

IN THE MATTER OF
THE APPLICATION OF
TOLL HOUSE, INC. (HAYFIELD, INC.)
FOR A ZONING RECLASSIFICATION FROM
R.C. 2 TO R.C. 4 ON PROPERTY
LOCATED ON THE NORTH SIDE SHAWAN
ROAD, WEST OF WESTERN RUN ROAD
(HAYFIELDS) 301 WESTERN RUN ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CR-95-138

* * * * *

O P I N I O N

This case comes as a Petition for Reclassification initially brought by Toll House, Inc., and amended during the proceedings to be brought on behalf of Hayfield, Inc., pursuant to motion of Petitioner. This case was heard over five days of open hearings, and was publicly deliberated pursuant to Section 10-503 of the Annotated Code of Maryland. Petitioner's counsel was G. Scott Barhight, Esquire, WHITEFORD, TAYLOR & PRESTON; Protestants, The Valleys Planning Council, et al, were represented by G. Macy Nelson, Esquire, ANDERSON, COE & KING; People's Counsel for Baltimore County also participated in the proceedings. Kenneth T. Bosley joined as Protestant prior to the first day of hearing. Following the testimony of Petitioner's first witness, John M. Mangione, Mr. Bosley moved to dismiss the case for lack of standing on the part of the Petitioner. The Board reserved ruling on the Motion until the conclusion of the proceedings.

The Board, upon review of requested Memoranda on the issue of standing, finds as a fact that Hayfield, Inc., and Toll House, Inc., are one and the same; further, that the Protestants are not prejudiced by continuing the proceedings in light of Petitioner's Motion for amendment to the pleadings. Amendments to the pleadings

should be freely allowed in order to promote justice so that cases are tried on their merits rather than upon the niceties of pleadings. Crowe v. Houseworth, 272 Md. 481 (1974). The Court of Appeals has repeatedly held that amendments should be freely permitted in order to pursue the ends of justice. Staub v. Staub, 31 Md. App. 478 (1976). Therefore, this Board finds that it has jurisdiction in this matter and will proceed with the case on its merits.

Although this case was heard in five days of testimony and with voluminous evidence presented by Petitioner and Protestants, the underlying test for reclassification in the instant case is whether the County Council erred in the application of the zoning on the subject site during the 1992 Comprehensive Zoning Map Process. The Petitioner argues that the zoning line separating zoning classification R.C. 2 generally to the south and the R.C. 4 classification generally to the north is the point at issue; Petitioner alleges that the location of that zoning line is the point on which the Council erred during the 1992 Comprehensive Map Process. Section 2-356(j) of the Baltimore County Code reads that, upon proof that the Council erred during the Comprehensive Map Process, the Petitioner shall prove that the prospective reclassification of the property is warranted by that change or error. Procedurally, the Board finds it interesting that the burden of proof rests with the Petitioner, yet Protestants sought to prove that the existing line is the best line in dividing the

R.C. 2 /R.C. 4 zoning classifications on the instant site, thereby causing them to take a greater amount of time in presenting their case than the Petitioner. The Board does not believe that the Protestants' role is one of assuming that the line had already been moved, thereby acting in an effort to move the line back.

The area under consideration in this case is a roughly 70-acre portion of the Hayfields Farm. The Hayfields Farm is located in north-central Baltimore County immediately to the west of Interstate 83 along Western Run Road and just north of Shawan Road, where Western Run Road intersects Shawan Road. The R.C. 2 /R.C. 4 zone line described above runs generally east/west across the property; the prospective location of the R.C. 2 /R.C. 4 zone line, which is the subject of this case, creates that area between the two zone lines consisting of roughly 70 acres. The Board notes the fairly straightforward direction of the existing zone line, and the rather twisted zone line as proposed by the Petitioner in order to facilitate the proposed zone line closely following a ridge line of a hill that generally traverses the property.

The Hayfields Farm is an historic farm dating back to the early 19th century and also serves as the gateway to points west along Shawan Road in the Shawan Valley, Greenspring Valley and Worthington Valley. The zoning line as proposed would quite literally run through a recognized historic structure on the farm property. The Hayfields Farm is currently used in a farm operation through a lease arrangement with the Petitioner, and the record

indicates that the Hayfields Farm has been in operation for many, many years.

Appearing for the Petitioner over two days of presentation of their case in chief was John M. Mangione, a principal of Mangione Family Enterprises; Norman E. Gerber, an expert in planning, zoning and regulatory matters; Edmund F. Haile, an expert in civil engineering and surveying; Stephanie N. Hau, an expert in hydrology and environmental science; and George Gavrelis, an expert in planning and zoning. The aforementioned witnesses provided a thorough history of zoning matters in the vicinity of the instant case, including back to 1971, as well as various attempts by the Petitioner and others during the Comprehensive Zoning Map Processes of 1980, 1984, 1988 and 1992. Rebuttal testimony for Petitioner was provided by Mr. Haile, as well as former County Councilman Melvin G. Mintz. The testimony of Mr. Mintz was limited to facts known to Mr. Mintz in meeting dates and zoning issues during the 1992 Comprehensive Map Process, as well as his knowledge of criteria for meeting the definition of prime and productive soils in the R.C. 2 zone. The Board notes with particular interest that Mr. Mintz was a councilman from December of 1986 to December of 1994 for the Second Councilmanic District of Baltimore County; the instant case is within the Third Councilmanic District. The Board takes such note in light of compelling testimony provided by Mr. John Dillon of the Baltimore County Office of Planning & Zoning that then Councilman C. A. Dutch Ruppertsberger, III, accompanied

him on numerous visits to the instant site and others during the 1992 Comprehensive Map Process. The Protestants' case, presented over two and one-half days, consisted of voluminous evidence and testimony provided by John Bernstein, M.D., Executive Director of The Valleys Planning Council; William F. Kirwin, an expert in landscape architecture and planning; Courtney Jenkins, a nearby land owner; Joan Hoblitzell, a nearby land owner; Rick Zapf, concerned citizen; Ruth Mascari of the Landmarks Preservation Commission; John Dillon, of the Office of Planning & Zoning; Herbert A. Davis, expert real estate appraiser; Walter S. Lippincott, Jr., of the Department of Environmental Protection & Resource Management; Paul Solomon, an expert in planning and zoning; Paul Hupfer, representing the Greater Sparks-Glencoe Community Association; Protestant, Kenneth T. Bosley, in proper person; and Dan Timmel, resident of nearby Western Run Road.

It's undisputed that the initial zoning line drawn in 1971 separated the then Rural Deferred Planning (RDP) zoned area to the north of the line and D.R. 3.5 and D.R. 2 to the south of the zoning line in the area of the instant case. In 1976, during the Comprehensive Zoning Map Process, areas to the south of the same zoning line were reclassified to the current zoning classification of R.C. 2. The others, generally to the north of the current zoning line, were assigned the zoning classification of R.C. 4, pursuant to Comprehensive Zoning Map Process Issue No. 3-88. Issues brought by previous property owners in 1980 and in 1984

during the respective Comprehensive Map Processes were denied, as were issues brought by the Petitioner in the 1988 and 1992 Comprehensive Map Processes. Throughout those many years, the exact location of the zoning line was never an issue in and of itself. Pursuant to Council Bill No. 113-92, the County adopted amendments to the R.C. 4 zone. Petitioner alleges that, by virtue of the sequence of events leading up to the final adoption of Bill 113-92, said changes to the R.C. 4 zone could not have been considered by the Council in the creation of its Log of Issues during the 1992 Comprehensive Zoning Map Process. Therefore, this would have precluded what it alleges is a correct application of what would be a resultant correct location of a zoning line separating the R.C. 2 /R.C. 4 zoning classifications in the instant site. The Petitioner proposes that the correct placement of the zoning line at issue should closely follow the ridge line as surveyed and shown to exist on Petitioner's Exhibit 15. Mr. Gerber testified that, as the actual drafter of the initial D.R./RDP zoning line, the single most important criterion used in determining the location of that line was that area in 1971 north of Shawan Road, which was deemed to be sewerable, using a gravity sewer system.

George Gavrelis provided additional testimony concerning 1992 Comprehensive Map Process Issue 3-185; he opined that the Council should have considered the ridge line and therefore included the land to the north of the ridge as part of the watershed protection

area considered under the R.C. 4 zoning classification. Therefore, the Petitioner alleges that the ridge line should be used as the most important criterion when considering the dividing line between zoning classifications R.C. 2 and R.C. 4. However, Petitioner's expert, Mr. Haile, opined that the entire property could conceivably be zoned R.C. 4, as runoff from both sides of that same ridge line finds its way to Loch Raven Reservoir and, therefore, the Gunpowder River, regardless of the route that said runoff takes. Petitioner also therefore alleges that the R.C. 4 zoning classification acts to protect agricultural land as well as the watershed because of the clustering and development allowed under the R.C. 4, and the resultant protection of adjoining land in such development.

Mr. Gavrelis went on to testify concerning the test prescribed under Baltimore County Code Section 2-356(j)(2), leading him to conclude, because all the criteria listed in said section of the Code has been met, that said compliance proves that the prospective reclassification is warranted. Mr. Gavrelis's testimony concluded the Petitioner's case in chief.

Evidence provided by the Protestants illustrates more plainly for the Board that the soils known to be "prime and productive" soils follow closely the existing R.C. 2 /R.C. 4 zoning line, as shown in the Baltimore County soil survey entered in this case. Other information provided by the Protestants' witnesses through testimony and evidence indicates a plethora of information which

has been generated by the interest in the subject site, dating back to 1976. The most compelling of witnesses for the Protestants was John Dillon. Within Mr. Dillon's testimony was the statement that then Councilman Ruppertsberger accompanied him 14 times to the instant and other sites during the 1992 Comprehensive Zoning Map Process. Further, unlike other reclassification petitions that this Board has granted on erroneous or incomplete information provided to the County Council during the 1992 Comprehensive Map Process, Mr. Dillon testified that no such erroneous information existed pertaining to the instant site. Mr. Dillon was involved with the Hayfields property during the 1984, 1988 and 1992 Comprehensive Zoning Map Processes, in the two most recent of which the Petitioner sought changes to zoning classifications for the instant site. The mere fact that the instant site has remained in the spotlight for so many years and in numerous comprehensive map processes, coupled with the fact that the respective councilman accompanied Mr. Dillon and consulted with various sources, gives the Board pause, and leads the Board to believe that the Council, through its councilman in the Third District, had ample information to make a reasonable determination as to the zoning classification on the instant site.

The standard of review for the Board in considering the actions of the Council during the 1992 Comprehensive Zoning Map Process is one where the Petitioner alleges there is error, and therefore the Board is asked to find that the County Council would

have acted differently than it did given the sequence of events surrounding Council Bill 113-92, and the R.C. 4 zoning classification criteria contained therein. The Board finds as a fact that the sequence of events indeed occurred as outlined and agreed to by both parties in this matter, but the Board also finds as a fact that the County Council was always a participant in the promulgation of Bill 113-92. The mere fact that the R.C. 4 zoning classification allows for a certain type of development does not give rise to an automatic reconsideration of zoning lines separating R.C. 2 and R.C. 4 property, but only provides additional issues for consideration by the County Council during the Comprehensive Map Process. The Petitioner correctly shows that the County Council should consider all information which is available when making decisions concerning the separation of zoning classifications. The Board cannot find in the evidence and testimony provided that the Council did not consider all the information which was available; in fact, the Board finds that the County Council was very well informed in the 1992 Comprehensive Zoning Map Process Issue #3-178. The Board cannot substitute its judgement for that of the Council in determining the location of a zoning line. It may be entirely coincidental that the zoning line drawn in 1971 separating RDP from D.R. zoning closely follows soil classifications, separating prime and productive soils and soils not found to be so by virtue of soil content and/or slopes. The mere presence of that fact does not indicate that the Council did

not take into consideration those differences when assigning the existing zoning classification during the 1992 Comprehensive Zoning Map Process. Therefore, the Board finds that the Petitioner failed to meet its burden of proof of error on the part of the Council, and as such the Petition for Reclassification shall be denied. Because the Board does not find error on the part of the County Council, the Board is constrained not to comment on the issues prescribed in Section 2-356(j)(2) as to whether the prospective reclassification is warranted.

The existence and drawing of zoning lines is not done under the scrutiny of a microscope. The Petitioner in this case proposes that the zoning line should follow a ridge line which is determined by a thorough elevation survey of a particular parcel. Such an approach provides excellent information to be considered by the County Council when reviewing cases under various comprehensive map processes. However, such information is only a part of all information which is considered by the County Council, and weighed by the Council members individually when voting on such matters. It is not for this Board to substitute its judgement for that of the Council in determining a zoning classification and its resultant zoning lines separating such classifications, when the Council had ample information from which to make a reasonable decision, as it is not possible for this Board to determine which criteria weighed more heavily with the respective Council members when considering the zoning issues. As such, the Board feels

compelled to underscore that it cannot substitute its judgement for that of the County Council in this matter to make a determination as the Petitioner suggests.

O R D E R

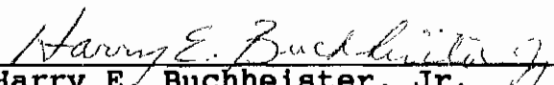
IT IS THEREFORE this 25th day of August, 1995 by the County Board of Appeals of Baltimore County

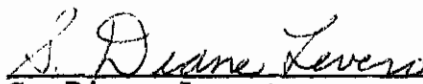
ORDERED that the Petition for Reclassification from R.C. 2 to R.C. 4 be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Harry E. Buchheister, Jr.


S. Diane Levero



County Board of Appeals of Baltimore County

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

August 25, 1995

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: Case No. CR-95-138
Toll House, Inc. (Hayfield, Inc.)

Dear Mr. Barhight:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: John M. Mangione
E. Haile /G. Gavrelis /D. Locke
Daft-McCune-Walker
Stephanie N. Hau, President
Chesapeake Env. Management, Inc.
G. Macy Nelson, Esquire
John Bernstein, Exec. Director
Valleys Planning Council (VPC)
Kenneth T. Bosley
Ms. Robin Breiteneker
Falls Road Community Association
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM



People's Counsel's Memorandum: Hayfields Rezoning - Post-Hearing Issues

I. Ownership; Filing of Petition; Standing; Jurisdiction; Public Meeting

It is undisputed that Toll House, Inc. filed the petition for reclassification but was not the legal owner of the property (or its authorized representative). Rather, Hayfields, Inc., a separately named corporation, was the actual owner of the property; and Toll House, Inc. apparently no longer existed.

This filing was clearly defective under Sec. 2-356(b) of the Baltimore County Code, which requires filing by the legal owner or authorized representative. The question presented is whether this defect may be corrected or cured at this time by amendment.

The Valleys Planning Council, et al. has cited analogous cases involving the filing of lawsuits by dissolved corporations. Atlantic Mill and Lumber Company v. Keefer 179 Md. 496 (1941) and Parkside Terrace Apartments, Inc. 252 Md. 271 (1968). We have reviewed these cases, and must concur that they are apt here. Those suits were considered, in effect, void ab initio, that is to say, nugatory from the start.

The problem is that standing, the propriety of a party's interest and involvement in litigation, is jurisdictional. Moreover, while standing rules tend to be relaxed in administrative proceedings, there is no authority for the filing of a zoning petition by a corporation which lacks any connection to the property, whether or not the corporation still exists.

It has long been held that "standing", the sufficient actual interest in the outcome of the controversy, is a prerequisite to jurisdiction. Curley v. Wolf 173 Md. 393 (1938); Webb v. Commercial Bank 181 Md. 572, 577 (1943). In zoning cases, this translates to whether a party has a sufficient property interest. Southland Hills v. Raine 220 Md. 213 (1959). Chief Judge Brune provided an enlightening review of the subject and its jurisdictional aspect in Kreatchman v. Ramsburg 224 Md. 209 (1961). Subsequently, Chief Judge Hammond explored the problem and highlighted the importance of a review of the "jurisdictional facts" of standing in Kennerly v. City Council of Baltimore 247 Md. 601 (1961).

Frequently, the issue of standing comes up on a challenge by the petitioner against the neighboring protestants or community association. But it is pellucid that the same principles apply to all parties, regardless of advantage or disadvantage.

Anderson, in 4 American Law of Zoning 3d, Sec. 22.11, states:

"An applicant for administrative relief, whether he seeks to invoke the original jurisdiction of the board of adjustment by applying for a special permit or exception, or undertakes to obtain a building permit from a building inspector or other issuing officer, must establish his interest in the

land where the proposed use is to be erected or maintained. Absent such an interest, he is not qualified to apply for a permit, and he is not aggrieved by its denial. The enabling acts and ordinances usually do not spell out the required interest. Some simply say that the owner or his agent may apply for a permit."

The treatise cites People v. Hedgcock 104 P.2d 607 (Colo. 1940); Burr v. Keene 196 A.2d 63 (N.H. 1963); and Schneer v. Weis 108 NW 2d 523 (Wis. 1961) as illustrative. As the New Jersey court put it,

"It is hardly necessary to say that, unless they were owners of the property, or had such an interest therein as would entitle them to erect the proposed building thereon, the inspector was justified in refusing to issue a permit, although the reason for refusal afforded no support for his action." Krieger v. Scott 134 A. 901 (N.J. Misc. 1926)

Our office would prefer that the case be decided on the merits. This case presents a wonderful opportunity to sustain and reinforce the legitimacy of the comprehensive zoning map in a prime, historical agriculturally zoned area of the Worthington Valley. Moreover, the record is devoid of any evidence which would justify rezoning on any ground.

Nevertheless, because the issue of standing has been raised, we are obligated to observe that the pertinent statute qualifies the zoning reclassification petition by reference to legal ownership of the person filing the petition. A proceeding undertaken on a disqualified petition is void; and there is no legal vehicle apparent or available to rehabilitate the petition by amendment in midstream. In other words, the CBA lacks jurisdiction.

As it happens, the jurisdictional flaw does not affect the outcome of the case. The petition must be denied in any event; and it would be salutary for the CBA to so note in its public deliberations.

In this connection, we also note that the deliberations are required for all issues in the case, including jurisdiction. Therefore, the issue of jurisdiction should be decided at the public meeting scheduled August 9. The State Public Meetings law does not allow for any bifurcation of issues.

II. Invasion of the Propriety of the Legislative Process; Direct Testimony by a County Council Member Involved in the Process

A court may not inquire into the motives, wisdom or propriety of the conduct of local government body in passing an ordinance. Individual council members may not testify as to motive. There is, moreover, a concept of privilege which the public may assert to prevent the invasion of the legislative process, lest the legislature be subordinated to other branches of government.

The seminal Maryland case on the subject is County Council v. District Land Corporation 274 Md. 691 (1975). The property owners challenged a comprehensive zoning ordinance which reclassified over 100 acres into the rural-residential district in Montgomery County. In court, the owners embarked on deposing 8 state officials to show that the council's real intent was to depress the price, with condemnation in mind.

The Court of Appeals held that such an inquiry would be improper. The opinion cited Rhyne, Municipal Law for the proposition that "...the motives, wisdom, or propriety of a municipal government body in passing an ordinance are not subject to judicial inquiry."

Judge Singley continued,

"In addition, individual council members and other city council officials may not testify as to the motives actuating council action, as recorded in its minutes, nor may they testify as to what was intended or meant by an adopted measure."

"The same principle applies to zoning ordinances, which are presumed to be valid. As a consequence, courts will not pass on the wisdom of such measures." 274 Md., at 704-05.

The District Land case is also instructive on the validity of comprehensive zoning, and the unworthiness of attacks which do not relate objectively to the reasonableness of the public action. Judge Singley cited, in support of the above discussion the case of Walker v. County Commissioners 208 Md. 72 (1955). There, in a case sustaining the comprehensive establishment of agricultural zones on properties in Talbot County, Judge Collins said:

"However, all uses of property which are injurious to the health, comfort, safety, and welfare of society may be prohibited under the sovereign power of the state, even though the exercise of such power results in inconvenience or loss to certain persons. In those cases, individual rights are subordinate to the higher rights of the public. The exercise of this police power is an essential attribute of sovereignty."

Recently, in Montgomery County v. Schooley 97 Md. App. 107 (1993), a legislative redistricting case, the Court of Special Appeals articulated a broad public privilege and immunity pertinent to the testimony and mental processes of county council members concerning legislation. The opinion quotes from Supreme Court of Virginia v. Consumers Union 446 US 719 (1980) for the proposition that

"The purpose of this immunity is intended to assure that the legislative function may be performed independently without fear of outside interference...To preserve legislative independence, we have concluded that 'legislators engaged in the sphere of legislative activity should be protected not only from the consequences of litigation's results but also from the burden of defending themselves...'"

Chief Judge Wilner went on to underline that a legislator "...cannot be compelled to explain, other than before the legislative body of which he is a member, either his legislative conduct or the events that occurred in a legislative session."

Moreover, the Schooley court held that the County was entitled to invoke the privilege and immunity when the attack is made on the legislative body as a whole. As Judge Wilner put it so well:

"It is, indeed, the cumulative effect of these individual privileges that serves the broader public purpose of the privilege - protecting the independence and integrity of the Legislature as an institution of republican government. The problem is a very practical one, but one that raises quite clearly the underlying Constitutional concern."

Accordingly, the surprising presence and rebuttal testimony of former County Council member Melvin Mintz should have been disallowed. The petitioner produced this testimony to impeach the institutional thought processes of the County Council, and to influence the Board of Appeals to disrespect the legislative deliberations, for lack of consideration of issues alleged to be important. While we believe that Mr. Mintz's testimony is immaterial, its allowance has tainted the proceedings with plain error. The CBA proceedings, therefore, should be discontinued at this time, and a new trial held, on this ground alone.

We add that the Court of Appeals has consistently rejected comparable attempts to bring forth testimony in court from administrative decisionmakers so as to explain their decisions, in the absence of a strong showing of fraud. See Public Service Comm'n v. Patuxent Valley 300 Md. 200 (1984); Montgomery County v. Stevens 337 Md. 471 (1995).

As a practical matter if the testimony of legislative and administrative decisionmakers were consistently allowed, either to buttress or to impeach their rationality, it would make a mockery of the respective functions of these branches and agencies of government and implode the allocation of responsibilities in our republican government.


People's Counsel for Baltimore County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13 day of July, 1995, a copy of the foregoing People's Counsel's Memorandum was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204; to G. Macy Nelson, Esquire, 201 N. Charles Street, Suite 2000, Baltimore, MD 21201, and to Mr. Kenneth Bosley, Box 334, Cockeysville, MD 21030.


PETER MAX ZIMMERMAN



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 13, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Reclassification
Toll House, Inc.
Case No. CR-95-138
Item 3, Cycle IV 1994

Dear Chairman Schuetz:

Enclosed is a brief Memorandum concerning the problem of Petitioner's standing, and concerning the admissibility of testimony from a former County Council member.

We hope this will assist the Board in its deliberations.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/caf

cc: G. Scott Barhight, Esquire

G. Macy Nelson, Esquire

Mr. Kenneth Bosley

JUL 13 PM 4:56

TOLL HOUSE, INC.

RECLASSIFICATION FROM
R.C. 2 TO R.C. 4

* COUNTY BOARD OF APPEALS

* OF BALTIMORE COUNTY

* CASE NO. CR-95-138

* ITEM NO. 3, CYCLE IV

* 1994

* * * * *

PETITIONER'S OPPOSITION TO MOTION TO DISMISS PETITION FOR RECLASSIFICATION

AND

**PETITIONER'S MOTION TO AMEND PETITION FOR RECLASSIFICATION
TO CHANGE THE NAME OF THE PETITIONER**

The Petitioner, Hayfield, Inc., by its attorneys, G. Scott Barhight and Whiteford, Taylor & Preston, hereby submits this Opposition to Motion to Dismiss Petition for Reclassification, and Motion to Amend Petition to Change Name of the Petitioner and states as follows:

FACTS

Petitioners made a Motion to Amend the Petition for Reclassification to Change the Name of the Petitioner from Toll House, Inc. to Hayfield, Inc. The Protestants objected to the amendment and made a Motion to Dismiss the Petition for Reclassification based on the allegation that Toll House, Inc. has no standing to file a Petition for Reclassification because it is not an existing corporation and is not the owner of Hayfields Farm. The Protestants filed a Memorandum in Support of its Motion to Dismiss the Petition for Reclassification.

80:6 17 21 100 56

The actual owner of the property at issue is Hayfield, Inc.. As evidenced by Exhibit 1 attached hereto, the original named Petitioner, Toll House, Inc., is the same corporation as Hayfield, Inc., with a name change. Hayfield, Inc.'s corporate structure is the exact same as Toll House, Inc. and the same corporate entity holds title to the subject property. The Board of Directors of Toll House, Inc. desired to amend its Articles of Incorporation to provide a new name for its corporation. The Article of Amendment which changed the name of the corporation from Toll House, Inc. to Hayfield, Inc. was executed on February 6, 1987 and recorded with the State Department of Assessments and Taxation on February 11, 1987.

DISCUSSION

Amendments to pleadings should be freely allowed in order to promote justice so that cases will be tried on their merits rather than upon the niceties of pleadings. Crowe v. Houseworth, 272 Md. 481 (1974). This rule is designed to place a case on trial on its merits thereby fostering justice over adhering to antiquated technicalities. Staub v. Staub, 31 Md. App. 478 (1976). The test used in applying the standard is whether the substantial rights of the parties have been affected and the opposing party has been prejudiced by the amendment. Cherry v. Brothers, 306 Md. 84 (1986).

In Crowe, Plaintiff instituted an action in trespass against Defendant. Defendant moved to dismiss the Complaint based on the fact that Plaintiff was but one of eleven owners who were all joint tenants and that the other owners must be made a party to the case. The trial court granted the Motion to Dismiss and the Court of Appeals

reversed. The Court of Appeals held that the Defendant could in no way be prejudiced by the appearance of additional parties who could have been made parties when the action was initially brought. The court based its finding of no prejudice on the fact that the gravaman of the action and the measure of damages was not affected by the addition of new parties.

In Cherry, Appellant filed a Notice to Nullify Award of a Health Claims Arbitration Decision in the wrong form. It filed the Notice in the HCAO instead of the Circuit Court. Defendants (Appellees) filed a Motion to Dismiss the Notice of Action to Nullify the Award in the HCAO. The trial court granted the Motion and the Court of Appeals reversed the trial court. The Court of Appeals held that the miscaption on the Notice did not affect the substantial rights of the parties and that the Defendants were not misled. The Notice alerted the Appellee of the Appellant's intent to reject the arbitration award and commence with court action to nullify. In other words, the Notice performed its function.

In the instant case the gravaman of the action and the relief sought in the reclassification case will not be changed or affected in any way by a changing of the names of the Petitioner. The issues which the Protestants needed to be prepared for before the Board of Appeals were in no way altered or changed by the name of the Petitioner. Toll House, Inc., has the same corporate structure as that of Hayfield, Inc. There is no conceivable way that the Protestants could have been prejudiced by the fact that Toll House, Inc. and not Hayfield, Inc., originally filed the Reclassification Petition.

The instant case and Cherry are analogous. The reclassification served its function of placing the Protestants on notice that the Mangioni family intended to seek a reclassification of the Hayfields Farm from R.C. 2 to R.C. 4. The fact that the Mangioni family was acting through the corporate vehicle of Hayfield, Inc. and not its previous entity, Toll House, Inc., was not relevant for the issues in which the Protestants needed to prepare for the hearing.

The cases cited by the Protestants are inapposite. Parkside Terrace Apartments, Inc., v. Lindner, 252 Md. 271 (1968) simply stands for the proposition that a Plaintiff may not sue a corporation which was effectively dissolved. Atlantic Mill and Lumber Realty Co. v. Edward Keefer, et al., 179 Md. 496 (1941) held that a corporation whose charter was forfeited was not the proper party to file suit and had no standing to bring the case. In the instant case, the Articles of Incorporation were simply amended to change the name of the corporate entity from Toll House, Inc. to Hayfield, Inc. At no time was the corporate charter of the corporate entity forfeited. Further, Atlantic Mill & Lumber Realty Co. is a 1941 case and more recent case law stresses that amendments to pleadings should be granted freely in order to promote justice and to place the case on trial on its merits thereby fostering justice over adhering to **antiquated technicalities**. Staub, supra.

Petitioner made a similar Motion to Amend to Change the Name of Petitioner in the Special Exception case before the Zoning Commissioner. The Zoning Commissioner granted the motion and stated on page 31 of its opinion filed June 30, 1995:

"I accepted an amendment to the Petition during the course of a public hearing changing the name of Petitioner. I do not see this error as a fatal flaw in the case. There is no prejudice

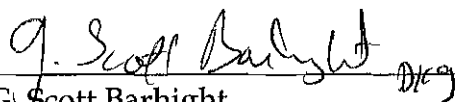
to the Protestants by allowing this amendment. I will not follow form over substance on this issue. The arguments offered by counsel for the Petitioner in their Memorandum are adopted. The misdesignation on the original Petition should not operate as a bar to consideration of the merits of the special exception."

CONCLUSION

Toll House, Inc. and Hayfield, Inc. are the exact same corporate entity, with a name change. The Protestants have not produced any evidence on the issue of how they would be prejudiced by an Amendment to the Petition to Change the Name of the Petitioner.

WHEREFORE, it is respectfully requested that this Honorable Board DENY the Protestants Motion to Dismiss the Petition, and GRANT the Petitioner's Motion to Amend the Petition to Change the Name of the Petitioner from Toll House, Inc. to Hayfield, Inc.

Respectfully requested,


G. Scott Barhight
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
400 Court Towers
Towson, Maryland 21204
(410) 832-2000

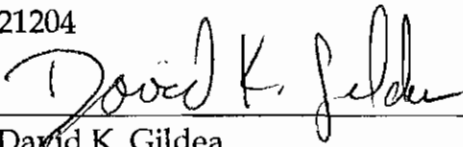
Attorneys for Petitioner Hayfield, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July, 1995, a copy of the foregoing
Opposition to Motion to Dismiss Petition for Reclassification, and Motion to Amend the
Name of Petitioner was mailed, postage prepaid, to:

G. Macy Nelson, Esquire
Anderson, Coe & King
Suite 200
201 N, Charles Street
Baltimore, Maryland 21201

Peter Max Zimmerman, Esquire
People's Counsel
Old Court House, Rm 47
400 Washington Ave.
Towson, MD 21204



David K. Gildea



STATE OF MARYLAND

State Department of Assessments and Taxation

FEB 20 1987

THE
ARTICLES OF AMENDMENT
OF
TOLL HOUSE, INC.
CHANGING ITS NAME TO:
HAYFIELD, INC.

Have BEEN RECEIVED AND APPROVED BY THE STATE DEPARTMENT OF ASSESSMENTS
AND TAXATION THIS 11th DAY OF February, 1987 at 10:47 A.M.
AND WILL BE RECORDED.

By: Dean W. Kitchen
Corporate Administrator

<u>FEE PAID</u>	<u>FEE CODE</u>	<u>AMOUNT</u>	<u>CO. CODE</u>	<u>DOCUMENT REFERENCE</u>

95 JUL 12 PM 5:37

ARTICLE OF AMENDMENT

TOLL HOUSE, INC.

February 6, 1987

WHEREAS, the Board of Directors of Toll House, Inc. desire to amend the Articles of Incorporation to provide a new name for said Corporation;

RESOLVED, that the Articles of Incorporation be, and they hereby are amended by striking therefrom Section SECOND, and adding thereto the following new Section SECOND, so that Section SECOND of the articles of Incorporation, as amended, shall read as follows:

"SECOND: The name of the corporation shall be
"HAYFIELD, INC."

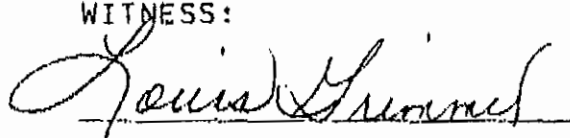
The amendment was approved by a majority of the entire Board of Directors.

No stock entitled to be voted on the matter was outstanding or subscribed for at the time of approval.

RESOLVED FURTHER, that said amendment is hereby adopted and approved.

WITNESS the execution hereof the day and year first above written:

WITNESS:

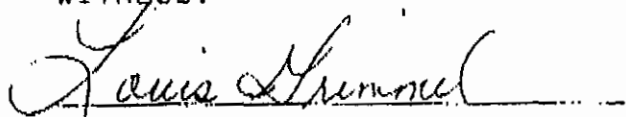

Louis Grimmel

TOLL HOUSE, INC.

Nicholas B. Mangione
President

THE UNDERSIGNED, President of TOLL HOUSE, INC., who executed on behalf of the said Corporation, the foregoing Articles of Amendment, of which this certificate is made a part, hereby acknowledges, in the name and on behalf of said Corporation, the foregoing Articles of Amendment to be the corporate act of said corporation and further certifies that, to the best of his knowledge, information and belief, the matters and facts set forth therein with respect to the approval thereof are true in all material respects, under the penalties of perjury.

WITNESS:


Louis Grimmel

TOLL HOUSE, INC.

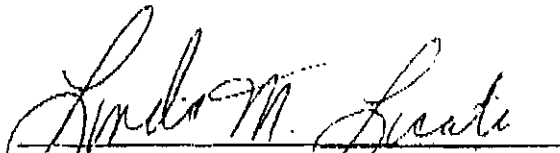
Nicholas B. Mangione
President

NOTIFICATION

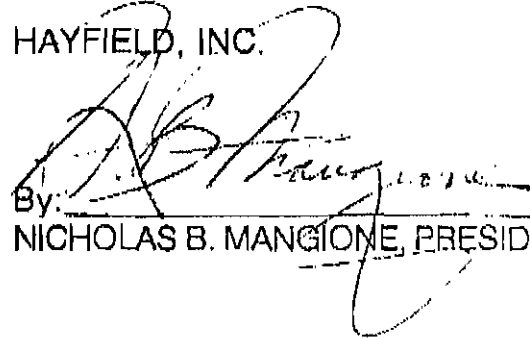
TO: All Interested Parties

Please take notice that Toll House, Inc., Grantee in a deed dated December 10, 1986, and recorded among the land records of Baltimore County in Liber S.M. 7362, Folio 289, , has as a result of a corporate resolution for charter amendment dated February 6, 1987, had it's name changed and is now known as HAYFIELD, INC., a corporate body of the State of Maryland (See attachment A and B attached hereto).

ATTEST


LINDA LICATA, SECRETARY

HAYFIELD, INC.


By: NICHOLAS B. MANGIONE, PRESIDENT

RETURN TO: Joseph C. LaVerghetta
1205 York Road, Suite 39C
Lutherville, MD 21093

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

July 12, 1995

VIA HAND DELIVERY

County Board of Appeals of
Baltimore County
400 Washington Avenue
Room 49
Towson, Maryland 21204

**Re: Toll House, Inc.
Reclassification from R.C. 2 to R.C. 4
Our File No: 01332/00001**

Dear Sir/Madam:

Enclosed please find for filing an original and one copy of our Petitioner's Opposition to Motion to Dismiss Petition for Reclassification and Petitioner's Motion to Amend Petition for Reclassification to Change the Name of the Petitioner with regard to the captioned case.

Sincerely yours,



G. Scott Barhight

GSB:mbb

Enclosures

52997

75 JUL 12 21 1995

Toll House, Inc,

*

**County Board of Appeals
of Baltimore County**

*

Case #CR-95-138

**Reclassification:
From R.C. 2 to R.C. 4**

*

**Item #3, Cycle IV
1994**

* * * * *

**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS
PETITION FOR RECLASSIFICATION**

Toll House, Inc. does not have standing to file a petition for reclassification because it is not an existing corporation and is not the owner of Hayfields Farm. Protestants respectfully request that the Board of Appeals dismiss the petition for reclassification because Toll House, Inc. does not exist and, therefore, does not have standing.

Maryland law supports the dismissal of the petition for reclassification. In *Parkside Terrace Apartments, Inc. v. Lindner*, 252 Md. 271 (1968), Parkside Terrace Apartments, Inc. ("Parkside") filed articles of dissolution on November 2, 1963. Several months later Parkside sued Lindner. The Court of Appeals affirmed the directed verdict for Lindner because Parkside filed suit after it was effectively dissolved. Similarly, in *Atlantic Mill and Lumber Realty Co. v. Edward Keefer, et al.*, 179 Md. 496 (1941) the plaintiff, Atlantic Mill and Lumber Realty Co., Inc., filed a mechanic's lien. Later the plaintiff amended the pleadings to reflect that the correct name of the plaintiff was Herman M. Meyer, trading as the Atlantic Mill and Lumber Company. It was undisputed that charter of Atlantic Mill and Lumber Realty Co., Inc. was forfeited. The Court of Appeals affirmed the dismissal of the claim because Atlantic Mill and Lumber Realty Co., Inc. did

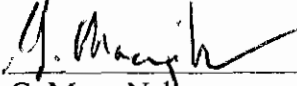
not have standing to bring the case because it was not in existence at the time suit was filed and because the amended claim with the correct party was not timely.

In the related Special Exception case, Petitioner relied on *Crowe v. Houseworth*, 272 Md. 481 (1974) and *Cherry v. Brothers*, 306 Md. 84 (1986) for the proposition that Toll House, Inc. has standing to file the petition for reclassification even though it did not exist when the reclassification process was begun and does not exist now. Neither case holds that a non-existent corporation like Toll House, Inc. can initiate a legal proceeding. Furthermore, the Petitioner has not cited any case that upheld the right of a non-existent corporation to bring a legal action on the grounds that the opposing party was not prejudiced. In *Crowe*, one joint tenant of property, Ellis Crowe, filed a timely suit for trespass seeking compensatory damages. The defendant filed a motion raising preliminary objection because the plaintiff was just one of eleven joint tenants. The circuit court held a hearing several years later and entered judgment for the defendant. "The trial court seems to have been of the impression that ... [Ellis] Crowe's proffer of joining his brothers and sisters as parties was barred by limitations." *Id.* 481. The Court of Appeals reversed and held that the claims of additional plaintiffs related back to the date of the filing of the first individual plaintiff. *Cherry* is also not relevant to the issue in the Hayfields reclassification case. *Cherry* was a medical malpractice case where the Court of Appeals analyzed the significance of a pleading which had the correct names of the parties with an improper caption on it.

The Protestants respectfully request that the Board of Appeals dismiss the petition because the named Petitioner has no standing. Petitioner has not cited one case where the Court of Appeals upheld the right of a non-existent corporation to bring any type of a legal action. The Petitioner's error in selecting the identity of the Petitioner is a jurisdictional one that cannot be

cured. If the true owner of the property wants to seek a reclassification, it should file a new petition properly in its name.

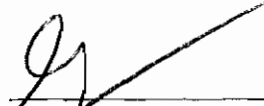
Respectfully Submitted,



G. Macy Nelson
Anderson, Coe and King
Suite 200
201 North Charles Street
Baltimore, Maryland 21201
410-752-1630
Attorney for Protestants

CERTIFICATE OF SERVICE

I hereby certify in this ____ day of June, 1995, I hand delivered a copy of Protestants' Memorandum in Support of Motion to Dismiss Petition for Reclassification to G. Scott Barhight, Whiteford, Taylor and Preston, 500 Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204-4515 and Kenneth T. Bosley, P.O. Box 585, Sparks, Maryland 21152.



G. Macy Nelson

haymemo3

CR-95-138



Petition for Reclassification to the Board of Appeals of Baltimore County for the property located at 301 Western Run Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the

Zoning Law of Baltimore County, from an RC-2 and RC-4* zone to an RC-2 and RC-4** zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County:

*current RC-2 (295.9 acres +/-), RC-4 (178.5 acres +/-)
** proposed RC-2 (153.5 acres +/-, RC-4 (320.9 acres +/-)

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight
(Type or Print Name)

Signature

4th Floor

210 W. Pennsylvania Ave 832-2050
Address Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

Toll House, Inc.
(Type or Print Name)

Signature

John M. Mangione

(Type or Print Name)

Signature

1205 York Road

Address

Phone No.

Lutherville, MD 21093

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

G. Scott Barhight
Name

832-2050

210 W. Pennsylvania Ave, 4th Floor
Address Towson, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date: _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



COPIES OF THIS PETITION
TO BE FILED IN THE
OFFICE OF THE CLERK
AUG 30 PM 4:07

info
OK to file
8/30/94

JUSTIFICATION STATEMENT

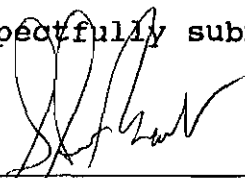
Hayfields Property
Owner: Toll House, Inc.

Toll House, Inc., Petitioner, by its attorneys, G. Scott Barhight and Whiteford, Taylor & Preston, hereby submits this Justification Statement in support of the Petition for Reclassification. The existing RC-2/RC-4 zone line is in error. There is no rational basis for the current location. The Petitioner intends to develop an 18 hole golf course community with 60 single family home sites. The documented site plan limits, restricts and commits the developer to the proposed golf course community. The golf course community will be constructed in an environmentally sensitive fashion, preserving the existing structures listed on the Baltimore County Final Landmarks Preservations List. The golf course will be semi-private, serving the acknowledged and overwhelming demand for golf in Baltimore County. The golf course community will be constructed and operated in a fashion that will not harm the health, safety or general welfare of the community. In fact, the golf course community will be an important amenity for the Hunt Valley growth area. For these and other reasons to be presented at the hearing, the zoning reclassification as limited by the documented site plan, should be approved.

Respectfully submitted,

Date: August 30, 1994

By:


G. Scott Barhight
Whiteford, Taylor & Preston
400 Court Towers
210 W. Pennsylvania Ave
Towson, Maryland 21204
(410) 832-2050

Description
To Accompany Petition for Documented
Site Plan Zoning Reclassification
133.1 Acre Parcel and 9.3 Acre Parcel
Part of Toll House, Incorporated Property
North Side of Shawan Road, West of Western Run Road
Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
 Towson, Maryland 21286
 410 296 3333
 Fax 296 4705

*A Team of Land Planners,
 Landscape Architects,
 Engineers, Surveyors &
 Environmental Professionals*

Beginning for the first in the centerline of Shawan Road (30 feet wide) at a point distant 2580 feet, more or less, as measured northwesterly along said centerline of Shawan Road from its intersection with the centerline of the Baltimore Harrisburg Expressway (I-83), thence running from the aforementioned point of beginning and binding on said centerline of Shawan Road the following two courses and distances, viz: (1) North 70 degrees 17 minutes 24 seconds West 73.71 feet, and thence (2) North 69 degrees 44 minutes 49 seconds West 415.91 feet, thence leaving said centerline and running for new zoning lines the following twelve courses and distances, viz: (3) North 01 degree 54 minutes 45 seconds East 301.48 feet, thence (4) North 21 degrees 35 minutes 43 seconds East 243.38 feet, thence (5) North 04 degrees 52 minutes 33 seconds West 343.17 feet, thence (6) North 23 degrees 49 minutes 50 seconds West 213.73 feet, thence (7) North 08 degrees 34 minutes 23 seconds West 498.73 feet, thence (8) North 35 degrees 14 minutes 47 seconds East 238.01 feet, thence (9) North 19 degrees 50 minutes 26 seconds West 317.02 feet, thence (10) South 80 degrees 23 minutes 49 seconds West 157.94 feet, thence (11) North 79 degrees 26 minutes 17 seconds West 478.61 feet, thence (12) North 41 degrees 29 minutes 30 seconds West 187.82 feet, thence (13)

North 21 degrees 23 minutes 54 seconds East 391.25 feet, and thence (14) North 03 degrees 21 minutes 45 seconds West 1135.21 feet to the existing RC-2 and RC-4 zoning line as shown on the 1992 Comprehensive Zoning Map of Baltimore County, thence binding on the said zoning line the following two courses and distances, viz: (15) South 69 degrees 52 minutes 53 seconds East 3391.18 feet, and thence (16) North 86 degrees 52 minutes 12 seconds East 316.13 feet to the westernmost right-of-way line of the said Baltimore Harrisburg Expressway (I-83) as shown on S.R.C. Plat Nos. 43273, 43274, and 43272, thence binding on said westernmost right-of-way the following eight courses and distances, viz: (17) South 14 degrees 59 minutes 39 seconds West 72.22 feet, thence (18) South 06 degrees 30 minutes 29 seconds West 311.70 feet, thence (19) South 04 degrees 13 minutes 10 seconds West 155.09 feet, thence (20) South 00 degrees 26 minutes 12 seconds East 52.10 feet, thence (21) South 03 degrees 53 minutes 51 seconds East 104.98 feet, thence (22) South 14 degrees 58 minutes 29 seconds West 153.78 feet, thence (23) South 09 degrees 37 minutes 20 seconds West 102.15 feet, and thence (24) South 06 degrees 45 minutes 15 seconds West 25.64 feet, thence (25) North 85 degrees 40 minutes 16 seconds West 139.33 feet to the centerline of Western Run Road (40 feet wide), thence binding on said centerline (26) South 05 degrees 49 minutes 10 seconds East 702.87 feet, thence leaving said centerline (27) South 84 degrees 10 minutes 50 seconds West 14.26 feet to the westernmost side of said Western Run Road, thence binding on said westernmost side the following fourteen courses and distances, viz: (28) South 30 degrees 27 minutes 28 seconds West 51.95 feet, thence (29) South 05 degrees 49 minutes 10 seconds East 25.85 feet, thence (30) Southeasterly by a line curving right with a radius of 957.26 feet the arc length of 107.14 feet with a chord bearing South 02 degrees 36 minutes 46 seconds

East 107.09 feet, thence (31) South 13 degrees 14 minutes 08 seconds West 189.80 feet, thence (32) Southwesterly by a line curving right with a radius of 934.26 feet the arc length of 139.82 feet with a chord bearing South 16 degrees 18 minutes 52 seconds West 139.69 feet, thence (33) South 26 degrees 57 minutes 01 second West 46.68 feet, thence (34) Southwesterly by a line curving right with a radius of 950.26 feet the arc length of 232.04 feet with a chord bearing South 30 degrees 36 minutes 39 seconds West 231.44 feet, thence (35) South 26 degrees 00 minutes 41 seconds West 36.04 feet, thence (36) South 36 degrees 40 minutes 35 seconds West 212.64 feet, thence (37) South 37 degrees 51 minutes 00 seconds West 250.16 feet, thence (38) South 58 degrees 50 minutes 08 seconds West 37.00 feet, thence (39) South 39 degrees 54 minutes 25 seconds West 70.00 feet, thence (40) South 36 degrees 29 minutes 20 seconds West 83.75 feet, and thence (41) Southwesterly by a line curving right with a radius of 230.17 feet the arc length of 158.92 feet with a chord bearing South 59 degrees 40 minutes 27 seconds West 155.78 feet, thence leaving said westernmost side and running for new zoning lines the following thirty courses and distances, vjz: (42) North 06 degrees 36 minutes 29 seconds West 309.59 feet, thence (43) North 41 degrees 13 minutes 13 seconds West 228.18 feet, thence (44) North 22 degrees 23 minutes 11 seconds East 67.07 feet, thence (45) North 53 degrees 11 minutes 43 seconds East 158.92 feet, thence (46) North 12 degrees 37 minutes 22 seconds West 127.59 feet, thence (47) North 49 degrees 38 minutes 02 seconds East 229.38 feet, thence (48) North 11 degrees 16 minutes 13 seconds East 200.06 feet, thence (49) North 47 degrees 10 minutes 36 seconds East 279.31 feet, thence (50) North 13 degrees 22 minutes 35 seconds East 123.63 feet, thence (51) North 43 degrees 31 minutes 12 seconds East 299.56 feet, thence (52) North 16 degrees 43 minutes 08 seconds West 448.59 feet, thence (53) North 66 degrees 57 minutes 27 seconds East 269.77 feet, thence (54) North 02 degrees 26 minutes 30

seconds West 241.91 feet, thence (55) Southwesterly by a line curving left with a radius of 730.00 feet the arc length of 131.72 feet with a chord bearing South 75 degrees 08 minutes 26 seconds West 131.54 feet, thence (56) Southwesterly by a line curving right with a radius of 700.00 feet the arc length of 427.85 feet with a chord bearing South 87 degrees 28 minutes 54 seconds West 421.22 feet, thence (57) Northwesterly by a line curving left with a radius of 935.00 feet the arc length of 476.91 feet with a chord bearing North 89 degrees 37 minutes 14 seconds West 471.76 feet, thence (58) Southwesterly by a line curving right with a radius of 650.00 feet the arc length of 295.85 feet with a chord bearing South 88 degrees 48 minutes 23 seconds West 293.31 feet, thence (59) South 20 degrees 45 minutes 59 seconds West 202.00 feet, thence (60) North 78 degrees 59 minutes 31 seconds West 837.20 feet, thence (61) South 44 degrees 54 minutes 02 seconds West 229.63 feet, thence (62) South 17 degrees 13 minutes 00 seconds West 288.08 feet, thence (63) South 17 degrees 16 minutes 13 seconds East 407.98 feet, thence (64) South 29 degrees 58 minutes 12 seconds East 130.91 feet, thence (65) South 14 degrees 37 minutes 09 seconds East 150.33 feet, thence (66) South 46 degrees 11 minutes 46 seconds East 89.85 feet, thence (67) North 85 degrees 54 minutes 32 seconds East 108.46 feet, thence (68) South 19 degrees 42 minutes 11 seconds East 91.27 feet, thence (69) South 50 degrees 05 minutes 04 seconds West 245.16 feet, thence (70) South 10 degrees 40 minutes 55 seconds West 150.26 feet, and thence (71) South 10 degrees 08 minutes 22 seconds East 560.57 feet to the point of beginning; containing 133.1 acres of land, more or less.

