nursing home was planned was such that these inherent effects would cause detriment to a greater extent than would normally be the case.

In Sharp, the same law was applied but a different result was reached. In that case, the court, although identifying certain inherent impacts which would result from the operation of a small private airport, concluded that those impacts produced no unique effect on the locale in which the airport was to be located. Thus, the special exception use in that case was approved.

Applying these principals to the present case, the Protestants have presented two issues which they submit justifies a denial of the special exception. The first of these is traffic. In this respect, the Protestants claim that the special exception use should be denied because of the potential traffic congestion which might result. The Protestants argue that the narrowness of Philadelphia Road, a difficult intersection at Philadelphia Road, Ebenezer Road and Cowenton Avenue and the residential communities to the south all justify a denial of the special exception. I disagree.

In my view, traffic will not be so uniquely affected so as to justify a denial of the special exception. The site is located within close proximity of I-95 and U.S. Route 40, major thoroughfares in the eastern end of

Baltimore County. These thoroughfares were, no doubt, constructed to provide major arterial avenues for commercial vehicles. The presence of these major roadways in the immediate vicinity is, in my view, significant. As to Philadelphia Road, I am persuaded by the expert traffic testimony presented by the Petitioner. Particularly with the improvements offered by the Petitioner, I believe the roadway will be able to effectively handle the amounts of proposed traffic. Certainly, appropriate restrictions should be added to ensure minimal traffic impact. Moreover, the Petitioner has offered improvement to the Cowenton Avenue, Ebenezer Road and Old Philadelphia Road intersection which will be required as a condition to my approval. Moreover, the traffic control plans proposed for the access to the site must be implemented. These controls include the prohibition on trucks from turning southbound on Philadelphia Road as well as the physical improvements to the access point as shown on the site plan. I am convinced that as restricted in the manner set forth above, traffic will not be adversely effected.

The second issue presented relates to pollution. The Protestants fear pollution to the underground aquifers in the area and Honeygo Run from this facility. In addressing these concerns, it is first important to note the Petitioner's argument that this Zoning Commissioner is preempted from considering this issue by State regulations. That is, the Petitioner argues that this is an issue for another day, namely, during the Phase II consideration of the project by the Maryland Department of the Environment. Although I am appreciative of MDE's review, I am not persuaded that I may not consider this issue. The standards set forth in Section 502.1 of the B.C.Z.R. are broad and sweeping. I must consider all adverse impacts of a proposed use to the locale. Moreover, the Petitioner's ex-

perts' testimony relating to the State's deference of this issue until local zoning approval is obtained is significant. In my view, the State recognizes the authority of the local zoning ordinances to consider these issues. Thus, I will fully review this issue.

As recounted above, the testimony offered by the various expert witnesses regarding the pollution was diverse. Perhaps, the most credible testimony offered was that from Mr. Sheesley. He candidly admitted that he felt the State may require a liner after its investigation. It is clear from the testimony of all of the witnesses that environmental concerns for landfills are weighed more heavily at this time than in the past. Mr. Krawczyk, in fact, indicated that it is much more difficult to obtain State approval now than 10 years ago.

In considering this issue, I am particularly cognizant of the site's location near the Honeygo Run. This is an important tributary which ultimately feeds into the Chesapeake Bay. The preservation of the health of this tributary and the entire water shed is significant. Although I am satisfied that the Petitioner's will operate the site in accordance with their plans, the possibility of leachate entering the underwater table and Honeygo Run is real. Moreover, the porous nature of the soils on this site support a conclusion that the natural filtration of any leachate will not be effective as might be the case on another property.

After considering all of the issues, I believe that some type of liner on this site is appropriate. However, I am uncertain as to what is most appropriate. Dr. Kondner's suggestion of a combination clay/synthetic liners appears to be overkill. The determination of the exact type and quality of liner is difficult. In view of this dilemma, I will defer any final decision. My Order will contain a restriction to

require some type of liner at the bottom of the fill. However, the nature of the liner will be deferred pending the developer's application with the Maryland Department of Environment. If MDE requires a liner, I shall incorporate their final decision within my Order. That is, I will defer to that agency as to the particulars of the liner to be required. If no liner is required by MDE, the Zoning Commissioner shall reconvene this hearing by way of Petition for Special Hearing to determine the type of liner to be utilized.

In addition to these two major issues, several other concerns were voiced by the Protestants. These included the qualifications of the owner to operate the landfill and whether the landfill may be restricted to only local users. As to his qualifications, I am persuaded that Mr. Volpe possesses a sufficient background to run the landfill. To date, the presentation made by the Petitioner showed a high degree of professionalism and forethought. I am convinced that he will properly operate this facility as promised. Moreover, I will require certain restrictions to ensure same. As to the Constitutional issue, the Petitioner has agreed to limit rubble to only local customers. I believe that this limitation is appropriate. If it is unconstitutional, that issue is for the courts to decide. Thus, I will approve the plan with that self imposed restriction to be added. However, if it cannot be enforced because of constitutional failing, I do not find that condition so necessary as to warrant a denial of the special exception.

For the aforementioned reasons, I shall grant the Petition for Special Exception as requested. In my view, the proposed use meets the Schultz v. Pritts test and can be operated without unique detriment to the surrounding locale.

The next issue for consideration relates to the development plan. As required in the development regulations, I must determine if there are any open issues which need be resolved in evaluating the plan. The Petitioner's testimony and comments from Baltimore County representatives showed that there are no unresolved issues. The developer's plan as amended and filed, meets all County technical standards and regulations. The Protestants' concerns, clearly, relate more to the special exception use. Thus, the development plan will be approved.

Finally, as touched upon above, certain restrictions need be added to ensure the safety of the surrounding locale. It initially need be noted that the plan is approved as submitted. That is, the developer shall comply with the red line comments added on the plan to satisfy certain County concerns. Moreover, compliance with the development plan comments offered by the County agencies is required. Moreover, certain other restrictions shall be imposed, many of which the Petitioner previously agreed to. They are:

(1) Some type of liner will be required as set forth above. The exact nature and type of liner required will be deferred to the judgment of the Maryland Department of the Environment. If they do not require such a liner, a Petition for Special Hearing need be filed to reconsider this issue. This will enable the parties to complete studies and enable the zoning authority to render an intelligent decision as to this issue.

(2) The period for utilization of the special exception shall be 5 years. I am appreciative of the long and arduous regulatory procedure which the Petitioner must complete through the State of Maryland. Thus, an extension of this nature shall be given, as has been requested by the Petitioner.

(3) Upon full utilization of the fill and capping of same, the property shall be transferred to Baltimore County, for use by the Department of Recreation and Parks, at no cost to Baltimore County.

(4) The Petitioner shall be required to restore Honeygo Run, in a manner substantially similar to that proposed within the report authored by Robert Sheesley (Pet. Exh. No. 27). The restoration shall be completed within 5 years from the date of the issuance of final permits authorizing the rubble fill operation.

(5) The Petitioner shall cooperate fully with the Department of Public Works in Baltimore County and the Maryland State Highway Administration in the realignment of the intersection of Maryland Route 7/Cowenton Avenue/Ebenezer Road including the conveyance of any property adjacent thereto necessary to realign said intersection, at no cost to the appropriate State or County agencies.

(6) The Petitioner shall pay the salary and necessary related expenses for an independent inspector to periodically monitor the operation of the landfill. This individual shall ensure that regular and thorough inspections of material is ongoing and ensure that the operation is conducted in a manner consistent with what is proposed in the Operations Manual. The identify and specific duties of this individual shall be determined by the Community Advisory Committee, which the Petitioner shall maintain and keep in place throughout the life of the fill.

(7) The Petitioner shall prepare and submit to ZADM, within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions and restrictions, if any, of this Order.

Pursuant to the zoning and development regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore Coun-

ty Code, the advertising of the property, and public hearing held thereon, I will approve the development plan. Petitions for Special Exception, Special Hearing and Variances as requested herein consistent with the comments contained above and shall so order.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner for Baltimore County this 17th day of December, 1993 that, pursuant to the Petition for Special Exception, approval to allow an "Excavation Controlled" on the subject site in an M.L.R. zone under Section 248.4 of the B.C.Z.R. and to allow rubble landfill pursuant to Section 218.4 of the B.C.Z.R., be and is hereby APPROVED; and.

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for a proposed concrete recycling and wood waste chipping operation as accessory uses to the existing mining operation and proposed rubble landfill, be and is hereby APPROVED; and.

IT IS FURTHER ORDERED that a variance from Sections 409.8A.2 and 409.8A.6 of the B.C.Z.R. to allow a crushed concrete surface for the internal haul road in lieu of the required durable and dustless surface and to permit same without the required permanent striping for offstreet parking facilities, be and is hereby APPROVED; and.

IT IS FURTHER ORDERED that a variance from Section 413.6.B. of the B.C.Z.R. to allow two free standing signs with 30 sq. ft. per face, and 8 ft. in height, in lieu of the permitted one free standing sign with 25 sq. ft. per face with a permitted height of 6 ft., be and is hereby APPROVED; and.

IT IS FURTHER ORDERED that the development plan for Honeygo Run Reclamation Center, identified herein as Developer's Exhibit No. 4, be and is hereby APPROVED, subject, however, to the following restrictions:

ORDER RECEIVED FOR FILING
Date 12/22/93
By [Signature]

(1) Some type of liner will be required as set forth above. The exact nature and type of liner required will be deferred to the judgment of the Maryland Department of the Environment. If they do not require such a liner, a Petition for Special Hearing need be filed to reconsider this issue. This will enable the parties to complete studies and enable the zoning authority to render an intelligent decision as to this issue.

(2) The period for utilization of the special exception shall be 5 years. I am appreciative of the long and arduous regulatory procedure which the Petitioner must complete through the State of Maryland. Thus, an extension of this nature shall be given, as has been requested by the Petition.

(3) Upon full utilization of the fill and capping of same, the property shall be transferred to Baltimore County, for use by the Department of Recreation and Parks, at no cost to Baltimore County.

(4) The Petitioner shall be required to restore Honeygo Run, in a manner substantially similar to that proposed within the report authored by Robert Sheesley (Pet. Exh. No. 27). The restoration shall be completed within 5 years from the date of the issuance of final permits authorizing the rubble fill operation.

(5) The Petitioner shall cooperate fully with the Department of Public Works in Baltimore County and the Maryland State Highway Administration in the realignment of the intersection of Maryland Route 7/Cowenton Avenue/Ebenezer Road including the conveyance of any property adjacent thereto necessary to realign said intersection, at no cost to the appropriate State or County agencies.

(6) The Petitioner shall pay the salary and necessary related expenses for an independent inspector to periodically monitor the operation of the landfill. This individual shall ensure that regular and thorough inspections of material is ongoing and ensure that the operation is conducted in a manner consistent with what is proposed in the Operations Manual. The identify and specific duties of this individual shall be determined by the Community Advisory Committee, which the Petitioner shall maintain and keep in place throughout the life of the fill.