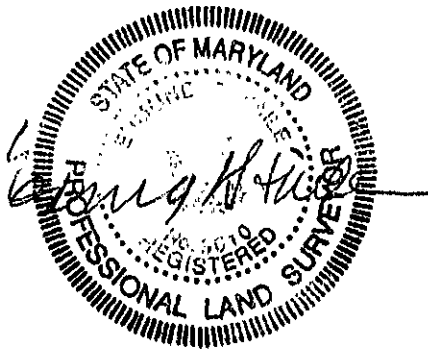
Beginning for the second in the centerline of Shawan Road (30 feet wide) at a point being distant 3860 feet, more or less, as measured northwesterly along said centerline of said Shawan Road from its intersection with the centerline of the

Baltimore Harrisburg Expressway (I-83), thence running from the aforementioned point of beginning and binding on said centerline of Shawan Road (1) North 70 degrees 45 minutes 49 seconds West 458.36 feet, thence leaving said centerline (2) North 02 degrees 28 minutes 49 seconds West 1376.93 feet, thence running for new zoning lines the following six courses and distances, viz: (3) South 38 degrees 49 minutes 49 seconds East 562.26 feet, thence (4) South 13 degrees 21 minutes 53 seconds West 198.45 feet, thence (5) South 10 degrees 32 minutes 22 seconds East 158.50 feet, thence (6) South 09 degrees 40 minutes 52 seconds West 156.59 feet, thence (7) South 27 degrees 06 minutes 48 seconds East 252.44 feet, and thence (8) South 10 degrees 40 minutes 23 seconds East 367.04 feet to the point of beginning; containing 9.3 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 29, 1994

Project No. 93005.F (L93005F)



AMENDED



Petition for Reclassification to the Board of Appeals of Baltimore County for the property located at 301 Western Run Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the

RC-4* RC-4**

Zoning Law of Baltimore County, from an RC-2 and zone to an RC-2 and zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County:

* current RC-2 (295.9 acres +/-), RC-4 (178.5 acres +/-)

** proposed RC-2 (227.0 acres +/-), RC-4 (247.4 acres +/-);

The Petition seeks reclassification of 68.9 acres from RC-2 to RC-4.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

(Type or Print Name)

Signature

4th Floor

210 W. Pennsylvania Ave. 832-2050

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

Toll House, Inc.

(Type or Print Name)

Signature Director

John M. Mangione

(Type or Print Name)

Signature

1205 York Road

Address

Phone No.

Lutherville, MD 21093

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

G. Scott Barhight

Name 210 W. Pennsylvania Ave.

Towson, MD 21204

832-2050

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

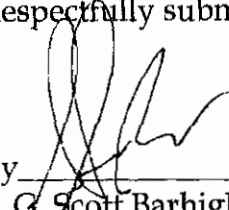
JUSTIFICATION STATEMENT

Hayfields Property
Owner: Toll House, Inc.

Toll House, Inc., Petitioner, by its attorneys, G. Scott Barhight and Whiteford, Taylor & Preston, hereby submits this Justification Statement in support of the Petition for Reclassification. The existing RC-2/RC-4 zone line is in error. There is no rational basis for the current location. The Petitioner intends to develop an 18 hole golf course community with 50 single family home sites. The golf course community will be constructed in an environmentally sensitive fashion, preserving the existing structures listed on the Baltimore County Final Landmarks Preservations List. The golf course will be semi-private, serving the acknowledged and overwhelming demand for golf in Baltimore County. The golf course community will be constructed and operated in a fashion that will not harm the health, safety or general welfare of the community. In fact, the golf course community will be an important amenity for the Hunt Valley growth area. For these and other reasons to be presented at the hearing, the zoning reclassification as limited by the documented site plan, should be approved.

Respectfully submitted,

By



G. Scott Barhight
Whiteford, Taylor & Preston
400 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 832-2050

Date: January 24, 1995

Description
To Accompany Petition for Documented
Site Plan Zoning Reclassification
49.720 Acre Parcel and 19.222 Acre Parcel
Part of Toll House, Incorporated, Property
North Side of Shawan Road, West of Western Run Road
Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the first on the westernmost right-of-way line of the Baltimore-Harrisburg Expressway (I-83) at the point formed by the intersection of said right-of-way line with the division line between the land zoned RC-2 and the land zoned RC-4 as shown on the 1992 Comprehensive Zoning Map for Baltimore County, said point of beginning being situate at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of the Baltimore-Harrisburg Expressway with the centerline of Shawan Road (1) Northeasterly 3,120 feet, more or less, and thence (2) Northwesterly 190 feet, more or less, to the point of beginning, thence leaving said point of beginning and running and binding on said westernmost right-of-way line the following five courses and distances, viz: (1) South 14 degrees 59 minutes 39 seconds West 72.22 feet, thence (2) South 06 degrees 30 minutes 29 seconds West 311.70 feet, thence (3) South 04 degrees 13 minutes 10 seconds West 155.09 feet, thence (4) South 00 degrees 26 minutes 12 seconds East 52.10 feet, and thence (5) South 03 degrees 53 minutes 51 seconds East 61.26 feet, thence leaving said westernmost right-of-way line and running the following eleven courses and distances, viz: (6) North 71 degrees 35 minutes 39 seconds West 141.32 feet, thence (7) South 80 degrees 01 minutes 39 seconds West

286.07 feet, thence (8) South 71 degrees 20 minutes 18 seconds West 401.90 feet, thence (9) North 88 degrees 37 minutes 36 seconds West 408.48 feet, thence (10) North 82 degrees 56 minutes 50 seconds West 310.31 feet, thence (11) North 55 degrees 22 minutes 49 seconds West 437.93 feet, thence (12) South 87 degrees 32 minutes 33 seconds West 258.63 feet, thence (13) North 16 degrees 09 minutes 21 seconds West 339.69 feet, thence (14) North 11 degrees 52 minutes 42 seconds East 176.55 feet, thence (15) North 14 degrees 35 minutes 45 seconds West 199.45 feet, and thence (16) North 07 degrees 41 minutes 08 seconds West 544.79 feet to intersect the aforementioned zoning division lines, thence running and binding thereon the two following courses and distances, viz: (17) South 69 degrees 52 minutes 53 seconds East 2191.97 feet, and thence (18) North 86 degrees 52 minutes 12 seconds East 316.13 feet to the point of beginning; containing 49.720 acres of land, more or less.

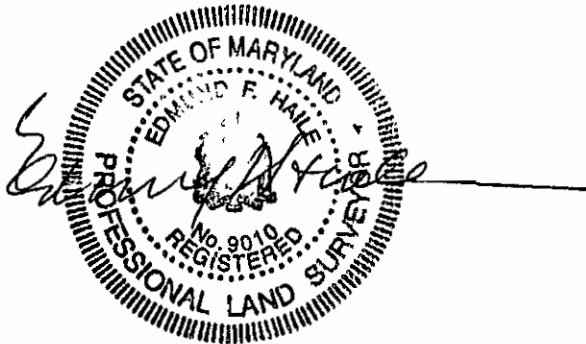
Beginning for the second at the end of the following course and distance measured from the intersection of the centerline of the Baltimore-Harrisburg Expressway with the centerline of Shawan Road (1) North 47 degrees 45 minutes West 5,765 feet, more or less, to the point of beginning, thence leaving said point of beginning and running (1) North 05 degrees 19 minutes 45 seconds West 465.27 feet to intersect the division line between the land zoned RC-2 and the land zoned RC-4 as shown on the 1992 Comprehensive Zoning Map of Baltimore County, Maryland, thence running with and binding on said lines the two following courses and distances, viz: (2) North 82 degrees 38 minutes 52 seconds East 478.90 feet, and thence (3) South 69 degrees 52 minutes 53 seconds East 1215.26 feet, thence leaving said zoning division line and running the following six courses and distances, viz: (4) South 47 degrees 25 minutes 11 seconds West 575.27 feet, thence (5) South 83 degrees 11 minutes 37 seconds West 329.44 feet, thence (6) South 72 degrees 41 minutes 47

seconds West 245.36 feet, thence (7) South 87 degrees 33 minutes 21 seconds West 127.16 feet, thence (8) North 08 degrees 33 minutes 28 seconds East 427.42 feet, and thence (9) South 87 degrees 32 minutes 34 seconds West 524.94 feet to the point of beginning; containing 19.222 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

January 23, 1995

Project No. 93005 (L93005)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

OR-95-138

District: 8th Date of Posting: 3/18/95
Posted for: Reclassification of zoning
Petitioner: Toll House, Inc.
Location of property: 301 Western Run Rd, N/S Shown Rd
Location of Signs: Facing road way, on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 3/24/95
Signature
Number of Signs: 1



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

#3

150011

(100K)

DATE 8/30/94 ACCOUNT 001-6181

AMOUNT \$ 1,285.00

RECEIVED FROM: Owner - Toll House, Inc.

#078 - Reclass. Petition

FOR: #180 - Sign. Posting
301 Western Run Pk.

03A0380230M1GURC
K C 2 1010195M08-01 94

\$1,285.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 8/30/94

Account: R-001-6150

Number

ITEM #3, CYCLE IV (MJK)
CASE #CR-95-138

#078 - RECLASSIFICATION PETITION ----- \$1,250.00

#080 - SIGN POSTING ----- 35.00

TOTALS ----- \$1,285.00

Toll House, Inc.
301 Western Run Road - Hayfields
Zoning: R.C.-2
District: 8c3
Acres: 142.4
Attorney: Scott Barhight

PAID BY SMALL RECEIPT
#150412

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore City
**Zoning Administration &
Development Management**
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 2/9/95

Account: R-001-6150

Number CR-95-138
Cycle IV; Item #3

DROP-OFF ——— NO REVIEW

#110 - REVISIONS ————— \$100.00

(Petition, Plans, Descriptions, Environmental Impact, Justification, 1000 Scale Map)

Toll House, Inc.
301 Western Run Road (Hayfields)
8th ED; 3rd CD
Attorney: G. Scott Harhight

Check From: Whiteford, Taylor & Preston

01A01H0063AFCURP
ES COLL-30A002-09-95

\$100.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 1, 1995

Toll House, Inc.
1205 York Road
Lutherville, MD 21093

ATTN: JOHN M. MANGIONE

Re: CASE NUMBER: CR-95-138
301 Western Run Road
N/S Shawan Road, W of Western Run Road-Hayfields
8th Election District - 3rd Councilmanic District
Legal Owner: Toll House, Inc.

Gentlemen:

Attached you will find a copy of the newspaper advertising billing in the amount of \$4,750.20 with regard to Zoning Reclassification - Cycle IV. As one of the petitioners in that cycle, you are in part responsible for payment of this bill.

Please forward to this office a check made payable to Patuxent Publishing in the amount of \$950.04 via immediate return mail.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: G. Scott Barhight, Esq.

AJ:ggs

ADVERTISED
CYCLE IV
2/8/95
2/16/95



PETITION OF: HAYFIELD, INC.

CIVIL ACTION # 3-C-95-008791

IN THE MATTER OF TOLL HOUSE, INC.

RECEIVED FROM THE COUNTY BOARD OF
APPEALS EXHIBITS, BOARD'S RECORD
EXTRACT & TRANSCRIPT FILED IN THE
ABOVE-ENTITLED CASE, AND ZONING
COMMISSIONER'S FILE AND EXHIBITS

Susan Willem

Clerk's Office

Date: 11-21-95



County Board of Appeals of Baltimore County

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

November 14, 1994

NOTICE OF HEARING

CASE NUMBER: CR-95-138
301 Western Run Road
N/S Shawan Road, W of Western Run Road-Hayfields
8th Election District - 3rd Councilmanic District
Legal Owner: Toll House, Inc.

HEARING: WEDNESDAY, APRIL 5, 1995 @ 10:00 a.m. ROOM 48, County Board of Appeals Hearing Room, 400 Washington Avenue Towson, MD

Petition to change zoning classification from R.C.-2 to R.C.-4


WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: John M. Mangione/ Toll House, Inc.
G. Scott Barhight





County Board of Appeals of Baltimore County

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

November 14, 1994

NOTICE OF HEARING

CASE NUMBER: CR-95-138
301 Western Run Road
N/S Shawan Road, W of Western Run Road-Hayfields
8th Election District - 3rd Councilmanic District
Legal Owner: Toll House, Inc.

HEARING: WEDNESDAY, APRIL 5, 1995 @ 10:00 a.m. ROOM 48, County Board of Appeals Hearing Room, 400 Washington Avenue Towson, MD

Petition to change zoning classification from R.C.-2 to R.C.-4

William T. Hackett
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: John M. Mangione/ Toll House, Inc.
G. Scott Barhight

*Amended 3/6/95
to add 6/6/95 and
6/6/95 as Day 2 and
Day 3.*





County Board of Appeals of Baltimore County

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

December 14, 1994

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
Towson, MD 21204

RE: Case No. CR-95-138
Toll House, Inc.

Dear Counsel:

The Board is in receipt of letters submitted by both Mr. Barhight and Mr. Zimmerman regarding an amendment to a petition for zoning reclassification. The Board has considered this correspondence and will continue to proceed in the same manner as it has in the past.

Therefore, this matter has been scheduled for a public hearing on Tuesday, January 24, 1995, at 9:30 a.m. for the sole purpose of receiving an amendment to the subject zoning reclassification petition. No testimony or evidence will be received at this public hearing. Enclosed is a copy of the Board's Notice of Assignment.

Very truly yours,

William T. Hackett, Chairman
County Board of Appeals

cc: Mr. John D. Mangione
Edmund F. Haile, P.E.
Mr. David Locke
Mr. George Gavrelis
Ms. Stephanie N. Hau
Pat Keller
Jeffrey Long
W. Carl Richards, Jr.
Docket Clerk /ZADM ✓
Arnold Jablon, Director /ZADM

RECEIVED

DEC 15 1994

ZADM





County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 14, 1994

NOTICE OF ASSIGNMENT /TO FILE AMENDMENT ONLY

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE #CR-95-138

TOLL HOUSE, INC.

N/s Shawan Road, W of Western Run Road -
Hayfields 301 Western Run Road

Item #3, Cycle IV
1994

8th Election District
3rd Councilmanic District

Reclassification: From R.C. 2 to R.C. 4

8/30/94 -Petition for Reclassification
filed.

has been assigned for a public hearing before the Board for the sole purpose of filing an amendment to the zoning reclassification petition; no testimony or evidence on the merits of the reclassification petition will be received at this public hearing; and has been

ASSIGNED FOR: TUESDAY, JANUARY 24, 1995 at 9:30 a.m.

cc: G. Scott Barhight, Esquire Counsel for Petitioner
John M. Mangione, Director Petitioner
Toll House, Inc.

Ms. Robin Breiteneker
John Bernstein, Exec. Director
Valleys Planning Council
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Dir. /ZADM

Kathleen C. Weidenhammer
Administrative Assistant





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 5, 1995

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Petition for Reclassification
TOLL HOUSE, INC., Petitioners
Case No. CR-95-138

Dear Chairman Hackett:

Please be advised that it remains the position of this office that there should be notice to the public, including advertising and posting, prior to the scheduled January 24, 1995 hearing, the first hearing on this case.

Very truly yours

Pete H. Zimmerman

Peter Max Zimmerman

PMZ/caf

cc: G. Scott Barhight, Esquire

Arnold Jablon, Director, ZADM

Arnold F. (Pat) Keller, Director, Planning

95 JAN 14 1963



County Board of Appeals of Baltimore County

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

March 7, 1995

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

G. Macy Nelson, Esquire
ANDERSON, COE & KING
Central Savings Bank Building
Suite 2000, 201 N. Charles Street
Baltimore, MD 21201

Re: Case No. CR-95-138
Toll House, Inc. (Hayfields)

Dear Counsel:

This letter will confirm the pre-hearing conference scheduled for Wednesday, March 22, 1995 at 9:00 a.m. in the subject matter.

Also, enclosed is a copy of the Amended Notice of Assignment indicating the two additional hearing dates of June 1 and June 6, 1995.

Should you have any questions, please call me at 887-3180.

Very truly yours,


Kathleen C. Weidenhammer
Administrative Assistant

Enclosure





County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 7, 1995

AMENDED NOTICE OF ASSIGNMENT -Additional Dates

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE #CR-95-138

TOLL HOUSE, INC.

N/s Shawan Road, W of Western Run Road -
Hayfields 301 Western Run Road
8th Election District
3rd Councilmanic District

Item #3, Cycle IV
1994

Reclassification: From R.C. 2 to R.C. 4
8/30/94 -Petition for Reclassification
filed.

which has been scheduled for hearing before the Board has been assigned two additional hearing dates, with agreement of counsel as to dates chosen; and has now been

ASSIGNED FOR: WEDNESDAY, APRIL 5, 1995 at 10:00 a.m. /Day #1
THURSDAY, JUNE 1, 1995 at 10:00 a.m. /Day #2
and TUESDAY, JUNE 6, 1995 at 10:00 a.m. /Day #3

cc: G. Scott Barhight, Esquire
John M. Mangione, Director
Toll House, Inc.
E. Haile /G. Gavrelis /D. Locke
Daft-McCune-Walker
Stephanie N. Hau, President
Chesapeake Env. Management, Inc.
G. Macy Nelson, Esquire
John Bernstein, Exec. Director
Valleys Planning Council (VPC)
Ms. Robin Breitenecker
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Dir. /ZADM

Counsel for Petitioner
Petitioner

Counsel for VPC, et al

RECEIVED
MAR 9 1995

ZADM

Kathleen C. Weidenhammer
Administrative Assistant





County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 1, 1995

NOTICE OF POSPONEMENT OF SCHEDULED DAY #1
AND SCHEDULING OF MEETING WITH COUNSEL

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE #CR-95-138

TOLL HOUSE, INC.

N/s Shawan Road, W of Western Run Road -
Hayfields 301 Western Run Road
8th Election District
3rd Councilmanic District

Item #3, Cycle IV
1994

Reclassification: From R.C. 2 to R.C. 4
8/30/94 -Petition for Reclassification
filed.

which had been scheduled for hearing day #1 before the Board on April 5, 1995 will be postponed on the record that date. A meeting with Counsel has been scheduled immediately thereafter for the purpose of assigning a third hearing day in June 1995, in addition to June 1 and June 6, which have already been scheduled. No testimony or evidence will be received by the Board on Wednesday, April 5, 1995.

cc: G. Scott Barhight, Esquire
John M. Mangione, Director
Toll House, Inc.
E. Haile /G. Gavrelis /D. Locke
Daft-McCune-Walker
Stephanie N. Hau, President
Chesapeake Env. Management, Inc.
G. Macy Nelson, Esquire
John Bernstein, Exec. Director
Valleys Planning Council (VPC)
Ms. Robin Breiteneker
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt

Counsel for Petitioner
Petitioner
Counsel for VPC, et al
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant





County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 5, 1995

AMENDED NOTICE OF ASSIGNMENT /ADDITIONAL JUNE DATES
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE #CR-95-138

TOLL HOUSE, INC.
N/s Shawan Road, W of Western Run Road -
Hayfields 301 Western Run Road
8th Election District
3rd Councilmanic District

Item #3, Cycle IV
1994

Reclassification: From R.C. 2 to R.C. 4
8/30/94 -Petition for Reclassification
filed.

which was scheduled for hearing before the Board on April 5, 1995
was continued on the record; 6/01/95 assigned as Hearing Day #1;
and, upon confirmation by counsel, has been assigned for a total of
four (4) hearing dates as follows:

REASSIGNED FOR:

~~THURSDAY, JUNE 1, 1995 at 10 am /Day #1~~
~~TUESDAY, JUNE 6, 1995 at 10 am /Day #2~~
WEDNESDAY, JUNE 14, 1995 at 10 am /Day #3
TUESDAY, JUNE 20, 1995 at 10 am /Day #4

cc: G. Scott Barhight, Esquire Counsel for Petitioner
John M. Mangione, Director Petitioner
Toll House, Inc.
E. Haile /G. Gavrelis /D. Locke
Daft-McCune-Walker
Stephanie N. Hau, President
Chesapeake Env. Management, Inc.
G. Macy Nelson, Esquire Counsel for VPC, et al
John Bernstein, Exec. Director
Valleys Planning Council (VPC)
Ms. Robin Breitenecker
Falls Road Community Association
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller W. Carl Richards /ZADM
Jeffrey Long Docket Clerk /ZADM
Lawrence E. Schmidt Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant





County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 21, 1995

NOTICE OF ASSIGNMENT /Day #5

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE #CR-95-138 TOLL HOUSE, INC.
N/s Shawan Road, W of Western Run Road -
Hayfields 301 Western Run Road
Item #3, Cycle IV 8th Election District
1994 3rd Councilmanic District
Day #5 /cont'd from 6/20/95
Reclassification: From R.C. 2 to R.C. 4
8/30/94 -Petition for Reclassification
filed.

ASSIGNED FOR: MONDAY, JULY 10, 1995 at 10 a.m. /Day #5

cc: G. Scott Barhight, Esquire Counsel for Petitioner
John M. Mangione, Director Petitioner
Toll House, Inc.
E. Haile /G. Gavrelis /D. Locke
Daft-McCune-Walker
Stephanie N. Hau, President
Chesapeake Env. Management, Inc.
G. Macy Nelson, Esquire Counsel for VPC, et al
John Bernstein, Exec. Director
Valleys Planning Council (VPC)
Kenneth T. Bosley
Ms. Robin Breiteneker
Falls Road Community Association

James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



IN THE MATTER OF THE
APPLICATION OF TOLL HOUSE,
INC. (HAYFIELD, INC.) FOR A
ZONING RECLASSIFICATION
FROM R.C. 2 TO R.C. 4 ON
PROPERTY LOCATED ON THE
NORTH SIDE OF SHAWAN ROAD,
WEST OF WESTERN RUN ROAD
(HAYFIELDS) 301 WESTERN RUN
ROAD, 8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR BALTIMORE COUNTY
MARYLAND
CASE NO: 95 CV 08791

95 JUL 27 PM 12:30

* * * * *

MEMORANDUM OPINION AND ORDER

This case is before the Court on appeal from an order of the County Board of Appeals of Baltimore County ("Board") denying Hayfield Inc's ("Petitioner/Appellant") Petition for Reclassification of approximately seventy (70) acres from Resource Conservation 2 ("R.C.2") to Resource Conservation 4 ("R.C.4"). The Board may grant a reclassification of zoning on property if a petitioner can show either substantial change in the character of the neighborhood where the property is located or that the last classification was established in error. Baltimore County Code § 2-356(j)(1)-(2). The issue before the Board was whether the Baltimore County Council ("County Council") erred during the 1992 Comprehensive Zoning Map Process ("CZMP"). This Court has examined the record and written briefs submitted by counsel, and both sides were afforded the opportunity to be heard at oral argument on March 27, 1996.

Background

Appellant is a family-owned commercial development and construction company. The subject property, known as "Hayfields

Farm," currently operates as a farm through a lease arrangement with Appellant. The property consists of approximately 471 acres of R.C. 2 and R.C. 4 land. It is located on the northwest corner of Shawan Road and Route 83. The line dividing the R.C.2 land from the R.C.4 land runs from east to west across the northern half of the farm. The R.C. 2 land, consisting of approximately 300 acres, is located to the south of the R.C. 2/R.C. 4 zone line and the remaining land, zoned R.C. 4, is located to the north of that line. The purpose of R.C. 2 zoning is to protect agricultural land. (June 1, 1995 hearing, T. at 124-25) The purpose of R.C. 4 zoning is to protect water quality and watershed of the reservoir areas, as well as agricultural land. Id.

The location of the zone line is at the center of this dispute. (See attached map). Appellant contends that the zone line should be redrawn to approximate the ridge line of the hill. There are approximately seventy acres Petitioner/Appellant seeks to have rezoned from R.C. 2 to R.C. 4. The Hayfields Farm is a historic farm dating back to the early 19th century, and the proposed zoning line would run through a recognized historic structure on the farm property.

The existing line has been in place since 1971. In 1971, the zone line separated the Rural Deferred Planning ("R.D.P.") zoned area to the north of the line and D.R. 3.5 and D.R. 2 to the south of the zoning line. During the 1976 CZMP, the property was reclassified to the current zoning classification of R.C. 2

and R.C. 4. Issues raised during the 1980, 1984, 1988, and 1992 Comprehensive Map Processes were denied. It is interesting to note that none of these issues challenged the location of the zone line.

Appellant bases its request for reclassification on the grounds that the 1992 comprehensive rezoning was established in error. Appellant contends that the Board failed to take into account that in 1971 the existing zone line was positioned incorrectly and that the County Council was precluded from considering the amendments made to the R.C. 4 zone by adoption of Bill 113-92. This Bill, which permits clustering,¹ was adopted by the County Council in June 1992. Appellant states that because this Bill was adopted after January 15, 1992, the last date for raising 1992 CZMP issues, the Board could not have considered the amendments to the R.C. 4 zone during the 1992 CZMP.

During the hearing before the Board, Appellant introduced testimony from John M. Mangione, a principal of Mangione Family Enterprises; Norman E. Gerber, an expert in planning, zoning, and regulatory matters; Edmund F. Haile, an expert in civil engineering and surveying; Stephanie Hau, an expert in hydrology and environmental science; George Gavrelis, an expert in planning and zoning; and Melvin G. Mintz, a former County Councilman for

¹Bill 113-92 requires clustering of homes on thirty percent of any R.C. 4 land over ten acres in size, leaving seventy percent in conservation. Baltimore County Zoning Regulations 1A03.5.

the Second Councilmanic District of Baltimore County. Appearing for the Protestants were John Bernstein, M.D., Executive Director of the Valleys Planning Council; William F. Kirwin, an expert in landscape architecture and planning; Ruth Mascari of the Landmarks Preservation Commission; John Dillon of the Baltimore County Office of Planning and Zoning; Herbert A. Davis, an expert real estate appraiser; Walter S. Lippincott, Jr. of the Department of Environmental Protection & Resource Management; Paul Solomon, an expert in planning and zoning; and several other concerned residents opposed to the reclassification. After five days of open hearings, the Board publicly deliberated pursuant to section 10-505 of the State Government Article of the Annotated Code of Maryland. In a written opinion, the Board found that no mistake or error had occurred during the 1992 CZMP, therefore denying the Petition for Reclassification.

Standard of Review

Judicial review of administrative appeals is governed by Section 10-222(h) of the State Government Article of the Maryland Annotated Code. Section 10-222(h) provides:

In a proceeding under this section, the court may:

- (1) remand the case for further proceedings;
- (2) affirm the final decision; or
- (3) reverse or modify the decision if any substantial right of the petitioner may have been prejudiced because a finding, conclusion, or decision:
 - (I) is unconstitutional;
 - (ii) exceeds the statutory authority or jurisdiction of the final decision maker;
 - (iii) results from an unlawful procedure;
 - (iv) is affected by any other error of law;
 - (v) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or

(vi) is arbitrary and capricious.

Md. Code Ann., State Gov't § 10-222(h) (Supp. 1995).

If the Agency's decision is supported by substantial evidence, then the reviewing court must affirm that decision. Anne Arundel County v. A-Pac, Ltd., 67 Md. App. 122, 126 (Md. Ct. Spec. App. 1986). An agency's decision must be reviewed in the light most favorable to the agency and is *prima facie* correct. Coscan v. Maryland-Nat'l Capital, 87 Md. App. 602, 626 (Md. Ct. Spec. App. 1991). A court must affirm the agency's decision if "a reasoning mind reasonably could have reached the factual conclusion the agency reached." *Id.* Additionally, it is up to the agency to "resolve conflicting evidence and where inconsistent inferences may be drawn from the same evidence, it is for the agency to draw the inferences." *Id.*

Furthermore, in a zoning case alleging error in a comprehensive rezoning, the reviewing court must determine whether the action of the Board is arbitrary and capricious or fairly debatable. Boyce v. Sembly, 25 Md. App. 43, 49-50 (Md. Ct. Spec. App. 1975). There is a strong presumption of correctness in the comprehensive rezoning by the County Council. Anne Arundel County v. A-Pac, Ltd., 67 Md. App. 122 (Md. Ct. Spec. App. 1986); Boyce v. Sembly, 25 Md. App. 43, 49 (Md. Ct. Spec. App. 1975). Therefore, "...strong evidence of error is required to make the issue of mistake in comprehensive zoning fairly debatable and unless such strong evidence is presented by the applicant, the action of the Board in granting a

reclassification is arbitrary and capricious." Boyce, 25 Md. App. at 50. Additionally, the reviewing court may not substitute its judgment for that of the agency's if the issue is rendered fairly debatable. White v. Spring, 109 Md. App. 692, 699 (Md. Ct. Spec. App. 1996).

The basic reason for the fairly debatable standard is that zoning matters are, first of all, legislative functions and, absent arbitrary and capricious actions, are presumptively correct, if based upon substantial evidence, even if substantial evidence to the contrary exists. The zoning agency, in this case, not the court, is considered to be the expert in the assessment of the evidence.

Id.

Discussion

Appellant raises three issues on appeal: 1) whether the Board's decision was based on sufficient evidence; 2) whether the Board applied an incorrect standard of review; and 3) whether the Board failed to comply with the procedural requirements of section 2-356(j) of the Baltimore County Code.

Before addressing the specific issues raised by Appellant, the Court will set forth the relevant law regarding zoning mistake/error. The Court will then address whether the Board applied the correct standard of review, followed by the procedural requirements of section 2-356, and then finally whether the Board's opinion was based on sufficient evidence.

Zoning Mistake/Error

The Board may reclassify property only if it finds that "...there has occurred a substantial change in the character of the neighborhood in which the property is located since the

property was last classified or that the last classification was established in error." Baltimore County Code § 2-356(j)(1); See also White v. Spring, 109 Md. App. at 697; People's Counsel v. Beachwood, 107 Md. App. 627, 639 (Md. Ct. Spec. App. 1995).

Further, if the Board does find change or error, the Board must then determine whether the reclassification is warranted by that change or error. Baltimore County Code § 256(j)(2); See also People's Counsel v. Beachwood, 107 Md. App. at 659. The Baltimore County Code sets forth a list of factors the Board must consider in making this determination. Baltimore County Code § 256(j)(2).

In the case at bar, it is alleged by Appellant that the 1992 zoning classification was established in error. There are two ways to establish error:

Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension. Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect.

Boyce v. Sembly, 25 Md. App. 43, 51 (Md. Ct. Spec. App. 1975) (citations omitted); People's Counsel v. Beachwood, 107 Md. App. at 645. The burden of proof is on the Petitioner to show that the zoning was established in error. A strong presumption of correctness exists with regard to original or comprehensive rezoning, and therefore, the burden on Petitioner is an onerous one. See People's Counsel v. Beachwood, 107 Md. App. at 639;

Boyce v. Sembly, 25 Md. App. at 49; Stratakis v. Beauchamp, 268 Md. 643, 652-53 (1973).

It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the adoption of the map the Council had before it and did, in fact, consider all of the relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at the time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific facts were not readily visible or discernible at the time of the comprehensive zoning, by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account, or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of the comprehensive zoning. Because facts occurring subsequent to a comprehensive zoning were not in existence at the time, and, therefore could not have been considered, there is no necessity to present evidence that such facts were not taken into account by the Council at the time of the comprehensive zoning. Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not fairly debatable.

Boyce v. Sembly, 25 Md. App. at 52 (citations omitted). In Beachwood, the Maryland Court of Special Appeals set forth what is not mistake or error, and in White v. Spring, that court described what is zoning mistake or error. White v. Spring, 109 Md. App. at 697-98.

The finding of a mistake or error is not so much concerned with the logical validity or merit of ultimate conclusion-drawing as it is with the adequacy and accuracy of the factual premises that underlie the conclusion-drawing. A conclusion based on a factual

predicate that is incomplete or inaccurate may be deemed, in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.

People's Counsel v. Beachwood, 107 Md. App. at 645; for further analysis see White v. Spring, 109 Md. App. at 697-99. Further, it is important to note that expert opinion, alone, is not sufficient to establish error. "...[A]n opinion, even that of an expert, is not evidence strong or substantial enough to show error in a comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied upon by him, are themselves substantial and strong enough to do so." Boyce v. Sembly, 25 Md. App. at 53.

Issue 1: Standard of Review

After a review of the relevant case law as well as the Board's opinion, this Court finds that, when considered in its entirety, the Board applied the correct standard of review. The Board recognized that "the underlying test for reclassification in the instant case is whether the County Council erred in the application of the zoning on the subject site during the 1992 Comprehensive Zoning Map Process." August 25, 1995 Opinion of the County Board of Appeals of Baltimore County, Case No. CR-95-138 at 2. Further, the Board correctly stated that "upon proof that the Council erred during the Comprehensive Map Process, the Petitioner shall prove that the prospective reclassification of the property is warranted by that change or error." Id. The Board also recognized that it cannot substitute its judgment for

that of the Council in determining the location of the zoning line. *Id.* at 9-11. After considering all of the evidence, the Board stated that it could not find "in the evidence and the testimony provided that the Council did not consider all the information which was available..." *Id.* at 9. Further, the Board recalled the testimony of Mr. John Dillon that the Council had no erroneous information before it pertaining to the instant site. *Id.* at 8.

Issue 2: Procedural Requirements of Section 2-356

The Board concluded that the Appellant failed to meet its burden of proof, and therefore, denied the petition for reclassification. Board's Opinion at 10. The Board did not consider the factors set forth in Section 2-356(j)(2) of the Baltimore County Code in order to determine whether the proposed reclassification was warranted. The Board determined that this was not necessary because no error was established. *Id.* at 10. Petitioner contends, however, that the Board failed to comply with the procedural requirements of Section 2-356(j)(2) of the Baltimore County Code. That section requires a finding by the Board "[t]hat the prospective reclassification of the property is warranted by that change or error. Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors..." Baltimore County Code § 2-356(j)(2). Implicit in this language is that only if a change or error is established must a consideration of the factors be made. In the case at bar, no

change or error was found by the Board. Therefore, consideration of the factors is not required. See Baltimore County Code § 2-356 (j)(2); White v. Spring, 109 Md. App. at 708; People's Counsel v. Beachwood, 107 Md. App. at 659-660.

Issue 3: Sufficiency of the Evidence

The final issue raised by Appellant is whether the Board's decision was based on sufficient evidence. It is important to keep in mind that it is Petitioner's burden to prove error and only upon such proof may the Board even consider a reclassification of property. Baltimore County Code § 2-356 (j). Appellant claims that error was made during the 1992 comprehensive zoning map process, because the Council failed to consider that the zone line drawn in 1971 was incorrectly positioned, and that the County Council was precluded from considering Bill 113-92 during the 1992 comprehensive zoning process.

The zone line that currently divides the R.C. 2 property from the R.C. 4 property was originally drawn by Mr. Norman Gerber, an expert in planning, zoning, and regulatory matters in 1971. He testified at the hearing before the Board on behalf of Appellant. A review of the record indicates that Mr. Gerber believed that the line was placed in the correct position when he originally drew it in 1971. June 1, 1995, T. at 130-31. Mr. Gerber testified that he drew the line based on what he reasonably thought would be developed from "...the south side, from the Shawan road side of the property." Id. at 94. "I drew

that line based on what I thought to be south of here without requiring any sewers to be extended into the Western run watershed. That's basically what drove the location of that line, not the location of the soils, not necessarily the location of the steep slopes..."² Id. at 142. Over time, however, Mr. Gerber stated that the criteria for determining the proper location of such lines has changed. Id. at 123-24. According to Mr. Gerber, the standards have changed due to the amendments made to the R.C. 4 classification in 1992 by Bill 113-92, as well as by the passage of many other new standards that have developed over the past twenty years. Id. at 123-124. Essentially, Mr. Gerber expressed that by today's standards, the line is incorrectly positioned. He currently believes that where the goal is to protect water quality and the watershed of reservoir areas, R.C. 4 zoning is more appropriate than R.C. 2 zoning. Id. at 124-25. R.C. 2 zoning has only a single purpose and that is to protect agricultural land. Id. On the other hand, by virtue of the amendments made to the R.C. 4 zone in 1992, R.C. 4 zoning now has a dual purpose -- to protect water quality and watershed areas, and also to protect agricultural land. Id.

²On cross examination of Mr. Gerber, it was established that the soil to the south of the zone line is generally prime and productive soil. June 1, 1995, T. at 128. On the other hand, the soil to the north of the line is generally not prime and productive. Id. Furthermore, it was also established that the land to the north of the zone line is steeper than the land to the south of the line. Id. at 129. The soil and slopes are factors a planner considers when placing a line. Id. at 130. Mr. Gerber added, however, that although these may be factors a planner considers today, they were not necessarily factors considered in 1971. Id.

Mr. George Gavrelis, an expert in planning and zoning, also testified for Appellant on the placement of the zone line. He testified that he believes the "1992 comprehensive zoning map which has classified this property in combination of R.C. 4 and R.C. 2 is in error." June 6, 1995, T. at 123.

The present zoning line, the R.C. 2/R.C. 4 zoning line, does not reflect a physical divide or ridge line that's present on this property.... That portion of the property that drains in the Western Run should be classified, I think, R.C. 4. The R.C. 4 zone is intended to take care of and protect water quality in the reservoir watershed. The R.C. 4 zone, in addition thereto, has another feature related to it and that has to do with protection of prime and productive soils....

....[T]he R.C. 4 zone was expanded to account for both watershed protection and agricultural protection. And based on that change, I believe that the County Council should have looked at whether this line was established, should have looked at the fact there was a ridge line, should have looked at the fact this was a very straight line not reflective of a topo important watershed issues and, in so doing, the failure to look at that line, restudy it, and correct it, I think constitutes error.

Id. at 123-25. The opinions of Mr. Gerber, Mr. Gavrelis, and the other witnesses who testified on behalf of Appellant were not sufficiently compelling to require a finding that the placement of the zone line was incorrect and that the County Council's reliance upon it qualified as error. The Board was not required to accept the opinion expressed by Appellant's witnesses even if uncontradicted. The weight and value of expert testimony was for the Board's determination. The Board's responsibility was to weigh all of the evidence presented, which the record reflects it did, and then determine whether Appellant established error. The Board found that Appellant failed to meet its burden.

As far as the second alleged error is concerned, it appears that Appellant's argument is that had the Council considered Bill 113-92, the Council would have found that the zone line was incorrectly positioned and therefore, moved the line during the 1992 comprehensive zoning. There was no evidence presented by Appellant, however, that the amendments made to the R.C. 4 zone would impact the location of the zone line. Bill 113-92 merely addresses the type of development allowed within the R.C. 4 zone.³ Furthermore, a review of the record indicates that the Council was, in fact, aware of Bill 113-92. Additionally, there is always a presumption that at the time of the comprehensive zoning, "the Council had before it and did, in fact, consider all of the relevant facts and circumstances then existing." Boyce v. Sembly, 25 Md. App. at 51-52.

Appellant contends that they do not dispute the fact that the Council was aware of Bill 113-92. Petitioner's Reply Mem. to Respondent's Opp. to Pet's Petition for Jud. Rev. at 7. Rather, Appellant argues that the Board was precluded from considering the impact of Bill 113-92 because it was passed after the last date for raising comprehensive map issues. Id. The Board believed otherwise. The evidence before the Board showed that Bill 113-92 was evolving concurrently with the 1992 comprehensive zoning. For example, Mr. John J. Dillon of the Baltimore County Office of Planning and Zoning testified that County Council staff members, including Councilman Ruppertsberger's aide, Jennifer

³See note 1.

Macek, were members of the advisory board that worked on Bill 113-92 prior to its enactment. June 14, 1995, T. at 215. Further, Mr. Dillon testified that Councilman Ruppertsberger⁴ personally attended at least one of the sessions where the proposed legislation was discussed. *Id.* at 215. Mr. Dillon also testified that Councilman Ruppertsberger and his aide, Ms. Macek, accompanied him approximately fourteen times to the instant site and other sites during the 1992 comprehensive zoning process. *Id.* at 209. The Board noted that Mr. Dillon was involved in the comprehensive zoning map process for Hayfields in 1984, 1988, 1992. Board's Op. at 8. Mr. Dillon testified that in his opinion the existing zoning line was not a mistake. June 14, 1995, T. at 197. Based, in part, on the above testimony the Board found that "the County Council was very well informed in the 1992 Comprehensive Zoning Map Process..." and found that the Council was essentially involved in the entire process. Board's Op. at 9. Furthermore, the Board found from the testimony that the Council had no erroneous information before it pertaining to the instant site. Board's Op. at 8.

The mere fact that Bill 113-92 was adopted after the time for raising comprehensive zoning map issues had passed does not mean that the Council did not take the Bill into account.⁵ The

⁴Mr. Ruppertsberger was a county councilman for the Third Councilmanic District; the same district where Hayfields is located.

⁵Bill 113-92 took effect July 1, 1992. The 1992 CZMP ended October 1992.

evidence suggests that the Council was aware of the Bill, and further, there is no reason why the Council could not have considered the Bill had they felt it was appropriate.

Appellant argues that the Board was wrong in rejecting the testimony of former Councilman Melvin Mintz. The Board, however, has the discretion to determine how much weight to give to the testimony of each witness. Here, the Board gave more weight to the testimony of Mr. Dillon and less weight to the testimony of Mr. Mintz. The Board is free to believe one witness over another. The Board's decision to rely on Mr. Dillon's testimony is understandable. Mr. Dillon was an area planner for the Third Councilmanic District, the same district where Hayfields is located. During the 1984, 1988, and 1992 map processes, Mr. Dillon was involved with Hayfield issues. June 14, 1995, T. at 162. On the other hand, Mr. Mintz was a councilman from December 1986 to December 1994 for the Second Councilmanic District of Baltimore County. Board's Op. at 4. Further, whether Mr. Mintz's testimony is even admissible evidence is questionable.

"...[I]ndividual council members and other city officials may not testify as to the motives actuating council action..."

Montgomery County Council v. District Land Corp., 274 Md. 691, 704-05 (1975) (quoting C. Rhyne, Municipal Law § 9-4 at 229 (1957); See also Montgomery County v. Schooley, 97 Md. App. 107, 114-19.

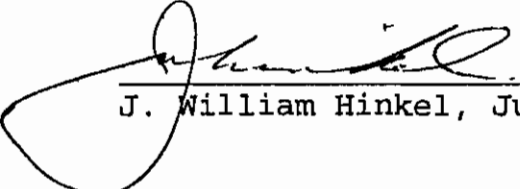
Appellant makes the argument that considering Mr. Dillon's testimony is an invasion into the legislative process. Mr.

Dillon, however, did not testify as to legislative intent.

This Court finds that the Board's decision is supported by substantial evidence. There is a strong presumption of correctness in comprehensive rezoning by the county council. The Board found that Appellant failed to produce sufficient evidence to prove that the 1992 zoning classification was established in error. This Court finds that a reasoning mind reasonably could have reached the factual conclusion reached by the Board.