(7) The Petitioner shall prepare and submit to Zoning Administration and Development Management (ZADM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions and restrictions, if any, of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and other applicable provisions of the law.

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 12/22/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 20, 1993

John Gontrum, Esquire
819 Eastern Boulevard
Baltimore, Maryland 21221

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Project No. 92285Z
Case No. XI-611 & 94-87-SPHXA
Petitions for Special Hearing, Special Exception and Variance/
Development Plan
Honeygo Reclamation Center, Inc. Petitioner/Developer

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Petitions/Development Plan Order have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. Adam E. Paul, Jr.
cc: All various County agencies



Printed on Recycled Paper

In the matter of * BEFORE THE
HONEYGO RUN RECLAMATION * ZONING COMMISSIONER
CENTER, INC. *
and *
HONEYGO RECLAMATION PROJECT * OF BALTIMORE COUNTY
Route 7 and Silver Spring Rd. * Case No. 94-87-SPHXA
5th Councilmanic District * ZADM # XI-611
* * * * *

MEMORANDUM OF PETITIONER
STATEMENT OF THE CASE

Pursuant to Section 26-206.1 of the Baltimore County Code Petitioner requested a combined hearing on the development plan and on the Special Exception, Special Hearing and Variance requests. The developer is requesting a special exception pursuant to the Baltimore County Zoning Regulations (hereinafter cited as the "BCZR"), Section 248.4 for the existing controlled grading activities and for a rubble landfill. Rubble landfills also are regulated by Section 412 of the BCZR. This section sets forth certain setback, screening and access requirements and mandates approval of a reclamation plan by various departments before operation may commence. In addition, the section calls for inspection by the Department of Environmental Protection and Resource Management.

A special hearing was requested to permit as accessory uses to the landfill and controlled grading operations a concrete crushing operation and a wood chipping operation. These are uses not normally permitted as primary uses in an M.L.R. zone, but which may

MICROFILMED

be permitted if limited as to nature and extent as accessory uses pursuant to the definition contained in Section 101 of the BCZR. Accessory uses in an M.L.R. zone are permitted by Section 248.1 referring back to Section 241.1.

Variances were sought to permit alternative paving for the haul road and parking area on the site and from the sign requirements contained in Section 413.6B to permit two single-faced signs of 30 square feet rather than one double-faced sign of 25 square feet.

There was no opposition to the variance requests nor to the representations made by the Petitioner with respect to the rational for the variances. There also was no opposition to the Special Hearing uses nor to the Special Exception for a controlled grading permit as it was acknowledged that such use had existed on the site for many decades.

DISCUSSION

1. SPECIFIC ISSUES RAISED: TRAFFIC AND GROUNDWATER

The hearing primarily focused on the zoning issues presented by the proposed development activity and in particular on the proposed rubble landfill. The Protestants did not present any testimony in opposition to the controlled grading, the special hearing or the variances. Testimony was presented with respect to the issues of practical difficulty of complying with the regulations on the paving requirements of the haul road, which would have to be shifted with the on-going fill operations and with respect to the sign given the configuration of the entrance. In

addition, testimony was presented with respect to the compatibility of the proposed two signs with other signage in the area. There were no County comments in opposition to the variances. The accessory uses also were not opposed by any party. The existing controlled grading operation was agreed by all to have existed for many decades with no harmful effects, and there was no testimony that indicated that its continued use would negatively impact the health, safety or general welfare.

With respect to the proposed landfill operation it is significant that not one adjacent neighbor testified against the proposed operation. Mr. Bennett, called by Petitioner, candidly indicated that he would prefer not having the fill but also indicated that having reviewed the petition and the documentation he did not feel that it would adversely impact the health, safety or general welfare. The opposition centered around two issues: traffic and ground water impact.

With respect to traffic the only expert testimony presented was by Petitioner, which included a study, not rebutted indicating that the entrance met all applicable requirements and standards with respect to visibility. There was no testimony that the entrance was unsafe. While some Protestants thought that Silver Spring Road should be used as an entrance, Mr. Bennett opposed this entrance, and felt that the proposed entrance would be an improvement over the past. The County had previously approved traffic many times that proposed by Petitioner for this location without the time constraints or the directional constraints

proposed by Petitioner. Indeed, it was interesting that Mr. Paul and Mrs. Simoes made the point that if the use were different and added to a job base then that would be far more preferable. Obviously, that use would also impact traffic far more heavily.

The only traffic problem in the area is the offset intersections of Ebenezer, Cowenton and Route 7 which would be widened and straightened. Those improvements were proposed by Petitioner, and Petitioner is required to pay for the cost of land acquisition on Cowenton to straighten the intersection. The state has committed to the other portions of the improvements, but the County needs the commitment of the Petitioner to effectuate its share of the improvements. The County also has now included in the capital bond requests of the state funding for the ramps at White Marsh Boulevard and Route 7. This also will relieve any traffic issues for the communities two miles to the South. It has to be recognized that trucks have been utilizing the facility for decades without problems, and there was no credible testimony indicating that this use at this site will adversely impact traffic.

The ground water issue was discussed extensively by experts presented by Protestants and Petitioners. While the problems of pollution to the groundwater are serious, there are numerous landfills adjacent to watercourses, and all lie above groundwater. There is nothing about the site itself which is inherently unique in these regards. The soil types are but one of a number of factors to be considered in the ultimate design for the permits to be acquired. All parties recognized the importance of protecting

MICROFILMED

the resources of the area. Petitioner certainly would not propose such extensive and costly rehabilitation of the stream area only to propose a plan to destroy it. The issue is one of design to make sure that groundwater and the stream is not contaminated. The experts of the Protestants conceded that with appropriate design there would be no problems arising from the site to these resources. Both Mr. Klein and Dr. Kondner testified that with a liner the problems they discussed would disappear. Consequently, there is nothing inherent in this use itself at this location in the configuration proposed by the Petitioner which would be harmful to the health, safety or general welfare.

Waters of the state belong to the state. These include streams and groundwater. The Environmental Article of the Annotated Code of Maryland clearly indicates that there may not be any pollution or contamination of the waters of the state. To that end there are numerous overlays and reviews. Mr. Klein spoke to only one of the numerous state reviews. There must be a groundwater permit obtained from the state for any discharges to groundwater, but more important, and not discussed by him, were the requirements placed on landfills under the solid waste management review. These regulations are far more sweeping, and as testified by Mr. James Krawczyk require that there be no deterioration from the groundwater profile.

The case of Holmes v. Maryland Reclamation Associates, Inc., 90 Md. App. 120, 600 A.2d 864 (1992), discusses the state pre-emption on the issue. While not totally on point with the subject

MICROFILMED

case, the review of the Court of Special Appeals is instructive on just how far-reaching the permit review of such facilities is by the State. In that case Harford County had enacted a solid waste master plan including the landfill in question. Subsequently, the landfill went through the permit process, and intense opposition arose to the location of the landfill on the site in question. Harford County proceeded to amend its master plan to delete the landfill based on groundwater contamination concerns. The Court said that the County could not do this because concerns over groundwater had been pre-empted by the State. The Court acknowledged that zoning was not an issue as the use was permitted as of right, but did state that there was some limitation placed on whether a site met "all applicable zoning and land use regulations" 600 A.2d at 864 at 882. The Court went on to state: "Under the statutory scheme, as it exists between the state and Harford County, the 'specific determination concerning the hydrogeological conditions of the site and the area' was an impermissible invasion on the state's permit review prerogative." 600 A.2d 864 at 882.

In this case the issue arises not so much under the review of the special exception but rather as a condition to be added for a liner either under the special exception or under the development review. It was conceded by Protestants that with a liner all problems of contamination would be solved. Consequently, it could be inferred that Protestants agree with Petitioner that with proper design there would be no adverse impact to the ground water. The only issue is what constitutes "proper design" and at what stage is

that determination to be made. Petitioner has never indicated that a liner would not at some stage be required or be incorporated as part of the final design. In fact, the testimony indicated that in all likelihood at the state permit process a liner would be added. The kind of liner and dimensions are clearly a matter for State expertise in their review.

Given the standards that the State has for solid waste review in place today, regardless of what may or may not be adopted in the future, it is clear that the State has pre-empted a review of impacts and solutions to ground-water issues. Title 26.04.07.03 et seq. detail the extensive review process. All that Petitioner requests is that the State be allowed to review this issue completely with the public input required by law. After the state has reviewed the issue, if it has been determined that a permit can be issued for the solid waste disposal the matter comes back to Baltimore County for a final review under Title 32 of the Baltimore County Code. If the Zoning Commissioner determines that as part of the duty to protect the health, safety and general welfare or as part of the resolution of the open issue with the Community under the development plan to require a liner then the specifics should be left to the State design review much in the same way that specific storm water management design would be left to the reviewing county agencies. Petitioner believes that the requirement in State law forbidding contamination of the groundwaters of the state means that Petitioner has the burden of doing what it takes to meet that requirement, and that it can be

done. Even Protestants have agreed with the fact that this location does not have any particular characteristic which precludes the fact that the project can be safely located at this site. The only issue is in specific design, and that is part of the State permit process.

2. CONTROL OVER SOURCE OF MATERIALS.

Protestants argued that Petitioner could not restrict the source of the materials placed in the fill. Protestants are wrong. Case law from the Supreme Court clearly states that governments can not regulate source of materials unless they can clearly show that materials accepted from other states are in some way more harmful than the same materials from within their own state or unless there is some other rational basis for the discrimination. In the case of Fort Gratiot Landfill v. Mich. Dept. of Natural Resources, 112 S. Ct. 2019 (1992), the Supreme Court struck down state laws prohibiting out-of-state trash. That decision and others like it pertain only to state actions or legislation. For a commerce clause review to be undertaken by the courts there must be state action. If an action is not expressly prohibited by legislation under the interstate commerce clause which gives Congress the power to regulate, and if there is no state action interfering with interstate commerce, then that clause does not come into play.

In this case Petitioner has voluntarily stated in the County Solid Waste Master Plan that it will not accept out-of-state trash. It is true that condition could not be legally required by the State, but there is no prohibition against a private entity

deliberately imposing a restriction upon itself. That restriction does not include state action, and there is no prohibition.

Fort Gratiot is interesting, for it examines at great detail the laws pertaining to interstate commerce and trash. One of the points it makes is that discrimination against out of state trash is permissible if there is a rational basis for it. One rational basis might be limitation on available volume. There is now a series of cases in the federal and state appellate courts pertaining to the regulation of flow of trash. Some local jurisdictions mandate that all garbage generated within an area go to particular disposal sites in order to regulate flow. This has been challenged. See C & A Carbone Inc. v. Clarkstown, 182 New York A.2d 213, N.Y.S. Ct. App. Div., (1992) docketed U.S. S. Ct. 92-1402 (1993). In any event there is nothing in any of these cases which indicates that Petitioner can not do what it has offered to do with respect to limiting the source of materials.

3. STANDARDS OF REVIEW.

The development plan review is conducted pursuant to Section 26-206 of the Baltimore County Code. Section 26-206 (b) states:

The hearing officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. All final decisions of the hearing officer with respect to such matters shall be subject to appeal to the county board of appeals as provided in section 26-209 below.

MICROFILMED

The burden is on the Petitioner to show that the plan does comply.

In addition, to determining whether the development standards have been met and whether approval should be given, the Zoning Commissioner is called on to resolve any unresolved issues raised either at the Community Input Meeting or between the County agencies and the Petitioner. See Section 26-206(a) of the Baltimore County Code.

In this case it is agreed that there are no open issues between the Petitioner and the County. The County and the Protestants agree that all standards for the development have been met. No one testified that any of the standards for development under the Code had not been met. No one testified that the proposal was not in compliance with the Master Plan. Consequently, the Plan should be approved for development.

One issue should be discussed, and that is the concept that the County is "being bought off" by the agreement to fund certain improvements to Honeygo Park. Anytime a proposal is made to improve an existing condition or to give something to the government as part of development review the argument can be made that the government is cutting a deal or that something is being extorted from the developer. If the developer does not want to do an improvement then the request is inappropriate. If the developer agrees to the improvement but the Protestants don't like the project the County is cutting a deal. Fortunately, the Master Plan for Baltimore County discusses the very concept alluded to by Ms. Van Arsdale of the Office of Planning and Zoning. She spoke of

MICROFILMED

giving something back whenever special permission is sought. The Master Plan contains this language:

Zoning increases often result in substantial individual profit. In other jurisdictions, these gains are tied to a specific public benefit. This is explained in greater detail in the Funding Section, but for example, zoning increases could be tied to the dedication of land for a park, provision of day care facilities, restoration of historic structures, provision of affordable housing, etc. the specifics would have to be thoroughly investigated, but the principles of linking private profit with public gain should be pursued. Master Plan Baltimore County, 1989-2000 at 69.

What the County has tried to do is to extract a maximum benefit. The developer has agreed. To suggest that the County is somehow not properly evaluating the project is nonsense and is an injustice to the individuals responsible for review in the County and to the review process. This project has been the subject of a review process of over one year commencing with the proposed inclusion on the Baltimore County Solid Waste Master Plan, which was adopted by the County Council. This has been the most detailed development plan ever filed in the County including plans filed in the old C.R.G. process. Every County agency required by law to comment did issue comments, and the comments along with the plans were available for examination. In all respects this proposal complied with the development regulations and with the Master Plan.

The review for a special exception is quite different from that of the development plan review. There is a presumption that the requested use fits within the overall scheme of uses permitted by the zone. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). The standard enunciated in Schultz and later in People's Counsel

for Baltimore County v. Mangione, 85 Md. App. 738, 584 A.2d 1318 (1991), was whether "the special exception use and location proposed would cause an adverse effect upon adjoining and surrounding properties, unique and different in kind or degree, than that inherently associated with such use regardless of its location within the zone...." 584 A.2d 1234. In this case as in all special exceptions one looks to the standards established in Section 502.1 of the BCZR. Testimony was offered on all of the listed applicable standards by various experts for the Petitioner. With respect to these requirements there was no testimony offered by Protestants with respect to any of the issues except whether the plan would be detrimental to the health, safety and general welfare. Not one attribute of this project was argued to be uniquely and adversely different than any other similar project. There was no testimony reflecting on why this location did not comply with setback limitations or that the setbacks should be greater than those established by the BCZR. In fact, all testimony indicated that if the project actually met all applicable permit requirements there would be no adverse impact.

Petitioner worked very hard in the months preceding the application with the community to develop the best proposal possible. This was indicated by all the citizens who testified. Petitioner has proposed numerous measures to improve existing conditions within the adjacent community, and it would be difficult to imagine how the site, if operated properly and designed in accordance with the law would have other than a positive impact on

the community. There were no allegations that the Petitioner was incompetent or incapable of handling the material in a proper manner. The offer of the Petitioner to continue with a citizens advisory committee throughout the life of the project and to have them continuously monitor the project in conjunction with government inspectors certainly is beyond any requirement and is indicative of a desire to continue to work with the neighbors. It also was important that the Petitioner's principals are adjacent property owners. Obviously, their personal and family interests are dependent on the proper and efficient operation of the facility.

Although it is not incumbent upon Petitioner to demonstrate a need for the project, that need is evident both in the County's adopted solid waste master plan and in the testimony from the County's witnesses for recreational area. For the purposes proposed it would be difficult to find a more suitable site. There already is a dry hole in the ground with enough dirt left to provide good cover. There is public water now available to the site and surrounding properties, unlike any other similar facility in the County. There is easy access to major traffic thoroughfares with additional access now in the capital programs within a few hundred yards of the site. There simply are not that many residences in close proximity to the site, and there are no residential communities on the most direct means of access. Those residences immediately adjacent to the site have long had trucks entering and exiting the property in the similar quarry-type use

13

MICROFILMED

with no apparent detrimental impact. In this County it would be very difficult, if not impossible, to find a combination of all these factors. This proposal combines a good location with proposals to improve the area along with landscaping and buffering to improve the outward appearance of the site as well as with design factors that would necessarily protect the important adjacent environmental resources.

CONCLUSION

In conclusion Petitioner respectfully requests approval of the special exception requests, the special hearing for approval of the accessory recycling uses, and the variances for the sign and paving alternatives.

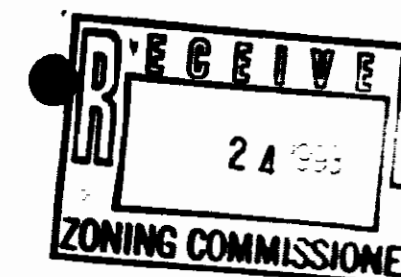
Respectfully submitted,

[Signature]
John B. Gontrom, Esquire
ROMADKA, GONTROM & McLAUGHLIN
814 Eastern Blvd.
Bessex, Maryland 21221
(410) 686-8274

Attorney for the Petitioner

14

IN RE: HONEYGO RUN PARK
PROJECT NO. XI-611 (922852)
DEVELOPMENT PLAN HEARING
AND
PETITION FOR SPECIAL EXCEPTION,
SPECIAL HEARING, AND VARIANCES
* * * * *



PROTESTANT'S MEMORANDUM IN LIEU OF ARGUMENT

Protestants Nottingham Improvement Association, Inc., by Marie Simoes, President, White Marsh Civic Association, by Adam Paul, President, Irene Albin, Bernard and Edna Jednoralski, and Gladys Cook, by Holzer and Lee, J. Carroll Holzer, hereby submit this Memorandum in Lieu of Final Argument in the above-captioned matter before the Zoning Commissioner of Baltimore County.

STATEMENT OF CASE

The hearings, scheduled for October 15 through November 12, 1993, seven in number, constituted a hearing by the Hearing Officer on the development plan for Honeygo Run Park, Project No. XI-611 as well as the hearing pursuant to Case No. 94-87-SPHXA for purposes of permitting a Special Exception for a rubble fill, a Special Hearing to permit concrete recycling as accessory use, and variances to permit surface mining and signs exceeding the Baltimore County Zoning Regulations. This Memorandum will concentrate upon the issues presented to the Zoning Commissioner as part of the Special Exception, Special Hearing, and variance portion of this case.

LAW OFFICE
HOLZER AND LEE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MARYLAND
21204
(410) 825-6961
FAX (410) 825-4923

FACTS

The proposed Honeygo Reclamation Project is located on the north side of Silver Spring Road, west side of Old Philadelphia Road, Route 7, and east side of I-95 in the 5th Councilmanic District of Baltimore County. The owner/operators are to be Wayne B. Knight and Charles F. Volpe. The property is currently zoned MLR consisting of approximately 64 acres.

The stated purpose of the Reclamation Project is to reclaim an existing sand and gravel pit. An open mining permit still currently exists for a portion of the site. A previous CRG plan was approved for the site for warehousing and office facilities. In the present plan, the property is to be restored from its existing state as a sand and gravel pit through the use of a commercial recycling and land reclamation operation. The Honeygo Reclamation Project calls for the operation of a rubble fill as defined by state law with the addition of a wood-chipping facility and concrete crushing facility. Certain materials such as white goods (washers, dryers, and other major appliances) as well as asbestos and tires will not be accepted at the site, according to the owner/operators. The capacity of this site is proposed at four million (4,000,000) cubic yards with an estimate 400,000 cubic yards per year for a life expectancy of the fill of ten years. The owner/operators propose to turn the facility over to Baltimore County Department of Recreation and Parks for ball diamonds and other recreational uses upon completion of the rubble fill operations.

2

LEGAL ARGUMENT

Special Exceptions pursuant to the Baltimore County Zoning Regulations are governed by the principles and conditions as set forth in B.C.Z.R. Section 502.1. Before any Special Exception may be granted it must appear that the use for which the Special Exception is requested will not:

- be detrimental to the health, safety, or general welfare of the locality involved;
- tend to create congestion in roads, streets, or alleys therein;
- create a potential hazard from fire panic or other dangers;
- tend to overcrowd the land and cause undue concentration of population;
- interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements;
- interfere with adequate light and air;
- be inconsistent with the purposes of the property zoning classifications nor in any other way inconsistent with the spirit and intent of the Zoning Regulations;
- be inconsistent with the Impermeable Surface and Vegetative Retention provisions of the Zoning Regulations.

The standards for the denial of a request for a Special Exception are well-known to the Zoning Commissioner. Beginning

3

MICROFILMED

with Schultz vs. Pritts, 291 MD 1, 432-A 2nd 1319 (1981), Board of County Commissioners for Cecil County vs. Holbrook, 314 MD 210, 550 A2nd 662 (1988), People's Counsel for Baltimore County vs. Mangione, 85 MD App. 738, 584 A2nd 1318 (1991). In People's Counsel vs. Mangione, the Court of Special Appeals reaffirmed the necessary findings of "adverse impact" required to warrant a denial of a Special Exception. The Court there reviewed the facts and circumstances upon which the Board could have found that the Special Exception use and location proposed would cause and adverse effect upon adjoining and surrounding properties, unique and different in kind or degree, than that inherently associated with such use regardless of its location within the zone. In People's Counsel vs. Mangione, testimony that the nursing home would sit on dominant terrain blocking light and air and would generate odors from the central kitchen and dumpster, and would exacerbate stormwater runoff problems and traffic circulations on narrow residential streets made the Board's decision fairly debatable.

Protestants in the instant case urge the Zoning Commissioner to deny the grant for Special Exception for a rubble fill in that this request violates Section 502.1 as it relates to traffic, that this use is not within the spirit and intent of the zoning classification, and finally that it is on a site which is uniquely susceptible to environmental contamination of the groundwater. Protestants request that the Special Exception be denied.