Accordingly, it is this 26 of July, 1996, by the Circuit Court for Baltimore County,

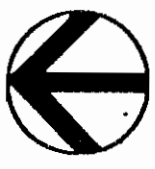
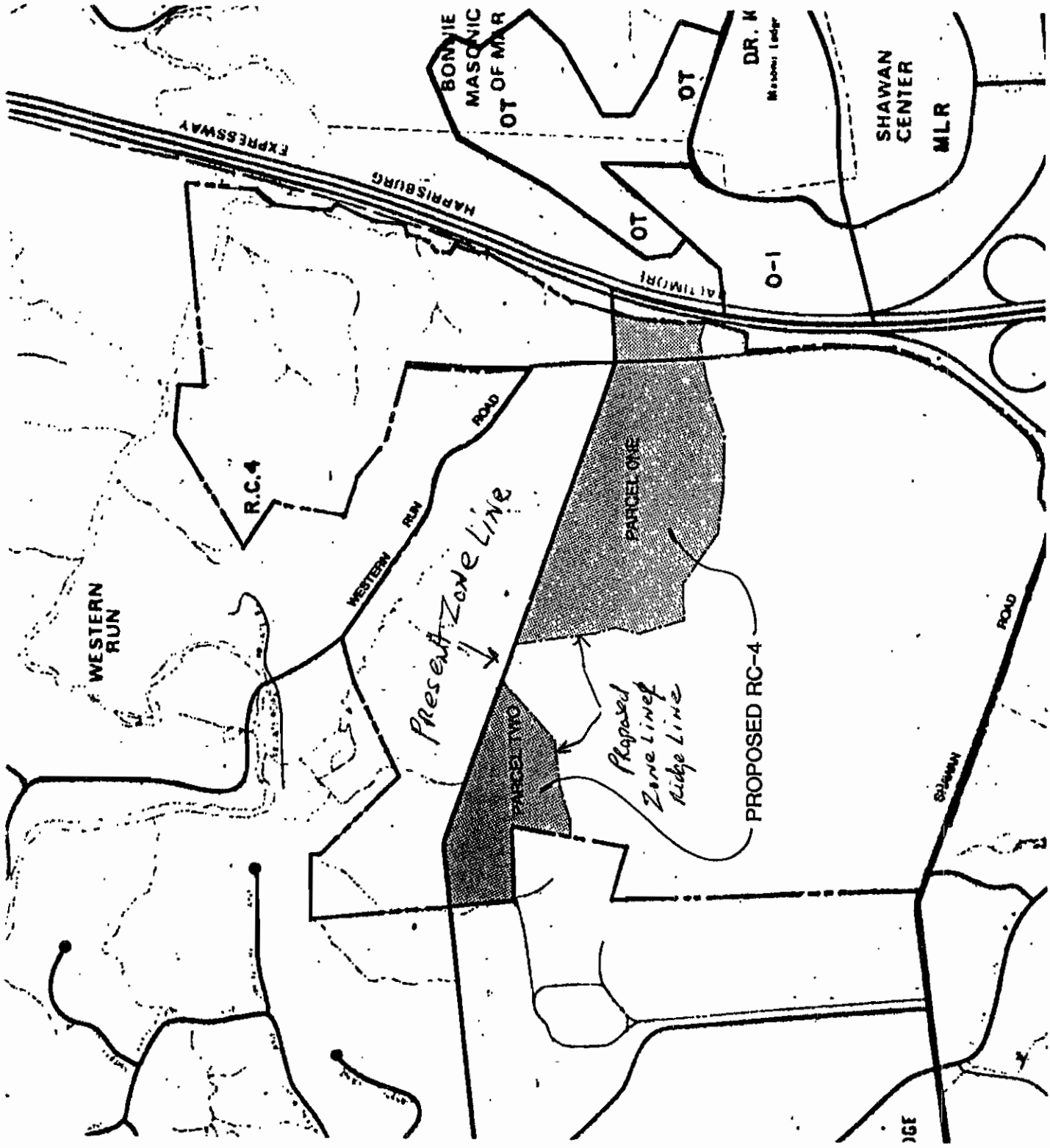
ORDERED that the decision of the County Board of Appeals is hereby AFFIRMED.



J. William Hinkel, Judge

Copies Sent To:

Macy G. Nelson, Esquire
Peter Max Zimmerman, Esquire
G. Scott Barhight, Esquire and David K. Gildea, Esquire
County Board of Appeals
Kenneth T. Bosley



SCALE: 1" = 1000'

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF HAYFIELD, INC.
1205 York Road
Lutherville, MD 21093

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse
400 Washington Ave., Baltimore, MD 21204

CIVIL
ACTION
No. 3-C-95-008791

IN THE CASE OF: IN THE MATTER OF
TOLL HOUSE, INC. (HAYFIELD, INC.)
FOR A ZONING RECLASSIFICATION FROM
R.C.2 TO R.C.4 ON PROPERTY LOCATED
ON THE NORTH SIDE SHAWAN ROAD
(HAYFIELDS) 301 WESTERN RUN ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. CR-95-138

* * * * *

PROCEEDINGS BEFORE THE
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Robert O. Schuetz, Harry E. Buchheister, Jr., and
S. Diane Levero, constituting the County Board of Appeals of
Baltimore County, and in answer to the Petition for Judicial Review
directed against them in this case, herewith return the record of
proceedings had in the above-entitled matter, consisting of the
following certified copies or original papers on file in the Office
of Permits and Development Management and the Board of Appeals of
Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
OFFICE OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY

No. CR-95-138

August 30, 1994	Petition for Zoning Reclassification filed by G. Scott Barhight, Esquire on behalf of Toll House, Inc., Petitioner (John M. Mangione, Executive Director) from RC-2 (295.9 acres +/- and RC-4 (178.5 acres +/-) to RC-2 (153.5 acres +/-) and RC-4 (320.9 acres +/-).
November 21	Memo to County Board of Appeals (CBA) from W. C. Richards and M. Kellman, ZADM, informing

that petitioner's were made aware that to complete reclassification a special exception request must be filed to permit a golf course.

November 28 Letter to CBA from People's Counsel for Baltimore County questioning "required" hearing relative to filing an amended petition and plan.

December 6 Letter to CBA from G. Scott Barhight, Esquire, responding to ZADM's 11/21/94 memo, informing that Petition for Special Exception will be filed before the Zoning Commissioner as soon as possible.

December 7 Letter to CBA from G. Scott Barhight, Esquire, responding to People's Counsels 11/28/95 letter.

December 14 Letter to G. Scott Barhight and People's Counsel from CBA, in reply to correspondence submitted regarding the amendment; case scheduled for 1/24/95 for the sole purpose of receiving amendment to the reclass petition.

January 5, 1995 Letter from People's Counsel reiterating position regarding public notice.

January 20 Planning Board Comments.

January 24 Amended Documented Site Plan and Petition for Reclassification submitted in open hearing to CBA [from RC-2 (295.9 acres +/- and RC-4 (178.5 acres +/-) to RC-2 (227.0 acres +/-) and RC-4 (247.4 acres +/-)].

February 8 Publication in newspapers.

February 15 ZADM Comments.

February 16 Publication in newspapers. (2nd advertisement)

March 18 Certificate of Posting.

March 27 ZAC Comments.

June 1 Hearing held before the Board (Day #1).

Memorandum in Support of Motion to Dismiss Petition for Reclassification filed by G. Macy Nelson, Esquire, Attorney for Protestants. (Moved for Dismissal on the record at conclusion of testimony of Petitioner's first witness; Board reserved ruling on Motion.)

June 6 Hearing held before the Board (Day #2).
June 14 Hearing held before the Board (Day #3).
June 20 Hearing held before the Board (Day #4).
July 10 Hearing concluded before the Board.
July 12 Petitioner's Opposition to Motion to Dismiss
 Petition for Reclass and Petitioner's Motion
 to Amend petition for Reclass to Change name
 of Petitioner filed by G. Scott Barhight,
 Esquire.
July 13 Memorandum filed by People's Counsel for
 Baltimore County /Post-Hearing Issues.
July 20 Letter from G. Scott Barhight in response to
 People's Counsels submission of 7/13/95
 memorandum /objection to same.
August 9 Open deliberation conducted by the Board,
 wherein the Board unanimously decided Petition
 for Reclassification should be denied.
August 25 Opinion and Order of the Board, wherein the
 Petition for Reclassification from R.C.2 to
 R.C. 4 was DENIED.
September 27 Petition for Judicial Review filed in the
 Circuit Court for Baltimore County by G. Scott
 Barhight, Esquire, on behalf of Hayfield, Inc.
September 28 Copy of Petition for Judicial Review received
 by the Board of Appeals from the Circuit Court
 for Baltimore County.
September 29 Certificate of Notice sent to interested
 parties.
November 21 Transcript of testimony filed.

Petitioner's Exhibit No. 1-Aerial photo of property -flown in
✓(Large Exhibit) February, 1993. Property outlined
 in red
✓(Reverse side of #1)2-Site constraints plan prepared by
 Daft-McCune-Walker in Feb. 1993
✓(Large Exhibit) 3-Illustrative of Proposed Hayfield
 Manor Golf Club
✓(Large Exhibit) 4A-Site Plan prepared by Daft-McCune-
 Walker -1/24/95
✓(Reverse side of 4A)4B-Entire Site Plan prepared by Daft-
 McCune-Walker Pink line is exist-
 ing RC2-RC4 line
 5-Curriculum Vitae -Norman Gerber
✓(Large Exhibit) 6-1971 200-scale zoning map 19 & 20D

✓ - LARGE
EXHIBITS TAKEN
TO CCT
6/26/96 BY
S. BARHIGHT'S
OFFICE

- & E & 18D
- 7-The RC4 zone: A Final Report of the Baltimore County Planning Board -2/20/92
- 8-Bill 113-92 -Amending the R.C.4 zone
- 9-Bill 107-94 -Subsequent Amendment to RC4 zone
- 10A-Watershed Protection Zone (2 pages)
- 10B-Watershed Protection Zone (1 page)
- 10C-R.C.4 Criteria
- ✓(Large Exhibit) 11-Resume -Edmund F. Haile
- ✓(Large Exhibit) 12-Plan to accompany Documented Site Plan, Hayfields - Sheet 2 of 2 (Reclass area shown in color)
- ✓(Large Exhibit) 13-1971 zoning map -line between RDP zoning and DR3.5 zoning marked in green
- ✓(Large Exhibit) 14-Overlay to Petitioner's Exhibit 13 -with red demarcation line
- ✓(Large Exhibit) 15-Survey Overlay -Hayfields Ridge Line
- 16-Curriculum Vitae -Stephanie Novak Hau
- 17-An Assessment of Environmental Impacts for Proposed Zoning Changes at the Hayfields Development
- ✓(Large Exhibit) 18-Photo of Hayfield property (13 photos) & neighboring are
- 19-Board -Computer Made View from Shawan Road
- 20-Two issue log pages -Baltimore County 1992 Comprehensive Zoning Map Issues. Also, Minority Opinion of CZMP Issue 3-185
- 21-Bill 134-89
- 22-Bill 223-90
- 23-A. Master Board Identifying Cross Sections
- ✓(LARGE EXHIBITS) { ✓ -B. Cross Section A-A' & B-B'
✓ -C. Cross Section C-C' & D-D'
✓ -D. Cross Section E-E', F-F' & G-G'
- Protestants' Exhibit No. 1A-200-scale topographic map of Hayfields (in color) identified w/
- ✓(Large Exhibit) 1B-Overlay
- ✓(Large Exhibit) 2-Cross section of slopes at Hayfields
- ✓(Large Exhibit) 3-Curriculum Vitae -William F. Kirwin
- 4-Document, "Concerning Hayfield"
- 5-Copy of 5/15/95 Newsweek article, "Suburban Dream".
- 6-Planning Board Report recommending

denial of the Petition and the amended documented site plan in case No. CR-95-138.

7-Memorandum to Rural Residential Advisory Group from Scott Barhight 9/30/91.

8-Rural Residential Advisory Meeting -9/30/91.

People's Counsel's
Exhibit No.

1-Copy of Bill No. 98-75

2-Copy of Bill No. 178-79

3-Comprehensive Zoning Process
(explanation of)

4-1976 Rezoning Log of Issues -3-88

5-1980 Rezoning Log of Issues -3-44

6-1984 Rezoning Log of Issues -3-176

7-1988 Rezoning Log of Issues -3-308

8-1992 Rezoning Log of Issues -3-178

9-Excerpt from 1992 issue file -3-178
maintained by OPZ

10-Excerpt from 1992 issue file -3-308

11-National Agricultural Lands Study

12-People's Counsel Sign-In Sheet

13-Hayfields -Table of Soils Composition in the Agricultural Zone.

14-Excerpt from Baltimore County Soil Survey.

15-The Recommended Baltimore County Comprehensive Zoning Map - Log of Issues 6/11/92.

16-Rule 8 papers for Hupfer to appear on behalf of Greater Sparks-Glencoe Community Council.

17-1992 CZMP Third Councilmanic Dist. Issues presented by Greater-Sparks Glencoe Community Council.

18-Chronology of Advisory Group History & Planning Board Actions

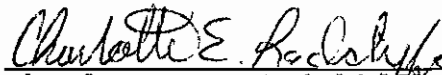
November 21, 1995

Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office

and upon request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Respectfully submitted,



Charlotte E. Radcliffe
Legal Secretary
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: G. Scott Barhight, Esquire
Hayfield, Inc.
G. Macy Nelson, Esquire
John Bernstein, Exec. Director /VPC
Kenneth T. Bosley
People's Counsel for Baltimore County

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF HAYFIELD, INC.
1205 York Road
Lutherville, MD 21093

FOR JUDICIAL REVIEW OF THE DECISION OF
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CIVIL
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IN THE CASE OF: IN THE MATTER OF
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8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
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* * * * *

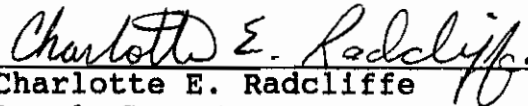
CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Robert O. Schuetz, Harry E. Buchheister, jr. and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, G. Scott Barhight, Esquire, WHITEFORD, TAYLOR & PRESTON, L.L.P., 210 West Pennsylvania Avenue, Towson, MD 21204-4515, Counsel for Petitioner; Hayfield, Inc. c/o John M. Mangione, Executive Director, 1205 York Road, Lutherville, MD 21093, Petitioner; G. Macy Nelson, Esquire, ANDERSON, COE & KING, Central Savings Bank Building, Suite 2000, 201 N. Charles Street, Baltimore, MD 21201, Counsel for The Valleys Planning Counsel; John Bernstein, Exec. Director, The Valley Planning

RECEIVED AND FILED
JUL 23 1995
CLERK OF COURT

Council, P.O. Box 5402, Towson, MD 21285-5402; Kenneth T. Bosley, Esquire, P.O. Box 585, Sparks, MD 21152; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.



Charlotte E. Radcliffe
Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to G. Scott Barhight, Esquire, WHITEFORD, TAYLOR & PRESTON, L.L.P., 210 West Pennsylvania Avenue, Towson, MD 21204-4515, Counsel for Petitioner; Hayfield, Inc. c/o John M. Mangione, Executive Director, 1205 York Road, Lutherville, MD 21093, Petitioner; G. Macy Nelson, Esquire, ANDERSON, COE & KING, Central Savings Bank Building, Suite 2000, 201 N. Charles Street, Baltimore, MD 21201, Counsel for The Valleys Planning Council; John Bernstein, Exec. Director, The Valley Planning Council, P.O. Box 5402, Towson, MD 21285-5402; Kenneth T. Bosley, Esquire, P.O. Box 585, Sparks, MD 21152; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, this 29th day of September, 1995.



Charlotte E. Radcliffe
Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

PETITION OF
HAYFIELD, INC.

FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY BOARD
OF BALTIMORE COUNTY

IN THE MATTER OF:
THE APPLICATION OF TOLL HOUSE,
INC. (HAYFIELD, INC.) FOR A ZONING
RECLASSIFICATION FROM R.C.2 TO
R.C. 4 ON PROPERTY LOCATED
ON THE NORTH SIDE SHAWAN
ROAD (HAYFIELDS)
301 WESTERN RUN ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

IN THE COUNTY BOARD OF APPEALS
CASE NO. CR-95-138

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY

Civil Action No. #03-C-95-008791

RECEIVED AND FILED
95 SEP 22 PM 4:09
CLERK OF BALTIMORE COUNTY

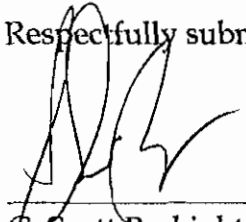
* * * * *

PETITION FOR JUDICIAL REVIEW

Hayfield, Inc. by and through its attorneys, G. Scott Barhight and Whiteford, Taylor & Preston, hereby requests judicial review of the decision of the County Board of Appeals dated August 25, 1995 in the above case, CBA case no.cr-95-138. Hayfield, Inc. was a party to the proceeding before the County Board of Appeals of Baltimore County in this matter.

This Petition is filed pursuant to Rule 7-202 of the Maryland Rules of Procedure.

Respectfully submitted,


G. Scott Barhight
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515
(410) 832-2000

Attorney for Petitioners/ Appellant

95 SEP 22 PM 2:55

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September, 1995, a copy of the foregoing Request for Judicial Review was mailed first class, postage prepaid to:

G. Macy Nelson, Esquire
Anderson, Coe & King
Suite 200
201 N. Charles Street
Baltimore, Maryland 21201

Peter Max Zimmerman, Esquire
People's Counsel
Old Court House, Rm 47
400 Washington Ave.
Towson, MD 21204

Ms. Kathi Weidenhammer
County Board of Appeals of Baltimore County
Room 49
Old Courthouse
Towson, Maryland 21204



G. Scott Barhight

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 27, 1995

G. Scott Barhight, Esquire
4th Floor
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 3
Case No. CR-95-138
Petitioner: Toll House, Inc.
Reclassification Petition

Dear Mr. Barhight:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the Oct.-Nov. reclassification cycle (Cycle IV,). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Advisory Committee (ZAC). The enclosed comments from the committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments and revision fee to this office as soon as possible. After the first public newspaper advertisement (April 16th - May 31st) or (October 16th - November 30th), the petition (including any documentation relating to the proposed use) may only be amended in an open hearing before the Board of Appeals. If the submitted site plan does not indicate a proposed use at this time, the comments from this committee are general in nature.

If you have any questions concerning the enclosed comments, please contact the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. CARL RICHARDS, JR.
Zoning Supervisor

WCR:jaw
Enclosures



3/2/95 900-95
Y
TO 68

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*

SUBJECT: Zoning Item #CR-95-138 - Hayfields
301 Eastern Run Road

DATE: March 1, 1995

RECEIVED
MAR 1 1995
ZADM

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced amended zoning petition for reclassification.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

The site constraints map has been verified by Environmental Impact Review. Some minor adjustments may be necessary as development takes place.

Development of the site must comply with the Forest Conservation Act. (Title 14, Article X of the Baltimore County Code).

Staff of the Bureau of Water Quality and Resource Management offer the following comments:

1. The present zoning allows 40 residential units, and the petition indicates that a separate Special Exception request will be submitted for a golf course. Increasing density will not provide a mechanism for protecting the existing resources.
2. The change to RC-4 is not necessary for the protection of water quality and is not more protective of water quality than the existing zoning. Since the enactment of Article IX, Title 14 of the County Code, regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, stream systems are protected from development impacts by the establishment of forest buffers. By increasing the number of lots, water quality of receiving waters will not be better protected compared to development under the existing zoning. Construction for the proposed RC-4 areas could, however, be less disruptive to the existing resources than on the steeper slopes above Western Run.

3. The petition for reclassification does not provide a rationale for the assumption that the existing RC-2 zoning is inappropriate or was mapped incorrectly. The Hayfields property was rezoned to conservation uses in 1976, and the present mix of RC-2 and RC-4 has been essentially unchanged since 1980, following attempts to rezone portions to RC-5 in 1980, 1988 and 1992. Although the Baltimore County Zoning Regulations do not address directly conditions under which land might be reclassified to RC-4, it outlines criteria which must be met for land to be rezoned from RC-4. The amended plan reverses those areas in question which drained to Oregon Branch.
4. The Hayfields property is designated as an Agricultural Conservation Area in the 1989-2000 Master Plan. The property includes prime and productive soils which are of high value for agricultural production. The property is contiguous to areas on the north side of Shawan Road which also have prime and productive soils conducive to agricultural production.
5. The assessment of Environmental Impacts submitted with the petition for reclassification does not address adequately the surface runoff impacts from development of the Hayfields property under both existing and proposed zoning. The submittal concludes that the surface runoff impacts cannot be quantified, and no specific analyses are presented. The submittal suggests that the establishment of turf grasses will reduce runoff in the long-term and that sediment and erosion control practices during development will address short-term impacts. No discussion is presented on the management of storm water generation from the development on the stability of stream systems.
6. The residential portion of the proposed subdivision is to be served by individual wells and septic systems. Prior to approval of the subdivision plan, soil percolation tests must be approved for each of the proposed lots. Additionally, prior to approval of any building permits, subsequent to subdivision approval, a water well must be drilled and tested, demonstrating a minimum yield of one gallon per minute, after six hours of continuous pumping.
7. Reiterating Ground Water Management's November 9, 1994 comments on the zoning change, it is estimated that the nitrate concentration in recharge water from on-site septic systems would be approximately the same under either the 40-lot or greater-than-40-lot scenario. Therefore, and as noted in item #2 of the November 23, 1994 DEPRM comments, it is difficult to argue that the proposed change to RC-4 zoning would improve water quality.

JLP:sp

HAYFIELD/DEPRM/TXTSBP

B A L T I M O R E C O U N T Y, M A R Y L A N D
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
 Zoning Administration and
 Development Management

FROM: J. Lawrence Pilson *JLP*
 DEPRM

SUBJECT: Zoning Item #CR-95-138 - Hayfields
 301 Eastern Run Road
 Zoning Advisory Committee Meeting of

November 23, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

The site constraints map has not yet been verified by Environmental Impact Review and must be before the approval of any development plan.

Development of the site must comply with the Forest Conservation Act. (Title 14, Article X of the Baltimore County Code).

Staff of the Bureau of Water Quality and Resource Management offer the following comments:

1. The petition does not present any rationale for the need to change RC-2 to RC-4 zoning for the 145 acres proposed. The present zoning allows 40 residential units, and the petition indicates that a separate Special Exception request will be submitted for a golf course. Increasing density will not provide a mechanism for protecting the existing resources.
2. The change to RC-4 is not necessary for the protection of water quality and is not more protective of water quality than the existing zoning. Since the enactment of Article IX, Title 14 of the County Code, regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, stream systems are protected from development impacts by the establishment of forest buffers. By increasing the number of lots by 50%, water quality of receiving waters will not be better protected compared to development under the existing zoning.

3. The petition for reclassification does not state nor imply that the existing RC-2 zoning is inappropriate or was mapped incorrectly. The Hayfields property was rezoned to conservation uses in 1976, and the present mix of RC-2 and RC-4 has been essentially unchanged since 1980, following attempts to rezone portions to RC-5 in 1980, 1988 and 1992. Although the Baltimore County Zoning Regulations do not address directly conditions under which land might be reclassified to RC-4, it outlines criteria which must be met for land to be rezoned from RC-4. The three headwater tributaries to Oregon Branch proposed for the establishment of RC-4 zoning do not meet the criteria for RC-4 retention in the BCZR, thereby implying that these areas would not be appropriately classified as RC-4.
4. The Hayfields property is designated as an Agricultural Conservation Area in the 1989-2000 Master Plan. The property includes prime and productive soils which are of high value for agricultural production. The property is contiguous to areas on the north side of Shawan Road which also have prime and productive soils conducive to agricultural production.
5. The Assessment of Environmental Impacts submitted with the petition for reclassification does not address adequately the surface runoff impacts from development of the Hayfields property under both existing and proposed zoning. The submittal concludes that the surface runoff impacts cannot be quantified, and no specific analyses are presented. The submittal suggests that the establishment of turf grasses will reduce runoff in the long-term and that sediment and erosion control practices during development will address short-term impacts. No discussion is presented on the management of storm water generated from the development or from the impacts of traditional storm water management on the stability of stream systems.
6. The attached comments evaluate the water balance and nitrate loading analyses presented in the Assessment of Environmental Impacts report submitted with the petition for reclassification.

JLP:sp

Attachment

HAYFIELD/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 31, 1994
Zoning Administration and Development Management

FROM: *DWB* Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle IV
October 1994 -April 1995

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Item 5.

For Item 1 see Developers Engineering Section file titled "Chartley Buildings - #605 Reisterstown Road" for approved County Review Group Plan and comments dated 3-14-91 for this site.

For Item 2 show a 10-foot revertible slope easement along the future 60-foot right-of-way for Timber Grove Road and along the Glynwings Drive 70-foot right-of-way. For additional information see the Developers Engineering Section's file titled "St. Georges Industrial Park Addition."

For Item 3, this site is subject to the Baltimore County Development Regulations for a residential development.

For Item 4, per the recorded Spring Hill (53/96) record plat there is an existing County drainage and utility easement, 10 feet wide, running the length of the west property line of 3814 East Joppa Road. Also, there is no existing easement for ingress or egress shown on the recorded plat of the Spring Hill subdivision for this property.

RWB:s

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 27, 1995
 Zoning Administration and Development Management

FROM:  Robert W. Bowling, P.E., Chief
 Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for February 27, 1995
 Case No. CR-95-138 Cycle IV Item #3

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to all Development Regulations and requirements.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/26/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: REZONIFICATION AND REDISTRICTING PETITIONS
MORE COPY 10/14/94. CIRCLE IV OCT. 1994 - APR. 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8 The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 1, 2, 3, + AND 5.

RECEIVED
OCT 28 1994

ZADM

REVIEWER: LT. ROBERT P. GALERUSA D
Fire Marshal's Office, PHONE 887-4881, FS-1102F

LC1:112





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-21-94

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

Re: Baltimore County
Item No.: #3, CYCLE IV
CASE NO: CR-95-138

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

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

Toll House, Inc.
CR-95-138

11/21/94 -Letter from Scott Barhight, Esquire --requesting a public hearing for the sole purpose of submitting amendments to the petition documents; hearing on the merits scheduled for Wednesday, April 5, 1995.

11/21/94 -Interoffice Memo from Carl Richards - documented plan filed in subject petition for reclass; however, petition for special exception was not filed by Petitioner; documented plan shows proposed uses, including a golf course.

11/29/94 -Letter from Peter Zimmerman in response to Mr. Barhight's letter received 11/21/94 requesting early a.m. hearing to present amendment -- re advertising and posting.

12/08/94 -Letter from S. Barhight in response to Carl Richards' memo received 11/21/94 regarding petition for special exception.

12/12/94 -Response from S. Barhight to P. Zimmerman's letter of 11/29/94 regarding procedure for posting/advertising.

12/14/94 -Letter from WTH to Counsel - Board to proceed in usual manner for amendments to reclass. petitions; case scheduled for public hearing for submittal of amendment on January 24, 1995 at 9:30 a.m.; notice sent to parties and as attachment to letter to Counsel.

12/14/94 -Notice of Assignment sent to parties for public hearing scheduled for Tuesday, January 24, 1995 at 9:30 a.m. for the sole purpose of submittal of amendment to zoning reclassification petition; no testimony or evidence to be received at this public hearing.

G. Scott Barhight, Esquire
John M. Mangione, Director
Toll House, Inc.
Ms. Robin Breiteneker
John Bernstein, Exec. Director
Valleys Planning Council
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Dir. /ZADM

1/05/95 -Letter from P. Zimmerman; reiterating position regarding advertising and posting and public notice.

1/24/95 -Amended Plan /Petition submitted by Counsel for Petitioner in open hearing. Transmitted to Planning & ZADM by memorandum this date.

2/14/95 -Letter from Scott Barhight -- requesting additional dates for this matter to be heard before Board.

2/23/95 -Letter from Macy Nelson, Counsel for Valleys Planning Council, et al - requesting scheduling conference prior to 4/05/95 hearing date to address any preliminary legal issues, as well as coordinate scheduling of additional dates.

3/07/95 -Upon confirmation by telephone with both Mr. Nelson and Mr. Barhight, will send amended notice of assignment wherein the following dates are scheduled for this matter: 4/05/95 (original date scheduled); 6/01/95; and 6/06/95. In addition, confirmed with counsel pre-hearing conference on 3/22/95 at 9:00 a.m. with Board chairman. (Will also copy People's Counsel on correspondence regarding pre-hearing conference; Mr. Nelson has alerted Mr. Zimmerman to this matter prior to today's date).

3/07/95 -Letter to counsel (Barhight, Nelson, and Zimmerman) advising of pre-hearing conference on Wednesday, 3/22/95 at 9:00 a.m.

-Amended Notice of Assignment; amended for purpose of including Day #2 and Day #3 (6/01 and 6/06/95 respectively) for the hearing of this matter before the Board.

4/01/95 -Notice of Postponement of Day #1 and scheduling of meetings for purpose of selecting additional June date sent to parties; Counsel to meet with Board 4/05/95; to postpone Day #1 on record and select additional date.

4/05/95 -At conclusion of meeting with parties, following dates assigned for hearing in this matter: June 1, June 6, June 14 and June 20, 1995 at 10:00 (Days #1 through #4 respectively). Amended Notice sent to parties to add additional June dates.

6/20/95 -Matter not concluded by end of Day #4; met with counsel in chambers; Monday July 10, 1995 selected as Day #5, with only verification needed that of P. Zimmerman relative to availability of P. Hupfer or resolution of matter concerning his testimony/availability. Notice of Assignment /Day #5 sent to parties for Monday, July 10, 1995 at 10:00 a.m.

NOTE: Per ROS: Hupfer to testify; 2 rebuttal witnesses by S. Barhight; 15 minutes for closing -P. Zimmerman; 15 minutes for closing -Macy Nelson; 5 minutes for closing -K.Bosley; 30 minutes for S. Barhight, with 5 minutes for rebuttal.

7/10/95 -Rule 8 Papers filed by Paul A. Hupfer.

- Hearing concluded before Board; Response due from S. Barhight in two working days to Mr. Nelson's Memorandum.
- To be deliberated Wednesday, August 9, 1995 at 9:00 a.m. Notice of Deliberation sent to all parties.

7/12/95 -Petitioner's Opposition to Motion to Dismiss Petition for Reclass and Petitioner's Motion to Amend petition for Reclass to Change Name of Petitioner filed by G. Scott Barhight, Esquire, on behalf of Petitioner.

7/13/95 -Memorandum filed by People's Counsel for Baltimore County /Post-Hearing Issues

7/20/95 -Letter from G. Scott Barhight - in response to Mr. Zimmerman's submission of 7/13/95 /objection to same.

Toll House, Inc.

No. CR-95-138

August 30, 1994 Petition for Zoning Reclassification filed by G. Scott Barhight, Esquire on behalf of Toll House, Inc., Petitioner (John M. Mangione, Executive Director) from RC-2 (295.9 acres +/- and RC-4 (178.5 acres +/-) to RC-2 (153.5 acres +/-) and RC-4 (320.9 acres +/-).

November 21 Memo to County Board of Appeals (CBA) from W. C. Richards and M. Kellman, ZADM, informing that petitioner's were made aware that to complete reclassification a special exception request must be filed to permit a golf course.

November 26 Letter to CBA from People's Counsel for Baltimore County questioning "required" hearing relative to filing an amended petition and plan.

December 6 Letter to CBA from G. Scott Barhight, Esquire, responding to ZADM's 11/21/94 memo, informing that Petition for Special Exception will be filed before the Zoning Commissioner as soon as possible.

December 7 Letter to CBA from G. Scott Barhight, Esquire, responding to People's Counsels 11/28/95 letter.

December 14 Letter to G. Scott Barhight and People's Counsel from CBA, in reply to correspondence submitted regarding the amendment; case scheduled for 1/24/95 for the sole purpose of receiving amendment to the reclass petition.

January 5, 1995 Letter from People's Counsel reiterating position regarding public notice.

January 24 Amended Documented Site Plan and Petition for Reclassification submitted in open hearing to CBA [from RC-2 (295.9 acres +/- and RC-4 (178.5 acres +/-) to RC-2 (227.0 acres +/-) and RC-4 (247.4 acres +/-)].

June 1 Hearing held before the Board (Day #1).
Memorandum in Support of Motion to Dismiss Petition for Reclassification filed by G. Macy Nelson, Esquire, Attorney for Protestants. (Moved for Dismissal on the record at conclusion of testimony of Petitioner's first witness; Board reserved ruling on Motion.)

June 6 Hearing held before the Board (Day #2).

June 14 Hearing held before the Board (Day #3).

June 20 Hearing held before the Board (Day #4).

July 10 Hearing concluded before the Board.

July 12 Petitioner's Opposition to Motion to Dismiss Petition for Reclass and Petitioner's Motion to Amend petition for Reclass to Change name of Petitioner filed by G. Scott Barhight, Esquire.

July 13 Memorandum filed by People's Counsel for Baltimore County /Post-Hearing Issues.

July 20 Letter from G. Scott Barhight in response to People's Counsels submission of 7/13/95 memorandum /objection to same.

August 9 Open deliberation conducted by the Board, wherein the Board unanimously decided Petition for Reclassification should be denied.

August 25 Opinion and Order of the Board, wherein the Petition for Reclassification from R.C.2 to R.C. 4 was **DENIED**.

September 27 Petition for Judicial Review filed in the Circuit Court for Baltimore County by G. Scott Barhight, Esquire, on behalf of Hayfield, Inc. (copy rec'd by CBA 9/28/95).

September 29 Certificate of Notice sent to interested parties.

November 21 ✓ Transcript of testimony and Record of Proceedings filed in the Circuit Court for Baltimore County.

July 26, 1996 ✓ Memorandum Opinion and Order issued by the CCT; decision of CBA was **AFFIRMED** (J. William Hinkel, Judge)

RE: PETITION FOR RECLASSIFICATION
N/S Shawan Road, W of Western Run
Road (301 Western Run Road -
Hayfields), 8th Election District,
3rd Councilmanic District

Toll House, Inc.
Petitioner

* * * * *

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. CR-95-138

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice 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, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RE: PETITION FOR RECLASSIFICATION	*	BEFORE THE
N/S Shawan Road, West of Western		
Run Road (Hayfields)	*	COUNTY BOARD OF APPEALS
301 Western Run Road, 8th Election		
District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
TOLL HOUSE, INC.	*	CASE NO.: CR-95-138
Petitioners		
* * * * *		

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that on the 16th day of June, 1995, at 3:00 p.m., I served copy of the attached Subpoena upon MR. WALLACE LIPPINCOTT, Director, Agricultural Preservation Program, Baltimore County Department of Environmental Protection and Resource Management, at Baltimore County Department of Environmental Protection and Resource Management, County Courts Building - 4th Floor, 401 Bosley Avenue, Towson, MD 21204, by leaving copy of said Subpoena with Ronnie Votta. Said Subpoena directed said witness to personally appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, June 20, 1995, at 10:00 a.m. in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Carol A. Fisher

CAROL A. FISHER
Legal Secretary II
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

60 JUN 15 5 10 PM '95

RE: PETITION FOR RECLASSIFICATION * BEFORE THE
N/S Shawan Road, West of Western *
run Road (Hayfields) * COUNTY BOARD OF APPEALS
301 Western Run Road, 8th Election *
District, 3rd Councilmanic * OF BALTIMORE COUNTY

TOLL HOUSE, INC. * CASE NO.: CR-95-138
Petitioners *
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to personally appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, June 20, 1995, at 10:00 a.m. in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

WITNESS: MR. WALLACE S. LIPPINCOTT, JR.
Director, Agricultural Preservation Program
Baltimore County Department of Environmental
Protection and Resource Management
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

The witness named above is hereby ORDERED to so appear before the County Board of Appeals. The Board requests () the Sheriff, () Private Process Server, to issue the Summons set forth herein.

Kathleen C. Beardschammer
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Cost: \$ _____ }
Summoned: _____, 19____ } SHERIFF OF BALTIMORE COUNTY
Not Served: _____, 19____ }

95 JUN 15 09:24

IN THE MATTER OF

* BEFORE

301 WESTERN RUN ROAD,
N/S SHAWAN ROAD WEST OF WESTERN
RUN ROAD--HAYFIELDS

* COUNTY BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* Case No: CR-95-138

* * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Ms. Pam Budasheim
Office of Planning and Zoning
401 Bosley Avenue
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: Personally appear and
produce documents or objects;
in Room 48, Basement, Old Courthouse, 400 Washington Avenue,
Towson, Maryland 21204 on Wednesday the 5th day of April, 1995 at
10:00 a.m.

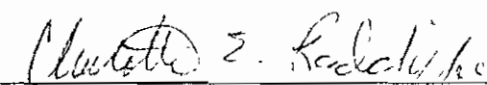
YOU ARE COMMANDED TO produce the following documents or
objects:

All files and records regarding the above-captioned
matter.

Subpoena requested by:

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON L.L.P.
400 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

The witness named above is hereby ordered to so appear
before the County Board of Appeals.


County Board of Appeals of
Baltimore County

SEAL OF BALTIMORE COUNTY

IN THE MATTER OF
HAYFIELDS, INC.
PETITION FOR
RECLASSIFICATION

BEFORE

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
CASE NO.: CR-95-138

* * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Melvin Mintz
3418 Keyser Road
Baltimore County, MD 21208

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; () Produce documents
and/or objects only; () Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on

_____ the 10th day of July, 1995, at 10:00 a.m.

Subpoena requested by:

G. Scott Barhight, Esquire, Attorney for Petitioner
(Name of Party or Attorney, Address and Phone Number)

Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, 4th Floor, Towson, MD 21204; 832-2000

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


County Board of Appeals of
Baltimore County

52436

95 JUL -7 10:10:20

DATE: November 21, 1994

TO: William T. Hackett, Chairman
Board of Appeals

FROM: W. Carl Richards, Jr., Supervisor
Mitchell J. Kellman, Planner II *WCK*
ZADM

SUBJECT: Reclassification Petition - Cycle IV
CR-95-138
Toll House, Inc.
301 Western Run Road
N/S Shawan Road, W of Western Run Road
8th Election District; 3rd Councilmanic District

This correspondence shall make the Board aware that the petition was accepted at the request of the petitioner's representatives; however, almost 3 months have passed and the application has not been corrected or completed.

94 NOV 21 PM 3:29



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 28, 1994

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Petition for Reclassification
TOLL HOUSE, INC., Petitioners
Case No. CR-95-138

94 NOV 29 PM 12:39

Dear Chairman Hackett:

This concerns G. Scott Barhight, Esquire's letter for the Petitioner dated November 21, 1994.

As the Board knows, pursuant to Section 2-356(m) of the Baltimore County Code, an amendment to a Petition for Zoning Reclassification may be made "only during a required public hearing proceeding on the Petition." There is a question as to whether or not the hearing which Petitioner requests in this letter is a "required" hearing. The regularly scheduled hearing under law is set for April 5, 1995.

If we assume that the requested hearing is required on the basis that any amendment requires a public hearing, then this separate hearing must nevertheless be advertised and posted as would any other hearing. Otherwise, the community at large would have no way of knowing that the amendment is being submitted, triggering further Planning Board review.

Recently, in the separate case entitled Sherman-Spero (Item 13, Cycle III 1994), Case No. R-94-341, problems arose after an amendment hearing was held without advertising or posting. Citizens of the affected neighborhood who belatedly heard about the case expressed concern that they did not have timely notice. As a result, it became necessary to request a postponement of the hearing on the merits.

Accordingly, the purpose here is to avoid a repetition of the notice problem which occurred in the Sherman-Spero case. It is also to establish a consistent procedure for amendment requests submitted prior to the regularly scheduled hearing date, consistent with the public's right to notice and opportunity to be heard.

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
November 28, 1994
Page Two

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Max Zimmerman".

Peter Max Zimmerman

PMZ/caf

cc: G. Scott Barhight, Esquire

Arnold Jablon, Director, ZADM

Arnold F. (Pat) Keller, Director, Planning



County Board of Appeals of Baltimore County

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

December 14, 1994

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
Towson, MD 21204

RE: Case No. CR-95-138
Toll House, Inc.

Dear Counsel:

The Board is in receipt of letters submitted by both Mr. Barhight and Mr. Zimmerman regarding an amendment to a petition for zoning reclassification. The Board has considered this correspondence and will continue to proceed in the same manner as it has in the past.

Therefore, this matter has been scheduled for a public hearing on Tuesday, January 24, 1995, at 9:30 a.m. for the sole purpose of receiving an amendment to the subject zoning reclassification petition. No testimony or evidence will be received at this public hearing. Enclosed is a copy of the Board's Notice of Assignment.

Very truly yours,

William T. Hackett, Chairman
County Board of Appeals

cc: Mr. John D. Mangione
Edmund F. Haile, P.E.
Mr. David Locke
Mr. George Gavrelis
Ms. Stephanie N. Hau
Pat Keller
Jeffrey Long
W. Carl Richards, Jr.
Docket Clerk /ZADM ✓
Arnold Jablon, Director /ZADM

RECEIVED

DEC 15 1994

ZADM



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: January 24, 1995

FROM: Michael B. Sauer, Acting Chairman
County Board of Appeals

SUBJECT: Submittal of Amended Documented Site Plan --Case No. CR-95-138 /Toll House, Inc. (Hayfields)

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on January 24, 1995, we are transmitting to you a copy of the Amended Documented Site Plan and Petition for Reclassification submitted to the County Board of Appeals. This amended site plan and accompanying documentation is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended Documented Site Plan and a copy of the accompanying documentation to the Office of Zoning Administration & Development Management.


Michael B. Sauer, Acting Chairman

Attachment (1 copy of Amended Documented Site Plan and accompanying documentation)

cc: W. Carl Richards, Jr. w/10 copies of Amended Documented Site Plan and 1 copy of accompanying documentation

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: R. Schuetz
D. Levero
H. Buchheister

DATE: July 13, 1995

FROM: Kathi

SUBJECT: Case No. CR-95-138 /Toll House, Inc. (Hayfields)

Regarding the subject matter, scheduled for public deliberation on Wednesday, August 9, 1995 at 9:00 a.m., attached for your information and review are the following:

- 1) Petitioner's Opposition to Motion to Dismiss Petition for Reclassification and Petitioner's Motion to Amend Petition for Reclassification to Change the Name of the Petitioner filed by G. Scott Barhight, Esquire, on behalf of Petitioner.
- 2) People's Counsel's Memorandum: Hayfields Rezoning -Post-Hearing Issues filed by Peter Max Zimmerman.
- 3) Copy of Notice of Deliberation.

NOTE: H. Buchheister received his copies of Petitioner's Opposition to Motion to Dismiss (item 1) and Notice of Deliberation (item 3) on 7/12/95. Therefore, his copy of this cover memo contains only People's Counsel's Memorandum (item 2).

Should you have any questions regarding the above, please call me.

Attachments

R. Schuetz (3)
D. Levero (3)
H. Buchheister (1)



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 28, 1994

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Petition for Reclassification
TOLL HOUSE, INC., Petitioners
Case No. CR-95-138

94 NOV 29 PM 12:39

Dear Chairman Hackett:

This concerns G. Scott Barhight, Esquire's letter for the Petitioner dated November 21, 1994.

As the Board knows, pursuant to Section 2-356(m) of the Baltimore County Code, an amendment to a Petition for Zoning Reclassification may be made "only during a required public hearing proceeding on the Petition." There is a question as to whether or not the hearing which Petitioner requests in this letter is a "required" hearing. The regularly scheduled hearing under law is set for April 5, 1995.

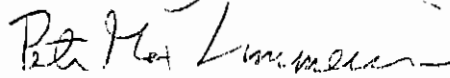
If we assume that the requested hearing is required on the basis that any amendment requires a public hearing, then this separate hearing must nevertheless be advertised and posted as would any other hearing. Otherwise, the community at large would have no way of knowing that the amendment is being submitted, triggering further Planning Board review.

Recently, in the separate case entitled Sherman-Spero (Item 13, Cycle III 1994), Case No. R-94-341, problems arose after an amendment hearing was held without advertising or posting. Citizens of the affected neighborhood who belatedly heard about the case expressed concern that they did not have timely notice. As a result, it became necessary to request a postponement of the hearing on the merits.

Accordingly, the purpose here is to avoid a repetition of the notice problem which occurred in the Sherman-Spero case. It is also to establish a consistent procedure for amendment requests submitted prior to the regularly scheduled hearing date, consistent with the public's right to notice and opportunity to be heard.

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
November 28, 1994
Page Two

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Max Zimmerman".

Peter Max Zimmerman

PMZ/caf

cc: G. Scott Barhight, Esquire

Arnold Jablon, Director, ZADM

Arnold F. (Pat) Keller, Director, Planning

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 15, 1995

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
4th Floor
Towson, MD 21204

RE: Preliminary Revision Review
Case #CR-95-138 (Cycle IV, Item #3)
Legal Owner: Toll House, Inc.
301 Western Run Road (Hayfields)
8th Election District

95 FEB 23 11:45

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The entire golf course and support areas do not, and will not, comply with the Baltimore County Zoning Regulations (BCZR) until a special exception and attendant variances are granted for the golf course use. It appears that a special exception request is not being presented to the Board of Appeals as part of this reclassification request and in any case, be aware that the Board of Appeals has jurisdiction only in areas for which the reclassification petition has been requested.
2. The plan has been reviewed by the staff and at the level of detail provided, only general statements on zoning issues can be made. Once less generalized plans are available for review, the staff will be able to better determine compliance with the BCZR requirements.



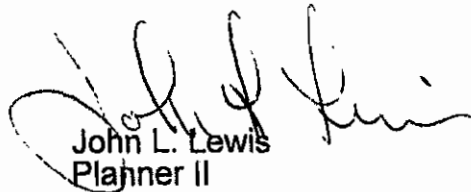
G. Scott Barhight, Esquire
February 15, 1995
Page 2

A general comment that does apply to these plans is that a zoning special exception and variances will be required and a considerable amount of further detailed information (such as density information and calculations, dimensioned setbacks and other zoning public hearing checklist requirements) must be provided as necessary for zoning review and determination for BCZR compliance well in advance of any zoning final approvals.