4

A. Traffic

During the course of the six days of hearing, Protestants basically raised a number of traffic issues. The first issue was whether the intersection of Route 7 and Ebenezer and Cowenton Roads would be satisfactory to permit large trucks westbound on Ebenezer Road to make left-hand turns to proceed southbound on Route 7; and whether or not northbound large trucks turning right on Ebenezer to exit the site would be able to turn without crossing the center line. The Protestants submit that it is clear that that intersection as it is presently constituted would not support the traffic as proposed by this rubble fill.

Second, the Protestants believe that the alleged solution of a No Right Turn sign for trucks exiting the property to proceed southbound on Route 7 will not be enforceable, which will permit heavy truck traffic southbound on Route 7 past their property.

Third, the community suggests that trucks will not utilize the proposed route suggested by the developer of vehicles exiting on Route 40 proceeding north to Ebenezer, west on Ebenezer to Route 7, then south on Route 7. Rather, it is suggested by the Protestants that rubble trucks of all types, including the eighteen-wheeler type, will be traversing the Baltimore beltway and turn north on Route 7 at the beltway, proceeding northbound on Route 7 and then making a left turn into the proposed rubble fill. The evidence reflects there is no left turn lane provided and as a result there is going to be incredible traffic confusion at the entrance to this site both in the morning and afternoon peak-hour traffic.

5

B. Use not within the spirit of the Zoning Regulations

There was testimony by Maria Simoes for the Nottingham Community Association that the use of this property as a rubble fill for ten years and thereafter as a park is an inappropriate use of the site from an economic development standpoint. Once this property is used as a rubble fill, it will be forever precluded from the type of development envisioned by the Baltimore County Master Plan and the White Marsh Plan to support jobs and an economic base. Protestants that the previously approved CRG Plan for this site provided the type of economic use of this property that was appropriate and within the spirit and intent of the Zoning Regulations.

C. Qualifications of owner/operators

The appropriateness of this site as a rubble fill depends, after six days of testimony is boiled down, to the basic question of whether or not the proposed developer has the experience necessary to own and operate a rubble fill and will be able to enforce the self-imposed restrictions on their operation. Protestants submit that the prospective owner/operators are neither qualified to operate this rubble fill, nor will they be able to practically provide the type of inspection with the number of employees inspecting the amount of tonnage per day that they have suggested.

D. Constitutional Issue

The developer indicates through testimony that he will be only taking materials appropriate for a rubble site from the Greater

6

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

W. Carl Roberts Jr.
W. Carl Roberts, Jr.
Zoning Coordinator

WCR:cmn
Enclosures



Maryland Department of Transportation
State Highway Administration

O. James Lightmizer
Secretary
Ma. Kassoff
Administrator

September 22, 1993

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 7
Honeygo Run Reclamation
Center Incorporated
Special Hearing
Special Exception and
Variance Request
Item # 95 (JIS)

Dear Ms. Minton:

This office has reviewed the referenced item and offer the following:

The entrance improvements indicated on the plan are consistent with our previous review of the concept plan.

Also, the comments included in Note A on page 2 of 2 of the referenced plan are consistent with the comments agreed upon by the developer's engineer and the State Highway Administration.

Therefore, we have no objection to approval of the special hearing, special exemption and variance request for the project.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.

410-333-1350 (Fax# 333-1041)

My telephone number is
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Charlotte Minton
Page Two
September 22, 1993

- c. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

BS/es

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 17, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Section

RE: Zoning Advisory Committee Meeting
for September 16, 1993
Item No. 95

The Development Plan Section has reviewed the subject zoning item # 95 on the plan, which references Sec. 112 of the Baltimore County Ordinance, Sec. 1X.c. of the Baltimore County Zoning Manual encompasses the streeting located in Item 15 on the comprehensive plan.

RWB:es

MICROFILMED

IN RE: PETITION FOR Development
Plan, Special Exception, Special
Exception and Variance
Honeygo Run Reclamation
Center Incorporated
10700 Philadelphia Rd.
5th Councilmanic District
5th Councilmanic District

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 94-87-SPHX

SUBPOENA

OCT 4 1993

ZADM

TO: Arnold Jablon, Esquire
Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore

County in Room 118, Old Courthouse

Towson, Md. 21204

and to bring Development Plan on 15th North

Business Center, 11-611

on the 15 day of October, 1993, regarding the above captioned

case, for the purpose of testifying at the request of

Arnold Jablon, Esquire.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

John B. Gontrum
John B. Gontrum, Esquire
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: Oct 4, 1993

RE: PETITION FOR SPECIAL HEARING, : BEFORE THE ZONING COMMISSIONER
SPECIAL EXCEPTION & VARIANCE : OF BALTIMORE COUNTY
NE/S Silver Spring Rd., 590' N :
C/L Philadelphia Rd. (10700 :
Philadelphia Rd.), 11th Election : Case No. 94-87-SPHX
Dist., 5th Councilmanic Dist. :
HONEYGO RUN RECLAMATION CENTER, :
TNC., Petitioner :

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.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 7th day of September, 1993,
a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum,
Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore,
MD 21221, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

SEP 7 1993

ZADM

IN THE MATTER OF : BEFORE THE
HONEYGO RUN RECLAMATION CENTER, INC. : ZONING COMMISSIONER
and : OF
HONEYGO RECLAMATION PROJECT : BALTIMORE COUNTY
Route 7 and Silver Spring Road. : CASE NO.: 94-87-SPHX
5th Councilmanic District : ZADM # XI-611

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 3 day of December, 1993, I
mailed a copy of Memorandum of Petitioner, postage prepaid to J.
Carroll Holzer, Esquire, Chesapeake Building, Suite 105, 305 W.
Chesapeake Ave., Towson, Maryland 21204.

John B. Gontrum
John B. Gontrum, Esquire
ROMADKA, GONTRUM & McLAUGHLIN
814 Eastern Blvd.
Essex, Maryland 21221
(410) 686-8274
Attorney for Petitioner

APPROVAL AGENCIES		
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING		
APPROVED: ☒ yes ☐ no	(REVISED ZONING APPROVAL AFTER REQUIRED HEARINGS)	
NAME: <i>John L. Lewis</i>	TITLE: <i>Planner II</i>	DATE: <i>10/6/93</i>
If disapproved, state reasons why: <i>PER ZONING CASE # 94-87-SPHX APPROVED FOR ZONING SUITE APPROVAL ONLY. THIS DOES NOT SUPERSEDE ANY OTHER REQUIRED APPROVALS. BE AWARE OF SET 252 HAVING CO-ORDINATE REFS. REMAIN PRIOR TO BLDG PERMIT APPLICATION</i>		
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS		
APPROVED: ☐ yes ☐ no	NAME	TITLE DATE
If disapproved, state reasons why:		
BALTIMORE COUNTY FIRE PREVENTION		
APPROVED: ☐ yes ☐ no	NAME	TITLE DATE
If disapproved, state reasons why:		
BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT		
APPROVED: ☐ yes ☐ no	NAME	TITLE DATE
If disapproved, state reasons why:		

BALTIMORE COUNTY, MARYLAND

Subject: Development Plan Comments Date: Sept. 22, 1993
 From: Department of Recreation and Parks

Project Name: Honeygo Run Park
 Project Number: XI-611
 Location: 10700 Philadelphia Rd. N S Silver Spring Rd.
 Districts: Elec. 11 Counc. 5

Comments:

The overall general concept is acceptable to the Department of Recreation and Parks. However, we would like to know if it is possible to move the well shown at P-8 on the east side of the project.
 The development of the recreational amenities shall be the responsibility of the developer and will include: the four ball diamonds with two overlapping athletic fields, two sand volleyball courts, trail system, picnic pavilion, and sixty space parking lot with access to Old Philadelphia Road.

Michael Grossman
 Local Open Space Supervisor
 887-3822

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE2nd AMENDED DEVELOPMENT PLAN COMMENTS

TO: Arnold Jablon, Director - Zoning Administration & Development Management
 FROM: P. David Fields, Director - Office of Planning and Zoning
 DATE: October 6, 1993

PROJECT NAME: Honeygo Run Park
 PROJECT NUMBER: XI-611 (922852)

GENERAL INFORMATION:

Applicant Name: Wayne Knight/Charles Volpe
 8814 Cowenton Avenue Perry Hall MD 21128
 Location: N side Silver Spring Rd. W side Philadelphia Rd.
 E side I-95
 Councilmanic District: 5th
 Growth Management Area: Urban Center - White Marsh
 Zoning: MLR
 Acres: 64.0 acres

RECOMMENDATIONS

The Applicant and the County have reached an agreement whereby funds for recreational facilities in the Honeygo Area of White Marsh will be provided by the Applicant in lieu of a pedestrian bridge over I-95. This agreement resolves the Office of Planning and Zoning's outstanding comments.

Division Chief: *[Signature]*

AVA:bjs

CC: John Gontrum, Esquire
 Wayne Harman, Director, Recreation & Parks

922852ND.AMD/PZONE/CONCEPT

Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCEAMENDED DEVELOPMENT PLAN COMMENTS

TO: Arnold Jablon, Director - Zoning Administration & Development Management
 FROM: P. David Fields, Director - Office of Planning and Zoning
 DATE: October 6, 1993

PROJECT NAME: Honeygo Run Park
 PROJECT NUMBER: XI-611 (922852)

GENERAL INFORMATION:

Applicant Name: Wayne Knight/Charles Volpe
 8814 Cowenton Avenue Perry Hall MD 21128
 Location: N side Silver Spring Rd. W side Philadelphia Rd.
 E side I-95
 Councilmanic District: 5th
 Growth Management Area: Urban Center - White Marsh
 Zoning: MLR
 Acres: 64.0 acres

RECOMMENDATIONS

In response to the Development Plan Comments made by the Office of Planning and Zoning and the Department of Recreation and Parks, the Applicant has offered to provide funds to the County for recreational projects in the Honeygo portion of the White Marsh Growth Area. This proposal is under consideration by the County and must be resolved prior to approval of the Plan.

The Applicant has agreed to add the following note on the Development Plan. We request that the Department of Public Works be included as an additional reviewing agency. This will fulfill OPZ's comment that the ultimate recreational use and facilities for the reclamation site be part of the Development Plan.

A Concept Plan indicating the layout of the recreational facilities on the proposed grades will be submitted to and reviewed by the Office of Planning and the Department of Recreation and Parks as part of the Reclamation Plan.

Division Chief: *[Signature]*

AVA:bjs

CC: John Gontrum, Esquire
 Wayne Harman, Director, Recreation & Parks

922852.AMD/PZONE/CONCEPT

CENTURY ENGINEERING, INC.

CONSULTING ENGINEERS

October 7, 1993

Mr. Gene Neff, Director
 Department of Public Works
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Honeygo Run Reclamation Center
 Variance from Lighting and Sidewalk
 Requirements
 CEI Project No. 92032.00

Dear Mr. Neff:

The Honeygo Run Reclamation Center is a 68.2 acre parcel of land bounded by Silver Spring Road to the south, the Honeygo Run Stream to the north, I-95 and the Honeygo Mobile Park to the west, and Philadelphia Road to the east. The development plans and the special exception plat have been reviewed by the County, and a Hearing Officer's hearing has been scheduled for October 15th to approve the use of this site as a rubble landfill and a recycling facility.

County development plan conference comments require provision of a 5' sidewalk adjacent to the public roads, including the State road that serves the site. Additionally, in accordance with Bill #32-72, street lights are required in all subdivisions. A technical variance is requested for these two requirements on the following basis:

SidewalksPhiladelphia Road

- The typical section along Philadelphia Road consists of a 3' wide shoulder area beyond the edge of pavement, containing a ditch, at which point the slope rises at a 2:1 slope terminating approximately 9' above road grade. The ground then slopes down into the site as much as 30' before leveling off. If a 5' sidewalk were constructed 2' beyond the edge of shoulder, tying back into the existing grade would remove a large portion of this natural berm shielding the site from Philadelphia Road. Additionally, this entire berm is covered with large trees and shrubs which will eventually buffer the surrounding community from any noise, dust and other vectors which would emanate from the site. It is the developer's intention to supplement this existing buffer with landscaped plantings in order to further buffer the surrounding community. If the sidewalk were to be constructed along the west side of Philadelphia Road for the full 1300 linear feet of frontage, a large portion of existing tall trees would have to be removed and replaced with much shorter trees which are less adequate as a buffer.

32 WEST ROAD TOWSON, MARYLAND 21204 410 823-8070 FAX 410 823-2184

CENTURY ENGINEERING, INC. CONSULTING ENGINEERS

Page 2
 October 7, 1993
 Mr. Gene Neff, DPW
 Re: Honeygo Run Reclamation Center
 Variance from Lighting and Sidewalk
 Requirements
 CEI Project No. 92032.00

- The required 5' sidewalk would not provide continuity for pedestrian traffic along Philadelphia Road, because there are no existing sidewalks along the project side of Philadelphia Road within a half-mile either to the north or the south of the project site.
- The State Highway Administration has already reviewed the development plans and has approved all of the modifications to Philadelphia Road as shown on the development plans, and their recommendations for improvements included only pavement and curbing modifications.

Silver Spring Road

- The physical characteristics along the north side of Silver Spring Road are very similar to those along the west side of Philadelphia Road. Once again, a large number of trees, currently acting as a buffer along the perimeter of the site, would have to be removed and replaced with much younger, smaller and, therefore, less adequate trees which would require years to grow.
- The residents along Silver Spring Road enjoy a relatively secluded atmosphere, since the road dead ends at the east side of I-95. All traffic along Silver Spring Road, between Philadelphia Road and I-95, is therefore local in nature. The community has expressed their concern that any improvements along Silver Spring Road may encourage additional, unwanted pedestrian and vehicular traffic within their neighborhood.

Lighting

- The developer has agreed to place lights around the perimeter of the site for security reasons, shielding them in toward the site. Furthermore, the local residents also expressed concern that their secluded atmosphere might be jeopardized if lighting were provided along the frontages of the roads.
- The developer will place lights to sufficiently illuminate the entrance to the site. However, no lights have been planned within the interior of the site because the nature of the operation requires grades to be constantly changing, making it very impractical to provide mounted lighting.

CENTURY ENGINEERING, INC. CONSULTING ENGINEERS

Page 3
 October 7, 1993
 Mr. Gene Neff, DPW
 Re: Honeygo Run Reclamation Center
 Variance from Lighting and Sidewalk
 Requirements
 CEI Project No. 92032.00

- The site will be in operation only during daylight hours, from 7:00 a.m. to 5:00 p.m.

Compliance with the sidewalk and residential street lighting requirements would, for the above reasons, create an undue hardship. Therefore, we respectfully request a technical variance from the sidewalk and residential street lighting requirements of Baltimore County Department of Public Works.

If you have any comments or questions, please feel free to call me.

Very truly yours,

CENTURY ENGINEERING, INC.

[Signature]
 Frank E. Roscoe, Jr.
 Vice President
 Land Development
 Field Services Division

FER/pmd

cc: Wayne Knight/Charles Volpe
 John Gontrum
 Merrill Plait
 John Slough
 Joseph Maranto

HONEYGO RECLAMATION SITE
Proposed Improvements

With the development of the subject site, the county will accept the 68 +/- acre parcel as a park. We are asking that the developer provide the following amenities on the site prior to our final acceptance:

- Four (4) ball diamonds with backstops and safety fences;
- Two (2) athletic fields with goals;
- Two (2) sand volleyball courts;
- Two (2) picnic pavilions on concrete slabs;
- A handicapped tot lot as approved by the Department of Recreation and Parks;
- A storage building (approximately 240 sq. ft.);
- A 60 car parking lot accessing the site from Philadelphia Road.

As this is an estimated 10-12 year project, we feel that it is reasonable to ask for other improvements for the community in a more timely fashion. Our recommendation would be the development of the Snyder Lane parcel of Honeygo Stream Valley Park, which is in the Honeygo Growth Area. At this location the amenities would include:

- One (1) ball diamond;
- One (1) athletic field;
- A handicapped accessible tot lot;
- A 30 car parking lot accessed from Snyder Lane.

The total cost of these improvements would be \$250,000 and could be satisfied by a cash payment to Baltimore County; either as a lump sum, at agreed intervals, or the provision of "in-kind" services, in which the developer would use his own employees and equipment to develop these facilities. The work would be performed to county standards under county supervision.

This request does not eliminate any other requirements and conditions of other county agencies which are part of the development process; but only serve to help meet the recreational needs of the residents in the White Marsh/Honeygo areas of Baltimore County.

ANY COMMENTS?

c: Wayne R. Harman
 Fax: Thomas H. Hamer (Public Works)
 Andrea J. Van Arsdale (Planning & Zoning)

Rec'd 10/8/93
[Signature]

CENTURY ENGINEERING, INC.

CONSULTING ENGINEERS

October 7, 1993

To Whom It May Concern:

Re: Honeygo Run Reclamation Center
 ZADM #XI-611
 CEI Job No. 92032.00

In accordance with Baltimore County Code, Section 26.205(b)(2), please be informed that all County issues as modified concerning the above-referenced project have been resolved except for the following:

- Public water and public sewer must be utilized and shown on the plan. In the event that public sewer is not yet available, the use of an interim septic system must be properly investigated and approved by DEPRM and Public Works prior to Development Plan approval. This will require approval by these Departments of a variance to the Master Water and Sewer Plan. Satisfactory soil evaluation tests must be conducted and a septic reserve area established.

As of this writing, the soil evaluation tests have been conducted in conjunction with DEPRM, and a septic system is being established. It is our belief that this final unresolved comment will, in fact, be resolved within the next several days.

All comments, plans and other documents for this project are available for your inspection in the Office of Zoning Administration and Development Management, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Very truly yours,

CENTURY ENGINEERING, INC.

[Signature]
 Frank E. Roscoe, Jr.
 Vice President
 Land Development
 Field Services Division

FER/pmd

cc: Wayne Knight
 Charles Volpe
 John Gontrum
 Adam Paul
 Joseph Maranto

32 WEST ROAD TOWSON, MARYLAND 21204 410 823-8070 FAX 410 823-2184

CENTURY ENGINEERING, INC.

CONSULTING ENGINEERS

October 7, 1993

Mr. Joseph Maranto
Project Manager
Zoning Administration
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Honeygo Run Reclamation Center
ZADM #X1-611
CEI Job No. 92032.00

Dear Mr. Maranto:

In accordance with Baltimore County Code, Section 26-203(b)(2), we herewith submit notice of unresolved comments. All County comments have been resolved except for the following three issues which are still under discussion:

1. A pedestrian bridge over I-95 is needed to connect the future park to the Honeygo Park west of I-95 which is a Master Plan Stream Valley Park. As a condition of approval, the Owner should be required to construct this bridge at his cost, provided that the Office of Planning and Zoning obtains all necessary State and Federal permits.
2. The development of the recreational amenities shall be the responsibility of the developer and will include: the four ball diamonds with two overlapping athletic fields, two sand volleyball courts, trail system, picnic pavilion, and sixty space parking lot with access to Old Philadelphia Road.
3. Public water and public sewer must be utilized and shown on the plan. In the event that public sewer is not yet available, the use of an interim septic system must be properly investigated and approved by DEPRM and Public Works prior to Development Plan approval. This will require approval by these Departments of a variance to the Master Water and Sewer Plan. Satisfactory soil evaluation tests must be conducted and a septic reserve area established.



CENTURY ENGINEERING, INC. CONSULTING ENGINEERS

Page Two
October 7, 1993
Mr. Joseph Maranto, ZADM
Re: Honeygo Run Reclamation Center
ZADM #X1-611
CEI Job No. 92032.00

Additionally, the attached community concerns may yet be unresolved to the community's satisfaction.

If you have any questions or comments, please feel free to call me.

Sincerely,

CENTURY ENGINEERING, INC.

Merrill E. Plait, P.E.
Project Manager
Land Development
Field Services Division

MEP/pmd

cc: Mr. Wayne Knight
Mr. Charles Volpe
Mr. John Gontum
Mr. Adam Paul

COMMUNITY COMMENTS

Developer believes it has answered and resolved community comments except those which directly pertain to the special exception for this use at this location. Specifically, the following comments were raised at the community input meeting and are believed to have been addressed:

1. Flood plain.

Response: A flood plain delineation study has been performed, and no part of the developed portion of the site is in the flood plain. Run off from the site will not exacerbate current flood plain conditions.

2. Dust.

Response: The State Department of the Environment regulates air quality, and an air quality permit is necessary for the concrete crushing facility. The site is not permitted by State law to generate air-borne particulate matter on the adjacent property. Public water will be available on the site and will be used for dust suppression. At the suggestion of the Community Advisory Committee, a water tank truck will be located on the site. The haul road will be periodically maintained as conditions warrant to provide a dust free surface.