3. Title all amended plans as "First Revised" or "First Amended" in the title block with the date and referencing a list of the changes, which must be clearly listed on the plan.
4. Be aware that the documented reclassification plans and the future zoning hearing plans must be consistent, otherwise any conflicts must be reconciled in an appropriate manner.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,



John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

c: **Board of Appeals**
Jeffrey Long, Planning Office



Baltimore County
Planning Board

3/7/95
JO 10:42
FXT
1-10

9/69-95
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

March 6, 1995

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Documented Site Plan -
Toll House, Inc. (a.k.a. "Hayfields")
(Case No. CR-95-138)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in a special meeting on March 2, 1995 to constitute the Board's report recommending denial of the Petition and the amended documented site plan in Case No. CR-95-138.

Pat Keller

PK/TD/mjm
TOLL.HAY/PZONE/TXTMJM

Enclosure

cc: G. Scott Barhight
Arnold Jablon
Peter Max Zimmerman

RECEIVED
MAR 7 1995

ZADM



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

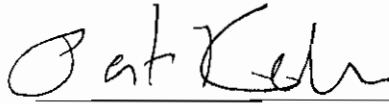
TO: Members of the Baltimore DATE: February 23, 1995
 County Planning Board

FROM: Pat Keller, Director
 Office of Planning and Zoning

SUBJECT: AMENDED SITE PLAN/CASE NO. CR-95-138
 TOLL HOUSE, INC. (a.k.a. HAYFIELDS)

This Petition for Reclassification was initially submitted as part of Cycle III. On January 19, 1995, the Planning Board voted to recommend retention of the existing zoning.

On January 24th, an amended documented site plan was filed with the Baltimore County Board of Appeals pursuant to Section 2-356(m) of the Baltimore County Code. Based upon the analysis of the plan, the staff offers the attached revised recommendations.



Pat Keller

PK/TD/mjm
TOLLHSE/PZONE/TXTMJM

Attachment

BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN COMMENTS
FROM: PDM - ZONING REVIEW

CPC DATE: 10/16/95
9:00 a.m., Room 123

PROJECT NAME: Hayfields

PLAN DATE: 9/25/95

LOCATION: NWC Shawan Road
and Interstate 83

REV.:

DISTRICT: (X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
PROPOSAL: 40 Single Family Lots & (BA) BE ADVISED (NOT NECESSARY FOR CONCEPT
(1) 18-Hole Golf Course PLAN APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ZONING CASES: CR-95-138 & 95-308-X ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and not enough basic information has been supplied to determine general compliance with the Baltimore County Zoning Regulations (BCZR); HOWEVER, CERTAIN CONFLICTS WHICH ARE CAPITALIZED IN THESE COMMENTS WILL NOT ALLOW ZONING APPROVAL OF FUTURE PLANS UNLESS THEY ARE CLEARLY RESOLVED TO SATISFY BCZR AND ZOPM REQUIREMENTS. The following comments are generalized for the concept plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. The following comments will be up-dated and, if necessary, supplemented when the following information has been supplied to this office and included on the plan:

Concept Plan Comments:

1. The last revised plan for the special exception, as well as the original special exception, was dropped-off for filing by the attorney/petitioner without a final filing review by staff. The plans/revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. As with all petitions/plans filed with this office, it is the final responsibility of the petitioner to make proper application, address any zoning conflicts and, if necessary, to file revised petitions.
2. The proposed golf course use was granted in special exception case #95-308-X and is subject to the final zoning hearing outcome. Single family residential uses are permitted as of right, subject to the BCZR and zoning policy compliance. THE PROPOSED (5) RESIDENTIAL DWELLINGS/LOTS IN THE R.C.-2 WERE NOT ON THE LAST APPROVED ZONING CASE SITE PLAN ON FILE WITH CASE #95-308-X. CLARIFY IF THESE ARE LOCATED WITHIN THE GOLF COURSE SPECIAL EXCEPTION AREA AND IF SO, RESOLVE THE PLAN DISCREPANCY AND CLARIFY HOW THE RESIDENCES MAY BE INCLUDED IN THE LIMITS OF THE GOLF COURSE SPECIAL EXCEPTION AND RESOLVE SECTION 102.2, BCZR, AND ZONING OFFICE POLICY MANUAL NONCOMPLIANCE, I.E., THE 226 +/- ACRE GOLF COURSE SPECIAL EXCEPTION AREA AS DESCRIBED IN THE ZONING DESCRIPTION MAY NOT BE USED TO SUPPORT RESIDENTIAL DWELLINGS. CORRECT CALCULATIONS ACCORDINGLY BY REMOVING THESE 5 LOTS FROM ALL PLAN NOTES AND CALCULATIONS. Show and label the limits of the special exception area. A zoning FDP is required for final zoning approval.

(OVER)

3. For all reviews, the zoning staff must receive a copy of the most recent plans (in case #CR-95-138 [documented reclassification] and #95-308-X) under consideration by the Board of Appeals (or other court) for comparison purposes. BE AWARE THAT ALL PLANS MUST AGREE AND FINAL PLAN APPROVALS ARE SUBJECT TO THE OUTCOME OF THE ZONING PUBLIC HEARINGS. BE AWARE THAT ANY ACTIONS REQUESTING APPROVALS FOR ZONING ARE UNDERTAKEN AT THE OWNERS OWN RISK UNTIL THIS IS RESOLVED.
4. Final reviews (starting now) must be on plans at a scale no smaller than 1" = 100' for all areas proposed for development.
5. Since this plan is now approved under the zoning commissioner's order in case #95-308-X, compliance with all restrictions must be clearly shown. This includes restriction #3 requiring submittal of a revised site plan. Confirm compliance and dates. No site plan post-dating the June 30, 1995 order is included in the zoning file being reviewed by the staff. Staff will require that the applicant provide a duplicate copy of this plan for zoning review/comparison.

Future Development Plan Comments (at this level of detail):

6. A. The garage (building #8) and the use (accessory structure? principal building?), height, location in yard area and distance between structures must be shown clearly and any zoning noncompliance must be resolved, possibly by additional zoning hearings.
B. Dimension all building setbacks to property lines, street centerline, and between building setbacks. Show all lot sizes in acreage. Show all front building orientations. Number all lots. THERE ARE 2 LOTS IN THE R.C.-4 ZONE WITHOUT NUMBERS SHOWN AS "OPTIONAL", THESE MAKE A TOTAL OF 37 LOTS WHICH ARE NOT ALLOWED WITHIN THE MAXIMUM 35 LOT DENSITY LIMITS. REMOVE THEM FROM THE PLAN.
7. In the R.C.-4 zone, show (dimensioned setback) maximized building envelopes per Section 1A03.4.B.2 and individual lot coverage maximums per Section 1A03.4.B.3 and clearing maximums per Section 1A03.5.D.4.F. Confirm that the conservation area shown on the plan is the 70% conservancy area, as referenced in Section 1A03.4 (BCZR).
A. State if Western Run is or is not an arterial roadway; if it is, comply with the additional setback requirements of Section 1A03.4.B.2.C.
B. Provide confirmation of Performance Standards compliance in Section 1A03.5.
8. Provide accurate gross and net area calculations in compliance with the following: net area = the entire overall tract/ownership area (excluding any existing public street right-of-ways; gross area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see Zoning Policy RSD-3).

Use the gross area in the density calculation, clearly indicating the source of the additional calculated area over and above the net area.

(OVER)

Note on the plan under the density calculation: "This property as shown on the plan has been held intact since 1979 for the R.C.-2 area, 1975 for the R.C.-4 area. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings". If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly. If this cannot be stated, provide detailed density utilization information since these dates on an overall density plan to show compliance with zoning policy 1A01.3.B.1, page 1A-10 (ZOPM).

9. Dimension on the plan print and note that all driveways and parking aisles will comply with Section 409.4 of the Baltimore County Zoning Regulations (BCZR). Driveways - 12 ft. wide for one-way and 20 ft. wide for two-way traffic (Section 409.4.C, BCZR). 90 degree parking angle requires 22 ft. for one or two-way aisles. Provide a dimensioned parking space/aisle detail on the plan. Note that all parking, maneuvering and aisle areas will be paved (indicate type) and permanently striped. Label proposed curbs and/or parking wheel stops on the plan.
10. Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with the Baltimore County Zoning Regulations (BCZR), Section 413.1 and all zoning sign policies or a zoning variance is required.

Final zoning approval is contingent first upon all plan comments being addressed on the development plan; secondly upon the final resolution of all comments; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the building permit site plans.



JOHN L. LEWIS
Planner II

JLL:scj

c: zoning case #95-308-X
zoning case #CR-95-138

HAYFIELDS MANOR

FDP Comments

10/30/96

1. Number lot 35 and state the area.
2. Remove old lot lines from lots 36 and 37 and correct acreage.
3. As stated in the DPC and HOH comments: Certain structures are not designated for use/setback in key plan sheet; therefore, no review is possible and zoning non-compliance is probable. All buildings not accessory to a residence are principle structures, subject to all principle and between building setbacks as required by Section 102.2 (BCZR). This note concerns the 3 structures in the country club complex in the western area. Dimension all building setbacks to property lines and between building setbacks. Clarify and show zoning compliance or include in required zoning actions. Show all front building orientations.
4. In the R.C.-4 zone, show (dimensioned setback) maximized building envelopes per Section 1A03.4.B.2. (BCZR) and individual lot coverage maximums per Section 1A03.4.B.3. (BCZR). Dimension lot lines. 50-foot setbacks are required from any agricultural (R.C.-4) land to be used for farming.
5. State if Western Run is, or is not, an arterial roadway. If it is, comply with the additional setback requirements of Section 1A03.4.B.2.C. (BCZR).
6. Provide confirmation of performance standards compliance in Section 1A03.5. (BCZR).
7. Note that all parking, maneuvering, and aisle areas will be permanently striped. Label proposed curbs and/or parking wheel stops on the plan.
8. Show, in heavy outline, and label the limit of the special exception/special hearing area for the golf course and explain the plan area disagreement with the zoning description as stated elsewhere in these comments.

HAYFIELDS MANOR

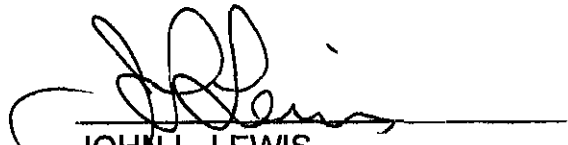
FDP Comments

10/30/96

Page 2

9. Provide an engineered scaled elevation on the plan of all existing and proposed free-standing signs, clearly indicating the type, height, dimensions, square footage, single or double-face, and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Section 413.1 (BCZR) and all zoning sign policies or a zoning variance is required.
10. It is the responsibility of the developers engineer to keep the zoning, development plans, and FDPs in agreement. One apparent problem is that the zoning description area of 271.52 acres is less than that shown in the development plan notes: 273.1 in R.C.-2 and 3.5 in R.C.-4.
11. Final zoning approvals are subject to the hearing outcomes (now on appeal).

Return a copy of these comments with the revised FDP.



JOHN L. LEWIS
Planner II, Zoning Review

JLL:scj

c: zoning case #CR-95-138
zoning case #95-308-X
zoning item #348



County Board of Appeals of Baltimore County

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

July 10, 1995

NOTICE OF DELIBERATION

Having concluded its hearing on July 10, 1995, the Board of Appeals has scheduled the following date and time for deliberation in the matter of:

Toll House, Inc. /Hayfields
CASE NO. CR-95-138

DATE AND TIME : Wednesday, August 9, 1995 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: G. Scott Barhight, Esquire Counsel for Petitioner
John M. Mangione Petitioner
E. Haile /G. Gavrelis /D. Locke
Daft-McCune-Walker
Stephanie N. Hau, President
Chesapeake Env. Management, Inc.
G. Macy Nelson, Esquire Counsel for VPC, et al
John Bernstein, Executive Director
Valleys Planning Council (VPC)
Kenneth T. Bosley
Ms. Robin Breiteneker
Falls Road Community Association
James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /PDM
Arnold Jablon, Director /PDM

Kathleen C. Weidenhammer
Administrative Assistant

copied /R.B.M.



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: TOLL HOUSE, INC. /HAYFIELDS
Case No. CR-95-138

DATE : August 9, 1995 @ 9:00 a.m.

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
S. Diane Levero (SDL)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included G. Scott Barhight, Esquire, on behalf of Petitioner; and Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

ROS: We are here this morning on Case No. CR-95-138, Toll House, Inc. /Hayfields. Purpose of this particular proceeding is to deliberate the case which was brought before the Board on the Hayfields case; that being the reclassification of portion of what is proposed to be by Mr. Mangione and others a golf course and residential development. I want to provide some editorial comment before I get into what I have found in this matter.

First, I want to speak to the existence of correspondence after the record has closed. The Board has a very tall order when considering five days of evidence and testimony, and we have rules within whatever it is that the Board does in its proceedings where the Petitioner is given opportunity to provide closing argument; opposition does likewise; and Petitioner rebuts. We even had a special meeting with counsel to determine how that would proceed. Then to have deviated from that goes against the issues of fairness, and I think that it should not happen again. If it does, that correspondence will be returned in future cases. We are not going to consider it. Furthermore, those who are providing that type of correspondence should be careful of what they ask for. You just might get it. In this matter, you will find that I am going to be, in this particular matter, my position is that it should be turned down. I think that discretion is the better part of valor when it comes to issuing that type of correspondence.

As to how the case was tried, I think Mr. Barhight did an exemplary job of putting this case together and how a reclassification case should be tried before the Board. The job of People's Counsel is to defend the maps. The job of the

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protestants is to shoot holes in what has been provided by the Petitioner. Neither happened here. Case was tried on both sides. That was not supposed to happen here; two days of Petitioner's case and three days which are protestants. Reclassifications are not that complicated.

Having said all of that, I would like to get into the merits of the case. It is my opinion that, first of all, a reclassification is a most difficult issue to be tried before the Board, and a huge hurdle for the Petitioner to get over. No matter what I might feel about the quality of the development, of what is going to be coming before this Board, has been brought before the Board on appeal of the special exception, no matter what I might feel about what might come later, I cannot consider that in this matter. This is a reclassification. Mr. Barhight did his very best to provide evidence and testimony for this Board's consideration on mistake and error. In the beginning, they gave on the issue of change in the neighborhood; was not issue before the Board. Made it very clear he was going after mistake and error. We had ample evidence and testimony at conclusion of Petitioner's case in chief for me to have rendered a decision. I do not know about my cohorts here, but a reclassification on mistake and error is almost impossible to prove. I say almost. We have had cases where mistake and error were proven using testimony and evidence brought by people who are part of the Comprehensive Zoning Map Process and who brought information which was different from that which was considered by the County Council. That did not happen in this case. We had testimony of Mr. Dillon and others, including Mr. Gerber and Mr. Haile; we have had so much discussion that these people had been part of this process for many, many years. The very fact that we have a plethora of information that was gathered during the course of these proceedings points to the fact that that information existed and was available to the Council over many years. I have played around with the idea that perhaps this case was misplaced in that a reclassification perhaps should have been approached with map correction, if those issues were that the map was improperly drawn. I have not come to terms with that. I have a reclassification before me and must decide on the merits of the reclassification; the issues before the Board on a reclassification of mistake and error.

We have testimony and evidence provided by Mr. Gerber and others which would indicate that the line was drawn with a particular criteria in mind in either 1970 or 1971, whatever the time was. It may be entirely coincidental that that very line happens to divide what would be prime and productive agricultural soils versus what would better be zoned as

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watershed protection. We had Mr. Haile who said the whole property could be zoned R.C. 4; drains in all directions; ends up at the Loch Raven Reservoir. Question is therefore what did the Council think was more important. We have protestants who believe that the protection of the prime and productive agricultural soils is paramount. We have Petitioners who recognize that protection of the watershed is very important, given what has been proposed in their development; is proposing some sort of a balance. It's not for this Board to decide which is a more important criterion; only whether the Council erred in its decision.

I cannot find anything in the evidence and testimony or in argument that would lead me to believe that the Council did not act reasonably when it assigned the zoning classification that it did for the Hayfields property in 1992. Therefore, on the issue of the merits, my position is that the reclassification petition should be denied. When Mr. Bosley raised, and Mr. Nelson and Mr. Zimmerman joined in on, a motion to dismiss for lack of standing -- I believe Mr. Barhight is correct. I don't believe that the protestants nor People's Counsel, are prejudiced by what happens to be clerical issues that are impacting Mr. Mangione's right to develop this property in a fashion consistent with the law. I believe that Mr. Barhight is correct in stating that it's really at the Board's discretion to decide whether to allow the amended name. It is that -- a name only. We have information provided by counsel that would lead me to believe that Toll House, Inc., and Hayfields are one and the same. Therefore, the motion is denied.

That's all I have to say.

SDL: Regarding the Motion to Dismiss first. I believe that this name change is a mistake which caused no prejudice to the protestants; would deny this.

In a petition for reclassification, there is a strong presumption of correctness of original zoning; burden higher than normal. Must be strong evidence of mistake; Board cannot substitute its judgement for that of the County Council. The zoning on this property was repeatedly scrutinized during the zoning process. Line has not changed. Testimony shows that the line divides prime and productive soils from less productive soils. Paul Solomon testified that Hayfields is one of the largest farms in County with prime and productive soils; productive regarding yields. Of all criteria for R.C. 2, soils is predominant criterion. Existing zoning line is consistent with R.C. 2 and R.C. 4 zoning applications in that

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it separates prime and productive soils to south from land in north in reasonable manner. Impressed with his testimony, and others, all of whom stated that Bill No. 113-92 concerned internal layouts within R.C. 4 areas; no effect on R.C. 2 and R.C. 4 zoning lines. Testimony shows that the County Council and Planning & Zoning considered all issues in 1992 Comprehensive Map Process, and that the present zoning line is consistent with purpose of R.C. 2 zoning to protect productive agricultural soils. Proposed line would divert prime land for additional density. I would deny the Petition.

HEB: Drawing from my 29 pages of notes, I am going to review the testimony that has brought me to the conclusion that I have arrived at in this deliberation. Very interesting and important case.

Was there a fact of mistake and error in judgement in assumptions made or in awareness of the law as applied by the County Council for 20 years, and particularly in 1992? Does this give reason to reclassify land to R.C. 4 zoning by relocating the zoning line? Testimony in these sessions has covered the full history of the establishment of agricultural preservation land of historic Hayfields farm. To the south of R.C. 4 line exists prime and productive soil of the highest grade on reasonably flat land. To the north lies less desirable soil, and topography of land in this area begins to fall off at 20 degree slope; less productive soil.

Testimony by Mr. Gerber, former director and deputy director of Planning & Zoning, indicates he was responsible for all agricultural area mapping; in adoption of Rural Conservation Zone in 1976 and amended in 1979. My notes say that Mr. Gerber actually drew initial line in 1971 which has been continuous ever since with no change. He testified that this line was appropriate then and in 1980, 1982 and 1984. The Board has heard testimony that petitions for reclassification of acreage of Hayfields Farm were made by owners five times from 1980 to 1986 for D.R. classifications, and in 1988 and 1992 for R.C. 5 classification by the current owners. No issue was ever made during that time to change direction and location of the zoning line between R.C. 2 and R.C. 4 land. But now in 1995, interestingly to me, Mr. Gerber sees reason that warrants change in line.

Mr. Gavrelis thought 1992 zoning map was in error based on fact that line does not project well-established line to protect soils. He testified that R.C. 4 was expanded by Bill 113-92 and could protect watershed while protecting prime and productive land. Although the Board did not consider

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specifics of documented site plan for the 69 acres, Mr. Gavrelis said it adds up to a warrant for reclassification from R.C. 2. He remarked that R.C. 4 land can be built upon and still preserve prime and productive land. The R.C. 4 zoning criteria was to protect water drainage to streams leading to the reservoir.

Mr. Haile, an expert professional land surveyor, said that the entire Hayfields farm could be R.C. 4, as mentioned by Mr. Schuetz. Mr. Kirwin who served on the Planning Board and was involved in placement of R.C. 2 line in 1974, said R.C. zones were evaluated based on staff recommendations such as topography, prime and productive soils, natural land forms. Precepts of agricultural land preservation, forests, woods and land and any historical significance. Mr. Kirwin reviewed all aspects, including Bill 113-92 and felt line was correctly placed. It runs along the highest topography with prime soil to the south and non-prime to the north. Same in 1992 as in 1970's. Bill 113-92 established performance standards for R.C. 4. It effects more stringent standards than previously but does not change boundary. The proposed zoning line or boundary is not correct because it takes prime soil out of R.C. 2, according to Kirwin, and affects historic building. Proposed line is not consistent with soils in adjacent properties. When line is projected, it would remove R.C. 2 land at those properties also. Testified that he reviewed previous cases and noted that 1992 application was only about R.C. 4 land and not the R.C. 2 land.

Ms. Mascara, chairman of the Landmarks Preservation Commission, testified that proposed plan goes to heart of historical buildings dating to 1808. Structures would lose historical significance if land is not used for agriculture. She acknowledged that land is not the subject of the Landmarks Commission review; only structures.

Mr. Dillon shed light on what Council may have known in 1992 regarding R.C. 4 line, inasmuch as Councilman for third district was very on top of zoning issues in 1992. Mr. Dillon often met in councilman's office and with councilman's staff. He testified that with the issue to change 171 acres to R.C.5 from R.C. 4, no one talked about redrawing R.C. 2 line, that over the years no one ever so suggested. Mr. Dillon believes that the line is reasonable and that if Bill 113-92 was brought up today, he would recommend retention of line.

Paul Solomon who worked to develop R.C. zone in 1970's cited uniqueness of soils and protection of area. Criteria for R.C. 2 is consistent for other areas. Petitioners' line is not defensible because of all criteria, the soil was dominant

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consideration. Lots to be developed in R.C. 2 were not consistent with resource conservation and preservation. Putting prime productive soil in R.C. 4 zone was wrong move per Mr. Solomon.

Petitioner asserts that Council made an error based on a faulty premise and assumption. Mr. Gerber said line in 1971 and existing today was based on the possibility of a sewer service by gravity and he drew line to approximate ridge line. Also continuous line for two decades was drawn to separate old DRP line from D.R. zone. In 1976 a detailed study was impossible for some reason. So DRP line already in place was continued. Petitioner claims that no one has studied whether the line was in the right place from 1971 through 1992. Bill 113-92 brought big changes to R.C. 4 zone when a detailed study was done of R.C. 2. They insist that the proposed line of the documented plan will bring better use of land. In conclusion, there are numerous considerations in this petition. Expert opinion on both sides has been persuasive to a point. An historic farm of highly productive soil in conservation zone was established and continued by knowledgeable professional county employees. It has been remarked that to move this line would cause a domino situation around the County, and piecemeal rezoning.

I am convinced that present R.C. 2 line was drawn in a reasonable and prudent manner. County Council was not in error in 1992; criteria for establishing existing R.C. 2 /R.C. 4 line remains. Proposed line that sort of twists and turns across property as determined by reasonable and competent professionals representing the Petitioner has other purposes that may be worthy. But not for the preservation of the agriculture under R.C. 2 zoning. From all testimony I perceive of no error in present R.C. 2 /R.C. 4 line and petition for reclassification should be denied.

ROS: I wanted to say a couple of other things. It appears we are unanimous.

Regarding testimony of Melvin Mintz, I agree with Mr. Barhight, in that he did not get into the thought process per se and what might have gone on inside the council and their thoughts. A lot goes on in the County Council that this Board is not entitled to delve into; but Mr. Barhight, in his questioning of Mr. Mintz, was within reason as to what the Board can consider. We simply do not know, nor we will ever know, all that goes on. That's why there is such a strong presumption of correctness. So while I understand People's Counsel's objection to the admissibility of Mr. Mintz's

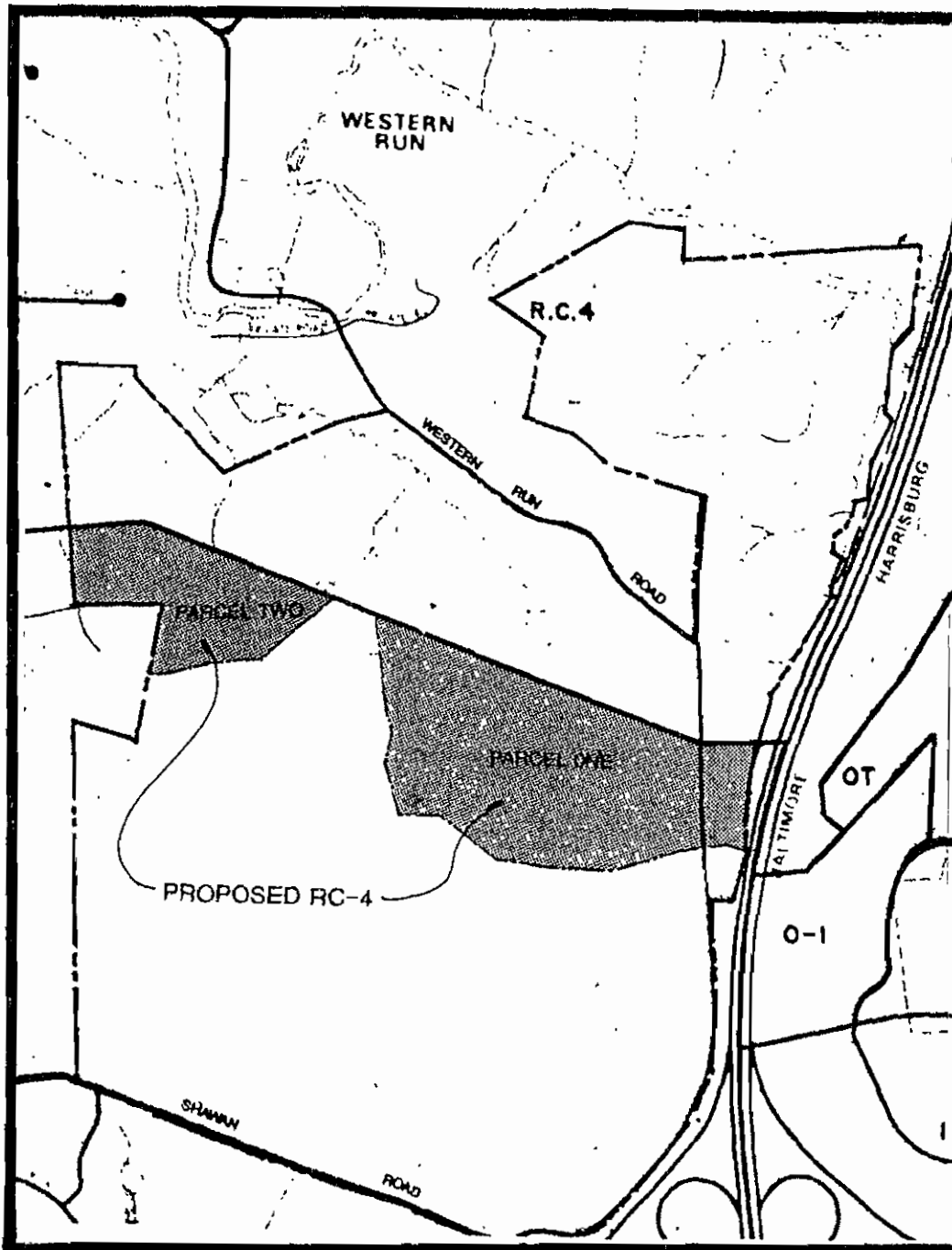
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testimony, I do not believe that these proceedings were tainted, and that is what it was that I was referring to earlier. This case could have easily, were this Board to find proceedings were tainted, could have been retried.

Closing by ROS: This concludes the matter. Caution everyone that what you heard today is not the official record. What is official will be the Opinion and Order which will be issued at some time, which may or may not be today's date. So any Petition for Judicial Review should be made from the date of that order and not necessarily from today's date. Thank you all very kindly.

Respectfully submitted,


Kathleen C. Weidenhammer
Administrative Assistant



ITEM NUMBER
Location of Property Under Petition

Scale: 1"= 1000'

PETITIONER:

Toll House, Inc.

REQUESTED ACTION:

Reclassification of 68.9 acres of R.C. 2 zoned land to R.C. 4

EXISTING ZONING:

R.C. 2

LOCATION:

North side of Shawan Road, west of Western Run Road (301 Western Run Road, also known as "Hayfields")

AREA OF SITE:

Total Gross Site - 474.4 acres
R.C. 2 Area - 295.9 acres
R.C. 4 Area - 178.5 acres

Proposed rezoning to R.C. 4 involves 68.9 acres of land currently zoned R.C. 2.

ZONING OF ADJACENT PROPERTY/USE:

North: R.C. 4 Large Tract - Rural - Residential
South: R.C. 4 - Rural-Residential
East: R.C. 2 - O-1, O.T., M.L.-I.M. - Interstate Highway and Office
West: R.C. 2 Large Tract - Rural Residential and Agricultural

SITE DESCRIPTION:

The subject site is improved with the historic Hayfields mansion, associated outbuildings and active agricultural fields.

According to the petitioner's Environmental Impact Study "...approximately 300 acres [of the site] are currently tilled. The remainder of the property is not tilled due to the presence of buildings and other structures, wet areas, steep slopes, and other environmental features." The southern portion of the site contains three intermittent tributaries to Oregon Branch, and the Western Run traverses the northeastern corner of the property.

PROPERTIES IN THE VICINITY:

The site is bordered to the north by unimproved property; to the south by large tract, rural-residential development; to the east by I-83 and various office uses; and generally by agricultural uses to the west.

WATER AND SEWERAGE:

The applicant's property is located within a "no planned water and sewer service" area, and is designated W-7, S-7 according to the Master Water and Sewer Plan. Since public water and sewer are not available to the site, private utilities would have to be provided.

ZONING HISTORY:

1976- As a result of a larger issue which established the R.C. zones in Baltimore County, the subject property was reclassified to R.C. 4 and R.C. 5 (see Issue No. 3-088).

1980- Former owner requested D.R. zoning and as a consequence of that action the R.C. 5 portion of the site was reclassified to R.C. 2 (see Issue No. 3-044).

1984- Existing zoning retained by the County Council (see Issue No. 3-176).

1988- Existing zoning retained by the County Council (see Issue No. 3-308).

1992- Existing zoning retained by the County Council (see Issue No. 3-178).

While attempts have been made to rezone the property in each subsequent comprehensive zoning process since 1980 (1984, 1988 and 1992), the County Council has explicitly and consistently retained the zoning that has been in place since 1980.

DOCUMENTED SITE PLAN:

Section 2.356(L)(1) of the Baltimore County Code requires that documentation include, in addition to several other requirements, elevation drawings and information regarding exterior materials of all proposed structures and all existing structures to be retained. The applicant has not provided this required information.

In addition, it is important to note that while a golf course is shown on the documented site plan, it is not part of the subject reclassification petition. A separate petition to approve the golf course as a Special Exception has been filed with the Zoning Commissioner.

Under the current zoning of the property, the potential exists to develop 40 residential lots, six on the R.C. 2 land, and the remainder in the R.C. 4 area. The overall plan proposes 50 lots, four in the R.C. 2 and 46 in the R.C. 4. The plan contains an area enlargement which depicts typical residential lotting and building envelopes. Information regarding height and area standards, on-site private utilities, parking, landscaping, and architectural restrictions is noted on the plan.

CONSISTENCY WITH THE MASTER PLAN:

It is clearly understood that the Master Plan is a "guide" to decision-making on land use matters. Because the Petition for the Hayfields property requests a piecemeal change to the comprehensive zoning plan which has been reiterated by the County Council since 1980, it is important to examine the Master Plan 1989-2000 for policy guidance on such a change.

The proposed development would be directly and inescapably contrary to the Master Plan's goals and policies with respect to historic preservation, scenic view and corridor preservation and agricultural preservation.

Historic Preservation

The Master Plan policy (p. 43) regarding historic preservation states that the County "should improve and expand its programs to preserve and maintain historically or architecturally significant districts as well as individual structures and their immediate surroundings."

From this historic preservation perspective, the proposed changes in zoning and use of Hayfields are not justifiable because of the uniqueness of this particular site. The historic structures remaining on the site have been placed on the Baltimore County Landmarks List (the Hayfields main house and six of its outbuildings). These structures have intrinsic value from their association both with the farm's important owners and with Civil War events. The historic value of the listed structures is enhanced by their setting on the farm, and vice versa. The preeminent historic significance of the Hayfields property, however, derives not merely from those structures but also at least as importantly from its productivity and use as a farm.

Two aspects of this historic use are particularly important, as summarized in item 8 on the Maryland Historical Trust's Inventory form (copy attached). Early in the 19th century, Hayfields' founder, Col. Nicholas Merryman Bosley, extensively regraded and restored the fields from their ruined, gullied condition to an exemplary level of productivity, for which work the Maryland Agricultural Society's award was presented to him by none other than the Marquis de Lafayette. Later in the century, Hayfields was the center of pioneering work by John

Merryman (of Civil War notoriety) on the introduction of Hereford cattle to America. Further documentation on these activities has been provided by the Landmarks Preservation Commission in its Appendix to this report.

As important as the Hayfields farm is in itself, it derives additional importance as part of the Western Run - Belfast Road Historic District (a component of the National Register of Historic Places). In its prominent location at the southwestern entrance to the district, Hayfields distinctively embodies the purposes for which the District was established - recognition and protection of rural, agricultural character. The Hayfields property, as a farm, merits the utmost protection against non-agricultural intrusion much more than other farms in the County because it is the site of improvements, usage and events with documented local and Statewide historic importance. Its preservation is consistent both with the Master Plan's policies on agriculture and historic preservation and with the purposes of the R.C. 2 zone.

If there is any error in the placement of the zoning boundaries on the Hayfields farm, it would unquestionably be, for historic preservation reasons, that too little of this landmark farm is currently protected by R.C. 2 zoning.

Scenic View and Corridor Preservation

One of the goals of the scenic route program adopted in the Master Plan (see p. 144) is the preservation of visual character that makes Baltimore County distinctive. The Hayfields property borders three scenic routes. It is located at a "gateway" which abruptly and dramatically marks the transition from the high-density urban character of contemporary Hunt Valley into the sweeping agricultural perspectives of a much earlier, rural Baltimore County. As such, this property plays a singularly crucial role in maintaining the image of that rural landscape and sharply defining its perimeter against the urban landscape.

Western Run Road, I-83 and Shawan Road are all scenic routes. There are expansive views offering broad vistas across the site, focused views directed toward the historic structures, and views which are more enclosed by the topography along Western Run Road. The Northern Sector Development Policy Plan also identifies a significant view along Western Run Road.

The topography and slope aspects of this site make it visually prominent. Landscaping or screening of the project could not mitigate the impact of development on the scenic importance of this property.

The proposed development is not consistent with the goals of the Master Plan in terms of the recognition of the distinctive visual elements which make Baltimore County so desirable to

residents and attractive to visitors. The Master Plan indicates that "...these quality-of-life components should not only be identified but should also be integrated into the County's ongoing development in a positive way that enhances and protects them as a legacy for posterity." Even an "open space" use such as a golf course would be inconsistent with the visibly agricultural character of this legacy.

Agricultural Preservation

The Master Plan states that agriculture and the agricultural industry needs to be promoted as an essential component of the County's heritage and economic health. The agriculture economy is an industry in Baltimore County that generates millions in revenue annually. This industry is also dependent upon the land as its resource. The Master Plan also indicates the following: "Agriculture remains the fundamental economic activity in the Northern Sector. It is a Master Plan priority to retain and support agriculture as an important industry in the County, which will also result in maintaining and protecting the rural character of [Baltimore County]."

The adopted Land Use Plan for the Northern Sector shows that the Hayfields property is located within an "Agricultural Preservation Area." The Annotated Legend section of the Master Plan indicates the following regarding this designation:

Agricultural Protection

Land in agricultural use is not only the chief component of Baltimore County's refreshing rural landscape but is also the basis for a major part of County economic activity. The future economic viability of agriculture depends on the availability of land that is both inherently productive and substantially free from intrusions by incompatible suburban uses. This category on the map consists principally of land zoned R.C. 2, but also encompasses most of the R.C. 4 acreages. It is an area in which resource based and resource conserving uses (agriculture, forestry and the like) should have clear preference over all other uses. Proposals for other kinds of uses, including nonfarm residential, should prove there will be no immediate or cumulative adverse effects on the primary resource preservation purposes of the area. Those purposes include protecting groundwater reserves and surface water flows to the reservoirs and Chesapeake Bay, as well as conserving historic rural landscapes and the soil's natural productive capability.

Clearly, re-zoning portions of this property and the conversion of the Hayfields farm into residential lots would be inconsistent with the Master Plan goal of Agricultural Preservation.

CONSISTENCY WITH PURPOSES OF R.C. ZONING

In 1975, the County Council found legislatively that "continuing development in the critical watersheds of [the metropolitan] water-supply sources is causing increased pollution and sedimentation...", and the Council therefore enacted the R.C. 4 zoning "to provide for the protection of the water supplies..." (B.C.Z.R. Sec. 1A03.1). With their new performance standards and lower density, the R.C. 4 regulations were more stringent than the zoning previously in effect on the land bordering the reservoirs, but R.C. 4 nevertheless allows very much higher overall density of development (approx. 1 dwelling per 3 acres) than R.C. 2 (approx. 1 dwelling per 50 acres).

Re-classifying even part of Hayfields' R.C. 2 acreage would thus allow more development than could be done under the current zoning. If the Petition was requesting a change from R.C. 5 or D.R. zoning, R.C. 4 could be more appropriate, but it is difficult to see how the Western Run watershed would be better protected by a zoning change that would allow more development than is currently permitted. In its actual effect, this would be counter-productive for resource protection, and contrary to the Master Plan.

COMMENTS BY LANDMARKS PRESERVATION COMMISSION

The proposed development of the Hayfields farm was discussed by the Commission in its meeting on February 9, 1995, at which time the following interim position was adopted:

As mandated by the Baltimore County Code, Section 26, the Baltimore County Landmarks Preservation Commission is to preserve the historical integrity of Baltimore County through its continual efforts to protect architectural sites.

One of the most significant and currently most threatened buildings in the County is the farm called "Hayfields" located at the entrance to the Greenspring Valley on Shawan Road. The history of this site and of the Merryman family is so extensive that it would fill volumes. Part of the information may be found in the records and files of the Commission and much more at the Baltimore County Historical Society (BCHS) and the Maryland Historical Society. Attached to this memo is an unpublished interview conducted by Ruth B. Mascari, Chairman and a copy of an old survey from BCHS.

For the purpose of this note, let it be said that the significance of this site lies in several areas - associative, architectural, singular natural beauty, but most importantly in the broad pattern of local history of agriculture. Because a major portion of the County's past springs from its agriculture and, indeed, even continues today, the agrarian importance

of this farm places it as the premier agri-history landmark of Baltimore County. Farming and all of the accessory activities which attend to it are and have been so intrinsically interwoven in the birth, the growth and the life of "Hayfields" that it is physically and psychologically impossible to separate its farming history from the main house, the out buildings, the grounds, and landscaping or the setting.

Any alteration or deviation from this original intent, either on the land or in or around the built environment would be a violation of the spirit and the intent of the Baltimore County Code, the Master Plan and the nomination of "Hayfields" as a listed Baltimore County Landmark.

The LPC's policy was approved as an interim measure pending an on-site inspection by the members, which was conducted with the cooperation of the Petitioner on February 20, 1995. The Commission's chairperson will be available at the Planning Board's meeting on the subject, and the Commission has invited the Petitioner to its next regular meeting (March 9th) for further discussion.

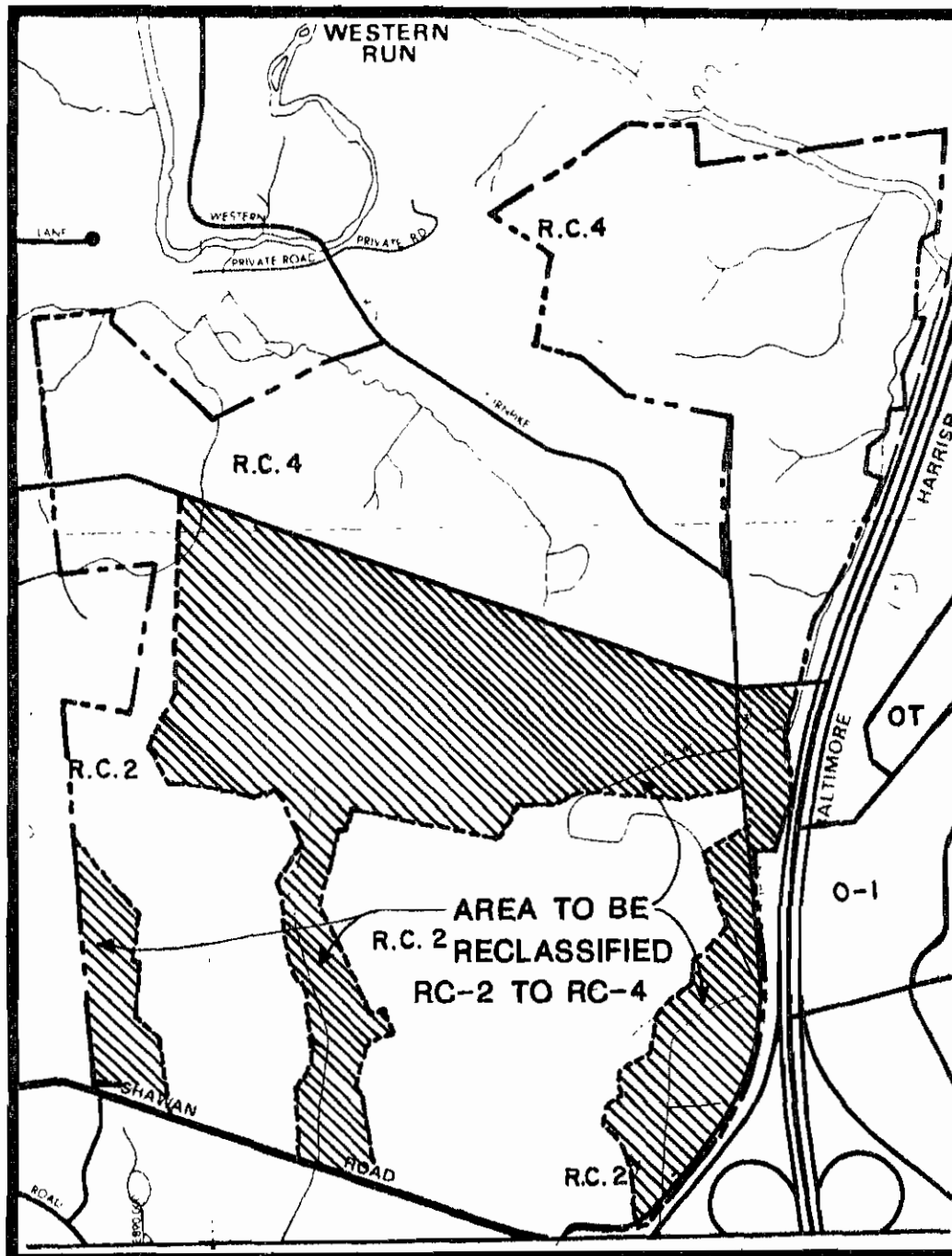
A comprehensive documentation of the historic importance of Hayfields as a landmark, working farm was submitted by the Commission and is included as an Appendix to this report.

CONCLUSIONS AND RECOMMENDATION:

The Petition for reclassification of 68.9 acres of the historic Hayfields farm is unnecessary and unwarranted. It would be contrary to the long-established comprehensive zoning plan of the property, especially as the rationale for that plan is elucidated by the policy guidance which the County Council has adopted in various mutually-reinforcing parts of the Master Plan 1989-2000. The reclassification would also be contrary to the basic purposes of the R.C. 2 and R.C. 4 zoning classifications.

Therefore, based upon the information provided and analysis conducted it is recommended that the requested reclassification be DENIED.

REVCR95.138/PZONE/CYCLE



ITEM NUMBER 3
Location of Property Under Petition

Scale: 1" = 1000'

PETITIONER:

Toll House, Inc.

REQUESTED ACTION:

Reclassification to R.C. 4

EXISTING ZONING:

R.C. 2

LOCATION:

North side of Shawan Road, west of Western Run Road (301 Western Run Road)

AREA OF SITE:

142.4 acres

ZONING OF ADJACENT PROPERTY/USE:

North: R.C. 4 - Agricultural
South: R.C. 4 - Rural-Residential
East: R.C. 2 - O-1, O.T., M.L.-I.M. - I-83 and Office
West: R.C. 2 - Agricultural

SITE DESCRIPTION:

The subject site is improved with the historic Hayfields mansion, associated outbuildings and active agricultural fields.

PROPERTIES IN THE VICINITY:

The site is bordered to the north by unimproved property; to the south by low density, rural-residential development; to the east by I-83 and various office uses; and by agricultural uses to the west.

WATER AND SEWERAGE:

The applicant's property is located within a "no planned water and sewer service" area, and is designated W-7, S-7 according to the Master Water and Sewer Plan. Since public water and sewer are not available to the site, private utilities would have to be provided.

ZONING HISTORY:

The site was split zoned R.C. 4 and R.C. 5 in 1971. An issue involving over a thousand acres, which included the subject property, was filed as part of the 1976 Comprehensive Zoning Map Process, however, no change in classification took place (see Issue No. 3-88). In 1980, the former owner of the property filed Issue No. 3-44 requesting Density Residential zoning, and as a consequence of that action the R.C. 5 portion of the site was downzoned to R.C. 2. While subsequent attempts have been made to rezone the property (see Issue Nos. 3-176 - 1984, 3-308 - 1988 and 3-178 - 1992), the County Council has consistently retained the zoning that has been in place since 1980.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

On November 21, 1994, this office received a letter from the Petitioner's attorney, G. Scott Barhight, indicating that the applicant intends to file an amendment to the Documented Site Plan accompanying this request (see attached letter and associated communications). Since the applicant does not intend to proceed with the current plan and a request to amend the Documented Site Plan at a public hearing has been submitted, this brief report on the analysis of the subject request is offered. However, based upon the information available at this time, staff recommends the applicant's request be denied.