3. Access to the site.

Response: It is anticipated that most of the traffic (200 trips per day) will arrive and depart via Philadelphia Road, Ebenezer Road and Pulaski Highway. No right turns will be permitted from the site onto Philadelphia Road except for local

1

CENTURY ENGINEERING, INC.
32 West Road
TOWSON, MARYLAND 21204

(301) 823-8070

LETTER OF TRANSMITTAL

TO: ZADM
111 West Chesapeake Ave.
Towson, MD 21204

DATE	OCT 7 1993	FILE NO.	92032.00
APPROVED BY	Mr. Joe Maranto		
Honeygo Run Reclamation Project			

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via hand-delivered the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
1	10-7-93		Letter of unresolved issues
1	10-7-93	4	Redlined Set of Special Exception Plans
1	10-7-93	6	Redlined Set of Development Plans

THESE ARE TRANSMITTED AS checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

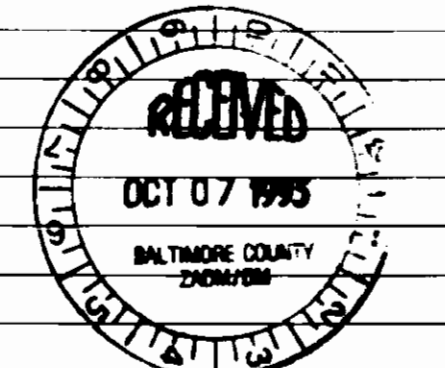
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☐

☐ FOR BIDS DUE _____, 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS



COPY TO: Adam Paul

SIGNED:

FORM 100-1 (10/88) Use Only One Side

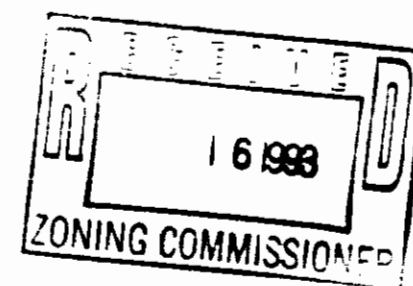
If modifications are made to original, identify clearly on all sheets

RONALD L. MAHER
CARROLL HOLZER
J. MICHAEL McLAUGHLIN, JR.
J. CARROLL HOLZER

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 100
TOWSON, MARYLAND 21204
(410) 825-6961
FAX (410) 825-6964

Direct Dial:
410-825-6961

September 8, 1993
#6716



Mr. Larry Schmidt
Hearing Examiner
10700 Philadelphia Road
Perry Hall, Maryland 21128

Re: Honeygo Reclamation Project Hearing Dates

Dear Mr. Schmidt:

Please be advised that I was contacted by Gwen in terms of scheduling this case. I would like to have it brought to your attention that I agreed to the date of Friday, October 15, 1993 for one half a day until 12:00. I also then agreed to full days for October 27th and 28th. To my knowledge, those are all the dates that she has scheduled. I would appreciate your confirming this understanding.

Very truly yours,
J. Carroll Holzer

JCH:swc
cc: John Gontum, Esquire
temp/disc

RONALD L. MAHER
CARROLL HOLZER
J. MICHAEL McLAUGHLIN, JR.
J. CARROLL HOLZER

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 100
TOWSON, MARYLAND 21204
(410) 825-6961
FAX (410) 825-6964

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDENSBURG, MARYLAND 21744
(410) 745-8536
FAX (410) 745-5535

October 1, 1993
#6716

HAND-DELIVERED

Mr. Joseph Maranto
Zoning Administration and
Development Management
County Office Building
Towson, Maryland 21204

Re: Honeygo Run Park
Project No. X1-611 (922852)

Dear Mr. Maranto:

I received from ZADM a Notice Of Hearing Schedule in the above-captioned case due to commence on Friday, October 15th and running for six additional days ending on Friday, November 12th. Pursuant to Baltimore County Code, Section 26-205(b)(2) I need to have, on behalf of my clients, any and all written and verbal resolutions by the County concerning "unresolved issues" that are determined at or subsequent to the Development Plan conference that deal with the Honeygo project at least five (5) days prior to the October 15th hearing. Also under the same code authority, I would like to have any verbal comments that resolve open issues in the project at least five (5) days before the hearing.

If you have any questions, please feel free to call me at 825-6961. Also, my new mailing address is 305 Washington Avenue, Suite 502, Towson, Maryland 21204.

Very truly yours,

J. Carroll Holzer

JCH:swc

Post-It brand fax transmittal memo 7671		of pages	
To	Mr. Joseph Maranto	From	J. Carroll Holzer
Co	ZADM	Co	ZADM
Dept		Phone	825-6961
Fax	825-6964	Fax	825-6964

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 886-8274
FAX: (410) 886-8118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.

ELIZABETH A. VANNI

*ALSO ADMITTED IN D.C.

Zoning Administration and
Development Management Office
111 W. Chesapeake Ave.
Towson, Md 21204

Attn: Arnold Jablon, Director

Re: Honeygo Land Reclamation Project
RGM File No.: 92.3011

Dear Mr. Jablon:

Pursuant to Section 26-203(f) of the Baltimore County Code the applicant wishes to have a combined hearing on the development plan and on the zoning requirements for special exception, special hearing and zoning variance filed by Honeygo Reclamation.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Wayne Knight

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 886-8274
FAX: (410) 886-8118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.

ELIZABETH A. VANNI

*ALSO ADMITTED IN D.C.

Arnold Jablon, Director
Zoning Administration and
Development Management Office
111 W. Chesapeake Ave.
Towson, Md 21204

Re: Honeygo Land Reclamation Project
RGM File No.: 92.8011

Dear Mr. Jablon:

We have today filed for a combined special exception, special hearing and variance with a development plan hearing on behalf of Honeygo Reclamation Center.

We have been advised that protestants to the proposal have retained the services of J. Carroll Holzer, Esquire to represent them as well as experts to testify on their behalf. Because of the number of issues raised at the Community In-put meeting, we have also retained a number of experts. Based on my experience with such protestant proceedings and the fact that the appeals from the development plan are on the record, I would anticipate approximately seven (7) days of testimony and cross-examination before a hearing officer. Consequently it would be appreciated if we could set aside the needed days for the hearing and have agreed dates for this hearing on the issues.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: J. Carroll Holzer, Esquire
Peter Zimmerman, Esquire, People's Counsel for Baltimore County

MICROFILMED

LAW FIRM
Romadka, Grottrum & McLaughlin, P.A.
111 E. BALTIMORE AVE.
FLOOR 10, BALTIMORE, MD 21202
TELEPHONE: 410-464-4274
FAX: 410-464-4275

December 6, 1993

RECEIVED
6 1993
ZONING COMMISSIONER

Robert J. Romadka
John R. Grottrum
J. Michael McLaughlin, Jr.
Elizabeth A. Vanni
*Also admitted in District of Columbia

Lawrence Schmidt, Esquire
Zoning Commissioner
Maryland Department of Planning and Zoning
Zoning Administration
400 Washington Avenue
Towson, Maryland 21204

RE: Honeygo Run Reclamation Center
Before the Zoning Commissioner
of Baltimore County
Case No.: 94-87-SPEXXA

Dear Mr. Schmidt:

In the Memorandum filed last Friday, December 3, 1993, I inadvertently forgot to renew my request made at the beginning of the hearing that the Special Exceptions, if granted, be for a period of five (5) years. This extension would permit us the time needed to go through the additional regulatory processes on this case, plus obtain construction financing and startup of the facility.

Your consideration in this matter is greatly appreciated.

Very truly yours,

John B. Grottrum

JBG:ams
cc: J. Carroll Holzer, Esquire

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

11/9/93

NAME	ADDRESS
SARAH F. PAUL	10404 VINCENT FARM RD WHITE MARSH
Adam E. Paul, Jr.	10404 Vincent Farm Rd White Marsh, MD 21162
Jay Whitaker	9734 Phila. Rd. Balt. 21237
Anne P. Whitlow	12909 Phila Rd White Marsh 21162
Robert Whitaker	10706 Phila Rd White Marsh 21162
Raymond Reimer	7410 Greenbank Rd. 21220
Jesse E. Carr	10540 Phila Rd 21227
JESSE R. CARR	10540 Phila Rd 21227
JAMES VASZOLCSEKI	9409 Greenbank Rd 21220
JULIE SMITH	256A RODGERS FORGE RD 21217
GLORIA J. TURNER	9226 RAVENWOOD RD 21237
LEON T. BENNER	4900 E. Joppa Rd 21288
BORRIS BELL	9930 PHILADELPHIA RD 21237
CHAS BELL	9930 PHILADELPHIA RD 21237
Billy Carr	10540 Phila Rd 21227
Rick Barrett	13123 E. GREENBANK RD 21220
Michael T. Barrett	13123 E. GREENBANK RD 21220
DARLENE HAMMER	10600 PHILADELPHIA RD 21237
KEN HAMMER	10600 PHILADELPHIA RD 21237
Dr. Richard W. McQuinn	1501 Harw Mill Rd 21220
Blaine Johnson	1501 Harw Mill Rd 21220
Maria D. Sevier	1314 Spotswood Road 21237
Just Channing	8829 COWENTON H.E 21228

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

10/27/93

NAME	ADDRESS
SARAH F. PAUL	10404 VINCENT FARM RD WHITE MARSH
ADAM E. PAUL, JR.	10404 VINCENT FARM RD WHITE MARSH
Betty G. Anderson	14601 Philadelphia Rd. Balt. 21237
Jeffrey Reister	10266 VINCENT RD WHITE MARSH
Robert M. Reimer	" " " "
Richard Klen	10630 Phila Rd 21227

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

10/27/93

NAME	ADDRESS
Adam E. Paul, Jr.	10404 Vincent Farm Rd White Marsh, MD 21162
Jeffrey Reister	10326 Vincent Rd White Marsh
Elizabeth M. Reister	" " " "
David Paul	10404 Vincent Farm Rd White Marsh
Shirley Jane Turner	9226 Ravenwood Rd. Balt. 21237
Maria D. Sevier	1314 Spotswood Rd. Balt. 21237
Michael Barrett	10406 VINCENT FARM RD 21162
RICHARD R. JONES	300 W. FERRY AVE / TOWSON 21204

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
PAUL JEDNORSKI	11000 BOWTOWN RD.
Adam E. Paul, Jr.	WHITE MARSH, MD 21162
Jeffrey Reister	" " " "
Betty Reister	" " " "
Brian Parker	8915 Paul Rd. Baltimore, MD 21228
Charles Chappo	" " " "

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

10/28/93

NAME	ADDRESS
Frank Roscoe	Century Engineering
Charles Volpe	Century Engineering
FRANK ROSCOE	Century Engineering

PLEASE PRINT CLEARLY BALTIMORE COUNTY REPRESENTATIVES SIGN-IN SHEET

10/15/93

NAME	ADDRESS
Eugene C. Seaver	BALTO CO. DEPTM
Herb NAYTOR	" " "
Adrian Van Audelle	BALTO Co. DEPT
Glenn Shaffer	" " "
DAN ARLEY	BALTO Co. DEPTM
PAT O'KEEFE	BALTO. CO. DEPT. + P-3 WORKS
R. Bruce Seely	DEPTM
De Maranto	2A24

PLEASE PRINT CLEARLY BALTIMORE COUNTY REPRESENTATIVES SIGN-IN SHEET

NAME	ADDRESS
Charles F. Volpe	Honeygo Reclamation Corp
FRANK ROSCOE	Century Engineering
Frank Roscoe	Century Engineering
Carolyn W. BENNETT JR	5318 Silver Spring Rd 21228
Mary Lou Bennett	5318 Silver Spring Rd 21228
LEON T. BENNER	" " " "
ENZO BETH M. REISTER	" " " "
GLORIA J. TURNER	" " " "
NANCY JONES	" " " "
Maria D. Sevier	1314 Spotswood Road 21237
Ray Reimer	7410 Greenbank Rd. 21220
Sarah Paul	10404 Vincent Farm Rd White Marsh 21162
Adam E. Paul, Jr.	" " " "
Michael T. Barrett	13123 E. GREENBANK RD

PLEASE PRINT CLEARLY CITIZEN SIGN-IN SHEET

10/15/93

NAME	ADDRESS
Adam E. Paul, Jr.	10404 Vincent Farm Rd White Marsh, MD 21162
Sarah Paul	10404 Vincent Farm Rd White Marsh, MD 21162
Edna J. Jankowski	10326 Vincent Rd White Marsh
Elizabeth M. Reister	10326 Vincent Rd White Marsh
Jeffrey Reister	10326 Vincent Rd White Marsh
Michael Barrett	10406 VINCENT FARM RD 21162
Ray Reimer	7410 Greenbank Rd. 21220
Brian Campbell	103 W. FERRY AVE 21204
JOHN S. WALKER	9010 CAMPBELL AVE ARL 21218
Maria D. Sevier	1314 Spotswood Rd 21237
Shirley Jane Turner	9226 Ravenwood Rd. 21237
Richard Klen	10630 Phila Rd 21227

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

TO: APPLICANTS FOR DEVELOPMENT APPROVAL
SUBJECT: REQUIREMENTS FOR HYDROGEOLOGICAL STUDIES AND ENVIRONMENTAL EFFECTS REPORTS

- Attached are the requirements for preparing Hydrogeological Studies and Environmental Effects Reports required by Section 34-1 and 22-55 of the Baltimore County Code. Please complete the forms as instructed herein and attach supplemental sheets where necessary.
- Reference materials to aid you in preparing Hydrogeological Studies and Environmental Effects Reports are available at the Department of Health, the Office of Planning and Zoning, the Department of Public Works and the Towson Branch of the Baltimore County Library.
- If you have any questions concerning the contents and requirements of Hydrogeological Studies or Environmental Effects Reports, please call 494-3768.
- The attached requirements are basic requirements for completion of Hydrogeological Studies and Environmental Effects Reports. During the review of such studies and reports the Department of Health retains the right to request additional information, including but not limited to soil borings, percolation tests, test wells and chemicals analyses of groundwater and surface water.

MICROFILMED

REQUIREMENTS FOR HYDROGEOLOGICAL STUDY BALTIMORE COUNTY DEPARTMENT OF HEALTH BUREAU OF ENVIRONMENTAL SERVICES

A. GENERAL INFORMATION

Site Name: Honeygo Run Reclamation Center El. Dist. 11
Address: 10700 Philadelphia Rd., Perry Hall, Maryland 21128
Location: South of Cowenton/Ebenezer/Philadelphia Rd. Intersection
Description of Proposed Development: Rubble landfill and Recycling Facility
Size of Development Site (acres): 68.17 Acres
Proposed Number of Lots: -0-
Owner/Developer: Honeygo Run Reclamation Center, Inc. Phone: 335-8606
Address: 8814 Cowenton Ave., Perry Hall, Maryland 21128
Engineer/Consultant: Century Engineering, Inc. Phone: 823-8070
Address: 32 West Road, Towson, Maryland 21204

B. PROPOSED WATER SUPPLY AND SEWAGE DISPOSAL

WATER SUPPLY

(X) Public water supply
() Individual water supply (well)

SEWAGE DISPOSAL

() Public sewerage system
() Individual sewage disposal (septic system)
(X) Other Portable

A. GENERAL INFORMATION

Site Name: Honeygo Run Reclamation Center El. Dist. 11
Address: 10700 Philadelphia Rd., Perry Hall, Maryland 21128
Location: South of Cowenton/Ebenezer/Philadelphia Rd. Intersection
Description of Proposed Development: Rubble landfill and Recycling Facility
Size of Development (acres): 68.17 Acres
Proposed Number of Lots: -0-
Owner: Honeygo Run Reclamation Center, Inc. Phone: 335-8606
Address: 8814 Cowenton Ave., Perry Hall, Maryland, 21128
Engineer: Century Engineering, Inc. Phone: 823-8070
Address: 32 West Road, Towson, Maryland, 21204

B. PROPOSED WATER SUPPLY AND SEWAGE DISPOSAL

WATER SUPPLY

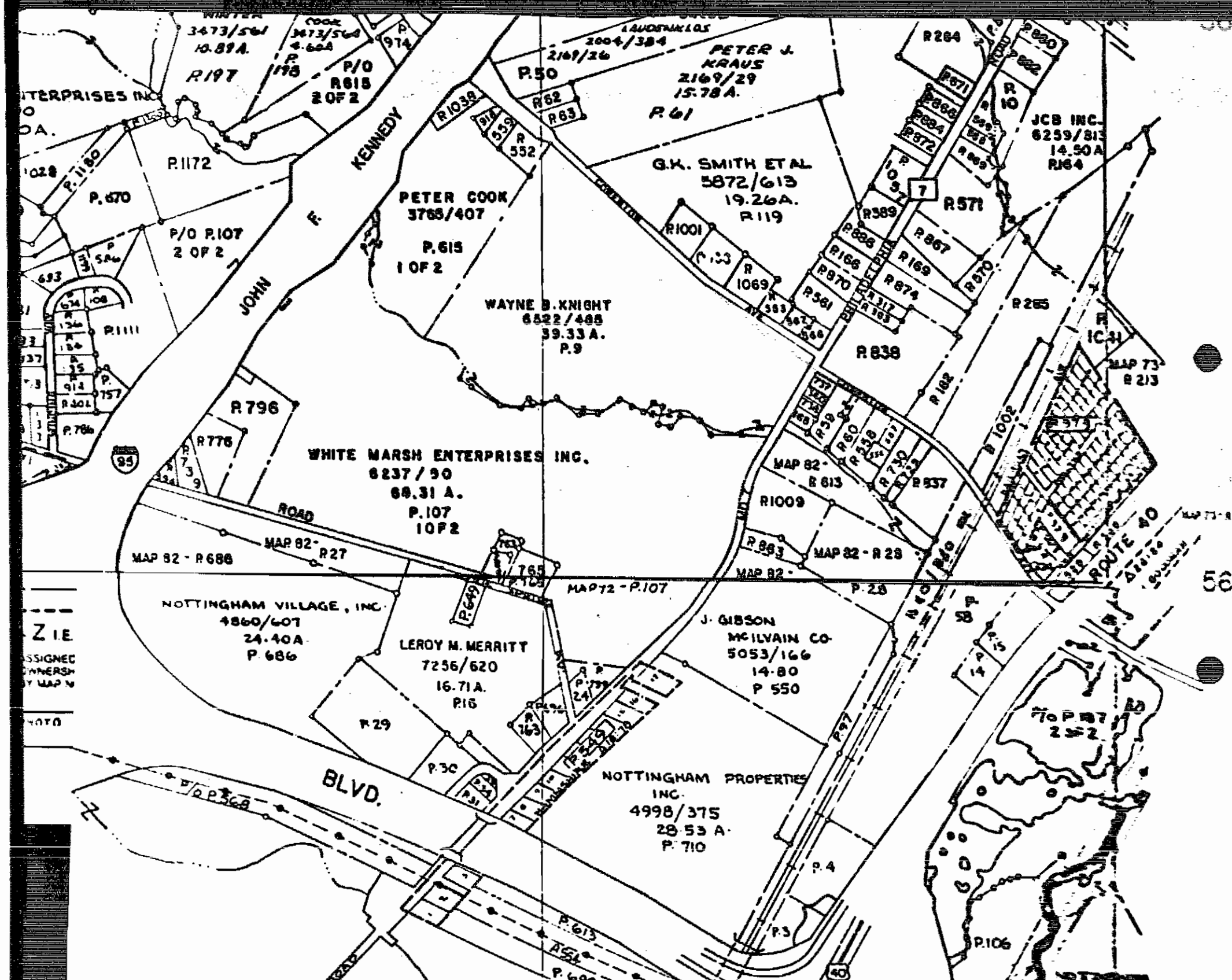
(X) Public water supply
() Individual water supply (well)

SEWAGE DISPOSAL

() Public sewerage system
() Individual sewage disposal (septic system)
(X) Other Portable

C. SIGNATURES

I, Charles Volpe, acknowledge that I am the owner, contract purchaser or legally authorized representative of either and that I understand the requirements for Hydrogeological Studies and that the information provided is true and correct to the best of my knowledge, information and belief.
Applicant's Signature: Charles F. Volpe
Date: August 13, 1993



Honeygo Reclamation Project Geologist Log

Boring #	EL	Depth	SPT	Description
BP/1	64.3	0		Surface
		4-6	5-5-5-5	Sand, Medium Grained Yellow/Orange, over Silt, White
		9-11	4-8-11-12	Sand, Medium, White/Tan
		4-16	6-10-12-14	Sand, Medium, White/Tan
		19-21	6-9-11-7	Sand, Medium to Coarse, Wet, Tan
		24-26	4-6-10-12	Sand, Medium to Coarse, Wet, Tan
		27-29	3-5-10-17	Sand, Medium to Coarse, Wet, Tan
		32-34	9-16-19-22	Sand, Medium Green, White w/Purple Streak
		37-39	7-8-10-13	Sand, Fine to Medium, White w/Purple Streak
		42-44	15-26-36-37	Silt, White-Tan
		47-49	8-14-26-39	Silt, White-Tan
		52-54	12-20-27-36	Silt, Sandy, Tan
		57-59	8-14-25-36	Sand, Medium, Tan
		62-64	11-14-37-50/4	Silt, Tan
		67-69	16-29-33-48	Silt, Tan
B/P-2	42.7	0		Surface
		4-6	4-5-7-7	Sand, Medium to Coarse, White-Tan over Tan Silt
		9-11	6-8-10-10	Sand, medium to Coarse, wet, white-tan
		14-16	6-11-10-8	Sand, Fine to Coarse, Yellow
		19-21	7-15-18-23	Sand, Medium to Coarse, Yellow-Tan
		22-24	9-16-18-23	Sand, Fine, Tan
		27-29	10-16-21-25	Sand Fine, Tan, Wet
		32-34	8-6-10-20	Silt, Tan/Purple
		37-39	14-24-28-50	Silt, Purple/Red
		42-44	14-29-57-46	Silt, Tan
		47-49	9-28-50-3	Silt, Grey
		52-54	12-24-37-33	Silt, Grey

implementation, the estimated annual tonnages will be:

White ledger and corrugated containers - 116 tons
Mixed paper - 182 tons
Aluminum - 4 tons
Glass - 7 tons

The County will also expand waste reduction efforts including double-sided copying, and the use of non-toxics and recyclable paper for County reports as described in Bill 35-91. The County will also consider other waste reduction measures, such as specifying products in minimal packaging and reusing materials (e.g. preparing scratch pads from used paper).

Landclearing and Demolition Debris

Collection: No change from present system.