Gray-JC
Jeff-L

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

RECEIVED

DATE: November 21, 1994

NOV 21 1994

TO: William T. Hackett, Chairman
Board of Appeals

OFFICE OF
PLANNING & ZONING

FROM: W. Carl Richards, Jr., Supervisor
Mitchell J. Kellman, Planner II
ZADM

WCK

SUBJECT: Reclassification Petition - Cycle IV
CR-95-138
Toll House, Inc.
301 Western Run Road
N/S Shawan Road, W of Western Run Road
8th Election District; 3rd Councilmanic District

On August 30, 1994, ZADM reviewed the above referenced reclassification petition. The request is a documented plan which shows proposed uses, including a golf course, on the property. A golf course is permitted in the R.C.-2 and R.C.-4 zones only by special exception; however, the reclassification petition did not include the petition for special exception. The documented petition does not comply with Section 2-356.(b)(d) of the Baltimore County Code (BCC). The petitioner's representatives were made aware that to complete the reclassification the special exception request must be filed in conjunction or eliminate the documentation. They insisted on filing and made reference to the Caves Valley Golf Course case, which was originally submitted in a similar manner but corrected within 30 days.

This correspondence shall make the Board aware that the petition was accepted at the request of the petitioner's representatives; however, almost 3 months have passed and the application has not been corrected or completed.

MJK:scj

cc: Arnold F. Keller, Director
Office of Planning and Zoning

COPY

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WASHINGTON, D.C. 20006-1939
TELEPHONE 202-659-6800
FAX 202-331-0573

G. SCOTT BARHIGHT

DIRECT NUMBER
410-832-2050

1311 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703-836-5742
FAX 703-836-0265

November 21, 1994

DELIVERY BY HAND

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

Re: Case No. CR-95-138
Petitioner: Toll House, Inc.

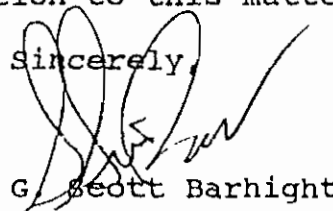
Dear Mr. Hackett:

Please be advised that this office represents Toll House, Inc. regarding the Petition for Reclassification filed in the above-referenced matter. The Petitioner intends to file an amendment to the zoning reclassification petition. Therefore, I respectfully request that you schedule a public hearing for the sole purpose of submitting amendments to the petition documents on the record.

The hearing on the merits of the reclassification petition is scheduled for Wednesday, April 5, 1995 at 10:00 a.m. We do not intend to submit any evidence or testimony on the merits of the reclassification case at the public hearing for the purpose of submitting amendments to the petition.

Thank you for your kind attention to this matter.

Sincerely,


G. Scott Barhight

GSB/slr

cc: Mr. John D. Mangione
Edmund F. Haile, P.E.
Mr. George Gavrelis
Mr. David Locke
Ms. Stephanie N. Hau
Arnold F. Keller, III, Director, Planning
Mr. Jeffrey Long
Arnold Jablon, Director, ZADM
Peter M. Zimmerman, Esquire, People's Counsel

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NOV 21 1994

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON

OFFICE
PLANNING

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G. SCOTT BARHIGHT

DIRECT NUMBER
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November 21, 1994

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-1918
TELEPHONE 703-836-5742
FAX 703-836-0165

DELIVERY BY HAND

Arnold F. Keller, III, Director
Office of Planning & Zoning
County Courts Building, Room 406
401 Bosley Avenue
Towson, Maryland 21204

Mr. Jeffrey Long
Office of Planning & Zoning
County Courts Building, Room 406
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No. CR-95-138
Petitioner: Toll House, Inc.

Gentlemen:

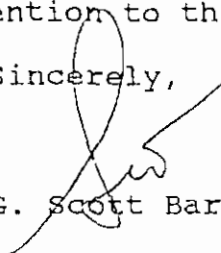
As we recently discussed in separate telephone conversations, the Petitioner, Toll House, Inc., intends to file an amendment to the Petition for Reclassification previously filed. The Petitioner does not intend to proceed on the documented site plan currently filed with the Board of Appeals. Attached is a copy of a letter which is being hand delivered to Mr. Hackett today requesting a public hearing for the purpose of submitting amendments to the Petition for Reclassification.

In light of Petitioner's intentions to file amendments, it is respectfully suggested that there is no reason for Baltimore County to comment on the documented site plan currently filed. As indicated, the Petitioner does not intend to proceed on those plans. Further, the Petitioner is willing to waive any objection it might otherwise be permitted to state in the event that Baltimore County does not comment on the currently filed plans.

Arnold F. Keller, III, Director
Mr. Jeffrey Long
November 21, 1994
Page 2

Upon receipt and review of this correspondence, please apprise me of your intentions regarding the plans currently filed. Thank you for your kind attention to this matter.

Sincerely,



G. Scott Barhight

GSB/slr

cc: Mr. John D. Mangione
Edmund F. Haile, P.E.
Mr. George Gavrelis
Mr. David Locke
Ms. Stephanie N. Hau



Maryland Department of Transportation
State Highway Administration

O. James Lighznizer
Secretary
Hal Kassoff
Administrator

10-21-94

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

Re: Baltimore County
Item No.: #3, CYCLE IV
CASE NO: CK-95-138

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone

Maryland

41

or Speech

9

Baltimore County Public Schools

Dr. Stuart Berger, Superintendent

Towson, Maryland

*Office of Student Data
Educational Support Services Building
6901 N. Charles Street
Towson, Maryland 21204*

December 1, 1994

Mr. Jeff Long
Community Planner
Office of Planning & Zoning
Mail Stop 1108

RE: Zoning Reclassification cycle III
October, 1994-April, 1995

Dear Jeff:

Thank you for meeting with me to discuss the Cycle III
Reclassification Process.

Of the five petitions, only two refer to residential
reclassification.

Those petitions involving increases in residential zoning &
the subsequent affect on our school system are summarized below:

Item #3 - Case No. CR-95-138

Property location - N/S Shawan Rd, W. of Western Run Rd.

Existing Zoning - R.C.-2

Proposed Zoning - R.C.-4

Zoning would allow for 28 single family dwellings.

This property is located in Pot Spring Elementary,
Cockeysville Middle and Dulaney High School Districts.

28 S.F. x .310 = 9 Elementary Students

28 S.F. x .155 = 4 Middle Students

28 S.F. x .146 = 4 High Students

17 Total Yield

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/26/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: RECALLIFICATION AND REDISTRICTING PETITIONS
WORK COPY 10/14/94. CUCLE IV OCT. 1994- APR. 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 1, 2, 3, 4 AND 5.

RECEIVED - ELECTRONIC DELIVERY
FIRE DEPARTMENT - TOWSON, MD 21204
PHONE 887-4341 FAX 887-4342



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 31, 1994
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle IV
October 1994 -April 1995

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Item 5.

For Item 1 see Developers Engineering Section file titled "Chartley Buildings - #605 Reisterstown Road" for approved County Review Group Plan and comments dated 3-14-91 for this site.

For Item 2 show a 10-foot revertible slope easement along the future 60-foot right-of-way for Timber Grove Road and along the Glynwings Drive 70-foot right-of-way. For additional information see the Developers Engineering Section's file titled "St. Georges Industrial Park Addition."

For Item 3, this site is subject to the Baltimore County Development Regulations for a residential development.

For Item 4, per the recorded Spring Hill (53/96) record plat there is an existing County drainage and utility easement, 10 feet wide, running the length of the west property line of 3814 East Joppa Road. Also, there is no existing easement for ingress or egress shown on the recorded plat of the Spring Hill subdivision for this property.

RWB:s

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

November 23, 1994

FROM: J. Lawrence Pilson *JLP*
DEPRM

SUBJECT: Zoning Item #CR-95-138 - Hayfields
301 Eastern Run Road
Zoning Advisory Committee Meeting of

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

The site constraints map has not yet been verified by Environmental Impact Review and must be before the approval of any development plan.

Development of the site must comply with the Forest Conservation Act. (Title 14, Article X of the Baltimore County Code).

Staff of the Bureau of Water Quality and Resource Management offer the following comments:

1. The petition does not present any rationale for the need to change RC-2 to RC-4 zoning for the 145 acres proposed. The present zoning allows 40 residential units, and the petition indicates that a separate Special Exception request will be submitted for a golf course. Increasing density will not provide a mechanism for protecting the existing resources.
2. The change to RC-4 is not necessary for the protection of water quality and is not more protective of water quality than the existing zoning. Since the enactment of Article IX, Title 14 of the County Code, regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, stream systems are protected from development impacts by the establishment of forest buffers. By increasing the number of lots by 50%, water quality of receiving waters will not be better protected compared to development under the existing zoning.

3. The petition for reclassification does not state nor imply that the existing RC-2 zoning is inappropriate or was mapped incorrectly. The Hayfields property was rezoned to conservation uses in 1976, and the present mix of RC-2 and RC-4 has been essentially unchanged since 1980, following attempts to rezone portions to RC-5 in 1980, 1988 and 1992. Although the Baltimore County Zoning Regulations do not address directly conditions under which land might be reclassified to RC-4, it outlines criteria which must be met for land to be rezoned from RC-4. The three headwater tributaries to Oregon Branch proposed for the establishment of RC-4 zoning do not meet the criteria for RC-4 retention in the BCZR, thereby implying that these areas would not be appropriately classified as RC-4.
4. The Hayfields property is designated as an Agricultural Conservation Area in the 1989-2000 Master Plan. The property includes prime and productive soils which are of high value for agricultural production. The property is contiguous to areas on the north side of Shawan Road which also have prime and productive soils conducive to agricultural production.
5. The Assessment of Environmental Impacts submitted with the petition for reclassification does not address adequately the surface runoff impacts from development of the Hayfields property under both existing and proposed zoning. The submittal concludes that the surface runoff impacts cannot be quantified, and no specific analyses are presented. The submittal suggests that the establishment of turf grasses will reduce runoff in the long-term and that sediment and erosion control practices during development will address short-term impacts. No discussion is presented on the management of storm water generated from the development or from the impacts of traditional storm water management on the stability of stream systems.
6. The attached comments evaluate the water balance and nitrate loading analyses presented in the Assessment of Environmental Impacts report submitted with the petition for reclassification.

JLP:sp

Attachment

HAYFIELD/DEPRM/TXTSBP

Memo

To: Don Outen
From: Steve Mogilnicki/Geohydrologist, DEPRM
Date: 11-9-94
Re: Proposed Hayfields zoning change/ground water issues

The August 29, 1994 Chesapeake Environmental Management (CEM) report, "An Assessment of Environmental Impacts from Proposed Zoning Changes at the Hayfields Development" is reviewed. The site is located northwest of the intersection of Route 83 and Shawan Rd.

The CEM report evaluates the environmental effects of the 20 additional lots which would be permitted if the proposed 1994 zoning change were approved. Neither the CEM report nor this memo addresses golf course impacts.

Two ground water-related issues addressed by CEM are as follows:

1. the water balance; and
2. nitrate loading from onsite sewage disposal systems (OSDS).

1. Water Balance

The assumptions in CEM's water balance are valid. Based on the water balance, the six successful test wells onsite, and site geology (Baltimore Gneiss and Cockeysville Marble), sufficient ground water resources are likely available under either the current or proposed zoning classification. For 60 lots (the proposed zoning) under drought conditions, the effective annual ground water consumption is less than 1 percent of the annual average ground water recharge.

The water balance notwithstanding, the occurrence of dry wells is still possible due to unpredictable fracture distribution. Also, the withdrawal of several million gallons yearly for golf course irrigation from this site would necessitate a recalculation of the water balance.

2. Nitrate loading

CEM used the simple nitrate loading model published by Hantzsche and Finnemore (1992) to predict the nitrate concentration in water recharging the aquifer, in two onsite sewage disposal systems (OSDS) scenarios. Model assumptions and applications are detailed in the original publication. The model successfully predicted nitrate values for some California communities, according to the journal article.

Nitrate loading calculations are attached; these use some more conservative assumptions. The equation used is shown in the attached excerpt from the journal paper.

One problem with the CEM analysis is that the background nitrate

concentration assumed was based on only one spring sample. However this is the only data provided so it is used here.

CEM calculated a difference of approximately one ten-thousandth of one percent (a difference of 0.0006 mg/l) in nitrate concentration between the proposed and existing OSDS scenarios. My analysis, using more conservative assumptions, predicts that the proposed zoning would result in a 14% higher nitrate loading (a difference of 1.2 mg/l) from OSDS compared to the buildout under existing zoning.

It should be noted that CEM's calculation of the nitrate loading value beyond one decimal point is inappropriate, given the reliability of the input data and the "significant digits" involved.

My more conservative assumptions for the OSDS calculations are as follows:

- Only 1/4 of the site acreage is used to calculate nitrate loading. CEM used the whole site even though the residential areas comprise approximately a quarter of the site (based only on a quick review of the site plan.)
- 300 gpd is assumed for domestic use per household (not 177 gpd.)

CEM also concluded that the nitrate loading under either OSDS scenario would be "significantly lower" than that under the continued agricultural use of the property. Using a simple mass balance equation and a farm nitrate loading value of 50 lbs./acre/year (Horsley & Witten, 1992) I calculated that the nitrate concentration in recharge water from agricultural use of the site would be approximately 13 mg/l. This is reasonably close to the value from the OSDS associated with 60 lots or 40 lots. (Calculations are attached.)

Conclusions:

1. The water balance is favorable from a ground water development standpoint, under either the 40- or 60-lot scenario.
2. Nitrate loading under the 40-lot, 60-lot, or agricultural scenarios would not be much different, with respect to the annual input of nitrate to the ground water system.

References

Hantzsche, N. N. and Finnemore, E. J. 1992. Predicting ground-water nitrate-nitrogen impacts. Ground Water, vol. 30., no. 4, pp. 490-499.

Horsley & Witten, Inc. 1992. Baltimore County Wellhead Protection Strategies, Section 2, Technical Report, November 1992.

Baltimore County Government
Planning Board



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

January 20, 1995

Mr. William T. Hackett, Chairman
County Board of Appeals
Courthouse
Towson, Maryland 21204

Dear Mr. Hackett:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle IV, 1995.

After full discussion in the Committee meeting on January 5, 1995, the Report was adopted by the Planning Board in its monthly meeting on January 19, 1995, and is hereby published and submitted in accordance with County Code Section 2-356(f).

In regard to Item 3 (Toll House, Inc.), it is understood that the Board of Appeals has scheduled a hearing on January 24, 1995 for the purpose of receiving amendments to the Petition. The Planning staff will coordinate review by County agencies for timely recommendations by the Planning Board within the 45-days period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat Keller".

Pat Keller
Secretary to the Planning Board

PK/TD/mjm
CYCLEIV/PZONE/TXTMJM

Enclosure

cc: Merreen E. Kelly, Administrative Officer
Peter Max Zimmerman, People's Counsel



LAW OFFICES
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G. SCOTT BARHIGHT

DIRECT NUMBER
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ALEXANDRIA, VIRGINIA 22314-2928
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FAX 703-836-0265

November 21, 1994

DELIVERY BY HAND

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

Re: Case No. CR-95-138
Petitioner: Toll House, Inc.

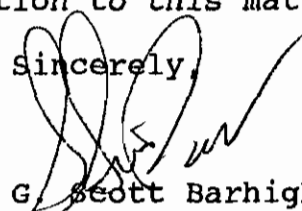
Dear Mr. Hackett:

Please be advised that this office represents Toll House, Inc. regarding the Petition for Reclassification filed in the above-referenced matter. The Petitioner intends to file an amendment to the zoning reclassification petition. Therefore, I respectfully request that you schedule a public hearing for the sole purpose of submitting amendments to the petition documents on the record.

The hearing on the merits of the reclassification petition is scheduled for Wednesday, April 5, 1995 at 10:00 a.m. We do not intend to submit any evidence or testimony on the merits of the reclassification case at the public hearing for the purpose of submitting amendments to the petition.

Thank you for your kind attention to this matter.

Sincerely,


G. Scott Barhight

GSB/slr

cc: Mr. John D. Mangione
Edmund F. Haile, P.E.
Mr. George Gavrelis
Mr. David Locke
Ms. Stephanie N. Hau
Arnold F. Keller, III, Director, Planning
Mr. Jeffrey Long
Arnold Jablon, Director, ZADM
Peter M. Zimmerman, Esquire, People's Counsel

94 NOV 21 PM 2:29

1/25/95 11:00 AM 930 1/25/95

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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December 7, 1994

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

Re: Case No. CR-95-138
Petitioner: Toll House, Inc.
Advertising/Posting

Dear Mr. Hackett:

This letter will acknowledge receipt of Mr. Zimmerman's letter to you dated November 28, 1994. Prior to receiving this letter I had the opportunity to discuss this matter with Mr. Zimmerman in detail. Although I understand Mr. Zimmerman's concerns, I am not aware of any legal requirement that the public hearing for the sole purpose of submitting an amended documented plan be posted and advertised. The primary purpose for providing notice of public hearing is to afford interested parties an opportunity to be heard. In such a hearing, there is no opportunity to be heard since the only act which will occur is the filing of the amended documentation.

Subsequent to the filing, Baltimore County Code Section 2-356(m) governs the review by the applicable agencies and the Baltimore County Planning Board. The Planning Board's actions will occur at a public meeting and the future hearing on the merits will also occur at a public hearing which is posted and advertised. Requiring that the hearing to file the amendment be posted and advertised would be the same as requiring that the initial filing be posted and advertised. Surely, interested parties who wish to prepare for the April hearing date, will review the documentation available to

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94 DEC 12 PM 2:03

Mr. William T. Hackett, Chairman
December 7, 1994
Page 2

the public, including the amended documented site plan and revised recommendations of the applicable County agencies and the Baltimore County Planning Board.

It is my understanding that past cases, including the Sherman-Spiro (Item 13, Cycle III 1994, Case No. R-94-341) have proceeded without the requirement of posting and advertising. Notwithstanding the position of the Petitioner, we will comply with any desire expressed by the Board of Appeals.

Should you have any questions or comments, or if you would like the Petitioner to take some different or further action, please feel free to contact me.

Sincerely,

G. Scott Barhight

GSB:slr

cc: Mr. John D. Mangione
Arnold F. Keller, III, Director
Mr. Jeffrey R. Long
Arnold Jablon, Director
Peter M. Zimmerman, Esquire
Mr. W. Carl Richards, Jr.
Edmund F. Haile, P.E.
Mr. David Locke
Mr. George Gavrelis
Ms. Stephanie N. Hau

WHITEFORD, TAYLOR & PRESTON
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DIRECT NUMBER
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TELEPHONE 703 846-5742
FAX 703 846-0265

December 6, 1994

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

Re: Case No. CR-95-138
Petitioner: Toll House, Inc.
W.Carl Richards, Jr. Letter

Dear Mr. Hackett:

This will acknowledge receipt of Mr. Richards' November 21, 1994 interoffice memorandum to you regarding the above-referenced Reclassification Petition. Mr. Richards expresses concern that the Reclassification Petition did not include the Petition for Special Exception for a golf course.

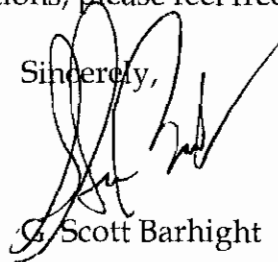
Baltimore County Code Section 2-356(p) indicates that the Board of Appeals shall have original jurisdiction for special exceptions, the granting of which are dependent upon the reclassification of the property involved in the petition for reclassification. Since a golf course is permitted by special exception in both the R.C. 2 and R.C. 4 zones, and can legally proceed without a rezoning of any portion of the property, we question whether the Board has original jurisdiction in the instant case. In an abundance of caution, we intend to file a Petition for Special Exception for a golf course regarding the subject property before the Zoning Commissioner as soon as possible.

94 DEC -6 PM 12:29

William T. Hackett, Chairman
December 6, 1994
Page 2

Since the Petitioner does not need to file the Special Exception, we respectfully disagree with Mr. Richards' assertion that the Application needs to be corrected or completed. If you disagree with our assertions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Scott Barhight". The signature is fluid and cursive, with a large initial "G" and a long, sweeping horizontal stroke at the end.

GSB:slr

cc: Mr. John D. Mangione
Arnold F. Keller, III, Director
Mr. Jeffrey R. Long
Arnold Jablon, Director
Peter M. Zimmerman, Esquire
Mr. W. Carl Richards, Jr.
Edmund F. Haile, P.E.
Mr. David Locke
Mr. George Gavrelis

WHITEFORD, TAYLOR & PRESTON
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February 14, 1995

HAND DELIVER

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

Re: Toll House, Inc.
Case No. CR-95-138
Cycle IV 1994, Item No. 3
Request for Additional Hearing Dates

Dear Mr. Hackett:

Please be advised that this office represents Toll House, Inc., the Petitioner in the above-referenced matter. This case is currently scheduled for April 5, 1995.

Since the scheduling of this hearing, it has become clear that this matter will be highly contested and highly controversial. People's Counsel has already made one preliminary motion regarding this case. Additionally, it is my expectation that J. Carroll Holzer, Esquire will likely be the counsel for many of the Protestants. In anticipation of the likely number of witnesses, it is respectfully requested that two additional hearing dates be scheduled for this hearing. If possible, please schedule these dates as close to the original hearing date of April 5 as possible.

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FEB 14 1995

Pos. 1/11 - for (over) the "2" (over) 1/11/95

Mr. William T. Hackett, Chairman

February 14, 1995

Page 2

Should you need any additional information, or if you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Scott Barhight". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

G. Scott Barhight

GSB:acs

cc: Mr. John D. Mangione
Peter M. Zimmerman, Esquire

2687

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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1317 KING STREET
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TELEPHONE 703 836-5742
FAX 703 836-0265

July 19, 1995

VIA HAND DELIVERY

Mr. Robert O. Schuetz
Chairman
Board of Appeals of Baltimore County
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
Toll House, Inc.
Case No. CR-95-138
Item 3, Cycle IV, 1994

Dear Chairman Schuetz:

Petitioner objects to People's Council submission on July 13, 1995 of the "Memorandum concerning the problems of Petitioner's standing, and concerning the admissibility of testimony from a former County Council Member". Both of these issues were raised and ruled on at the hearing. It is inappropriate for the People's Counsel to suggest to you to revisit these issues ruled on during the hearing.

The following is a brief response to People's Counsel's arguments. First, People's Counsel fails to understand the primary issue regarding a Motion to Amend the Petition, which is whether the opposition would be prejudiced by the granting of the Motion to Amend Petition. Maryland law clearly favors the liberal amendment of pleadings and petitions. There is no conceivable way that People's Counsel was prejudiced by the Board's granting the Motion to Amend the Petition to Change the Name of the Petitioner from Toll House, Inc. to Hayfield, Inc.

Second, although People's Counsel states the correct law relevant to former County Councilman Melvin Mintz's ability to testify before the Board, it loses sight of

VIA HAND DELIVERY

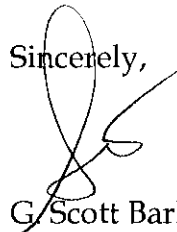
July 19, 1995

Page 2

the distinction between the testimony regarding motives and purposes versus facts of public record. Melvin Mintz was asked questions about items which were a matter of public record. Since there was no transcription of the Baltimore County Council's meaning pertaining to the Hayfields property, Petitioner's only source of the legislative history is the County Councilman who could relate the facts. Petitioner did not ask Mr. Mintz about the motives or the purpose of the Baltimore County Council.

Again, Petitioner would like to stress that it objects to the submission of the People's Counsel memorandum post-hearing pertaining to issues ruled on during the hearing. Petitioner believes that it would be improper for the Board to consider People Counsel's memorandum during their deliberations.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Scott Barhight", written over the typed name.

G. Scott Barhight

DKG:dmk

cc: Peter Max Zimmerman, Esquire
G. Macey Nelson, Esquire
Mr. Kenneth Bosley

53567

LAW OFFICES

ANDERSON, COE & KING

SUITE 2000

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OCEAN CITY OFFICE

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OCEAN CITY, MD 21842

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E. DALE ADKINS, III
JAMES A. ROTHSCHILD
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J. MICHAEL SLONEKER
G. MACY NELSON
E. PHILIP FRANKE, III
T. MICHAEL PRESTON
PHILIP C. JACOBSON
LYNNE B. MALONE
GREGORY L. VANGEISON

COUNSEL

WARD B. COE, JR.
FRANK J. VECILLA
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BARBARA MCC. STANLEY
MATTHEW T. ANGOTTI
HUGH CROPPER, IV
JILL R. LEINER
JAMES S. AIST
KIMBERLY E. RICE
RUSSELL S. WOODWARD
JAN H.K. CARDIN
E. SCOTT CONOVER, JR.

G. C. A. ANDERSON
(1898-1985)

February 22, 1995

Mr. William T. Hackett
County Board of Appeals
Old Courthouse, Room 49
Towson, Maryland 21204

Re: Tollhouse, Inc. (Hayfields)
Case No. CR-95-138

Dear Mr. Hackett:

I represent the Valleys Planning Council, Inc. and certain individuals including Lynn Hastings, 818 Western Run Road; Dan and Joanne Timmel, 918 Western Run Road; Theodore and Ingrid Baramki, Western Run Road; Robert and Shirley Mand, 718 Western Run Road; Marguerite Hastings, 812 Western Run Road; and Dr. Constantine and Nancy Chilimindris, 1003 Shawan Road. All of my clients are opposed to petitioner's attempt to rezone its property and all my clients wish to be heard at the Board of Appeals' hearing. I understand that there is a tentative hearing date of April 5, 1995 and that counsel for the petitioner has indicated that the hearing will last several days. I am writing to request a scheduling conference prior to April 5, 1995 at which all counsel can meet with a member of the Board of Appeals to address any preliminary legal issues and the scheduling of the hearing.

Very truly yours,

G. Macy Nelson

GMN/slt

cc: G. Scott Barhight, Esquire
Mr. Peter Max Zimmerman

65 FEB 28 1995



August 30, 1994

Arnold Jablon, Esq.
Director of Department of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

**RE: An Assessment of Environmental Impacts from Proposed
Zoning Changes at the Hayfields Development**

Dear Mr. Jablon:

The above-referenced report has been submitted on behalf of Hayfields, Inc. in support of a petition for a zoning reclassification. Please be advised that the Environmental Impact Statement (EIS) was prepared by me as a professional hydrogeologist and environmental scientist. Enclosed is a copy of my resume that supports my qualifications to prepare the aforementioned EIS.

If you have any questions regarding this report, or my professional qualifications, please do not hesitate to call me at any time.

Respectfully,

Stephanie Novak Hau
Stephanie Novak Hau
President

cc: G. Scott Barhight, Esq.

STEPHANIE NOVAK HAU

Education

Ph.D. Candidate, Environmental Sciences, 1986-1994; University of Virginia
M.S. Geology, 1986; Kent State University
B.S. Geology, 1984; Allegheny College

Professional Experience

1993 - Present	President Chesapeake Environmental Management, Inc.; Bel Air, MD
1989 - 1993	From Project to Senior Hydrogeologist; Hydro-Terra, Inc.; Columbia, MD
1986 - 1989	Hydrologist; USEPA; Watershed Manipulation Project, ME
1985 - 1986	Hydrogeologist; Eckstein and Associates; Kent, OH

Professional Affiliations

Association of Groundwater Scientists and Engineers, NGWA
American Geophysical Union
National Association of Female Executives
The Computer Oriented Geological Society
Sigma Xi

Management Experience

Ms. Hau is the President and Senior Hydrogeologist of Chesapeake Environmental Management, Inc. (CEM), and is responsible for directing the water resource management division of the firm. Before founding CEM, Ms. Hau was responsible for providing water-supply services division for Hydro-Terra, Inc. Her responsibilities include: senior project management, development of marketing strategies and budget, business development, proposal preparation, coordination of field activities, management of project staff, progress report preparation, coordination with local and state governments, report preparation, and deliverance of expert testimony before county and state regulatory agencies. She has provided senior management for more than 20 ground water development projects, lasting up to 3 years in length and ranging up to \$70,000. These projects have allowed Ms. Hau to develop a reputation as one of the strongest technical experts within local and state regulatory communities.

Technical Expertise

Ms. Hau has nearly ten years of academic training and professional experience in conducting water-supply and environmental investigations. Ms. Hau is highly experienced in all phases of water resource management investigations, including water availability studies; land-use assessments; location of high-capacity wells in difficult geologic settings using geophysical and photogeologic techniques; resource impact analysis; test drilling and well construction; aquifer testing and analysis; computer ground-water flow modeling; wellhead protection planning; and contaminant transport modeling. Her broad capabilities allow for the development of project scopes-of-work that include advanced state-of-the-art technologies, while remaining timely and cost-effective.

Publications

Hau, S. Novak, 1993, Golf Course Irrigation and Ground Water: Golf Course Management, February Issue, p. 120-123.

Hau, S. Novak, 1992, Golf Course Development Issues - Chemicals in the Environment: Chesapeake Golf Association, v. 2. no. 1. p. 8.

Hau, S. Novak, 1992, Golf Course Development - Water Supply Issues: Chesapeake Golf Association, v. 1. no. 5. p. 16.

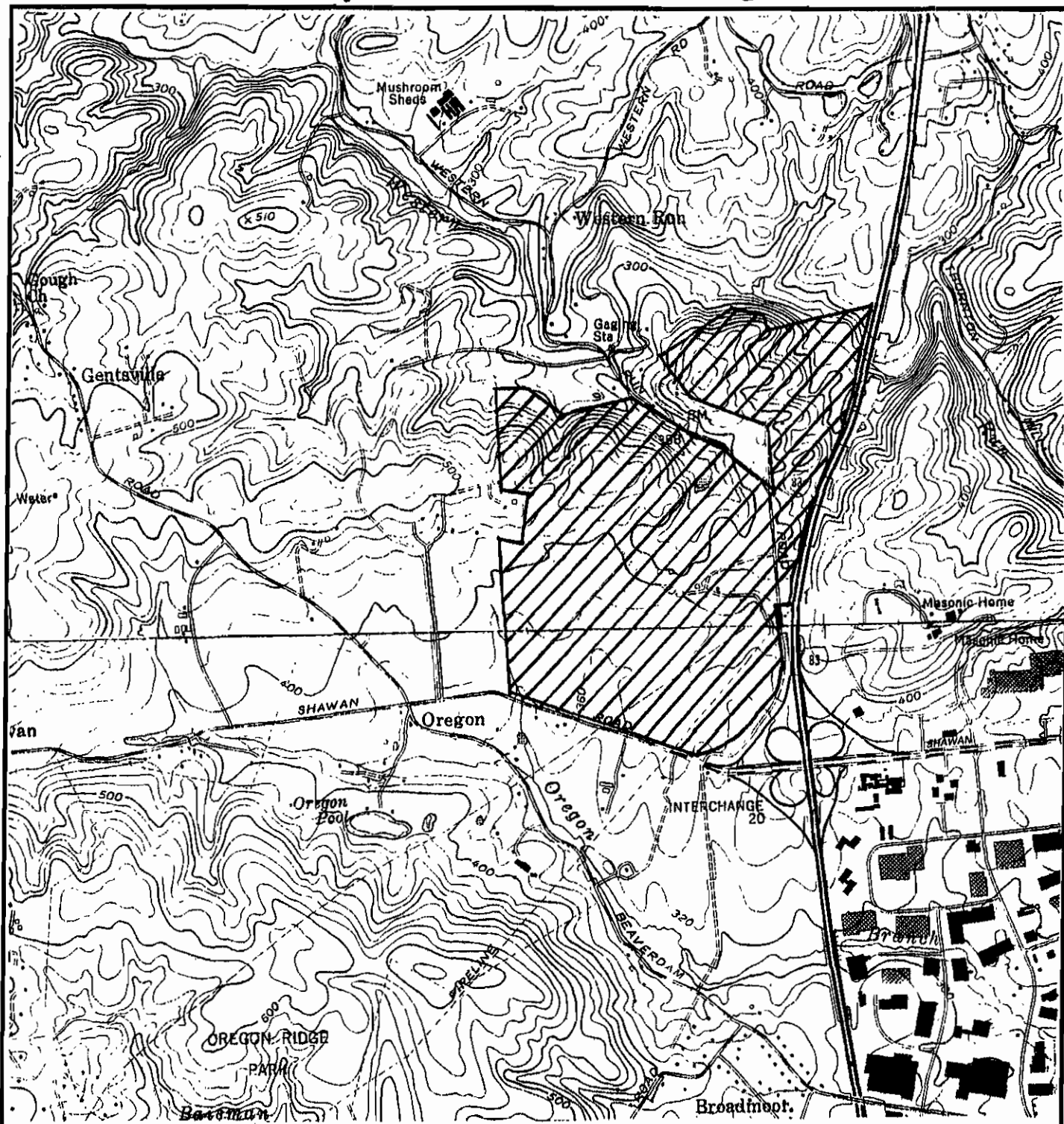
Novak, S.A., G.M. Hornberger, P. Bruns, and J.F. Hoelscher, 1989, Subsurface hydrological flow paths in a forested catchment in Maine: EOS, v.70, no.15, p. 334.

Novak, S.A. and Y. Eckstein, 1988, Hydrogeochemical characterization of brines and identification of brine contamination in aquifers: Ground Water, v.26, no.3, pp.317-324.

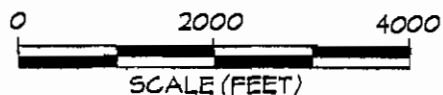
Novak, S.A. and Y. Eckstein, 1986, Using ionic ratios to identify gas/oil brines as contaminants in groundwater: Geological Society of America, v.18, no.6, p.708.

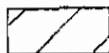
1. Airports [Bill No. 178-79]
2. Animal boarding places (regardless of class), kennels, veterinarians' offices, or veterinarians' [see Section 421] [Bill No. 178-79]
3. Antique shops (see Section 402B) [Bill No. 178-79]
4. Camps, including day camps [Bill No. 178-79]
5. Community care centers providing care for not more than 15 persons per site [Bill No. 178-79]
6. Churches or other buildings for religious worship [Bill No. 178-79]
7. Excavations, controlled [Bill No. 178-79]
8. Farmers' co-op roadside stands [Bill No. 178-79]
9. Fishing and shellfishing facilities, Class I and II [Bill No. 178-79]
10. Golf courses or country clubs [Bill No. 178-79]
- 10A. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling and which the Zoning Commissioner finds to be compatible with its surrounding neighborhood; provided that
 - (I) only three persons including the disabled person and the members of his immediate family who are residents of the dwelling are employed in the use on the premises; and
 - (II) in any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in his occupation away from the premises of his home.Any provision of subsection 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:
 - A) Five years after the issuance of the permit;
 - B) The death of a disabled person;
 - C) The termination of the disability; or
 - D) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings. [Bill No. 27-81]



LEGEND



 Property Area

CHESAPEAKE • ENVIRONMENTAL MANAGEMENT, INC. •

FIGURE I SITE TOPOGRAPHY AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 22 AUG 1994

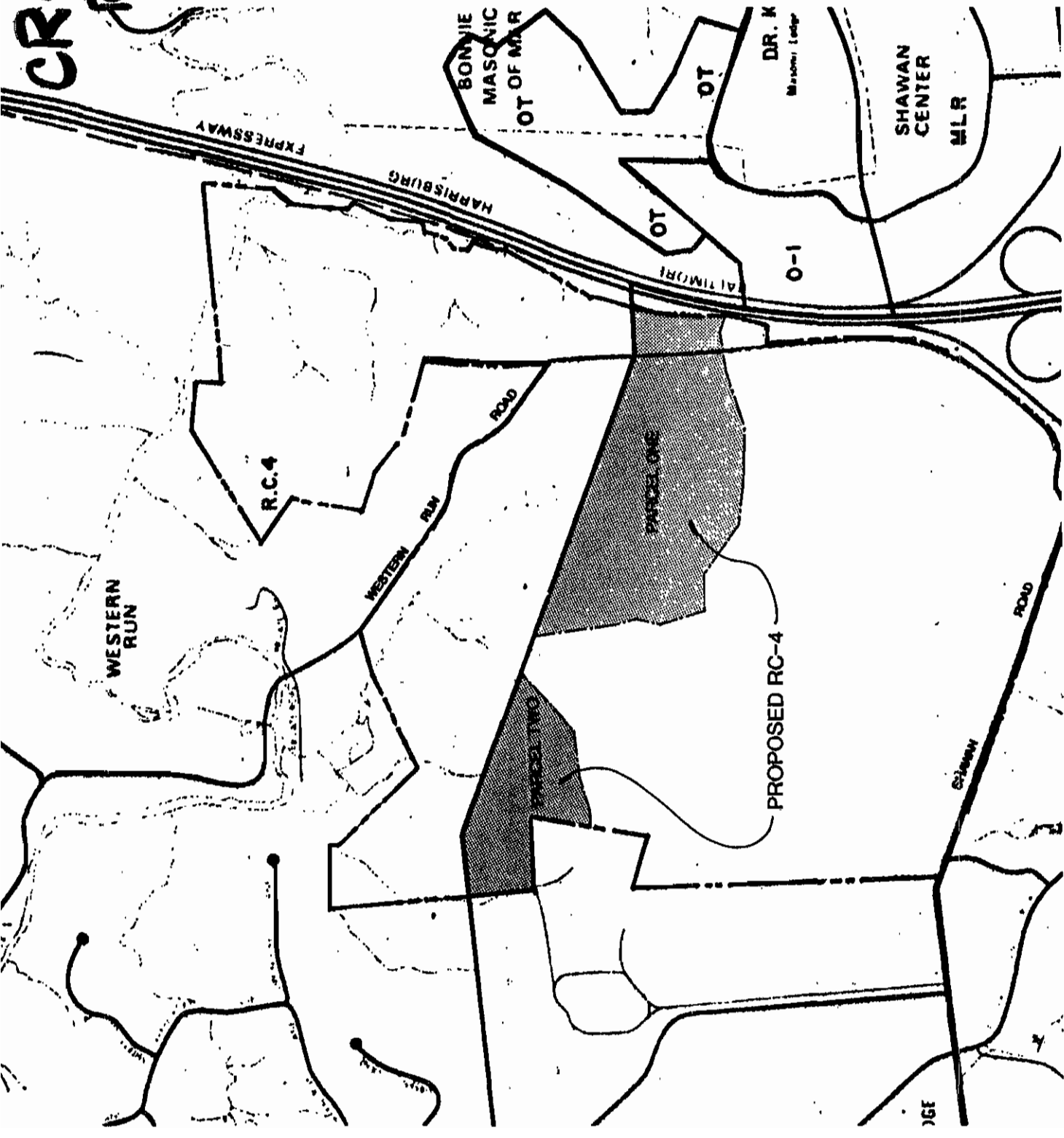
HAYFIELDS, INC.

CR-95-138



HAYFIELDS - PORTION OF 1000' SCALE ZONING MAP C-2

CR-95-138
REV 2/9/95



SCALE: 1" = 1000'

HAYFIELDS - PORTION OF 1000' SCALE ZONING MAP C-2

TOLL HOUSE, INC.
N/s Shawan Road, W of Western
Run Road (#301 Western Run Road
- Hayfields)

CR-95-138
Item #3, Cycle IV, 1994
8th Election District
3rd Councilmanic District

From R.C. 2 to R.C. 4
~~142.4 acres~~ *Amended - see file*

August 30, 1994 Petition for Reclassification filed by G.
Scott Barhight, Esquire, on behalf of Toll
House, Inc., Petitioner (John M. Mangione,
Executive Director)

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

Counsel for Petitioner

John M. Mangione, Executive Director
Toll House, Inc.
1205 York Road
Lutherville, MD 21093

Legal Owner /Petitioner

Edmund F. Haile, P.E.
Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue
Towson, MD 21286

Engineer

George Gavrelis
Daft-McCune-Walker, Inc.

David Locke
Daft-McCune-Walker, Inc.

Landscaping Architect

Stephanie N. Hau, President
Chesapeake Environmental Management, Inc.
260 Gateway Drive, Suite 6-B
Bel Air, MD 21014

Ms. Robin Breitenecker
2000 Western Run Road
Cockeysville, MD 21030

Falls Road Community Assn.

P.O. Box 555

Brooklandville, MD 21022

John Bernstein, Exec. Director
The Valleys Planning Council
P.O. Box 5402
Towson, MD 21285-5402

James Earl Kraft
Baltimore County Board of Education
Mail Stop 1102-J

KENNETH T. BOSLEY, ESQ
PO BOX 585
SPARK MD 21152

People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

ver. 7/10/95

6/14/95

Case No. CR 95-138

Filed 6/14/95 (Large exhibits)
EXHIBITS (contd.)

Filed 6/21/95 (in Bd's office)

Has been identified
marked for
subject to proper
identification

Protestants' Exhibits

- ✓✓✓ 1. 200-scale topographic map of Hayfields (Large exhibit) (in color) with overlay
- ✓✓✓ 2. ~~Map~~ Cross section of slopes at Hayfields (Large exhibit)
- ✓✓✓ 3. Curriculum Vitae - William F. Kirwin
- ✓✓✓ 4. Document, "Concerning Hayfields"
- ✓✓✓ 5. Copy of 5/15/95 Newsweek article, "Suburban Dream"
- ✓✓✓ 6. Planning Board Report recommending denial of the Petition and the amended documented site plan in Case No. CR 95-138
- ✓✓✓ 7. Memorandum To Rural Residential Advisory Group from Scott Barbright 9/30/91
- ✓✓✓ 8. Rural Residential Advisory Meeting 9/30/91

People's Counsel Exhibits

- ✓✓✓ 1. Copy of Bill No. 98-75
- ✓✓✓ 2. Copy of Bill No. 178-79
- ✓✓✓ 3. ~~Baltimore County 1992 zoning map~~ Comprehensive Zoning Process (Explanation of)
- ✓✓✓ 4. 1976 Rezoning Log of Issues - 3-88
- ✓✓✓ 5. 1980 Rezoning Log of Issues - 3-44
- ✓✓✓ 6. 1984 Rezoning Log of Issues - 3-176
- ✓✓✓ 7. 1988 Rezoning Log of Issues - 3-308
- ✓✓✓ 8. 1992 Rezoning Log of Issues - 3-178
- ✓✓✓ 9. Excerpt from 1992 issue file 3-178 maintained by OP2
- ✓✓✓ 10. Excerpt from 1992 issue file 3-308 " " "
- ✓✓✓ 11. National Agricultural Lands Study
- ✓✓✓ 12. People's Counsel Sign-In Sheet (OVER)

Verified 6/01/95 (large exhibits in Room 48)
Verified 6/06/95

Verified 6/12/95 (in Bd's office)

Ver. 7/10/95

6/1/95

Case No. CR-95-138

Verified 6/14/95 (Large ex. in Room 48) EXHIBITS

Petitioner's Exhibits

- ✓✓✓ 1. Aerial photo of property - flown in February, 1993. Property outlined in red. Large Exhibit
- ✓✓✓ 2. Site constraints plan prepared by Daft-McCune-Walkers in Feb. 1993 (on reverse of #1 above)
- ✓✓✓ 3. ~~Proposed~~ Illustrative of Proposed Hayfield Manor Golf Club Large Exhibit
- ✓✓✓ 4A. Site Plan prepared by Daft-McCune-Walkers - 1/24/95
- ✓✓✓ 4B (on back of 4A) - Entire Site Plan prepared by Daft-McCune-Walkers. Pink line is separating RC2-RC4 line. LARGE Exhibit
- ✓✓✓ 5. Curriculum Vitae - Norman Herkes
- ✓✓✓ 6. ~~1970~~ 1971 200-scale zoning map. 19 & 20 D. 2 E & 18 D LARGE Exhibit
- ✓✓✓ 7. The RC4 Zone: A Final Report of the Baltimore County Planning Board - 2/20/92
- ✓✓✓ 8. Bill 113-92 - Amending the RC4 Zone
- ✓✓✓ 9. Bill 107-94 - Subsequent Amendment to RC4 Zones
- ✓✓✓ 10A - Watershed Protection Zone (2 pages)
- ✓✓✓ 10B - Watershed Protection Zone (1 page)
- ✓✓✓ 10C - R.C. 4 Criteria } stapled together
- ✓✓✓ 11. Resume - Edmund F. Haik
- ✓✓✓ 12. Plan to accompany Documented Site Plan (Large exhibit)
- ✓✓✓ 13. Hayfield - Sheet 2 of 2. (Reclass area shown in color.) 1971 zoning map - line between RDP zoning and DR3.5 zoning marked in green. ~~With overlay~~ Large Exhibit
- ✓✓✓ 14. Overlay to Pet. Ex. 13 - with red demarcation line. (on large exhibit)
- ✓✓✓ 15. ~~Overlay~~ Survey Overlay - Hayfield Ridge Zone (on large exhibit)
- ✓✓✓ 16. Curriculum Vitae - Stephanie Novak Han
- ✓✓✓ 17. An Assessment of Environmental Impacts for Proposed Zoning Changes at the Hayfield Development.
- ✓✓✓ 18. ~~Board with mounted photos of~~ Hayfield property (13 photos) & neighboring area.
- ✓✓✓ 19. Board - Computer Made View from Shawan Rd. (Large Exhibit)
- ✓✓✓ 20. Two issue log pages - Baltimore County 1992 Comprehensive Zoning Map Issues. Also, Minority Opinion of CZMP Issue 3-185

Petitioner's Exhibits (cont'd.)

✓ 21. Bill 134-89

✓ 22. Bill 223-90

23. A. Master Board Identifying Cross Sections

✓ B. Cross Section A-A' & ~~B-B~~ B-B'

✓ C. Cross Section C-C' & D-D'

✓ D. Cross Section E-E', F-F' & G-G'

LARGE

EXHIBITS

~~4/05/95 @ 10:00~~

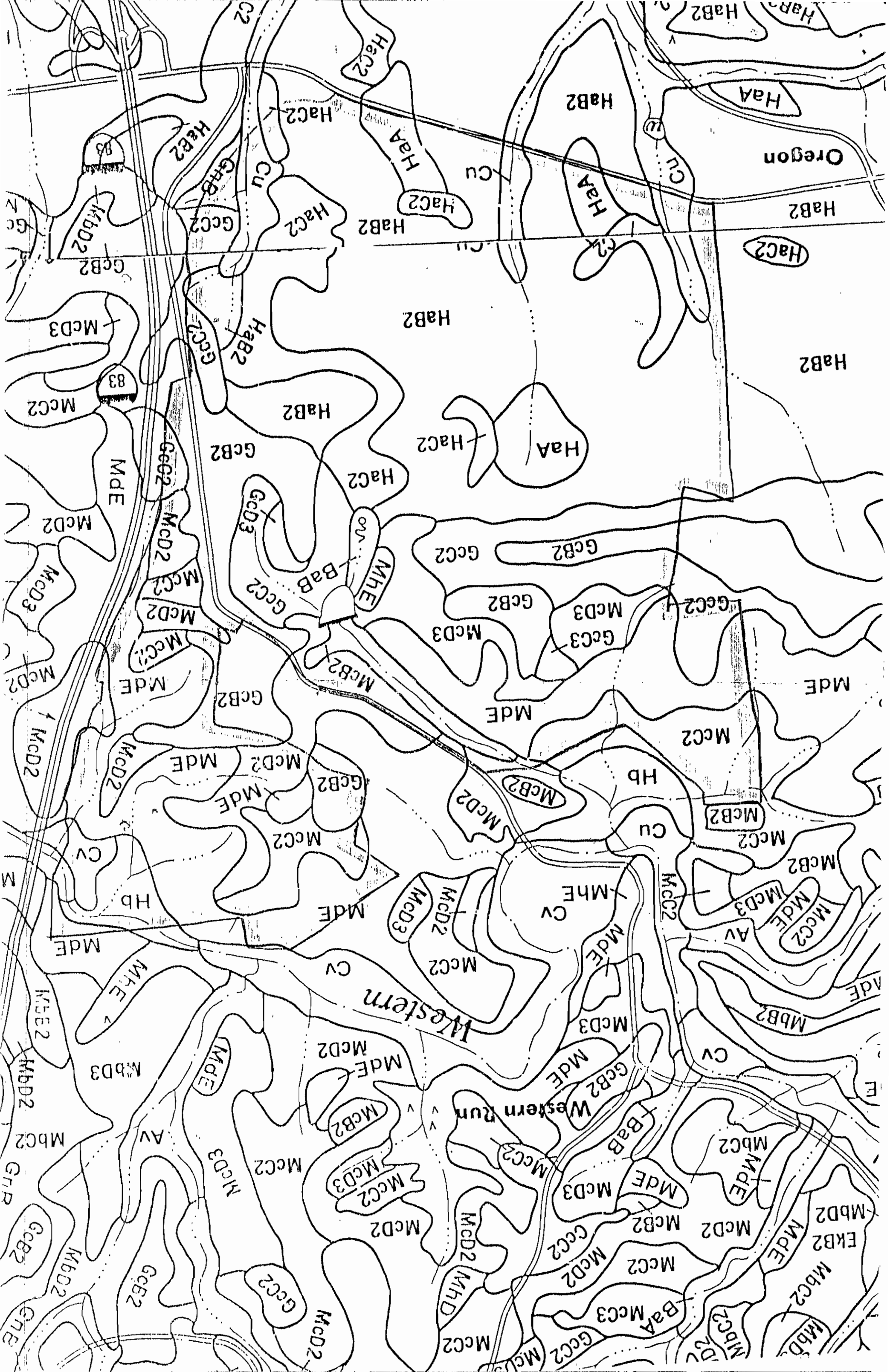
4/04/95 @ 9:30 - 4/01/95 @ 10:00

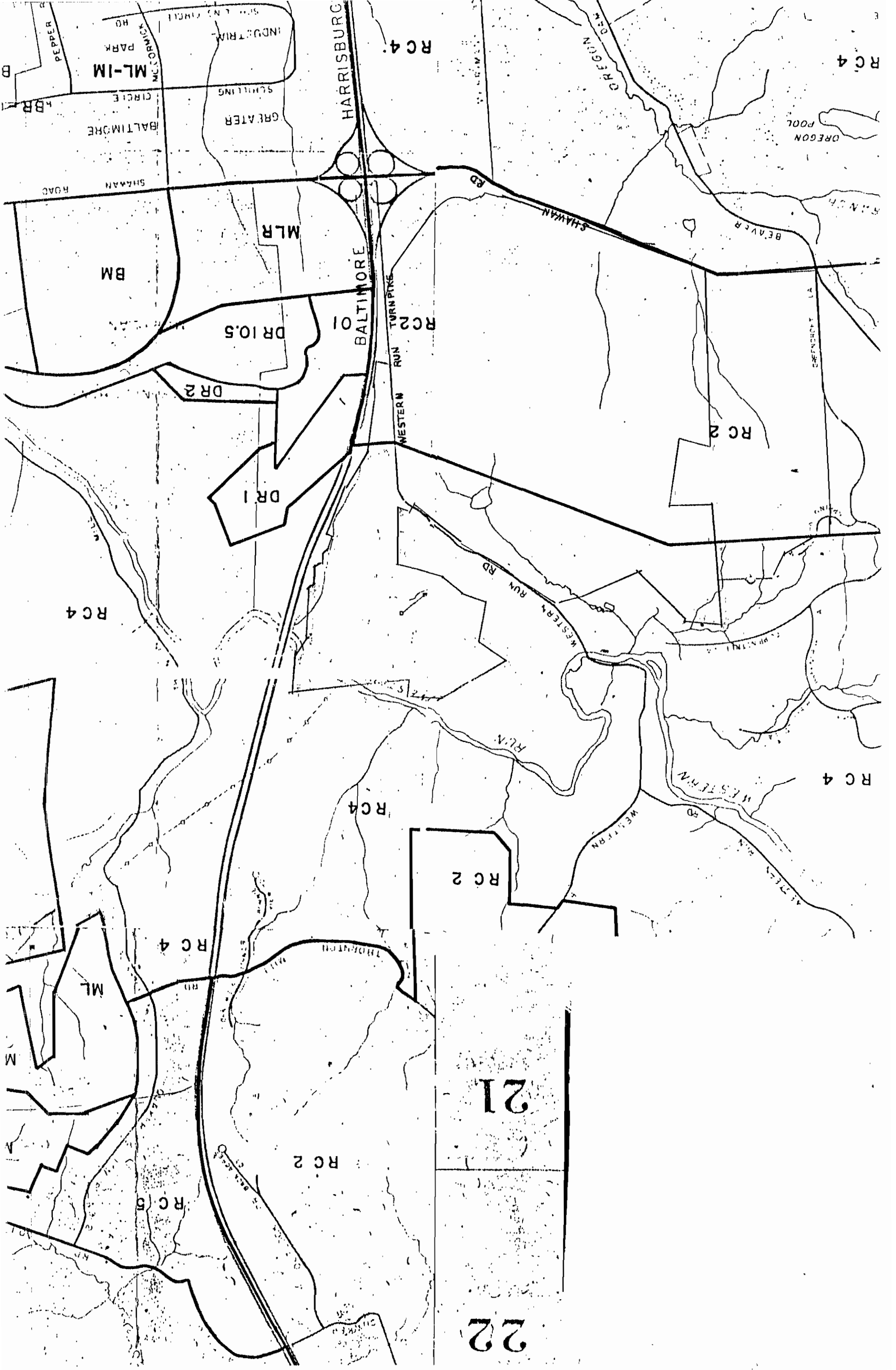
Agreement Under ON #1 PPd, start time #1 CR

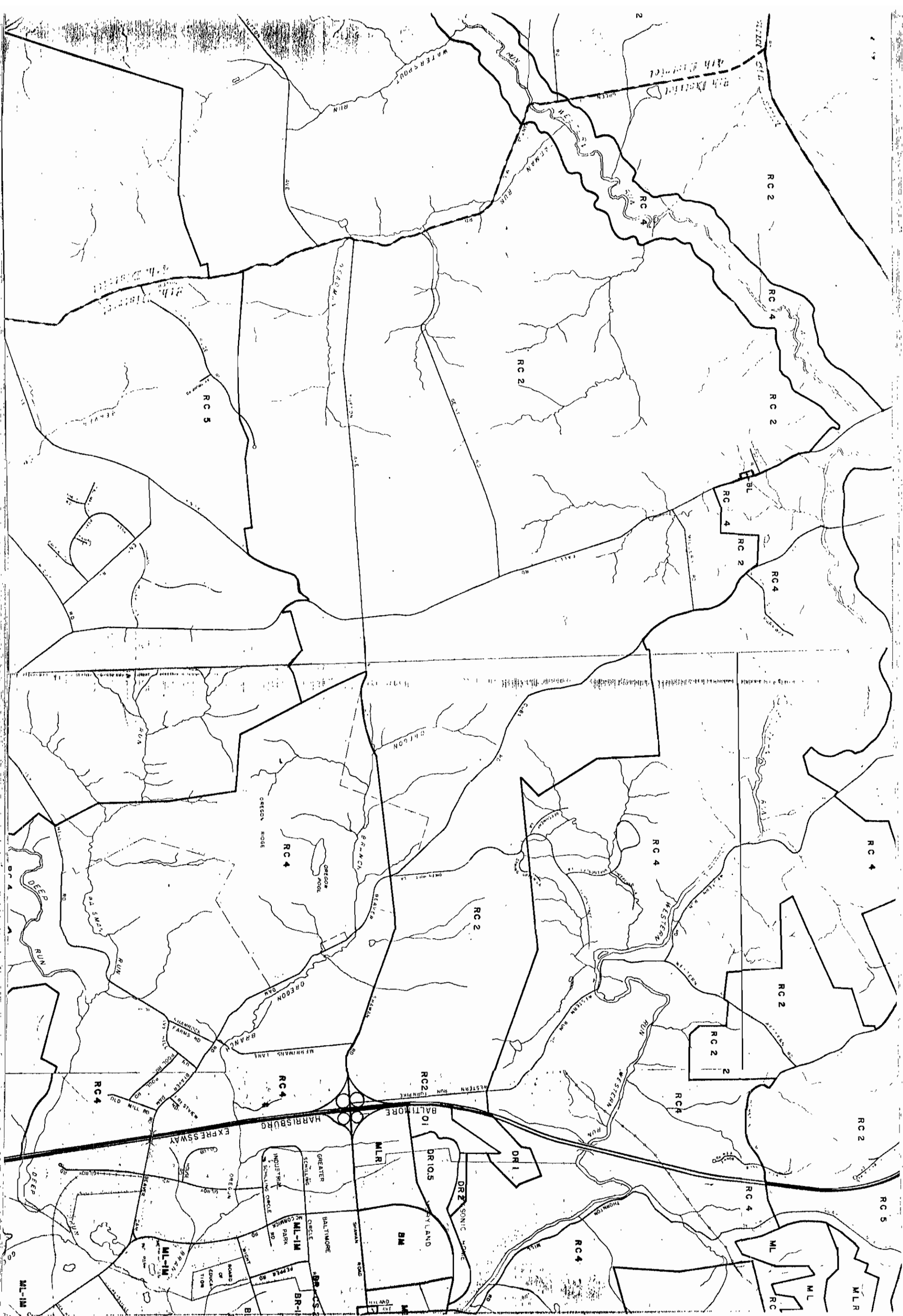
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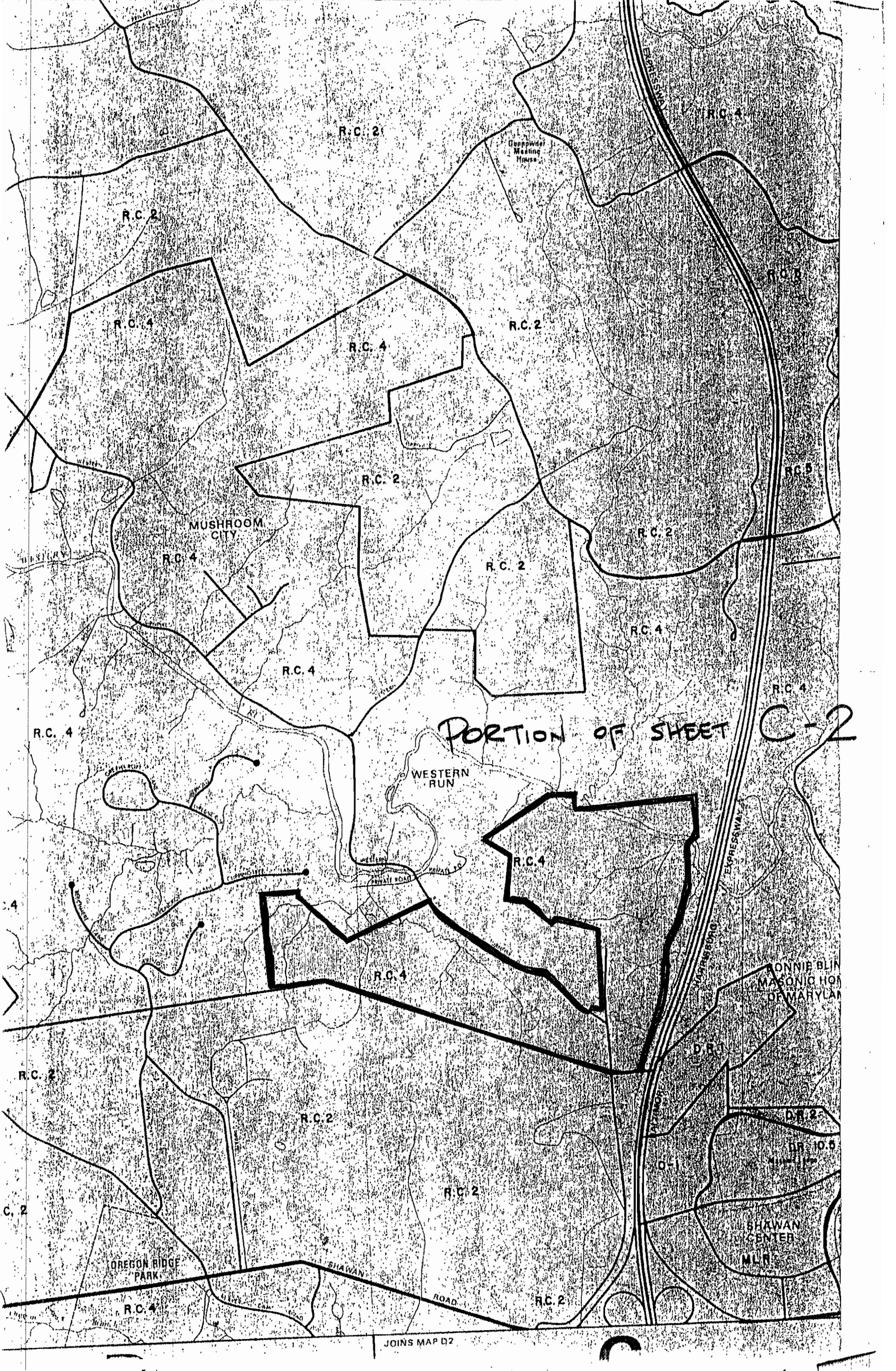
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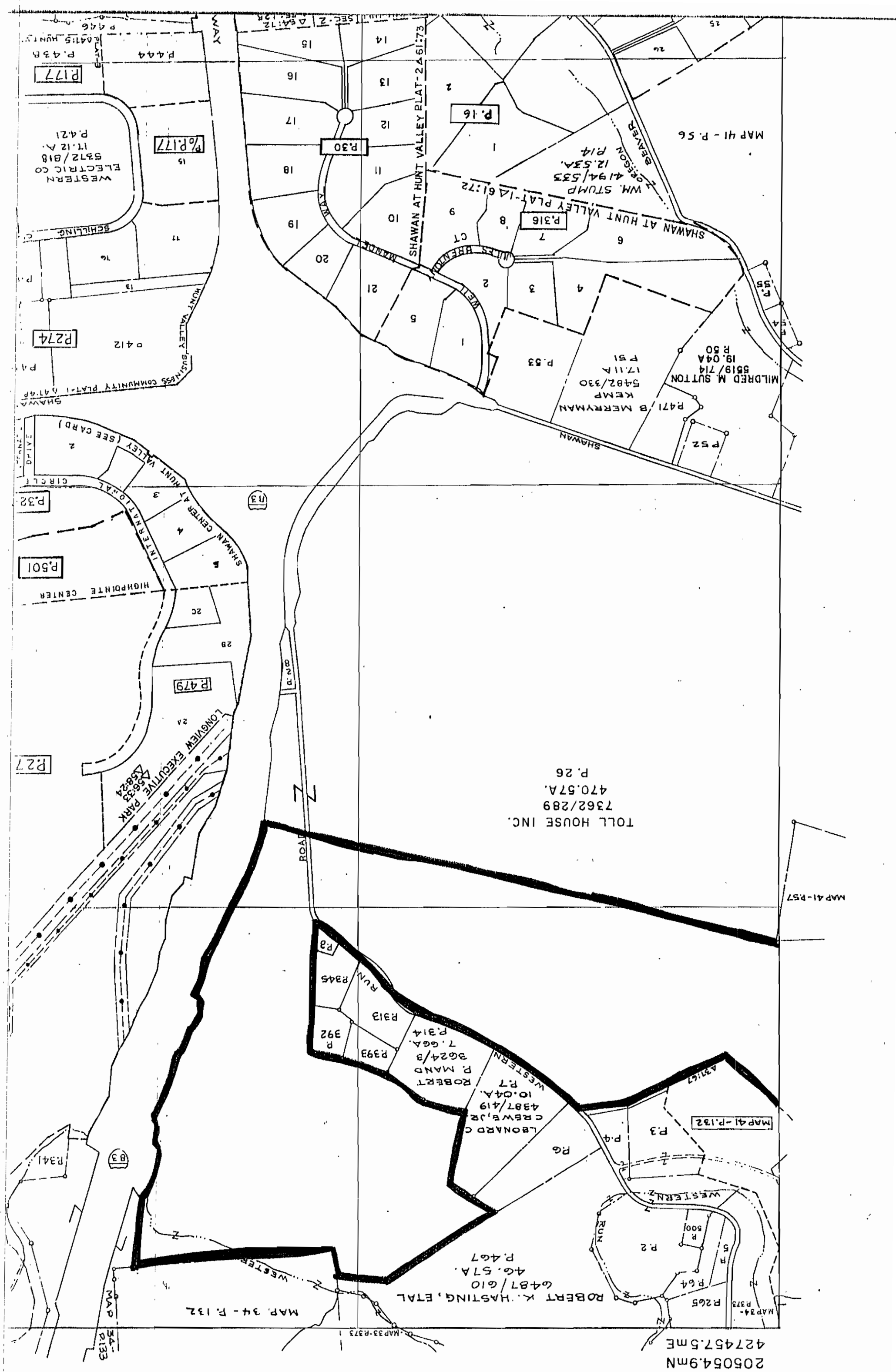
Do not copy
contents herein;
simply copy cover
of folder

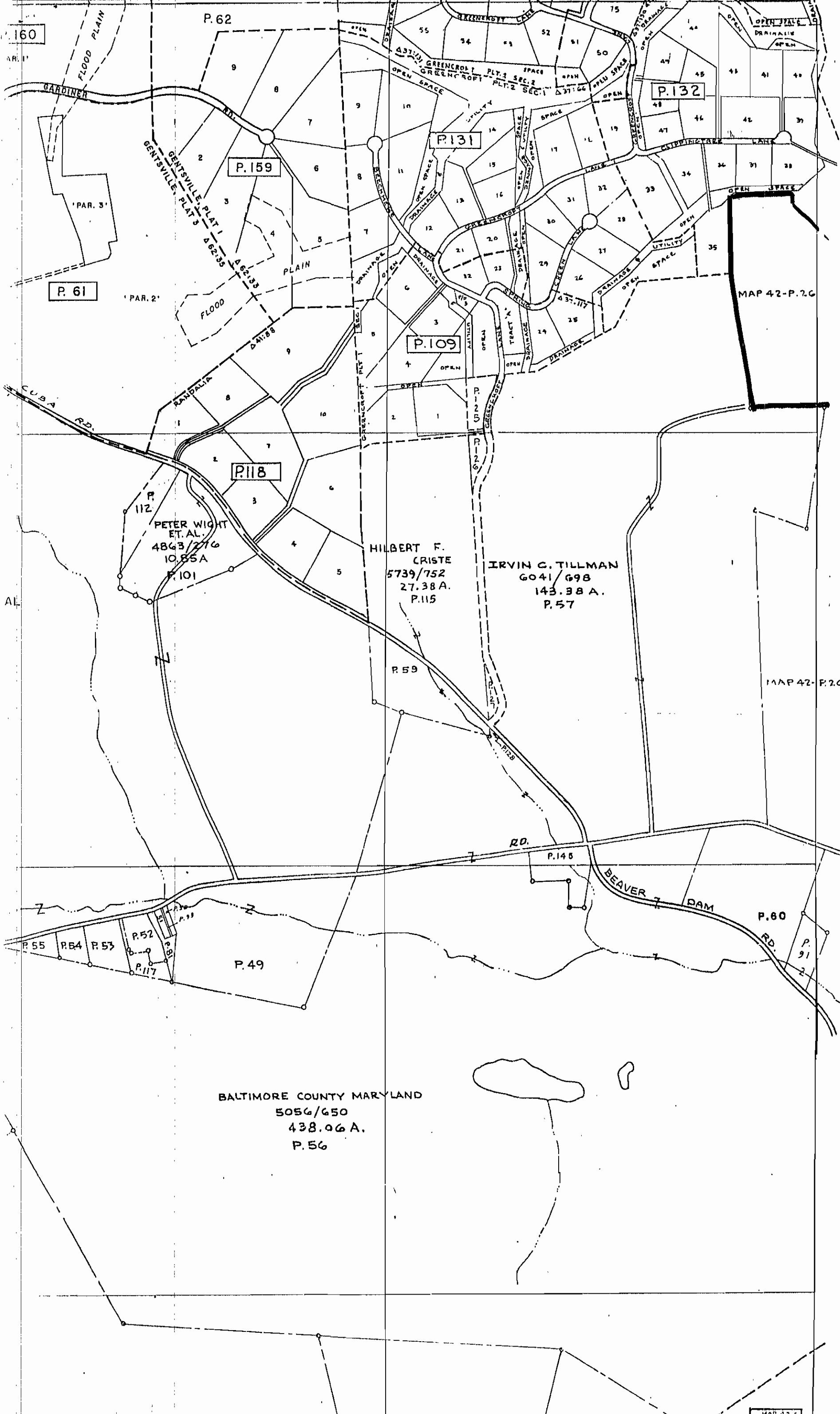








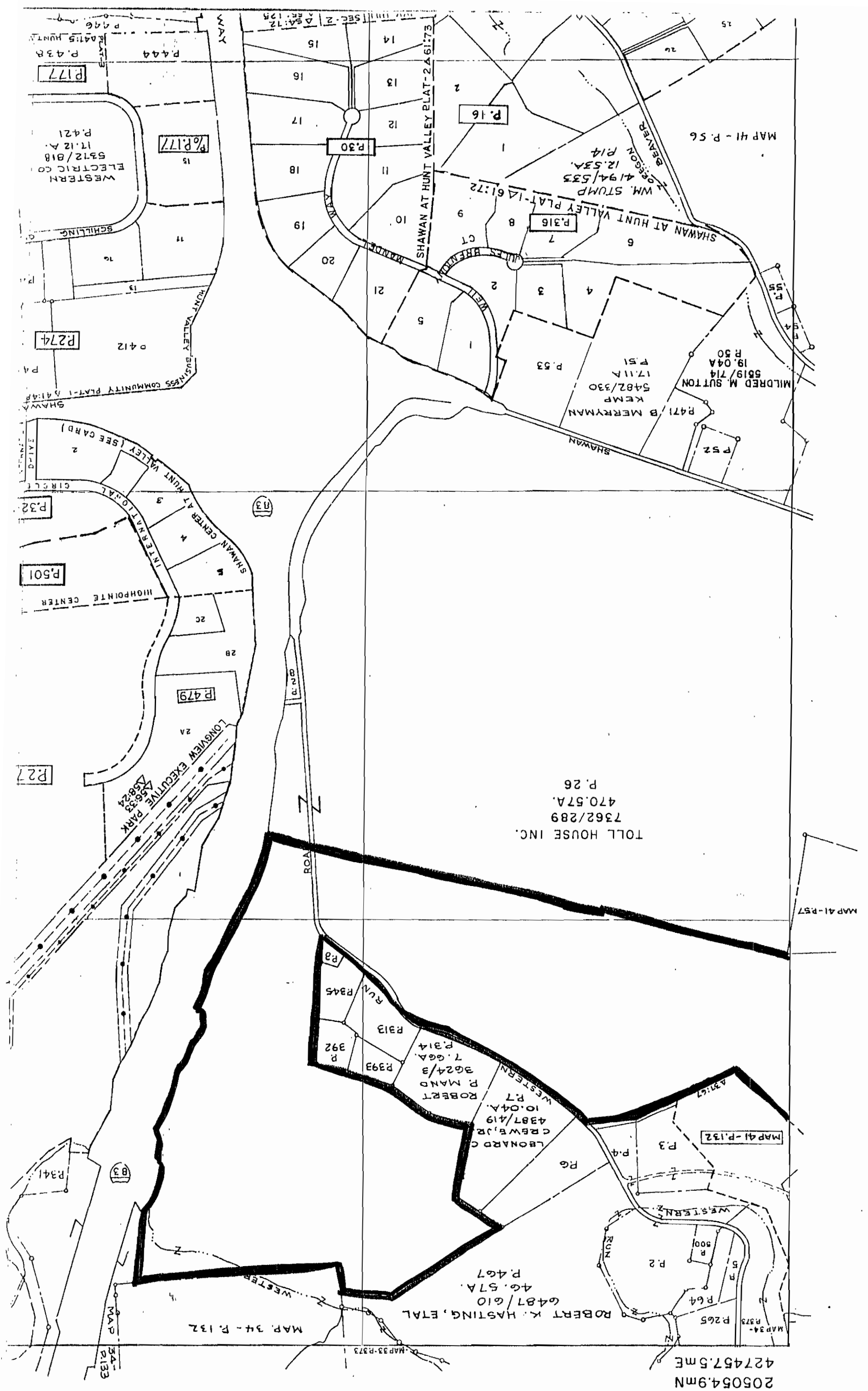




609

606

603



CURRICULUM VITAE

NORMAN E. GERBER, AICP

35 Pickburn Court Cockeysville, MD 21030

**Business
(410)667-4543**

**Facsimile
(410)683-4079**

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE

2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

Principal

Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony in zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code

9/80 to 1/88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

Director

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council. Baltimore County Baltimore County Maryland The Office of Planning and Zoning

1977 to 1980

The Office of Planning and Zoning
Deputy Director
Designed and supervised the planning program.

1956 to 1977

The Office of Planning and Zoning
Various titles
Performed a variety of planning studies and services.

EDUCATION

Morgan State University, Baltimore, MD
Urban & Regional Planning Masters 1975

The Johns Hopkins University, Baltimore, Md
Bachelor of Science in Engineering, 1963
Minor: Civil Engineering

PROFESSIONAL SOCIETIES

1/69 to Present

American Planning Association
Past member of the Board of Directors and treasurer of the Maryland Chapter.

1/69 to Present

American Institute of Certified Planners

1975 to 1988

The Maryland Association of County Planning Officials
Past President and member of the Board of Directors

2/89 to 10/90

Technical Advisory Committee, the Patuxent River Commission

6/89 to 10/90

The Patuxent River Commission
Alternate Member (for the Mayor)

PERSONAL

1985 to 1988

The University of MD at Baltimore
Advise on planning program

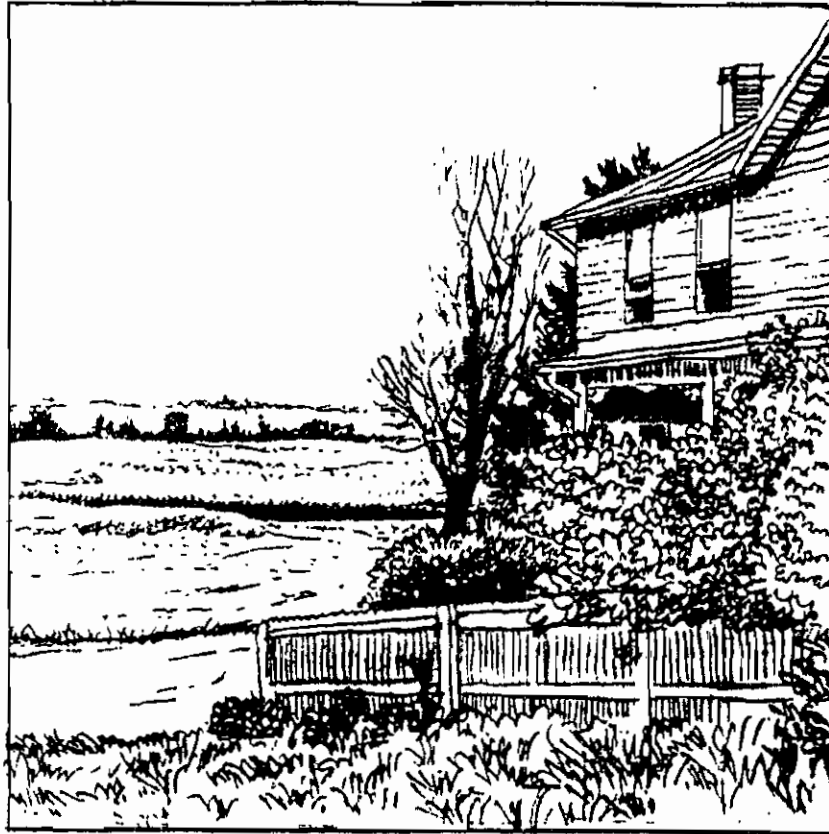
1992 to Present

The Baltimore County Commission for the Disabled, Vice Chairman of the Transportation Committee
Coordinates activities of providers of services.

REFERENCES

Furnished on request.

Proposed Amendments To
The Baltimore County
Zoning Regulations
Regarding



THE RC 4 ZONE

A Final Report of
The Baltimore County
Planning Board

February 20, 1992

Pet. Ex. 7

AMENDMENTS TO THE ZONING REGULATIONS
REGARDING THE R.C. 4 ZONE

A FINAL REPORT OF THE BALTIMORE COUNTY PLANNING BOARD
(Introduced November 21, 1991, Public Hearing January 7, 1992
Amended and Adopted February 20, 1992)

PROJECT DESCRIPTION

This proposal is in response to the "sunset" provisions of Council Bill #134-89 and Bill #223-90, regarding preservation of prime and productive soils, and is Part 1 of a response to Council Resolution 11-91 which requested the Planning Board to consider amendments to the Zoning Regulations and other applicable portions of the County Code to further quality residential development in Resource Conservation (R.C.) zones. A second report regarding the R.C. 5 zone will follow.

INTRODUCTION

On September 5, 1989, the Baltimore County Council passed Bill #134-89. The purpose of this legislation was the "...preservation of agricultural lands, including adequacy of protection of prime and productive soils from inappropriate development." The R.C. 4 or Watershed Protection Zoning classification contains areas of prime and productive soils which are capable of being developed residentially at a density of one unit per five acres. The loss of prime and productive agricultural land associated with R.C. 4 residential development was the basis for Bill #134-89.

During the passage of this legislation, a sunset provision was included in the Bill. A segment of the farming community expressed concern that there was a loss of land value or equity because of the reduction of development potential on prime and productive soils. In response to this concern, an expiration provision was included if a plan to address the equity issue was not prepared by January 1, 1991. Bill #223-90 extended the expiration date for one more year. The legislation has been extended again to June 30, 1992 (Bill 218-91).

In February, 1991, Council submitted a Resolution to the Planning Board requesting the consideration of amendments to the Zoning Regulations and other relevant sections of the County Code to provide for appropriate development in the R.C. zones. In response to

the goals for rural development expressed in the Master Plan 1989-2000, the resolution calls for strategies that would not only provide protection to natural resources and agriculture but also further a residential pattern of the "essential visual, [and] spatial... qualities of our traditional rural areas."

In April 1991, DEPRM and OPZ reached a decision to include the agricultural equity issue in deliberations on the R.C. 4 and R.C. 5 developments per Resolution 11-91. The ultimate goal of this effort was a comprehensive approach to the development and management of growth and resources.

DISCUSSION

The issue of agricultural equity has been a controversy since 1976 when the R.C. 2 and R.C. 4 zoning classifications were applied to more than 50% of the County's land area or nearly 200,000 acres. Bill #134-89 mandated a resolution to the issue. Various reports, proposals and scenarios have been presented in the past several years. In June 1989, the Baltimore County Farm Bureau, Inc., forwarded to the Baltimore County Council a report containing recommendations to preserve the agricultural industry in Baltimore County. The report was a detailed summary of concerns and recommendations which the Farm Bureau requested to be included in the Master Plan 1989-2000.

Some of the Farm Bureau's recommendations included:

1. Revisions to the appraisal process of the Maryland Agricultural Land Preservation Program (MALPP).
2. Development of a local funding source and local program to supplement MALPP. This could include supplemental County payments, reimbursement for costs of appraisals, financial incentives for agricultural districts.
3. Property tax credit programs.
4. Consideration of a Transfer of Development Rights (TDR) program.

In January of 1990, the Baltimore County Office of Planning and Zoning completed a study entitled "Options for Solving the Agricultural Equity Issue in Baltimore County." Most of the same financial elements as the Farm Bureau plan were included. As an addition, a "clustering" option was discussed.

An Advisory Committee Concerning Development on Prime and Productive Soils formed by the Director of the Department of Environmental Protection and Resource Management was also working on the issue during this period. This committee was divided into two subcommittees which specifically addressed the transfer of development rights and clustering. On October 30, 1990, a "Report to the Baltimore County

Council Regarding Recommendations to Compensate For The Loss of Equity On Land in Baltimore County As Related to Bill #134-89" was submitted. Elements of this plan included recommendations for:

1. Adoption of a local agricultural land preservation program
2. Supplemental payments to Baltimore County landowners participating in MALPP
3. A tax credit program
4. Clustering.

The financial situation which surfaced in the Spring of 1991 and reached cataclysmic proportions in the Fall of 1991 makes the "purchase" components of the plan impossible to implement for some time. During the Spring and Summer of 1991, several proposals were submitted to the County. These included a "Pilot Program on Cluster Legislation" authored by Gaylord Brooks Realty Company, and a "Proposal to Baltimore County Government for Furthering the County's Agricultural Preservation Efforts" by the Baltimore County Farm Bureau, Inc. A number of plans which included compromises and elements of these documents were submitted to the Advisory Committee. Density credits and development fees were some new ideas which also surfaced. It became obvious that the conflicting interests and differing groups would not be able to reach consensus on a comprehensive proposal by the January 1992 deadline. At the request of Councilman C. A. "Dutch" Ruppertsberger, a subcommittee was formed to focus narrowly on the R.C. 4 prime and productive soils equity issue. This legislative report essentially is the result of DEPRM's work resulting from the discussions at that subcommittee level. The group did not specifically endorse these proposals but provided some good communication on the issue.

This proposal represents a DEPRM alternative to the County Council for resolving, on a short-term basis, the loss of equity caused by Bill #134-89. Acceptance of this program could be the basis for negating the sunset provision which would otherwise take place in January 1992.

It has been suggested by several committee members that a long-term solution could be achieved through the formation of a Special Commission which could investigate options such as voucher systems tied to the Comprehensive Zoning Process, funding mechanisms for easement programs, surtaxes on development in R.C. zones, nondevelopment equity solutions, cluster development, community utilities and other innovations. This Commission would have a specific charge with budget and staff to accomplish its task in a limited time period.

Separate from the considerations of equity in R.C. 4 are the concerns raised by Resolution 11-91. These can be narrowed to "conserving valuable and limited natural resources, providing open space and reducing the cost of infrastructure through the efficient use of

land." OPZ and DEPRM propose that "Rural Cluster Development" be required in all residential R.C. 4 development. As is true for the protection of prime and productive soils, the design for a Conservancy Area will protect distinctive historic and cultural features, including significant views, common open space (such as squares, greens and parks), rural character and other features as may be appropriate.

SUMMARY OF PROPOSED ZONING TEXT FOR R.C. 4

- A. Density remains same: 0.2 lot per acre for entire site
- B. 70% of the tract remains in Conservation Area; 30% of the tract is available for the development potential generated by the entire site.
- C. One acre minimum lot size, no maximum lot size.
- D. Well and septic must be within the 30% buildable area.
- E. The 70% Conservancy Area must be placed in an agricultural or environmental easement program when located in an Agricultural Preservation Area as defined in the Master Plan 1989-2000.
- F. No minimum diametral requirement.
- G. OPZ and DEPRM to establish written criteria for development and the delineation of the Conservancy Area and the Buildable Area. (Rural CMDP).
- I. Implementation: RC-4 development will proceed through the development process (CRG or as amended) without benefit of minor subdivision process for three lots or less.
- J. Nuisance provisions in Agricultural Preservation/Conservation Areas
 - 1. Exclude from definition of nuisance, in the statute, any agricultural activity or its results (i.e. odor, noise) which are part of normal operations so long as the agricultural activity or operation does not bear a direct relationship to the public health and safety. (Same provisions as in MALPP)
 - 2. Real estate disclosure notice.

JANUARY 7, 1992 PUBLIC HEARING

On January 7th, the Planning Board held a public hearing concerning the staff report "Amendments to the Baltimore County Zoning Regulations regarding R.C. 4 Zones". While there was general support for the legislation, the following issues were raised.

Issues of Concern to the Farm Bureau

The first suggestion is to add language to the proposed R.C. 4 Regulations for a special Agricultural Policy Commission to be appointed by the Administration. The Commission's charge would be to address long term land equity and agricultural preservation concerns. While the Planning Board finds that it is not appropriate to amend the Zoning Regulations to create such a Commission, the Board recommends that the County Executive establish an Agricultural Policy Commission as soon as possible.

The Farm Bureau's second amendment is for the new R.C. 4 legislation to sunset after one year. Although the Planning Board recognizes the Farm Bureau's desire for prompt action, the proposal serves no particular purpose in solving this difficult issue; rather, it would add more uncertainty and speculation to the development process.

Their third proposed amendment is to reinstate the three lot subdivision waiver from CRG review and to exempt these from the Conservancy Area requirement. The concern is that subjecting minor subdivisions to the development review process would cause financial hardship for those who wish to build only a few lots. The Farm Bureau representatives also felt this could cause premature development of properties. Staff finds that while it is reasonable to allow three lot subdivisions to go through the minor CRG process, it is not appropriate to exempt these subdivisions from the Conservancy Area requirement. Staff therefore recommends that the Conservancy Area be identified at the time a minor subdivision is created, but it need not be dedicated until such time as additional development is proposed for the entire property.

Issues of Concern to Farmers Participating in the Maryland Agricultural Preservation Program

These individuals spoke to the problem of large farm operators facing increasing development. They support the proposed amendments and request additional protection options to support farming and provide for fair easement prices. They also stated that additional density would endanger their continuing agricultural operations and support the creation of an Agricultural Policy Commission to address these issues.

Issues of Concern to Speakers Representing Civic and Community Organizations

The League of Women Voters, Valleys Planning Council and Greater Sparks-Glencoe Community Council support the proposed R.C. 4 bill. The League and Valleys Planning also requested a commission to resolve the long-term issues of any increase in density resource protection and agricultural land equity. The League and Sparks-Glencoe asked for more specific standards to define the buildable and Conservancy areas. Staff notes that the proposed legislation in 1A03.5.A.

calls for these standards to be developed as part of the Comprehensive Manual of Development Policies Rural Areas Section.

Issues of Concern to Development Interests

The first concern was that, under certain conditions, Conservancy Areas could be held in multiple ownership. The Planning Board notes that while single ownership is preferred, there may be situations where multiple ownership is warranted. An example is where different parts of a Conservancy Area will be preserved for different purposes such as Greenway, protection of prime and productive soils or historic preservation. The language should be amended in recognition of this situation. Exceptions will be subject to the approval of the Directors of Recreation and Parks, Environmental Protection and Resource Management and Office of Planning and Zoning.

The next point raised concerned Section 1A03.5.D (Page 11) which stipulates that no plan approvals or issuance of permits will be allowed until the permanent easement has been given. The section's intent is not to prevent approval but to assure that the easement transaction occurs. The development community's recommendation that the preservation easement be tied to record plat approval is therefore appropriate.

It was also recommended that, under certain conditions, infrastructure be permitted within the Conservancy Area. While the intent of the legislation is to protect the Conservancy Area by not permitting infrastructure, there may be extenuating circumstances. For example, stormwater management ponds might be integrated into the conservancy area to improve water quality & quantity management.

While staff suggest that exceptions be permitted through the submission of a plan alternative for review and approval of the Directors of Office of Environmental Protection and Resource Management and Planning and Zoning, the Planning Board recommended that no infrastructure be permitted in the Conservancy Area.

Finally, it was suggested that "right-to-farm" warnings should not be included in real estate advertisements, but only in real estate contracts. Staff finds this deletion reasonable, since the notification through the contract should be effective.

Additional Issues that Planning Board believes should be considered

The R.C. 4 cluster design will lead to a more compact development which will no longer be appropriate for an exemption from the Baltimore County Landscape Manual. It is recommended, therefore, that the Landscape Manual, Baltimore County, Maryland adopted by Resolution 56-90, October 1, 1990 be amended. Section V. B.1. should not exempt Rural Cluster Development in the R.C. 4 zone. Furthermore, standards should be added to Section IX for Residential (Rural Cluster Development).

CHANGES MADE AT THE FEBRUARY 20, 1992 PLANNING BOARD MEETING

At the regular meeting of the Planning Board on February 20, 1992, the Planning Board voted to accept the Committee's recommendations to revise paragraph 1A03.5.D which clarifies the timing of the granting of an easement. The Planning Board also adopted a staff recommendation to permit roads in the Conservancy Area (1A03.5.F.4). These changes have been incorporated into this report.

RECOMMENDATIONS

The Baltimore County Planning Board recommends that the Baltimore County Zoning Regulations, 1955, as amended, should be further amended as shown below. Bold face indicates new text; brackets [] indicates deletion.

1. In Subsection 1A03.4 (Height and Area Regulations in R.C. 4 zones), make the following modifications. Add a new Subsection 1A03.5.

1A03.4--Height and area regulations.

- A. Height. No structure hereafter erected in an R.C. 4 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98, 1975.]

- B. Area regulations. [Bill No. 98, 1975; No. 178, 1979.]

{1.No lot less than three acres in area may be hereafter created from a larger tract in an R.C. 4 zone, and no detached single-family dwelling may be hereafter erected on any lot of smaller area except as otherwise provided in Subsection 103.3 or in Paragraph 6, below. [Bill No. 98, 1975; No. 178, 1979.] }

1. Lot density.

- a. A lot of record in an R.C. 4 zone with a gross area of less than 6 acres may not be subdivided, and a lot of record with a gross area of 6 acres but not more than 10 acres may not be subdivided into more than 2 lots (total), each of which must be at least 3 acres except as otherwise provided in Subsection 103.2 or in Paragraph 6 below.

- b. The maximum gross density of a lot of record with a gross area of more than 10 acres is 0.2 lot per acre. Any lots created hereafter, except as provided in Paragraph 6 below, shall be in accordance with the standards for Rural Cluster Development:

- (1) A minimum of 70% of the gross area of the lot of record shall be designated as the Conservancy Area. Only one of the permitted dwelling units, including any existing dwellings, may be located in the Conservancy Area. The Conservancy Area is subject to the standards contained in 1A03.5.
- (2) All of the remaining permitted density shall be located on the 30% of the lot of record outside of the Conservancy Area on lots with a minimum lot size of one acre. In no case shall any portion of these lots be included in the minimum acreage requirement for the Conservancy Area.
- (3) Subject to the conditions of the Performance Standards, 1A03.5, Paragraph G, any building or structure officially included on the Preliminary or Final list of the Landmarks Preservation Commission, and included in the Conservancy Area, need not be included in the calculation of the total permitted density.

{3. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R.C. 4 zone shall be 300 feet except as otherwise provided in Paragraph 6 below. [Bill No. 98, 1975.]]

{4.}3 Building setbacks. Except for agricultural buildings, any nonresidential principal building hereafter constructed in an R.C. 4 zone shall be situated at least 100 feet from the centerline of any street, and at least 50 feet from any lot line provided in Paragraph 6 below. Any residential principal building shall be set back according to the following minimum setback requirements:

- a. From any building face to a public street right-of-way or property line -- 25 feet
- b. From a front building face to the edge of paving of a private road -- 35 feet
- c. Setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet
- d. Between a building face and an adjacent R.C. 2 zone line -- 100 feet.

{5.}4 Coverage. Except for a Rural Cluster Development, which is subject to the performance standards contained in 1A03.5, no more than 10 percent of any lot in an R.C. 4 zone may be covered by impermeable surfaces (such as structures or pavement)

and no more than 25 per cent of the natural vegetation may be removed from any lot in an R.C. 4 zone.

{6.}5

Exceptions for certain record lots.

- A. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning on or before {the effective date of these zoning regulations} December 22, 1975 and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone, may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation. [Bill No. 98, 1975.]
- B. Such development as has received CRG approval, reclamation plan approval, or any other project vested by law, or such development for which a CRG or Concept Plan has been accepted for filing by the Department of Public Works, all of which development shall be governed by the subdivision regulations in effect at the time of such approval of acceptance for filing, as the case may be.

{7.

Dwellings per lot. No more than one dwelling is permitted on any lot in an R.C. 4. zone, but not excluding additional dwellings for bona fide tenant farmers.]

6.

Dwelling units per lot. No more than one dwelling unit shall be located on any lot in an R.C. 4 zone, except that tenant dwellings may be approved subject to certification by the Land Preservation Advisory Board that: 1) any such proposed dwelling is required for the operation of the farm for the use of bona fide tenant farmers; and 2) that any such dwelling, in the location proposed, will not interfere with the operation of the farm.

1A03.5

Performance Standards for Rural Cluster Development. Pursuant to Paragraph 1A03.4.B.(1), for any residential development on a lot of record with a gross area of more than 10 acres, 70% of the acreage shall be designated a Conservancy Area.

- A. To the extent reasonably possible, the Conservancy Area shall be contiguous and shall include prime and productive soils, steep slopes, wetlands, stream buffers, forests,

common open spaces such as squares, parks, or greens, significant views and such other natural or historic features to be protected as determined by the performance standards contained in the Comprehensive Manual of Development Policies. Each Conservancy Area shall be subject to the review and approval of the Directors of the Department of Environmental Protection and Resource Management and the Office of Planning and Zoning.