On-site disposal methods and recycling will be continually encouraged. These methods include: on-site disposal, grade-and-fill operations (if less than 10% putrescible), shredding as mulch, and using as firewood. Where appropriate, burning in a controlled environment will be encouraged. The only permitted disposal facilities in the County are the Days Cove Facility and the Eastern Landfill. As discussed in Chapter III, the Days Cove Facility has submitted an application to expand.

A proposed major facility is the Honeygo Reclamation Project, which will recycle materials, as well as being a rubble landfill. It is further described at the end of this chapter. With this facility, the County will have sufficient capacity for landclearing and demolition debris for ten years. Operating in-county sites for recycling rubble materials include:

Norpoint Farms
525 Earle Road
Chase, Maryland 21220
(410)477-5650
concrete and asphalt only

Genstar Products
Texas Quarry
Whitemarsh Quarry
(410)527-4181
asphalt only

Recycling & Rehandling Corporation of Maryland/Paving Materials Supply Co.
Bacovia Farm Road
Rosedale, Maryland 21237
(410)839-9406

There is also a facility located in Carroll County for recycling concrete, asphalt, brick, and block.

PETITIONER'S
EXHIBIT NO. 6

ROBERT W. HARRIS, P.E. TRAFFIC ENGINEER

ENGINEERING EXPERIENCE BEGAN: 1948

YEARS WITH CENTURY: 5

YEARS WITH OTHER FIRMS: 40

EDUCATION

B.S. 1948, University of Maryland, College Park

WORK BACKGROUND

1948-1949: Traffic Engineer, Century Engineering, Inc., Towson, Maryland
1949-1950: Traffic Engineer, W.T. Hodges, Baltimore
1950-1951: Traffic Engineer, W.T. Hodges, Baltimore
1951-1952: Traffic Engineer, W.T. Hodges, Baltimore
1952-1953: Traffic Engineer, W.T. Hodges, Baltimore
1953-1954: Traffic Engineer, W.T. Hodges, Baltimore
1954-1955: Traffic Engineer, W.T. Hodges, Baltimore
1955-1956: Traffic Engineer, W.T. Hodges, Baltimore
1956-1957: Traffic Engineer, W.T. Hodges, Baltimore
1957-1958: Traffic Engineer, W.T. Hodges, Baltimore
1958-1959: Traffic Engineer, W.T. Hodges, Baltimore
1959-1960: Traffic Engineer, W.T. Hodges, Baltimore
1960-1961: Traffic Engineer, W.T. Hodges, Baltimore
1961-1962: Traffic Engineer, W.T. Hodges, Baltimore
1962-1963: Traffic Engineer, W.T. Hodges, Baltimore
1963-1964: Traffic Engineer, W.T. Hodges, Baltimore
1964-1965: Traffic Engineer, W.T. Hodges, Baltimore
1965-1966: Traffic Engineer, W.T. Hodges, Baltimore
1966-1967: Traffic Engineer, W.T. Hodges, Baltimore
1967-1968: Traffic Engineer, W.T. Hodges, Baltimore
1968-1969: Traffic Engineer, W.T. Hodges, Baltimore
1969-1970: Traffic Engineer, W.T. Hodges, Baltimore
1970-1971: Traffic Engineer, W.T. Hodges, Baltimore
1971-1972: Traffic Engineer, W.T. Hodges, Baltimore
1972-1973: Traffic Engineer, W.T. Hodges, Baltimore
1973-1974: Traffic Engineer, W.T. Hodges, Baltimore
1974-1975: Traffic Engineer, W.T. Hodges, Baltimore
1975-1976: Traffic Engineer, W.T. Hodges, Baltimore
1976-1977: Traffic Engineer, W.T. Hodges, Baltimore
1977-1978: Traffic Engineer, W.T. Hodges, Baltimore
1978-1979: Traffic Engineer, W.T. Hodges, Baltimore
1979-1980: Traffic Engineer, W.T. Hodges, Baltimore
1980-1981: Traffic Engineer, W.T. Hodges, Baltimore
1981-1982: Traffic Engineer, W.T. Hodges, Baltimore
1982-1983: Traffic Engineer, W.T. Hodges, Baltimore
1983-1984: Traffic Engineer, W.T. Hodges, Baltimore
1984-1985: Traffic Engineer, W.T. Hodges, Baltimore
1985-1986: Traffic Engineer, W.T. Hodges, Baltimore
1986-1987: Traffic Engineer, W.T. Hodges, Baltimore
1987-1988: Traffic Engineer, W.T. Hodges, Baltimore
1988-1989: Traffic Engineer, W.T. Hodges, Baltimore
1989-1990: Traffic Engineer, W.T. Hodges, Baltimore
1990-1991: Traffic Engineer, W.T. Hodges, Baltimore
1991-1992: Traffic Engineer, W.T. Hodges, Baltimore
1992-1993: Traffic Engineer, W.T. Hodges, Baltimore

P.E. 1950, Maryland
P.E. 1950, Maryland

PETITIONER'S
EXHIBIT NO. 16

PETITIONER'S EXHIBIT NO. 15

JOHN R. RIST, P.E.
DIRECTOR, ENVIRONMENTAL DIVISION

YEARS EXPERIENCE: 20

EDUCATION
M.S. 1972, Environmental Engineering, Georgia Tech
B.S.C.E. 1971, Civil Engineering, Georgia Tech

PROFESSIONAL REGISTRATION
P.E. 1977, Maryland #10783, Registered Professional Engineer
D.E.E. 1990, American Academy Environmental Engineers #95-10014, Diplomate-A.A.E.E.
R.E.P. 1980, Registered Environmental Professional #4050, National Registry of Envir. Professionals

PROFESSIONAL ASSOCIATIONS
Water Pollution Control Federation
National Association of Environmental Professionals

SUMMARY OF DUTIES AT CENTURY

Mr. Rist has extensive expertise and experience in environmental studies and engineering, including the undertaking of studies and preparation of documents for Environmental Impact Statements, & Assessments, and wastewater treatment. He has training and experience to perform wetland evaluations and delineations using the Unified Federal method and the WET II model, and conducts air and noise studies and modeling. He has participated in and prepared presentation materials for numerous public hearings and citizen group meetings on environmental projects. Previous environmental experience prior to joining Century Engineering included positions as environmental engineer for the Georgia Water Quality Control Board; the Alaska Department of Environmental Conservation, monitoring the construction of the Trans-Alaska Pipeline; and WAPORA, Inc., a nationwide, multi-disciplinary environmental consulting firm. He is listed in "Who's Who in Environmental Engineering" - 1993. Relevant experience includes:

ENVIRONMENTAL IMPACT STATEMENTS - HIGHWAY TRANSPORTATION

MD 100 EIS, Howard/Anne Arundel County, Maryland. This EIS prepared for the SHA and FHWA, on a 7.4 mile highway project required the development of avoidance and mitigation alternatives for impacting a cohesive minority community, extensive wetlands areas, and 4(f) issues of parkland and historic sites eligible for the National Register. Extensive public participation, including formal public hearings and informal concerned citizens meetings, was conducted. Noise and Air Quality impact assessment modeling was also performed, and noise barrier locations proposed.

MD 28 EIS, Montgomery County, Maryland. The project included the development of a full environmental impact statement for MD SHA and the FHWA, addressing proposed widening alternatives for the roadway. It addressed the full range of socioeconomic, cultural and natural environmental issues required of such documents, and included noise and air impact assessment modeling, as well as extensive public participation. Major

NOISE ANALYSIS

HONEYGO RUN RECLAMATION
CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128

Prepared By:

CENTURY ENGINEERING, INC.
32 West Road
Towson, Maryland 21204

JULY 1993

PETITIONER'S
EXHIBIT NO. 19

Title 26
DEPARTMENT OF THE ENVIRONMENT
Subtitle 02 OCCUPATIONAL, INDUSTRIAL, AND
RESIDENTIAL HAZARDS

Chapter 03 Control of Noise Pollution

Control of Noise Pollution
Chapter 03 of Title 26

Preface

The Environmental Noise Act of 1974 of the State of Maryland declares as public the limitation of noise to that level which will protect the health, general welfare, and property of the people of the State. It requires that the Department assume responsibility for the jurisdiction over the area of noise and prepare regulations for the control of noise, including the establishment of standards for ambient noise levels and equipment performance with respect to noise, for adoption by the Secretary of the Department. Enforcement of the regulations and standards is the responsibility of the Department in all areas, using the facilities and services of all agencies within the area to the greatest extent possible. The Department shall coordinate the programs of all State agencies relating to noise and each State agency prescribing sound level limits or regulations respecting noise shall obtain the endorsement of the Department in prescribing any limits or regulations.

01 Definitions

A. "ANEP" means American National Standards Institute or its successor bodies.

B. "Construction" means any site preparation, assembly, erection, repair, alteration, or similar activity.

C. "Day-night average sound level, L_{dn} " means in decibels, the energy average sound level for a 24-hour day with a 10 decibel penalty applied to noise occurring during the nighttime period; i.e., noise levels occurring during the period from 10 p.m. the day until 7 a.m. the next are treated as though they were 10 dB higher than they actually are. The use of the averaging is understood. The mathematical expression for L_{dn} is as follows:

PETITIONER'S
EXHIBIT 1

**STORMWATER
MANAGEMENT REPORT**

HONEYGO RUN RECLAMATION
CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128



Prepared By:

CENTURY ENGINEERING, INC.
32 West Road
Towson, Maryland 21204

JULY 1993

PETITIONER'S
EXHIBIT NO. 2

REPORT 5

**TECHNICAL FLOODPLAIN
STUDY**

HONEYGO RUN RECLAMATION
CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128



Prepared By:

CENTURY ENGINEERING, INC.
32 West Road
Towson, Maryland 21204

JULY 1993

PETITIONER'S
EXHIBIT NO. 3

REPORT 6

**SEDIMENT AND EROSION
CONTROL
CALCULATIONS**

HONEYGO RUN RECLAMATION
CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128



Prepared By:

CENTURY ENGINEERING, INC.
32 West Road
Towson, Maryland 21204

JULY 1993

PETITIONER'S
EXHIBIT NO. 4

REPORT 7

TRAFFIC STUDY

HONEYGO RUN RECLAMATION
CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128



Prepared By:

CENTURY ENGINEERING, INC.
32 West Road
Towson, Maryland 21204

OCTOBER 1993

PETITIONER'S
EXHIBIT 17

REPORT 10

ELIMINARY

(Recycling Study)

HONEYGO RUN RECLAMATION
CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128



Prepared By:

CENTURY ENGINEERING, INC.
32 West Road
Towson, Maryland 21204

JULY 1993

Refer also to "Operation Manual (Rubble Landfill)" - July 1993

Revised Version 10/14/93

REPORT 1

**SAFETY
STABILISATION
REPORT**

HONEYGO RUN RECLAMATION
CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128



Prepared By:

BRIGHTWATER, INC.
9130 C Red Branch Road
Columbia, Maryland 21045

JULY 1993

PETITIONER'S
EXHIBIT 18

REPORT 9