- B. Except for any dwelling unit permitted in the Conservancy Area, the private sewerage system and water system for each dwelling must be located outside of the Conservancy Area within the Rural Cluster Development, provided that the Director of the Department of Environmental Protection and Resource Management finds that the land can support the proposed development without endangering the potable water supply, endangering the Metropolitan District reservoirs or creating a health or environmental nuisance for neighboring properties.
- C. Subject to approval by Baltimore County as to legal form and sufficiency, the Conservancy Area shall be held in unified, ownership and control which may take the form of a homeowners' association, condominium association, public or private organization, land trust, corporation or individual. The Owner shall assume all responsibility for the maintenance and continued protection of the Conservancy Area, including any recreational amenities. The Conservancy Area shall be held in single ownership except in cases where the standards for multiple ownership established in the Comprehensive Manual of Development Policies - Rural Areas Section are met. This determination shall be made by the Directors of Office of Planning and Zoning, Department of Environmental Protection and Resource Management and Recreation and Parks.
- D. Easement for Conservancy Area. Prior to final approval of any record plat, or, in the case of a tract less than 20 acres which is to be subdivided into three or fewer lots, final plan, a permanent preservation easement on the Conservancy Area shall be recorded among the Land Records of Baltimore County to run with the land and continue in perpetuity.
 - 1. The easement shall be granted to the County or such other agency or entity which the County approves, and shall permanently restrict further subdivision of the Conservancy Area.
 - 2. The easement shall allow for the continued agricultural, forest or similar open space use as provided in Subsection 1A03.5.F.

3. When any portion of a Conservancy Area is also required to be recorded as a Forest Buffer easement, pursuant to Section 14.340 of the Code, the terms of Section 14.340 shall prevail.

4. The Conservancy Area agreement shall be in a form approved by the County Attorney who shall consult with the Director of the Department of Environmental Protection and Resource Management.

E. In the case of a tract which is more than 20 acres to be subdivided into three or fewer lots, a Conservancy Area shall be shown on the minor subdivision plan and recorded in the Land Records of Baltimore County. A permanent preservation easement as described in Section 1A03.5.D shall be granted when further subdivision subjects the tract to the Development Plan review process.

F. The maximum area for clearing and grading for each residential lot shall be 20,000 square feet. This area shall be shown on the plan at the time of permit application.

G. Outside of the building envelope for any permitted dwelling, the remainder of the site in a Conservancy Area shall remain undisturbed, except as utilized for:

1. Agricultural Uses including a farm, farmette, or limited acreage flower farm

2. Forestry

3. Open space, which may include squares, greens or parks, picnic areas, hiking or equestrian trails or passive recreational areas which do not require grading or paving.

4. Roads may be permitted in the Conservancy Area in cases where such a plan will result in better protection of resources, including surface waters and agricultural soils. This determination shall be made by the Directors of the Office of Planning and Zoning and Department of Environmental Protection and Resource Management.

1A03.6. Under provisions adopted pursuant to the authority of Section 504, development in R.C. 4 zones may be made subject to additional standards of lot area; yard space; open-space, Conservancy Area or building distribution or other aspects or characteristics of site planning or project design. Such standards shall be based upon specified existing, prospective, or stipulated conditions or circumstances of development, and shall be designed to further the specific purposes of this article and the purposes of these Zoning Regulations in general.

1A03.7. Any dwelling in an RC 4 zone may be subject to inconveniences or discomforts arising from agricultural operations including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Provided that the agricultural operation is complying with these Regulations and all federal, State or County health or environmental requirements, the agricultural operation shall not be considered to be a public or private nuisance.

Add to Section 101, Definitions:

Conservancy Area. The portion of a Rural Cluster Development which contains significant natural or historic features and which has been dedicated through deed restriction and easements for continued farming, forestry or open space use in order to remain largely undisturbed. A Conservancy Area may contain prime and productive soils, pastures, steep slopes, floodplains, stream valleys, champion trees, hedgerows, historic properties, fences, scenic views and such other natural or visually prominent features considered significant by the County for agriculture, the environment or the rural landscape. Common open space for the use of the residents of the Rural Cluster Development may be included in the Conservancy Area. The Conservancy Area may include buildings existing at the time of the approval of the Rural Cluster Development.

Rural Cluster Development. A form of residential subdivision for use beyond the Urban Rural Demarcation Line in which the permitted density for an entire tract is located only on a designated portion of the tract in order to preserve significant natural, scenic or historic features. A Rural Cluster Development includes a Conservancy Area as defined in these Regulations.

Add a new paragraph (b) and re-letter accordingly to Section 3-4 of the County Code:

Section 3-4 -- Advertisements and Contracts for Sales of Real Estate to Disclose Sewer Service, Water Supply {and}, Panhandle Lots , and Agricultural Operations within 500 Feet.

(b) Any contract in the County for the sale of real estate in or within 500 feet of an R.C. 2 or R.C. 4 zone shall contain a notice that the property may be subject to inconveniences or discomforts arising from agricultural operations, including: operation of machinery of any kind (including aircraft) during any 24-hour period; the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers,

soil amendments, herbicides and pesticides. Provided that the agricultural operation is complying with all Federal, State or County health and zoning requirement and is not being conducted in a negligent manner the County shall not consider the operation to be a public or private nuisance.

Sec. 26-277. Slope protection and soils.

(a) No plan or plat may be approved unless the county finds that the proposed development would include protective measures adequate to prevent erosion or sloughing of any steep or unstable slope and would promote the preservation of the natural topographic features of such a slope.

(b) No plan or plat may be approved on soils that present a severe or moderate limitation to development unless the county finds that adequate measures have been taken to mitigate the effects of such limitations.

(c) On prime and productive soils within the RC zones, except within the RC-5 zone, no plan or plat may be approved unless the county finds that construction, excavations, buildings, structures, pavements, grading, clearing, or other disturbances of the soils will be limited or restricted in accordance with policies established by the department of environmental protection and resource management to promote agricultural uses and protect the county's soil resources. This regulation shall apply to all development except such development which has been accepted for filing under section 26-204 by the department of public works prior to October 1, 1989.

(Code 1978, § 22-99; Bill No. 18, 1990, § 2)

COUNCILMEMBERS MANLEY & GARDINA

BY THE COUNTY COUNCIL, FEBRUARY 19, 1991

A RESOLUTION of the Baltimore County Council to request the Planning Board to consider proposing amendments to the Baltimore County Zoning Regulations and the Development Regulations contained in the County Code in order to provide standards that conserve valuable and limited natural resources, provide open space and protect the character of rural-residential development in Resource Conservation and Rural Protection areas.

WHEREAS, the Baltimore County Planning Board from time to time considers revisions to the Baltimore County Zoning Regulations; and

WHEREAS, the adoption of the Resource Conservation zones in 1975 designated zoning classifications to protect reservoirs, watersheds and forests, foster conditions for the continuation of agriculture and discourage undesirable land uses and urban sprawl development; and

WHEREAS, the resulting pattern of residential development did not always protect a site's distinctive natural features, rural character or relationship to its surroundings; and

WHEREAS, the 1989 Master Plan calls for the County to adopt a rural protection and resource conservation strategy to provide for appropriate development, open fields, wooded hillsides, scattered farms, streams and other natural features; and

WHEREAS, there are rural-residential development practices that further the essential visual, spatial and environmental qualities of our traditional rural areas, through such means as a reduction in density, the reservation of common open space and other rural land use planning and design techniques; and

WHEREAS, the 1989 Master Plan states that the County's standards for roadway cross sections, grading, lighting and curbs, water and sewer systems be reviewed to ensure their consistency with the existing rural character of the landscape while protecting public safety.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Planning Board be

Baltimore County Zoning Regulations and the Baltimore County
Development Regulations to assure that residential development in
resource conservation and rural protection areas will be improved by
conserving valuable and limited natural resources, providing open space
and reducing the cost of infrastructure through the efficient use of
land.

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RC4ZONES.#14/LEGISLAT



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RURAL ZONING IN BALTIMORE COUNTY

I. History of rural zoning in Baltimore County

In 1945¹ when zoning was first fully implemented in Baltimore County, the primary function was to protect the urbanizing areas of the county from undesirable encroachment from commercial and industrial uses and also began to differentiate between housing types. Although the majority of the county was agricultural, the zoning ordinance did not contain an agricultural classification. When the zoning regulations were revised in 1955, they still did not contain an agricultural zone. From 1955² to 1971, the rural (and primarily agricultural) areas of the county were zoned what was commonly referred to as residual R.6 (Residential 6000 sq. ft. minimum lot size). The lot sizes were controlled only by the requirement of the approval of a satisfactory percolation test from the Health Department. Lots generally ranged in size from $\frac{1}{2}$ to 1 acre. Setbacks and uses were then permitted as regulated in the R.6 zone. Developers were given the option of developing under the R.40 standards (Residential 40,000 sq. ft. minimum lot size) and some subdivisions were recorded based on those standards. Many of the lots that were subdivided were located around the existing villages such as Hereford, Porkton, Kingsville and Jacksonville where the new residents could expect some commercial and community services. Because of their clustered location at these villages, the loss of agricultural land and the effect on agricultural operations was usually minimal.

In the late 1960's, the demand for rural lots increased dramatically. This was especially true just northeast of the Loch Raven reservoir causing concern for the Metropolitan water supply. In the two census tracts north of Loch Raven, nearly 2000 acres of land later classified into the R.C. 4 (watershed protection zone) and 1077 lots were subdivided prior to 1971. Most of this subdivision activity occurred from 1965 to 1971.

In 1970, the efforts of citizen groups, the planning staff and the Planning Board resulted in the development of two new rural zoning classifications in conjunction with new urban classifications.³ These new rural classifications were: Rural: Deferred-Planning (R.D.P.) and Rural Suburban: Conservation (R.S.C.). It was the position of the Planning Board that the vast areas of northern Baltimore County should not be developed intensely until a land use plan could be developed. This plan should take into consideration the agricultural lands, natural resources, flood plains, watersheds, future sewer and water services, residential growth and the County's ability to provide the services necessary for development.

The R.D.P. zone was designed to "prevent untimely urban development of relatively open rural land" and to "foster conditions favorable to agriculture." A ten-acre minimum lot size was proposed for this zone.

The primary purpose of the R.S.C. zone was to "provide for residential

¹1945 Zoning Regulations

²1955 Zoning Regulations

³Bill 100, 1970

use without community health hazard within areas which will not be serviced by public sewerage and water-supply systems." This zone was proposed to be a three-acre minimum lot size. It was located primarily northeast of Loch Raven reservoir.

When the County Council finally adopted the new classifications, the lot sizes for both the R.D.P. and R.S.C. zones were reduced to 1 acre. This in effect destroyed the purpose and intent of both classifications and in effect provided the County with three 1 acre lot zoning classifications. This one-acre lot size requirement in rural areas was in effect from May 1971 through November and December 1976⁴. During this time 3781 lots were subdivided utilizing 11,368 acres of land. Over 41% of this subdivided land was located in areas considered prime and productive areas of the County.

Continued concern about the degree of development occurring in rural Baltimore County resulted in the initiation of a program to prepare a plan for the rural area. The study commenced in July, 1973. Studies and inventories prepared included:

- Existing land inventory
- Natural resource inventory (included slopes, streams, floodplains and agricultural land)
- Suitability of land for development
- Suitability of land for septic systems
- Suitability of land for wells
- Population
- History
- Economy
- Housing
- Transportation
- Community facilities
- Capital Improvement Program Proposals
- Policies
- Preparation of a land use map

In March 1974 a citizen group was formed to assist in the plan preparation. This group was known as the North County Advisory Group and was a broad-base, multi-interest group with a vested interest in the rural county. The group met on five separate occasions from May 1974 through February 1975. They were encouraged to put individual concerns aside and concentrate on area-wide goals and objectives. Individual conferences were arranged to provide expression of individual or localized concerns.

The North County Advisory Group provided the guidance in selecting a development pattern for the rural county and methods to implement the chosen pattern. The general consensus was that the land surrounding the public reservoirs needed protection, floodplains should remain undisturbed, agricultural land was worthy of

⁴Zoning maps for Councilmanic districts 1,2,4,5,6&7 took effect November 24, 1976. The third district map took effect December 16, 1976.

preservation, that a rural residential zone was necessary, and that areas of the county designated for future growth should be protected.

Five resource conservation zones were proposed to achieve these goals.

Resource-conservation 1 was proposed to be floodplain zone. However, time constraints and lack of data needed was to accurately delineate floodplains caused a postponement in creation of this zone.

The Resource-conservation 2 (agricultural) zone was the most difficult of the proposed zones to design. The dilemma with this zone was in proposing controls which would preserve and protect agricultural lands but not destroy farmers equity in the land. One of the major complaints of farmers is that they are forced out of business by continuing development pressure and the incompatibility of farms and subdivisions. Subdivisions generate complaints about foul odors, and noise from farm machinery which may be used from early morning to late at night and on weekends. Additional development also increases incidents of vandalism, trespassing and bottles and cans being thrown into fields.

However, the farmer also wishes to retain the right to develop his land so he can reap maximum financial benefit if he does choose to sell. Several methods were discussed during the process of developing the agricultural zone.

The first method was a large minimum lot size, i.e., 25 or 50 acres. This method was discarded because of the question of legality of large lot zoning and because it would not necessarily encourage farming. A proposed 10 acre minimum lot size was also rejected for the same reason.

The second method discussed was that of permitting development only by special exception. This was rejected because it prevented a farmer from developing even a small portion of his land for his children or for additional income.

The third method was a sliding scale which is presently in use in Codorus and several other townships in Pennsylvania. The sliding scale in use there permits just 4 units on 100 acres and specifies their location on soils in capability units 111e-3 to V11s-2 or on the least agriculturally productive land. A somewhat less restrictive sliding scale was originally proposed for the R.C. 2 zone.⁵ This scale proposed a maximum of 6 lots on 100 acres in addition to the existing principal dwelling. Over 100 acres were permitted 6 lots plus 1 additional lot for each 25 acres of total tract area.

The first public hearing on March 31, 1975, the speakers opposed the sliding scale as being too restrictive. The Land Use Regulations Development Approval Committee of the Planning Board proposed a special exception procedure.

⁵Preliminary report of the Baltimore County Planning Board, February 20, 1975.

to permit additional development when it could be shown that a particular part of a farm was not productive. This special exception known as a "planned development" would have permitted cluster development at a .2 density.⁶

A second public hearing was held on July 17, 1975 which resulted in little public support for the special exception concept. Objections were based on the difficulty of administering special exceptions as well as the feeling that the average farmer would not pursue the special exception procedure. However, the final report of the Planning Board on August 20, 1975 recommended a modified special exception with a .12 density factor. This final report was forwarded to the County Council.

The County Council conducted one public hearing on the Resource-Conservation zones on October 15, 1975. After reviewing comments made at the public hearing and after reviewing a report prepared by the 3rd Councilmanic District Planning and Zoning Committee, the County Council adopted the R.C. 2 zone in its present form.⁷ Prior to its adoption, numerous amendments were made to the zone that had been proposed by the Planning Board.

The R.C. 3 (Deferral of Planning and Development) zone was designed specifically to prevent untimely and preempting forms of development in areas of the county which are proposed to be serviced with public sewerage and water within a reasonable time period. Baltimore County maintains a Master Water and Sewer Plan which designates those areas of the county which are to receive service within the next 30 years. Application of the R.C. 3 zone was generally limited to those areas of the county scheduled for service within a 10 year time period. Since large lot development does not readily lend itself to re-subdivision at a later time, a density of .3 dwelling units per acre with the ability to cluster on 1 acre lots was proposed. The balance of any tract would not be further subdivided until utilities are provided and higher densities imposed.

The watershed protection (R.C. 4) zone was designed to provide at least minimal protection to the three metropolitan water supply reservoirs (Liberty, Loch Raven and Prettyboy). Major concerns about the reservoirs included increasing loss of storage capacity and deterioration of water quality. Strict criteria were used to delineate this zone in those areas deemed critical to water protection. These criteria included steep slopes (20% or greater), distance to stream, stream order, floodplains and suitability of soils for septic systems. A 300' minimum setback from all 3rd order streams and above and from all first and second order streams which flowed directly into the reservoir was maintained.⁸ A density factor of .2 units to the acre was assigned to this zone along with a 3-acre minimum lot size. Coverage of the land with impervious surface was restricted to 10% and reclassification of the property to another zone is strictly prohibited if the land does not meet certain criteria.

⁶Revised preliminary report of the Baltimore County Planning Board, June 19, 1975.

⁷Bill 98-75 adopted November 7, 1975.

⁸Figure based on analysis of Luna B. Leopold's study Hydrology for Urban Land Planning.

Provisions have been made for those farmers who participate in the Maryland Agricultural Land Preservation Foundation and sell or transfer an easement to the State or County.

R.C. 4 (Watershed Protection) - Several changes have been proposed to the watershed protection zone. The most important being the clarification of the procedure to qualify for reclassification. An addition to the zone is the requirement of a soil conservation plan for any farm in the R.C. 4 zone.

Community buildings, swimming pools, etc., have been recommended for deletion in the R.C. 4 because of the extent of the buildings and parking lots generally associated with these uses. A requirement that no more than 15% of any lot in an R.C. 4 zone may be cleared or graded for development has been added. This is in addition to the existing requirement that no more than 10% of any lot may be covered by buildings, structures, walks, patios or drives. Removal of tree cover and coverage of land surface with impervious materials is a potentially disastrous influence on our water supply.

FINAL Report of the
Baltimore County Planning Board
Adapted January 5, 1978

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS:
LOT SIZES IN R.C. 2 ZONES

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PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS:
LOT SIZES IN R.C. 2 ZONES

A Final Report of the Baltimore County Planning Board*

DISCUSSION

The matter of lot sizes in R.C. 2 zones has been a perplexing problem since the classification was instituted. On the one hand, it has been recognized that overuse of farmland for residential development should be discouraged, while on the other hand, it has been felt that it is not improper to allow a very limited amount of farm subdivision. However, as presently written, a provision of the Zoning Regulations in some cases appears to prohibit any subdivision of a large tract of land, through its imposition of a three-acre maximum lot size under certain conditions.

The recommendations in this report seek to strike a balance between farmland preservation and subdivision development in rural areas. The first of them would assure that subdivision for agricultural purposes, like other subdivisions, would be reviewed for compliance with the Zoning Regulations, as a further safeguard for valuable farmland. The second provision would allow more lot-size flexibility, particularly when the total area of a tract to be subdivided is 50 acres or less. This would allow reasonable subdivision activity, while discouraging both the over-utilization of agricultural land for residential development and the creation of tracts too small to be formed economically. Also, it has been proposed that the absolute minimum size of any new lot be changed from one acre to two acres.

RECOMMENDATIONS

It is recommended that the Baltimore County Zoning Regulations, 1955, as amended, be further amended as set forth below.

1. In Section 101, revise the definition for "Subdivision" as follows, by deleting the bracketed material:

Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines [, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes] .

2. Revise Sub-subparagraph 1A01.3.B.1.b to read as follows:

b. No lot shall be created which has an area of less than 2 acres. In addition, when the tract which is to be subdivided has an area of more than 50 acres, no lot shall be created from it which has an area between 3 and 40 acres.

*Adopted January 5, 1978.

Pet. Ex. 8

MR. C. A. DUTCH RUPPERSBERGER, III, COUNCILMAN

BY THE COUNTY COUNCIL, JUNE 1, 1992

A BILL ENTITLED

AN ACT concerning

Development Regulations - Agricultural Preservation

FOR the purpose of amending the Baltimore County Zoning Regulations and the Baltimore County Code in order to provide standards that conserve valuable and limited natural resources, provide open space and protect the character of rural-residential development in certain Resource Conservation areas, define terms, amend height and area regulations, provide standards for Rural Cluster Development and require that contracts for sale of real estate disclose possible inconveniences arising from agricultural operations, restricting development on prime and productive soils in the RC 2 zones, and generally providing performance standards for rural cluster development in R.C. 4 zones.

BY adding

Section 101 - Definitions, the definitions, alphabetically, of "Conservancy Area", "Prime and Productive Soils", and "Rural Cluster Development" and Sections 1A03.5, 1A03.6 and 1A03.7

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Section 1A03.4

Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY adding

Section 3-4(b)

Title 3 - Advertising and Signs

Baltimore County Code, 1988

BY renumbering

Section 3-4(b) to be Section 3-4(c)

Title 3 - Advertising and Signs

Baltimore County Code, 1988

BY repealing and re-enacting, with amendments.

Section 26-277(c)

Title 26 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1988

WHEREAS, the Baltimore County Council has received a final report dated February 20, 1992, from the Planning Board concerning the subject legislation and held a public hearing thereon on April 28, 1992, now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND that Section 101 - Definitions, the definitions, alphabetically, of "Conservancy Area", "Prime and Productive Soils", and "Rural Cluster Development" and Sections 1A03.5, 1A03.6 and 1A03.7 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101 - Definitions

CONSERVANCY AREA: THE PORTION OF A RURAL CLUSTER DEVELOPMENT WHICH CONTAINS SIGNIFICANT NATURAL OR HISTORIC FEATURES AND WHICH HAS BEEN DEDICATED THROUGH DEED RESTRICTION AND EASEMENTS FOR CONTINUED FARMING, FORESTRY OR OPEN SPACE USE IN ORDER TO REMAIN LARGELY UNDISTURBED.

1. PRIME AND PRODUCTIVE SOILS: SOIL TYPES DEFINED IN THE U.S.D.A. SOIL
2. SURVEY OF BALTIMORE COUNTY ISSUED MARCH, 1976, AND AS UPDATED, AS AGRICULTURAL
3. CAPABILITY CLASSES I, II OR III.
4. RURAL CLUSTER DEVELOPMENT: A FORM OF RESIDENTIAL SUBDIVISION FOR USE IN
5. AN R.C.4 ZONE IN WHICH THE PERMITTED DENSITY FOR AN ENTIRE TRACT IS LOCATED ONLY
6. ON A DESIGNATED PORTION OF THE TRACT IN ORDER TO PRESERVE SIGNIFICANT NATURAL,
7. SCENIC OR HISTORIC FEATURES.

8. Section 1A03 - R.C. 4 ZONES

9. 1A03.5 PERFORMANCE STANDARDS FOR RURAL CLUSTER DEVELOPMENT

10. ~~IN AN R.C. 4 ZONE, ONLY A RURAL CLUSTER DEVELOPMENT IS PERMITTED ON A~~

11. ~~TRACT WITH A GROSS AREA OF MORE THAN 10 ACRES. SEVENTY PERCENT (70%) OF THE~~

12. ~~TRACT ACREAGE SHALL BE DESIGNATED A CONSERVANCY AREA.~~

13. ~~A.1. THE CONSERVANCY AREA SHALL BE CONTIGUOUS AND SHALL INCLUDE WITHIN~~

14. ~~IT THE FOLLOWING FEATURES OF THE TRACT TO BE DEVELOPED IF THESE FEATURES ARE~~

15. ~~PRESENT ON THE TRACT.~~

16. IN AN R.C. 4 ZONE, ONLY A RURAL CLUSTER DEVELOPMENT IS PERMITTED ON A

17. TRACT TO BE DEVELOPED WITH A GROSS AREA OF MORE THAN 10 ACRES. A MINIMUM OF

18. SEVENTY PERCENT (70%) OF THE TRACT ACREAGE SHALL BE DESIGNATED A CONSERVANCY

19. AREA. THE BALANCE OF THE TRACT IS THE BUILDING AREA.

20. A.1. IT IS THE INTENTION OF THESE REGULATIONS THAT THE ACREAGE OF THE

21. CONSERVANCY AREA, WHENEVER POSSIBLE, BE CONTIGUOUS AND THAT IT INCLUDE THE

22. FOLLOWING FEATURES OF THE TRACT TO BE DEVELOPED AS DETERMINED BY THE STANDARDS

23. CONTAINED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES:

24. I. PRIME AND PRODUCTIVE SOILS;

25. II. STEEP SLOPES, AS DEFINED IN TITLE 26 OF THE BALTIMORE COUNTY

26. CODE;

27. III. WETLANDS;

1. IV. STREAM BUFFERS, AS DEFINED IN TITLE 14 OF THE BALTIMORE COUNTY
2. CODE;

3. V. FORESTS, AS DEFINED IN TITLE 14 OF THE BALTIMORE COUNTY CODE;

4. VI. ~~LOCAL~~ OPEN SPACE; AND

5. VII. SIGNIFICANT VIEWS AND OTHER NATURAL OR HISTORIC FEATURES TO
6. ~~BE PROTECTED-AS-DETERMINED-BY-THE-STANDARDS-CONTAINED-IN-THE-COMPREHENSIVE~~
7. ~~MANUAL-OF-DEVELOPMENT-POLICIES-~~ PROTECTED.

8. 2. THE CONSERVANCY AREA MAY NOT INCLUDE WITHIN IT ANY AREA WITH A
9. DIAMETER OF LESS THAN 100 FEET UNLESS THE DIRECTORS OF PLANNING AND ZONING AND
10. ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT DETERMINE THAT SUCH AN AREA
11. WILL BEST PROTECT THE NATURAL RESOURCES OF THE TRACT TO BE DEVELOPED AS A RURAL
12. CLUSTER DEVELOPMENT.

13. 3. THE CONSERVANCY AREA MAY INCLUDE BUILDINGS EXISTING AT THE TIME OF
14. THE APPROVAL OF THE RURAL CLUSTER DEVELOPMENT.

15. ~~4.---THE-REQUIREMENTS-OF-THIS-PARAGRAPH-ARE-SUBJECT-TO-THE-REVIEW-AND~~
16. ~~APPROVAL-OF-THE-DIRECTORS-OF-ENVIRONMENTAL-PROTECTION-AND-RESOURCE-MANAGEMENT-AND~~
17. ~~PLANNING-AND-ZONING-~~

18. 4. THE DIRECTORS OF PLANNING AND ZONING AND ENVIRONMENTAL PROTECTION
19. AND RESOURCE MANAGEMENT SHALL DETERMINE WHETHER THE CONSERVANCY AREA MEETS THE
20. REQUIREMENTS OF THIS PARAGRAPH AND THE STANDARDS OF THE COMPREHENSIVE MANUAL OF
21. DEVELOPMENT POLICIES.

22. B. EACH LOT IN A RURAL CLUSTER DEVELOPMENT SHALL CONTAIN ITS OWN PRIVATE
23. SEWAGE SYSTEM AND WATER SYSTEM, AND EACH SUCH SYSTEM SHALL BE LOCATED WITHIN THE
24. LOT. IF THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FINDS
25. THAT A LOT CANNOT SUPPORT A PROPOSED DWELLING UNIT WITHOUT ENDANGERING THE
26. POTABLE WATER SUPPLY, ENDANGERING THE METROPOLITAN DISTRICT RESERVOIRS, OR
27. CREATING A HEALTH OR ENVIRONMENTAL NUISANCE FOR NEIGHBORING PROPERTIES, A
28. DWELLING UNIT IS NOT PERMITTED ON SUCH LOT.

1. C.1. SUBJECT TO APPROVAL BY BALTIMORE COUNTY AS TO LEGAL FORM AND
2. SUFFICIENCY, THE CONSERVANCY AREA SHALL BE HELD IN UNIFIED OWNERSHIP AND CONTROL
3. WHICH MAY TAKE THE FORM OF A HOMEOWNERS' ASSOCIATION, CONDOMINIUM ASSOCIATION,
4. PUBLIC OR PRIVATE ORGANIZATION, LAND TRUST, CORPORATION OR INDIVIDUAL. THE OWNER
5. SHALL ASSUME ALL RESPONSIBILITY FOR THE MAINTENANCE AND CONTINUED PROTECTION OF
6. THE CONSERVANCY AREA, INCLUDING ANY RECREATIONAL AMENITIES. ~~THE CONSERVANCY~~
7. ~~AREA SHALL BE HELD IN SINGLE OWNERSHIP EXCEPT IN CASES WHERE THE STANDARDS FOR~~
8. ~~MULTIPLE OWNERSHIP ESTABLISHED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT~~
9. ~~POLICIES --- RURAL AREAS SECTION ARE MET --- THIS DETERMINATION SHALL BE MADE BY THE~~
10. ~~DIRECTORS OF PLANNING AND ZONING, ENVIRONMENTAL PROTECTION AND RESOURCE~~
11. ~~MANAGEMENT, AND RECREATION AND PARKS.~~

12. 2. THE CONSERVANCY AREA SHALL BE HELD IN SINGLE OWNERSHIP UNLESS A
13. DWELLING LOT, AS PERMITTED BY SECTION 1A03.4.B.1.B.(1), IS LOCATED IN THE
14. CONSERVANCY AREA.

15. D. EASEMENT FOR CONSERVANCY AREA. PRIOR TO FINAL APPROVAL OF ANY RECORD
16. PLAT, OR, IN THE CASE OF A TRACT LESS THAN 20 ACRES IN SIZE WHICH IS TO BE
17. SUBDIVIDED INTO THREE OR FEWER LOTS, PRIOR TO FINAL APPROVAL OF A PLAN, A
18. PERMANENT PRESERVATION EASEMENT ON THE CONSERVANCY AREA SHALL BE RECORDED AMONG
19. THE LAND RECORDS OF BALTIMORE COUNTY TO RUN WITH THE LAND AND CONTINUE IN
20. PERPETUITY.

21. 1. THE EASEMENT SHALL BE GRANTED TO THE COUNTY OR SUCH OTHER AGENCY
22. OR ENTITY WHICH THE COUNTY APPROVES, AND SHALL PERMANENTLY RESTRICT FURTHER
23. SUBDIVISION OF THE CONSERVANCY AREA.

24. 2. THE EASEMENT SHALL ALLOW FOR THE CONTINUED AGRICULTURAL, FOREST
25. OR SIMILAR OPEN SPACE USE AS PROVIDED IN SUBSECTION 1A03.5.G.

26. 3. IF ANY PORTION OF A CONSERVANCY AREA IS ALSO REQUIRED TO BE
27. RECORDED AS A FOREST BUFFER EASEMENT, PURSUANT TO SECTION 14-340 OF THE BALTIMORE
28. COUNTY CODE, THE TERMS OF SECTION 14-340 SHALL PREVAIL.

1. 4. THE CONSERVANCY AREA AGREEMENT SHALL BE IN A FORM APPROVED BY THE
2. COUNTY ATTORNEY WHO SHALL CONSULT WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION
3. AND RESOURCE MANAGEMENT.

4. E. IN THE CASE OF A TRACT MORE THAN 20 ACRES IN SIZE WHICH IS TO BE
5. SUBDIVIDED INTO THREE OR FEWER LOTS, A CONSERVANCY AREA SHALL BE SHOWN ON THE
6. MINOR SUBDIVISION PLAN AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. A
7. PERMANENT PRESERVATION EASEMENT AS DESCRIBED IN SECTION 1A03.5.D SHALL BE GRANTED
8. IF FURTHER SUBDIVISION SUBJECTS THE TRACT TO THE DEVELOPMENT PLAN REVIEW PROCESS
9. OF TITLE 26 OF THE BALTIMORE COUNTY CODE.

10. F. THE MAXIMUM AREA FOR CLEARING AND GRADING FOR EACH RESIDENTIAL LOT IS
11. 20,000 SQUARE FEET. THIS AREA SHALL BE SHOWN ON THE PLAN AT THE TIME OF PERMIT
12. APPLICATION.

13. ~~G. -- OUTSIDE OF THE BUILDING ENVELOPE FOR ANY PERMITTED DWELLING; THE~~
14. ~~REMAINDER OF THE SITE IN A~~

15. G. THE CONSERVANCY AREA SHALL REMAIN UNDISTURBED, EXCEPT AS UTILIZED
16. FOR:

17. 1. AGRICULTURAL USES, INCLUDING A FARM, FARMETTE, OR LIMITED ACREAGE
18. FLOWER FARM;

19. 2. FORESTRY;

20. 3. ~~LOCAL~~ OPEN SPACE, WHICH MAY INCLUDE HIKING OR EQUESTRIAN
21. TRAILS OR PASSIVE RECREATIONAL AREAS WHICH DO NOT REQUIRE PAVING;

22. 4. ISOLATED ~~LOCAL~~ OPEN SPACE POCKETS IN THE BUILDING AREA THAT
23. ARE EITHER SURROUNDED BY HOUSING UNITS OR RUN ALONG RIGHTS-OF-WAY AS APPROVED BY
24. THE DIRECTORS OF PLANNING AND ZONING AND ENVIRONMENTAL PROTECTION AND RESOURCE
25. MANAGEMENT. SUCH AREAS SHALL BE MANAGED BY A HOMEOWNERS' ASSOCIATION OR SIMILAR
26. ENTITY AS OPEN SPACE AND ARE NOT TO BE INCLUDED IN THE CONSERVANCY AREA
27. EASEMENT DELINEATION.

1. 5. A SINGLE-FAMILY DWELLING AS PERMITTED BY SECTION

2. 1A03.4.B.1.B.(1).

3. H. EXCEPT AS NEEDED AS ACCESS TO EXISTING BUILDINGS OR TO THE LOT
4. PERMITTED UNDER SECTION 1A03.4.B.1.B.(1), ROADS ARE NOT PERMITTED IN A
5. CONSERVANCY AREA, UNLESS THE PROVISION THEREOF WILL RESULT IN BETTER PROTECTION
6. OF NATURAL RESOURCES. THE DIRECTORS OF PLANNING AND ZONING, PUBLIC WORKS, AND
7. ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT SHALL MAKE THIS DETERMINATION.

8. I. STORMWATER MANAGEMENT FACILITIES AND STORM DRAINS ARE NOT PERMITTED IN
9. THE CONSERVANCY AREA EXCEPT IN CASES WHERE THEIR PROVISION WILL RESULT IN
10. IMPROVED WATER QUALITY OR REDUCED IMPACT ON WATER QUANTITY AND WILL NOT RESULT IN
11. THE LOSS OF PRIME AND PRODUCTIVE SOILS, AS APPROVED BY THE DIRECTORS OF PLANNING
12. AND ZONING AND ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. HOWEVER;
13. ~~SUCH-APPROVAL-MAY-NOT-BE-GRANTED-IN-VIOLATION-OF-THE-PROVISIONS-OF-TITLE-5;~~
14. ~~SUBTITLE-16-OF-THE-NATURAL-RESOURCES-ARTICLE-OF-THE-ANNOTATED-CODE-OF-MARYLAND-~~

15. 1A03.6 ADDITIONAL STANDARDS

16. UNDER PROVISIONS ADOPTED PURSUANT TO THE AUTHORITY OF THE COMPREHENSIVE
17. MANUAL OF DEVELOPMENT POLICIES, DEVELOPMENT IN R.C. 4 ZONES MAY BE MADE SUBJECT
18. TO ADDITIONAL STANDARDS OF LOT AREA, YARD SPACE, OPEN SPACE, BUILDING
19. DISTRIBUTION, OR OTHER ASPECTS OR CHARACTERISTICS OF SITE PLANNING OR PROJECT
20. DESIGN. SUCH STANDARDS SHALL BE BASED UPON SPECIFIED EXISTING, PROSPECTIVE, OR
21. STIPULATED CONDITIONS OR CIRCUMSTANCES OF DEVELOPMENT, AND SHALL BE DESIGNED TO
22. FURTHER THE SPECIFIC PURPOSES OF THIS ARTICLE AND THE PURPOSES OF THESE ZONING
23. REGULATIONS IN GENERAL.

24. 1A03.7 INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS

25. ANY DWELLING IN AN R.C. 4 ZONE MAY BE SUBJECT TO INCONVENIENCES OR
26. DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO,
27. NOISE, ODORS, FUMES, DUST, THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY
28. 24-HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE

1. APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS,
2. HERBICIDES AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL
3. OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH
4. THESE REGULATIONS AND ALL FEDERAL, STATE OR COUNTY HEALTH OR ENVIRONMENTAL
5. REQUIREMENTS.

6. SECTION 2. AND BE IT FURTHER ENACTED, that Section 1A03.4 of the
7. Baltimore County Zoning Regulations, as amended, be and, it is hereby repealed
8. and re-enacted with amendments, to read as follows:

9. 1A03.4--Height and area regulations.

10. A. Height. No structure hereafter erected in an R.C. 4 zone shall
exceed a height of 35 feet, except as otherwise provided under Section 300.

12. B. Area regulations.

13. {1. No lot less than three acres in area may be hereafter
14. created from a larger tract in an R.C. 4 zones, and no detached single-family
15. dwelling may be hereafter erected on any lot of smaller area except as otherwise
16. provided in Subsection 103.3 or in Paragraph 6, below.}

17. [2.] 1. Lot Density

18. A. A {lot of record} TRACT TO BE DEVELOPED in an R.C.
19. 4 zone with a gross area of less than 6 acres may not be subdivided, and a lot
20. of-record TRACT TO BE DEVELOPED with a gross area of at least 6 acres but
21. not more than 10 acres may not be subdivided into more than 2 lots (total){. The
22. maximum gross density of a {lot of record}-TRACT-TO-BE-DEVELOPED with
23. a gross area of more than 10 acres is 0.2 lot per acre.} , EACH OF WHICH MUST BE
24. AT LEAST 3 ACRES EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION ~~103.2~~ 103.3
25. OR IN PARAGRAPH 4 BELOW.

26. B. THE MAXIMUM GROSS DENSITY OF A TRACT TO BE
27. DEVELOPED WITH A GROSS AREA OF MORE THAN 10 ACRES IS 0.2 LOT PER ACRE. ANY LOTS

1. CREATED HEREAFTER, EXCEPT AS PROVIDED IN PARAGRAPH 4 BELOW, SHALL BE IN
2. ACCORDANCE WITH THE FOLLOWING STANDARDS FOR RURAL CLUSTER DEVELOPMENT:

3. (1) A MINIMUM OF 70% OF THE GROSS AREA OF THE
4. TRACT TO BE DEVELOPED SHALL BE DESIGNATED AS THE CONSERVANCY AREA. ONLY ONE OF
5. THE PERMITTED DWELLING UNITS, INCLUDING ANY EXISTING DWELLINGS, MAY BE LOCATED IN
6. THE CONSERVANCY AREA. THE CONSERVANCY AREA IS SUBJECT TO THE STANDARDS CONTAINED
7. IN 1A03.5.

8. (2) ALL OF THE REMAINING PERMITTED DENSITY SHALL
9. BE LOCATED ~~ON-THE-30%-OF-THE-TRACT-OUTSIDE-OF-THE-CONSERVANCY~~ IN THE
10. BUILDING AREA ON LOTS WITH A MINIMUM LOT SIZE OF ONE ACRE. ~~IN-NO-CASE-SHALL~~
11. ~~ANY-PORTION-OF-THESE-LOTS-BE-INCLUDED-IN-THE-MINIMUM-ACREAGE-REQUIREMENT-FOR-THE~~
12. ~~CONSERVANCY-AREA-~~

13. (3) SUBJECT TO THE CONDITIONS OF THE PERFORMANCE
14. STANDARDS OF SECTION 1A03.5.G., ANY BUILDING OR STRUCTURE OFFICIALLY INCLUDED ON
15. THE PRELIMINARY OR FINAL LIST OF THE LANDMARKS PRESERVATION COMMISSION, OR THE
16. NATIONAL REGISTER OF HISTORIC AREAS, AND INCLUDED IN THE CONSERVANCY AREA, NEED
17. NOT BE INCLUDED IN THE CALCULATION OF THE TOTAL PERMITTED DENSITY, SUBJECT TO THE
18. FOLLOWING REQUIREMENTS:

19. A. THERE IS AN AREA OF SUFFICIENT SIZE
20. SURROUNDING THE BUILDING, STRUCTURE OR LANDMARK TO PRESERVE THE INTEGRITY OF ITS
21. HISTORIC SETTING;

22. B. AN OVERALL PHOTOGRAPHIC AND WRITTEN
23. DESCRIPTION OF THE BUILDING, STRUCTURE OR LANDMARK IDENTIFIED FOR PRESERVATION
24. HAS BEEN SUBMITTED; AND

25. C. DOCUMENTATION OF THE PRESERVATION,
26. RESTORATION AND PROTECTION FOR THE BUILDING, STRUCTURE OR LANDMARK HAS BEEN
27. SUBMITTED AND APPROVED BY THE DIRECTOR OF PLANNING PRIOR TO ISSUANCE OF ANY
28. BUILDING PERMIT FOR THE DEVELOPMENT.

1. {3. Minimum diametral dimension. The minimum diametral
2. dimension of any lot hereafter created in an R.C. 4 zone shall be 300 feet except
3. as otherwise provided in Paragraph 6 below.}

4. {4.} 2. Building setbacks. {Any} EXCEPT FOR AGRICULTURAL
5. BUILDINGS, ANY NONRESIDENTIAL principal building hereafter constructed in an R.C.
6. 4 zone shall be situated at least 100 feet from the center line of any street and
7. at least 50 feet from any lot line other than a street line, except as otherwise
8. provided in Paragraph {6} 4, below. ANY RESIDENTIAL PRINCIPAL BUILDING SHALL BE
9. SET BACK ACCORDING TO THE FOLLOWING MINIMUM SETBACK REQUIREMENTS:

10. A. TWENTY FIVE FEET FROM ANY BUILDING FACE TO A PUBLIC
11. STREET RIGHT-OF-WAY OR PROPERTY LINE;

12. B. THIRTY FIVE FEET FROM A FRONT BUILDING FACE TO THE EDGE
13. OF PAVING OF A PRIVATE ROAD;

14. C. SETBACKS FOR BUILDINGS LOCATED ADJACENT TO ARTERIAL
15. ROADWAYS SHALL BE INCREASED BY 20 FEET;

16. D. ONE HUNDRED FEET BETWEEN A BUILDING FACE AND AN
17. ADJACENT R.C. 2 ZONE LINE;

18. E. ONE HUNDRED FEET BETWEEN A BUILDING FACE AND A
19. RESERVOIR PROPERTY LINE;

20. F. FIFTY FEET BETWEEN A BUILDING FACE AND AN ADJACENT
21. CONSERVANCY AREA WHICH WILL BE USED FOR AGRICULTURAL PURPOSES.

22. {5.} 3. Coverage. EXCEPT FOR A RURAL CLUSTER DEVELOPMENT,
23. WHICH IS SUBJECT TO THE PERFORMANCE STANDARDS CONTAINED IN 1A03.5, no more than
24. 10 percent of any lot in an R.C. 4 zone may be covered by impermeable surfaces
25. (such as structures or pavement.) No more than 25 percent of the natural
26. vegetation may be removed from any lot in an R.C. 4 zone.}

27. {6.} 4. Exceptions for certain record lots.

1. Any existing lot or parcel of land with boundaries duly
2. recorded among the Land Records of Baltimore County with the approval of the
3. Baltimore County Office of Planning and Zoning on or before [the effective date
4. of these zoning regulations] DECEMBER 22, 1975 and not part of an approved
5. subdivision that cannot meet the minimum standards as provided within the zone,
6. may be approved for residential development in accordance with the standards
7. prescribed and in force at the time of the lot recordation.

8. {7. Dwellings per lot. No more than one dwelling is permitted
9. on any lot in an R.C. 4 zone, but not excluding additional dwellings for bona
10. fide tenant farmers.}

11. 5. DWELLING UNITS PER LOT. NO MORE THAN ONE DWELLING UNIT
12. SHALL BE LOCATED ON ANY LOT IN AN R.C. 4 ZONE, EXCEPT THAT TENANT DWELLINGS MAY
13. BE APPROVED IF THE LAND PRESERVATION ADVISORY BOARD CERTIFIES THAT: 1) ANY SUCH
14. PROPOSED DWELLING IS REQUIRED FOR THE OPERATION OF THE FARM FOR THE USE OF BONA
15. FIDE TENANT FARMERS; AND 2) THAT ANY SUCH DWELLING, IN THE LOCATION PROPOSED,
16. WILL NOT INTERFERE WITH THE OPERATION OF THE FARM.

17. SECTION 3. AND BE IT FURTHER ENACTED, that Section 3-4(b) be and it is
18. hereby added to Title 3 - Advertising and Signs, of the Baltimore County Code,
19. 1988, to read as follows:

20. Section 3-4. Advertising and contracts for sale of real estate to
21. disclose sewer service, water supply [and], panhandle lots [.] AND AGRICULTURAL
22. OPERATIONS.

23. (B) ANY CONTRACT IN THE COUNTY FOR THE SALE OF REAL ESTATE IN OR
24. WITHIN 500 FEET OF ANY R.C. 4 ZONE SHALL CONTAIN A NOTICE (1) THAT THE PROPERTY
25. MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL
26. OPERATIONS, INCLUDING, BUT NOT LIMITED TO: OPERATION OF MACHINERY OF ANY KIND

1. (INCLUDING AIRCRAFT) DURING ANY 24-HOUR PERIOD, THE STORAGE AND DISPOSAL OF
2. MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS,
3. SOIL AMENDMENTS, HERBICIDES AND PESTICIDES, AND THAT (2) THE COUNTY SHALL NOT
4. CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE
5. OPERATION COMPLIES WITH ALL FEDERAL, STATE OR COUNTY HEALTH AND ZONING
6. REQUIREMENTS AND IS NOT BEING CONDUCTED IN A NEGLIGENT MANNER.

7. SECTION 4. AND BE IT FURTHER ENACTED, that Section 3-4(b) of Title 3 -
8. Advertising and Signs, of the Baltimore County Code, 1988, be and it is hereby
9. renumbered to be Section 3-4(c).

10. SECTION 5. AND BE IT FURTHER ENACTED, that Section 26-277(c) of Title 26,
11. Planning, Zoning and Subdivision Control, Baltimore County Code, 1988, be and it
12. is hereby repealed and re-enacted, with amendments, to read as follows:

13. Sec. 26-277. Slope protection and soils.

14. (c) On prime and productive soils within the RC {zones, except
15. within the RC-5 zone,} 2 ZONE, no plan or plat may be approved unless the county
16. finds that construction, excavations, buildings, structures, pavements, grading,
17. clearing, or other disturbances of the soils will be limited or restricted in
18. accordance with policies established by the department of environmental
19. protection and resource management to promote agricultural uses and protect the
20. county's soil resources. [This regulation shall apply to all development except
21. such development which has been accepted for filing under section 26-204 by the
22. department of public works prior to October 1, 1989.]

23. SECTION 6. AND BE IT FURTHER ENACTED, that any development which has
24. received CRG approval, concept plan approval, reclamation plan approval, or any
25. other project vested by law, or any development for which a concept plan has been

1. accepted for filing by the department of public works prior to the effective date
2. of this Act shall be governed by the regulations in effect at the time of such approval, vesting, or acceptance for filing, as the case may be.

4. SECTION 7. And be it further enacted, that this Act having been passed
5. by the affirmative vote of five members shall take effect July 1, 1992.

B11392/BILLS92

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 13
BILL NO. 107-94

MR. C. A. DUTCH RUPPERSBERGER, III, COUNCILMAN

BY THE COUNTY COUNCIL, JUNE 20, 1994

A BILL

ENTITLED

AN ACT concerning

Zoning Regulations - R.C. 4 Zones

FOR the purpose of authorizing an optional form of development to the rural cluster development permitted in the R.C. 4 zones of the County; specifying the minimum tract and lot size, the number of structures permitted on each lot, setback requirements, and conservancy area requirements; providing for referral to the Planning Board of certain development plans, and generally relating to development in R.C. 4 ^A zones.

BY repealing and re-enacting, with amendments

Section 1A03.5

Baltimore County Zoning Regulations, as amended

BY adding

Section 1A03.6

Baltimore County Zoning Regulations, as amended

BY renumbering

Sections 1A03.6 and 1A03.7 to be

Sections 1A03.7 and 1A03.8

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2. MARYLAND, that Section 1A03.5 of the Baltimore County Zoning Regulations, as
3. amended, be and it is hereby repealed and re-enacted, with amendments, to read as
4. follows:

5. 1A03.5. Performance Standards for Rural Cluster Development

6. In an R.C. 4 zone, only a rural cluster development, OR A DEVELOPMENT
7. AUTHORIZED UNDER SECTION 1A03.6, is permitted on a tract to be developed with a
8. gross area of more than 10 acres. A minimum of seventy percent (70%) of the tract
9. acreage shall be designated a conservancy area. The balance of the tract is the
10. building area.

11. SECTION 2. AND BE IT FURTHER ENACTED, that Section 1A03.6 be and it is
12. hereby added to the Baltimore County Zoning Regulations, as amended, to read as
13. follows:

14. 1A03.6. OPTIONAL DEVELOPMENT IN R.C.4 ZONES

15. 1. IN AN R.C.4 ZONE, A TRACT WITH A GROSS AREA OF MORE THAN 10 ACRES
16. MAY BE DEVELOPED AT THE DEVELOPER'S OPTION AT A MAXIMUM GROSS DENSITY OF 0.1 LOTS
17. PER ACRE. THE MINIMUM LOT SIZE IS ONE ACRE.

18. 2. THE LOTS WHICH ARE CREATED FOR THE TRACT SHALL EACH BE SUBJECT TO A
19. PERMANENT PRESERVATION EASEMENT TO BE PREPARED AND RECORDED IN ACCORDANCE WITH THE
20. REQUIREMENTS OF SECTION 1A03.5 D.

21. 3. ONLY ONE PRINCIPAL DWELLING IS PERMITTED ON ANY LOT IN AN R.C.4
22. ZONE, EXCEPT THAT A TENANT DWELLING MAY BE APPROVED FOR THE TRACT IN ACCORDANCE WITH
23. SECTION 1A03.4.B.5.

24. 4. NO STRUCTURE OR DWELLING SHALL BE SITUATED WITHIN 75 FEET OF THE
25. CENTER LINE OF ANY STREET OR WITHIN 50 FEET OF ANY LOT LINE OTHER THAN A STREET LINE.

26. 5. THE DEVELOPMENT PLAN FOR A TRACT TO BE DEVELOPED UNDER THIS SECTION
27. SHALL DELINEATE A DIAGRAMMATIC CONSERVANCY AREA WHICH IS EQUAL TO A MINIMUM OF
28. SEVENTY PERCENT OF THE GROSS TRACT ACREAGE AS DETERMINED BY SECTION 1A03.5.A.1. THE

1. CONSERVANCY AREA SHALL REMAIN UNDISTURBED EXCEPT AS UTILIZED AS PROVIDED IN SECTION
2. 1A03.5.G.1., 2., or 3.

3. 6. A DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE BALTIMORE COUNTY
4. PLANNING BOARD FOR ITS REVIEW AND RECOMMENDATIONS IF THE SITE:

5. (A) CONTAINS AREAS OF SIGNIFICANT CONTIGUOUS AGRICULTURAL RESOURCES
6. AS DETERMINED BY THE AMOUNT, LOCATION AND SUITABILITY OF THE SOILS WHICH ARE USED
7. FOR OR HAVE THE POTENTIAL FOR AGRICULTURAL ACTIVITY AS DEFINED IN SECTION 14-402 OF
8. THE BALTIMORE COUNTY CODE AND IS LOCATED WITHIN A MASTER PLAN DESIGNATED
9. "AGRICULTURAL PROTECTION AREA";

10. (B) CONTAINS FOREST RESOURCES WHICH INCLUDE OR ARE ADJACENT TO
11. CRITICAL HABITAT AREAS AS DEFINED IN SECTION 14-402 OF THE BALTIMORE COUNTY CODE; OR

12. (C) CONTAINS OR IS CONTIGUOUS TO HISTORIC LANDMARKS OR DISTRICTS
13. RECOGNIZED OR LISTED BY THE BALTIMORE COUNTY LANDMARKS PRESERVATION COMMISSION,
14. NATIONAL REGISTER, OR MARYLAND HISTORICAL TRUST.

15. 7 IN MAKING ITS RECOMMENDATIONS, THE PLANNING BOARD SHALL CONSIDER
16. WHETHER THE OPTIONAL DEVELOPMENT AUTHORIZED BY THIS SECTION WILL BE DETRIMENTAL TO
17. THE USE OF THE LAND FOR CONTINUED COMMERCIAL FARMING OPERATIONS OR TO THE LONG TERM
18. PROTECTION OF THE FOREST RESOURCES ON THE LAND.

19. 8 THE PROVISIONS OF SECTION 1A03.5.E. APPLY TO DEVELOPMENT OF A TRACT
20. UNDER THIS SECTION.

21. SECTION 3. AND BE IT FURTHER ENACTED, that Sections 1A03.6 and 1A03.7 of the
22. Baltimore County Zoning Regulations, as amended, be and they are hereby renumbered
23. to be Sections 1A03.7 and 1A03.8.

24. SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take effect
25. forty-five days after its enactment.

July 3, 1974

Pet. Ex 10A

WATERSHED PROTECTION ZONE

During the past decade, numerous scientists including Leopold, Whitman, and Hammer have concluded that urban encroachment on steep slopes and in floodplains has resulted in higher and more frequent peak flow characteristics of streams, increases in total runoff, decreases in a stream's base flow, and a general deterioration of the water quality of streams. With the rapid urbanization of Baltimore County, it has become apparent that many streams have suffered from these hydrological changes.

According to these hydrology reports, water quality changes have a longer and more widespread effect upon the ecological system of streams and their function as domestic water supply sources. Since Baltimore County receives virtually all of its domestic water supply from three major reservoirs located within its boundaries (which are kept at capacity from the discharge of surrounding streams), it is imperative that the County protect their water quality.

In the realization that protection of the water quality of these three major reservoirs is absolutely necessary for the vitality of the entire Baltimore area, the Baltimore County Office of Planning and Zoning has initiated a program of mapping a proposed watershed protection zone. It was recognized from the outset that in order to control the degree of physical and biochemical pollution that was occurring, it would be necessary to limit the use of major floodplains and adjacent areas with slopes of 20% or greater. Consequently, these areas were included within the watershed zone. Major floodplains were determined to be associated with third order and above streams. Both steep slopes and major floodplains as defined are very unstable morphological features; hence, providing an uncontrollable habitat for

serious pollution to occur when these natural areas were disturbed. For the reasons listed in the following paragraph, a minimum of 300 feet was maintained as a buffer along all third order and above streams and areas immediately adjacent to the reservoirs.

Other areas encompassed within this zone are the floodplains of first and second order streams or the land area 300 feet on each side of the stream channels (whichever is greater) that discharge directly into the reservoirs. Intensive development in the headwaters of these streams would result in heavy concentrations of sediments and other pollutants being deposited into the reservoirs. The 300-foot figure indicated above was determined from Leopold's study, Hydrology for Urban Land Planning. His observations indicated that "for soil cleansing to be effective, contaminated water must move through unsaturated soil at least 100 feet; [however,]....it would seem prudent that [due to diversified topography] septic systems should not be as close to a [stream] channel as about 300 feet, if protection of the stream water quality is to be achieved." Implicitly, this 300-foot figure would also be beneficial for protecting the land from erosion caused by urban development. Thus, through the establishment and enforcement of this zone, Baltimore County's domestic water supply would be protected and conserved for future generations.

HWW:vh

cc: Paul J. Solomon, Chief
Environmental Studies Sec.

Pet. Ex. 10B

WATERSHED PROTECTION ZONE

During the past decade, numerous scientists including Leopold, Whitman, and Hammer have concluded that intensive urban development and encroachment on steep slopes and in floodplains has resulted in higher and more frequent peak flow characteristics of streams, increases in total runoff, decreases in a stream's ^{base} flow, and a general deterioration of the water quality of streams. With the rapid urbanization of Baltimore County, it has become apparent that many streams have suffered from these hydrological changes.

According to these hydrology reports, water quality changes have a longer and more widespread effect upon the ecological system of streams and their function as domestic water supply sources. Consequently, since Baltimore County receives approximately 90 per cent of its domestic water supply from its three reservoirs (which are kept at capacity from the discharge of surrounding streams), their water quality should be protected from any continued unplanned urban expansion.

Concern for this protection has initiated the mapping of a proposed watershed protection zone which would protect the reservoirs water quality. Through the investigation regarding the boundaries of this zone, it was determined that sedimentation is becoming the major water quality problem in the reservoirs. Thus, areas which, historically, have been sources of this problem (steep slopes and major floodplains) are included within the watershed protection zone. Steep slopes (20% and greater) and major floodplains (3rd order streams and above) are very unstable morphological features; hence, providing an uncontrollable habitat for destructive erosion to occur when these natural areas have their physical equilibrium altered.

Other areas encompassed within this zone are the floodplains of first and second order streams or the land area 300 feet on each side of the stream channels (whichever is greater) that discharge directly into the reservoirs. Intensive development in the headwaters of these streams would result in heavy concentrations of sediments being deposited in the reservoirs. The 300-foot figure indicated above was determined from Leopold's study, Hydrology for Urban Land Planning. His observations indicated that "for soil cleansing to be effective, contaminated water must move through unsaturated soil at least 100 feet; [however,] it would seem prudent that [due to diversified topography] septic systems should not be as close to a [stream] channel as about 300 feet, if protection of the stream water quality is to be achieved." Implicitly, this 300-foot figure would also be beneficial for protecting the land from erosion caused by urban development. Thus, through the establishment and enforcement of this zone, Baltimore County's domestic water supply would be protected and conserved for future generations.

HWW:vh

cc: Herbert P. Bangs
 Pamela Budesheim
 Paul J. Solomon

Pet. Ex. 10C

R.C. 4 Criteria

Floodplains and slopes of 20% or more adjacent to 1st and 2nd order streams which flow directly into the reservoir and all 3rd order and above streams which flow directly or indirectly into a public water supply. The minimum distance from these streams is 300'.

Also taken into account was the general suitability of the soil for septic systems.

The information used to apply these zones on the 200' maps was taken from 1"=1mile base maps in the natural resources inventory. The information at that scale was of course somewhat generalized. Detailed analysis of each individual property at the 200' scale was impossible given the information available and the time constraints involved. The soil survey was not available at the time the zones were originally applied.

EDMUND F. HAILE

President

Ed Haile has extensive experience in engineering administration and management in both governmental and private service. He is recognized as an expert in county policies and procedures, particularly in the public works area. He manages large development projects from inception in the office to completion in the field.

As DMW's President, he coordinates all production activities and provides the interface with executive and administrative functions. He is most effective as corporate liaison with state and local government agencies.

Professional Background

Daft-McCune-Walker, Inc.
Towson, Maryland
1981 - Present

Kidde Consultants, Inc.
Towson, Maryland
1968 - 1981

Baltimore County
Towson, Maryland
1960 - 1968

Pennsylvania Railroad
1957 - 1960

U.S. Army Corps of
Engineers
1955 - 1957

Registrations

Professional Engineer
Maryland
Pennsylvania
Delaware
Virginia

Land Surveyor
Maryland
Pennsylvania
Delaware
Virginia

Education

Bachelor of Engineering
Johns Hopkins University

Graduate Courses
University of Maryland and
Towson State University

Associations

American Society of Civil
Engineers

Tau Beta Pi - Honorary
Engineering Fraternity

Baltimore County
Engineering Association
Chairman, 1985 - Present

Significant Projects

Oak Crest Village Retirement
Community
Parkville, Maryland

Grey Rock Subdivision
Pikesville, Maryland

Painters Mill Village
Owings Mills, Maryland

John F. Kennedy Highway
Widening - White Marsh to
Susquehanna River

McPherson Square Station
WMATA

I-95 Connection to Harbor
Tunnel Throughway

Civic Involvement

Baltimore County Chamber
of Commerce
President, 1978

Maryland Society of
Surveyors
Director, 1977 - 1981

Goucher College
Trustee, 1978 - Present

Franklin Square Hospital
Trustee 1978 - 1994
Chairman, 1986 - 1988

Baltimore County Industrial
Development Commission
1979 - 1987

Metropolitan Manpower
Consortium Private Industry
Council
Chairman, 1979 - 1981

Old St. Paul's Episcopal
Church Vestry, 1980 - Present

Maryland Chamber of
Commerce
Vice President & Director,
1980 - 1981

Baltimore Symphony
Orchestra
Director, 1980 - 1982

Johns Hopkins University
Engineering School Advisory
Committee, 1980 - 1984

Baltimore County Economic
Development Commission
1991 - 1992



Education

Ph.D. Candidate, Environmental Sciences, 1986-1992; University of Virginia
M.S. Geology, 1986; Kent State University
B.S. Geology, 1984; Allegheny College

Professional Experience

1993 - Present	President Chesapeake Environmental Management, Inc.; Bel Air, MD
1989 - 1993	From Project to Senior Hydrogeologist; Hydro-Terra, Inc.; Columbia, MD
1986 - 1989	Hydrologist; USEPA; Watershed Manipulation Project, ME
1985 - 1986	Hydrogeologist; Eckstein and Associates; Kent, OH

Professional Affiliations

Association of Groundwater Scientists and Engineers, NGWA
American Geophysical Union, AGU
National Association of Female Executives, NAFE
The Computer Oriented Geological Society, COGS
Sigma Xi Honorary Research Society

Management Experience

Ms. Hau is the President and Senior Hydrogeologist of Chesapeake Environmental Management, Inc. (CEM). She is the Chief Executive Officer of the firm, and is responsible for directing CEM's water resource management division. Her corporate responsibilities with CEM include: management of corporate finances, business development, definition of target markets, and development of water-supply marketing strategies and budgets. Her senior project management responsibilities include: proposal preparation, contracting, budget tracking and cost control, client liaison, and senior technical review. Ms. Hau is also responsible for management of project staff, coordination of field activities, progress report preparation, coordination with federal, state and local governments, and deliverance of expert testimony before county and state regulatory agencies. She has provided senior management for more than 20 ground water development projects, lasting up to 4 years in length and ranging up to \$100,000. These projects have allowed Ms. Hau to develop a reputation within local and state regulatory communities as one of the regions strongest technical experts.

Technical Expertise

Ms. Hau has nearly ten years of academic training and professional experience in conducting water-supply and environmental investigations. Ms. Hau is highly experienced in all phases of water resource management investigations, from data collection and analysis to report preparation. Her areas of expertise include: water availability studies; land-use assessments; location of high-capacity wells in difficult geologic settings using geophysical and photogeologic techniques; resource impact analysis; test drilling and well construction; aquifer testing and analysis; computer ground-water flow modeling; statistical analysis, wellhead protection planning; contaminant transport modeling; and environmental data synthesis. Her broad capabilities allow for the development of project scopes-of-work that include advanced state-of-the-art technologies, while remaining timely and cost-effective.

KEY PROJECTS

▼ **Proposed Hayfields Manor Course - Baltimore County Maryland**

Conducting a development feasibility study and prepared an Environmental Impact Statement (EIS) for the proposed Hayfields golf course and residential development in Baltimore County. An assessment of water resources availability and septic system suitability for the property was performed using published geological and topographical maps and reports, test-well drilling on the property, calculation of a water balance for the development, and infiltration testing of soils on the property. The study findings indicate that a water supply of sufficient quantity to meet the irrigation and public consumption needs of the proposed development can be obtained from the aquifer underlying the property. Infiltration testing of the soils in the residential portion of the development indicate that the property should be capable of supporting individual septic systems for all proposed lots.

▼ **Proposed Four Streams Golf Club - Montgomery County, Maryland.**

Currently conducting a hydrogeological investigation for the semi-private 18-hole championship course proposed for western Montgomery County, Maryland. Our responsibilities have included finding an adequate ground-water supply for the irrigation needs of the course. The course is located in an area underlain by a poor aquifer, but the use of VLF geophysical techniques has resulted in locating several high-yield wells on the property. Three-dimensional ground-water modeling is also being utilized to ascertain whether the removal of water from wells on the golf course will have an adverse effect on other ground-water users in the area. Expert testimony was provided before the Planning Board and the County Board of Appeals in support of the Special Exception Zoning request. Based on the results of the investigation, a Special Exception was granted for development of the course. Ongoing responsibilities include defining a water quality monitoring program to be negotiated with the Montgomery County, and completing all hydrogeological work necessary to obtain a State Water Appropriation permit.

▼ **Proposed Beaverbrook Golf & Country Club - Baltimore County, Maryland**

Assisted the developer in the planning and design of an 18-hole course and associated residential community on a 307-acre property containing considerable wetlands and a Class III (trout) stream. Geophysical surveys were conducted to define the most productive water-bearing zones, test wells were drilled, and pump tests conducted; stream gages were installed to investigate the potential for harvesting stormwater runoff to supplement the ground-water supply; and a stream depletion analysis was performed in order to define a preferred irrigation water-supply system.

▼ **Proposed Fieldcrest Golf Club - Montgomery County, Maryland**

Presently conducting a water resource availability and impact assessment study for the proposed club. A Special Exception Zoning is being sought from the County to allow development of the course. The course is located adjacent to an active landfill, and the hydrologic connection between the course and the landfill will be investigated to determine whether the use of wells at the course might result in

induced transport of contaminants from the landfill. Additionally, surface and ground-water appropriation permits will be required from the State. A detailed water demand analysis is being performed, and the use of all available water resources, including collected stormwater runoff, stream flow and ground-water wells are being explored. Results of the investigation will be used to lend support to the appropriation permit application.

▼ **Bethesda Country Club - Montgomery County, Maryland**

Presently providing senior project management for a water resource availability and impact assessment for the course. Bethesda Country Club was historically using stream water, and occasionally purchasing public water for course irrigation. The installation of a new irrigation system, requiring more water than had been used in the past, necessitated the development of additional water supplies. Innovative geophysical and photogeologic methods were used to site prospective well locations in the fractured-rock terrain. Wells capable of producing 120 gallons per minute were located and drilled at the course. These wells will be tested to characterize the local aquifer. Three-dimensional ground-water flow modeling will be used to determine potential impacts on other area well users from the irrigation wells. Results of this analysis will be used to lend direct support to the Water Resources Administration Ground-Water Appropriation Permit Application review.

▼ **Baltimore Country Club - Baltimore County, Maryland**

Evaluated the capacity of an existing stream impoundment used for water supply, and performed a VLF geophysical survey of the property to locate the most promising sites for high-yield wells, monitored the construction and pump testing of the wells. The work included performance of a withdrawal effects assessment, preparation of an allocation permit application and a report-of-investigation for submittal to the state, and design of a ground-water pumping and transmission system. The investigation also included the installation of several weirs on the property to determine stream flow characteristics as a means of calculating available surface water supplies.

▼ **Woodholme Country Club - Baltimore County, Maryland**

Currently providing senior project management for a water resource availability and impact assessment investigation of the Club. Woodholme has historically used well water for its irrigation system, a use that predated the requirement of water appropriation permits from the State. The Club was notified that they would need a hydrogeological investigation performed, before a permit would be issued to grant the use of water that had been ongoing for several years. Negotiations with personnel from the Water Resources Administration resulted in a significantly reduced scope-of-work required by the State. Analyses are currently being performed in support of the appropriation permit application.

▼ **Kenwood Golf and Country Club - Montgomery County, Maryland**

Performed a drainage improvement feasibility study for Kenwood Golf and Country Club in Montgomery County, MD, to determine if the Club's storm water conveyance could be rerouted and installed below grade. The drainage feature was located on the Club's driving range, and contained a

small area of potential wetlands. CEM conducted a wetland delineation to determine the total area of wetlands that were to be impacted by the proposed storm water conveyance improvement. The final delineation was surveyed and input to a CAD system, and a Joint Permit Application was prepared and submitted to central processing at DNR. The entire driving range area was surveyed to one foot contours and the data was input to the CAD system for use in preparing a preliminary redesign of the driving range. A preliminary design package for the chosen storm water conveyance improvement and driving range upgrade was prepared, including estimates of cut and fill and final grades.

▼ **Cattail Creek Golf & Country Club - Howard County, Maryland**

Conducted a water-supply investigation for the golf course. Several high-yield irrigation wells were located using geophysical techniques, a 72-hour pump test was performed, and a ground-water withdrawal impact assessment using computer modeling was conducted. Expert testimony was provided at zoning hearings and meetings with concerned neighbors. Irrigation water requirements were estimated and pond sizing and siting work was completed. A detailed report-of-findings was prepared in support of requested surface and ground water appropriation permits from the Water Resources Administration. An annual appropriation of more than 28,000,000 gallons of water was obtained as a result of the hydrogeological investigation.

▼ **Northwest Park Golf Course - Montgomery County, MD**

Presently performing a comprehensive water supply analysis for the 27-hole Northwest Park Golf Course in Wheaton, MD. The project requires development of adequate water resources and pond storage improvements to meet the irrigation demand of the golf course. A tributary to Northwest Branch was gauged and analyzed to determine the quantity of available water for course irrigation. Preliminary data indicate that diverting stream water is feasible, but will not be capable of totally meeting the course irrigation demands. Therefore, four potentially high-yield wells were sited on the property for incorporation into the irrigation distribution system. To provide storage for the required irrigation water, CEM has surveyed the existing storage pond at the course, and has determined that it contains approximately four to nine feet of silt. To increase this storage capacity, CEM is currently developing a construction plan that includes dredging the pond to an average depth of nine feet, and is designing a complete irrigation transfer system from the wells to the deepened pond.

▼ **Proposed Waverly Woods Golf Course - Howard County, Maryland**

Developed a water-supply plan for an 18-hole golf course in the Piedmont region of Howard County, Maryland. The work included a lineament analysis and VLF geophysical surveying to locate water wells capable of supplying approximately 30,000,000 gallons of irrigation water per year and determination of surface storage needs. Well construction supervision, pump testing of the bedrock aquifer, withdrawal-effects assessment using modeling techniques, safe-yield determination, and permitting will also be performed.

▼ **Proposed Centre 9500 Golf Course - Howard County, Maryland**

A detailed hydrogeologic investigation was performed for this proposed course. Geophysical and photogeologic methods were used to located promising high-yield fracture zones. Successful wells capable of producing in excess of 120 gallons per minute were located and drilled on the property. Three-dimensional ground-water flow modeling was performed to assess potential impacts on other well users in the area, as well as on local streams. A public informational hearing was required by the Water Resources Administration, and expert testimony was provided. Based on the results of the investigation, and the testimony provided, a permit was granted by the State allowing appropriation of all irrigation water needed for the course.

▼ **Chevy Chase Club - Montgomery County Maryland**

Managed the water resources investigation and feasibility study for construction of a surface water impoundment for the Chevy Chase Club in Montgomery County, Maryland. The study included determining the irrigation requirements of the course, and demonstrating that adequate water resources can be obtained from the property to supply the necessary water. A water supply plan was developed that incorporated the use of ground-water wells and all available surface water resources on the property. The feasibility of constructing a storage pond on the course, its location and size, were accomplished through close interaction among CEM, the course architect, and appropriate regulatory agencies. Finally, a comprehensive technical design of the pond was developed

Publications

Hau, S. Novak, 1993, Golf Course Irrigation and Ground Water: Golf Course Management, February Issue, p. 120-123.

Hau, S. Novak, 1992, Golf Course Development Issues - Chemicals in the Environment: Chesapeake Golf Association, v. 2. no. 1. p. 8.

Hau, S. Novak, 1992, Golf Course Development - Water Supply Issues: Chesapeake Golf Association, v. 1. no. 5. p. 16.

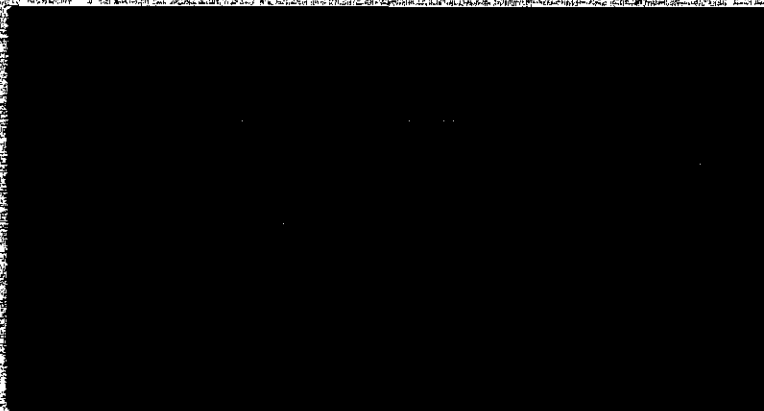
Novak, S.A., G.M. Hornberger, P. Bruns, and J.F. Hoelscher, 1989, Subsurface hydrological flow paths in a forested catchment in Maine: EOS, v.70, no.15, p. 334.

Novak, S.A. and Y. Eckstein, 1988, Hydrogeochemical characterization of brines and identification of brine contamination in aquifers: Ground Water, v.26, no.3, pp.317-324.

Novak, S.A. and Y. Eckstein, 1986, Using ionic ratios to identify gas/oil brines as contaminants in groundwater: Geological Society of America, v.18, no.6, p.708.

CR-95-138
REV. 2/9/95

Pet Ex. 17



CHESAPEAKE
• ENVIRONMENTAL MANAGEMENT, INC. •

***AN ASSESSMENT OF
ENVIRONMENTAL IMPACTS FROM
PROPOSED ZONING CHANGES
AT THE HAYFIELDS DEVELOPMENT***

Prepared for:

Hayfields, Inc.
Lutherville, Maryland

Prepared by:

Chesapeake Environmental Management, Inc.
Bel Air, Maryland

January 20, 1995

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1.0 PROJECT DESCRIPTION

Hayfields, Inc. proposes to develop a 50-lot residential community and semi-private 18-hole golf course on 471± acres of land located in Baltimore County (Figure 1). The property, known as Hayfields, currently has RC-2 zoning on 300 acres, and RC-4 zoning on 171 acres. Hayfields, Inc. is petitioning for a reclassification of 69 acres of RC-2 land to RC-4. According to the "Baltimore County Board of Appeals Guide for Preparation of Reclassification Petitions", if the petition includes documentation relating to the proposed use and development of the property, the documentation must include an environmental impact statement (EIS) that concerns the proposed use of the property under petition, as defined in Section 101 of the Baltimore County Zoning Regulations.

Under current zoning, approximately 40 residential lots would be permissible, 6 in the RC-2 area and 34.2 in the RC-4 area. The proposed zoning reclassification, as limited by the documented site plan, would allow 4 lots in the RC-2 area and 46 lots in the RC-4 area. Thus, the proposed use of the property under petition is the development of an additional 10 residential lots on the property.

Chesapeake Environmental Management, Inc., (CEM) has performed an assessment of potential environmental impacts from the development of an additional 10 lots on the Hayfields property. Comparisons have been made among potential impacts from current agricultural use of the land, the allowable development according to current zoning of the property, and the allowable development according to the proposed zoning changes. Environmental impacts associated with the golf course are not addressed at this time because it is allowed as a Special Exception use under both zoning classifications. A comprehensive assessment of all environmental impacts associated with the proposed golf course will be submitted as part of the Special Exception Zoning request.

2.0 SITE DESCRIPTION

The Hayfields property is located directly west of US Route 83 and north of Shawan Road in Baltimore County, Maryland (Figure 2). The property is bounded to the north and south by residential developments, to the east by industrial and commercial development, and to the west by large tract residential and agricultural uses.

Of the 471 acres comprising this property, approximately 300 acres are currently tilled. The remainder of the property is not tilled due to the presence of buildings and other structures, wet areas, steep slopes, and other environmental features.

2.1 Local Hydrology

In the southern half of the Hayfields property, there are three small intermittent tributaries to Oregon Branch. Oregon Branch is located south of the Hayfields property, and flows in an easterly direction until it joins Beaverdam Run (Figure 1). In the northern portion of the property there is a small, one-acre pond that is fed primarily by a spring. This spring was very likely the potable water supply for the original homestead. Outfall from the pond ultimately drains to Western Run, which traverses the most northeastern corner of the property, flowing in an easterly direction. The confluence of Western Run and Beaverdam Run occurs just above the Loch Raven Reservoir, which itself outfalls to the Gunpowder Falls.

As tributaries to Gunpowder Falls above the Loch Raven dam, both Western Run and Beaverdam Run, and all their respective tributaries, are classified as Use III-P waters (COMAR: Title 26.08.02.08J). Use III-P waters are defined as Natural Trout Waters and Public Water Supplies.

2.2 Hydrogeologic Setting

The Hayfields property is underlain by the Cockeysville Marble in the southern portion of the site, and by the Baltimore Gneiss, in the northern portion of the site (Figure 3). The following geological information is taken from The Geologic Map of the Hereford Quadrangle, Maryland (Muller, 1985) and The Geologic Map of the Cockeysville Quadrangle, Maryland (Crowley et al., 1975). Additionally, drilling of test wells has been conducted on the site, and CEM has verified the existence of both geologic formations in their reported locations.

The Cockeysville Marble present underneath the Hayfields property is referred to as the Massive Metalimestone Member, and is defined as a medium- and coarse-grained, commonly blue-streaked massive, clean calcite marble. This unit contains sparse silicates, and subordinate fine-grained metalimestone and very subordinate fine-grained metadolostone. These rocks weather irregularly from a clean white to yellow sand to a brown to red-brown clayey loam. Crowley et al. (1975) describes the rocks of the Cockeysville Marble as comprising one of the most productive aquifers in the Maryland Piedmont. The range of yields for 76 wells in this area is from 0 to 90 gallons per minute (gpm), with 24 percent of

these wells yielding 15 gpm or more. The median well yield for this aquifer is in the range of 7 to 90 gpm.

The Baltimore Gneiss present underneath the Hayfields property is referred to as the Layered Gneiss Member, and is defined as a dark to light biotite-microcline-quartz-plagioclase gneiss. Crowley et al. (1975) describes these rocks as comprising a moderately productive aquifer. The yields of 143 wells in the area range from 0 to 100 gpm, with 26 percent of the wells yielding 15 gpm or more. The median well yield for this aquifer is in the range of 7 to 15 gpm.

The depth to shallow ground water on the property is assumed to reflect a subdued expression of the topography. Based on the topography of the Hayfields property, the depth to shallow ground water is estimated to range from 0 to 75 feet below ground surface across the site (Figure 4). In general, shallow ground water flows locally from topographically high areas of recharge to topographically low areas of discharge. The flow of deep ground water is controlled by the intricate fracture network of the crystalline bedrock under the site, and as such is more difficult to generalize.

Six test wells in the initially proposed housing areas have been successfully drilled on the property (Figure 5). Domestic test well #1 (DTW-1) was drilled to an approximate depth of 125 feet, and has an estimated yield of 30 gallons per minute (gpm). Domestic test wells #2, #3 and #5 (DTW-2, DTW-3, DTW-5) were each drilled to an approximate depth of 200 feet, and have estimated yields of 100+, 55 and 5 gpm, respectively. Domestic test wells #4 and #6 (DTW-4 and DTW-6) were drilled to an approximate depth of 300 feet, and have estimated yields of 2 and 40 gpm, respectively.

3.0 ENVIRONMENTAL IMPACTS FROM SITE DEVELOPMENT

It is anticipated that the proposed zoning change at the Hayfields property will have minimal environmental impacts. The following environmental impacts associated with the zoning reclassification are addressed in detail because they are unavoidable, may result in cumulative long-term effects, or may result in the irreversible or irretrievable commitment of resources:

- ▼ Ground-Water Recharge and Consumption;
- ▼ Nitrate Loading from Septic Systems;
- ▼ Surface Water Runoff;
- ▼ Wetland and Forest Disturbance;
- ▼ Reduction of Wildlife Habitat.

3.1 Ground-Water Recharge and Consumption

3.1.1 Potential Impact

The removal of sufficient ground-water resources to supply the development necessitates an investigation of the effects of this water removal on the local water resources within and adjacent to the property boundaries. In particular, an assessment is necessary regarding the cumulative, long-term effects of this withdrawal, and the potential impacts to the resource and to other users of the resource.

3.1.2 Methodology for Assessment

The assessment of the potential impacts associated with this withdrawal was conducted by performing water balance analyses for various scenarios, including existing use, allowable use under present zoning, and allowable use under the proposed zoning during both average and drought climatic years.

To adequately understand the method used to perform a water balance analysis, including the inherent assumptions of the method, an understanding of ground-water occurrence and movement in the fractured-rock aquifers of the Maryland Piedmont Physiographical Province is necessary.

Under natural conditions, all ground water of the Maryland Piedmont is derived from precipitation. Of the total amount of precipitation that falls in a given watershed, a large part will be lost to the atmosphere by evaporation from soils and surface water bodies, and by vegetative transpiration. A lesser amount will fall directly on surface water bodies, or will flow over the land surface (runoff) and discharge to area ponds and streams. The remainder of the precipitation will infiltrate through the soil and percolate down to the water table, providing recharge to the ground-water system. Ground-water then either remains in storage in the ground, unless used by man, or flows towards local points of discharge, where it is stored in surface water bodies.

Thus, streamflow comprises both ground-water discharge and surface runoff; and, storage comprises both surface and ground-water supplies. The water budget of a watershed can therefore be expressed by the following equation:

$$\text{Precipitation} = \text{Evaporation} + \text{Transpiration} + \text{Streamflow} \pm \text{Storage Changes.}$$

Typically, changes in ground-water storage are considered to be negligible (Daniel and Sharpless, 1983), and estimates of ground-water recharge can be made from calculations of ground-water discharge to local streams. Ground-water discharge to streams is estimated using the technique of hydrograph separation. A streamflow hydrograph is a graph of streamflow as a function of time. The hydrograph separation requires graphically or statistically dividing the hydrograph into two components: 1) ground-water discharge and 2) overland runoff. For stream gaging stations where streamflow data has been collected for long periods of time, average values of ground-water discharge, and thus ground-water recharge, can be estimated.

Studies recently conducted by the US Geological Survey (USGS) indicate that streamflow exceedance values can be used to estimate ground-water recharge in lieu of performing multiple hydrograph separations (Rutledge, 1993). Streamflow exceedance values are statistically calculated from gaging stations that have been monitored for an extended period of time. These values indicate statistically average rates of flow that are exceeded over the periods of record. For example, a 50-percent exceedance value of 100 cubic feet per second (cfs) for a stream means that 50 percent of the flows in this stream, when considered over the entire period of record, were greater than 100 cfs. Recent and ongoing studies by the USGS indicate that the 50-percent exceedance value for streamflow in Maryland Piedmont streams equates to average ground-water discharge, and thus average ground-water recharge (Rutledge, 1993).

3.1.3 Water Balance Analysis

To perform a hydrologically meaningful water balance analysis, one must consider the recharge to, and consumption from, an entire watershed, bounded by hydrological boundaries such as streams and ground-water divides (ridges). If the watershed of interest does not contain a stream gaging station for which long-term streamflow data exists, data must be extrapolated from a physiographically similar watershed that has been gaged. Ideally, a gaged watershed that is characterized by similar topography, underlain by the same geology, and of relatively the same size as the watershed of interest is used for the extrapolation.

To estimate the average annual ground-water recharge to the Hayfields property, streamflow gaging data were collected for drainage basins underlain by geologic formations similar to the Cockeysville Marble and Baltimore Gneiss Formations. Several gaging stations have been maintained by the USGS in Baltimore County. All of the

following basins are underlain predominantly by the Cockeysville Marble, Baltimore Gneiss and Loch Raven Schist Formations:

- ▼ Slade Run was monitored from 1947 to 1981 near Glyndon;
- ▼ Western Run was monitored from 1944 to 1991 at Western Run;
- ▼ Jones Falls was monitored from 1966 to 1988 at Sorrento;
- ▼ Lower Gunpowder Falls was monitored from 1926 to 1970 at Laurel Brook; and
- ▼ Beaverdam Run was monitored from 1982 to 1991 at Cockeysville, Maryland.

Data from all five of these gaging stations were used to calculate the 50-percent exceedance value for each stream, as illustrated in Table 1.

Table 1. 50-Percent Exceedance Values for Study Basins.

Gaging Station	Drainage Area (mi²)	50% Exceedance Value (cfs)	50% Exceedance Value (gpd/acre)
Slade Run	2.09	2.4	1160
Western Run	59.8	69.0	1165
Jones Falls	25.2	32.0	1282
Lower Gunpowder	36.1	41.5	1161
Beaverdam Run	20.9	27.0	1305
Mean	NA	NA	1215

These exceedance values were standardized by relating the flow value to drainage area, and converting to units of gallons per day per acre (gpd/acre). These standardized values were then averaged and extrapolated to estimate the ground-water recharge to the 471-acre Hayfields property. The average 50-percent exceedance value for these five gaged streams, representing the average ground-water recharge rate, is 1,215 gallons per day per acre (gpd/ac). Thus, the average annual recharge to the Hayfields property is approximately 208.9 million gallons of water, during years of normal climatic conditions.

It is assumed that this value of recharge would be decreased by half during drought years, equalling approximately 104.4 million gallons of water recharging the aquifer.

The estimated value of recharge to the property must be adjusted to account for infiltration losses resulting from impermeable surfaces. It is estimated that approximately 5 percent of the property will be covered with impermeable surfaces, including roads, driveways and rooftops, after development is complete. These estimates of infiltration loss would reduce the annual recharge to the sub-basin by approximately 10.4 million gallons during normal years, and by 5.2 million gallons during drought years.

3.1.3.1 Impacts from Current Use of the Property

The Hayfields property is currently farmed and the former manor house and buildings provide rental housing for several individuals. It does not appear that the agricultural land is mechanically irrigated, and thus ground-water use would be limited to domestic water supplies. According to the Maryland Department of Planning (1990), the average daily water use per household in Baltimore County is 197.6 gallons per day (gpd). It has been demonstrated by the US Geological Survey (Otton et al., 1988) that for homes with private septic systems, approximately 90 percent of well water is returned to the aquifer via the septic systems. Therefore, the effective average ground-water withdrawal under the present use of the property would be negligible.

3.1.3.2 Impacts from Development Under Current Zoning

Under the current zoning of the property, approximately 40 residential units would be allowed. The average annual ground-water requirement for these units is estimated to be 2,884,960 gallons. Assuming a 90 percent return via septic systems, the effective annual ground-water consumption would be 288,496 gallons.

The Water Resources Administration (WRA) of the Maryland Department of Natural Resources (DNR) estimates that drought-period water consumption is 1.67 times greater than average-period consumption. Therefore, during drought conditions, the effective annual ground-water consumption would be 481,788 gallons.

These consumption figures equate to less than one percent of annual ground-water recharge during normal years, and less than one percent of annual ground-water recharge during drought years (Tables 2 and 3).

3.1.3.3 Impacts from Development Under Proposed Zoning

Under the proposed zoning of the property, approximately 50 residential units would be allowed. The average annual ground-water requirement for these units is estimated to be 3,606,200 gallons. Assuming a 90 percent return via septic systems, the effective annual ground-water consumption would be 360,620 gallons. During drought conditions, the effective annual ground-water consumption would be 602,235 gallons. These consumption figures equate to less than one percent of annual ground-water recharge during normal years, and less than one percent of annual ground-water recharge during drought years (Tables 4 and 5).

3.1.4 Ground-Water Environmental Impact Statement

The results of the water balance analysis for both average and drought conditions under both zoning schemes indicate a consumption rate of less than one percent of the natural ground-water recharge. This consumption rate is very small when one considers that the WRA regards water balances as being protective of the resource when consumption is 25 percent or less of recharge during average conditions, and is less than 100 percent of recharge during drought conditions.

Although, there will be an irretrievable commitment of ground-water resources if private wells are used in the development, the overall cumulative, long-term impact on the ground-water resources of the area is minor. Recharge to the aquifer far exceeds consumption by the development.

**Table 2. Estimated Annual Average Ground-Water Balance
Under The Current Zoning Classification.**

Ground-Water Recharge

Average Infiltration to the property ¹ :	208,876,725	Gallons
Infiltration Loss in the property ² :	<u>-10,443,836</u>	<u>Gallons</u>
Actual Recharge:	198,432,889	Gallons

Ground-Water Consumption

Consumption for Domestic Use ³ :	2,884,960	Gallons
Return to aquifer via Septic ⁴ :	<u>-2,596,464</u>	<u>Gallons</u>
Actual Consumption:	288,496	Gallons

Ground-Water Balance

Consumption = 0.14% of Recharge

¹ Based on 1215 gpd/acre of ground-water recharge to the 471-acre property.

² Based on 5% reduction of infiltration due to newly constructed impermeable surfaces within the 471-acre property.

³ Based on an approximate household daily water requirement of 197.6 gpd/unit for 40 units.

⁴ Based on a 90% return of well water via septic systems.

**Table 3. Estimated Annual Drought Ground-Water Balance
Under The Current Zoning Classification.**

Ground-Water Recharge

Average Infiltration to the property ¹ :	104,438,362	Gallons
Infiltration Loss in the property ² :	<u>-5,221,918</u>	<u>Gallons</u>
Actual Recharge:	99,216,444	Gallons

Ground-Water Consumption

Consumption for Domestic Use ³ :	4,818,000	Gallons
Return to aquifer via Septic ⁴ :	<u>-4,336,200</u>	<u>Gallons</u>
Actual Consumption:	481,800	Gallons

Ground-Water Balance

Consumption = 0.49% of Recharge

¹ Based on 607.5 gpd/acre of ground-water recharge to the 471-acre property.

² Based on 5% reduction of infiltration due to newly constructed impermeable surfaces within the 471-acre property.

³ Based on an approximate household daily water requirement of 330 gpd/unit for 40 units.

⁴ Based on a 90% return of well water via septic systems.

**Table 4. Estimated Annual Average Ground-Water Balance
Under The Proposed Zoning Classification.**

Ground-Water Recharge

Average Infiltration to the property ¹ :	208,876,725	Gallons
Infiltration Loss in the property ² :	<u>-10,443,836</u>	<u>Gallons</u>
Actual Recharge:	198,432,889	Gallons

Ground-Water Consumption

Consumption for Domestic Use ³ :	3,606,200	Gallons
Return to aquifer via Septic ⁴ :	<u>-3,245,580</u>	<u>Gallons</u>
Actual Consumption:	360,620	Gallons

Ground-Water Balance

Consumption = 0.18% of Recharge

¹ Based on 1215 gpd/acre of ground-water recharge to the 471-acre property.

² Based on 5% reduction of infiltration due to newly constructed impermeable surfaces within the 471-acre property.

³ Based on an approximate household daily water requirement of 197.6 gpd/unit for 50 units.

⁴ Based on a 90% return of well water via septic systems.

**Table 5. Estimated Annual Drought Ground-Water Balance
Under The Proposed Zoning Classification.**

Ground-Water Recharge

Average Infiltration to the property ¹ :	104,438,362	Gallons
Infiltration Loss in the property ² :	<u>-5,221,918</u>	<u>Gallons</u>
Actual Recharge:	99,216,444	Gallons

Ground-Water Consumption

Consumption for Domestic Use ³ :	6,022,500	Gallons
Return to aquifer via Septic ⁴ :	<u>-5,420,250</u>	<u>Gallons</u>
Actual Consumption:	602,250	Gallons

Ground-Water Balance

Consumption = 0.61% of Recharge

¹ Based on 607.5 gpd/acre of ground-water recharge to the 471-acre property.

² Based on 5% reduction of infiltration due to newly constructed impermeable surfaces within the 471-acre property.

³ Based on an approximate household daily water requirement of 330 gpd/unit for 50 units.

⁴ Based on a 90% return of well water via septic systems.

The only alternative to private wells is a public water system. Such a system would also result in the use of water resources, but the overall impact would be greater because public water systems are usually combined with public sewer systems. When public water and sewer are provided to a development, ground or surface water resources are still used, but a return of water to the aquifer in the immediate area may not occur, as the discharge point for the system may be downstream, or in another watershed altogether. A public water supply with private septic systems would be more favorable to the local ground-water system, than a totally public system, but may not be cost-effective. Therefore, the development of the Hayfields property using private wells and septic systems is the most viable option, and will result in the least impact to local ground-water resources.

3.2 Nitrate Loading from Septic Systems

3.2.1 Potential Impact

The proposed development will require individual septic systems for each residential unit. The potential nitrate loading to the ground-water system from 50 homes necessitates an investigation of the effects of this potential loading on water quality of the local ground-water system. In particular, an assessment of the probability of the development increasing nitrate levels in the local ground water to levels exceeding the EPA drinking water standard of 10 milligrams per liter (mg/l) was necessary.

3.2.2 Methodology for Assessment

The assessment of the potential water-quality impacts associated with septic use on the Hayfields property was conducted using a mass balance calculation of nitrate loading to ground water for various scenarios, including existing use, allowable use under present zoning, and allowable use under the proposed zoning.

Inputs to the mass balance equation include: 1) the average ground-water recharge rate from precipitation over the property area; and 2) the mass of nitrogen loaded to the ground-water system under the proposed use. To be conservative, it is assumed that: 1) all nitrogen added to the ground-water system is immediately converted to nitrate; 2) nitrate loading is not diluted by ground-water entering the property from upgradient areas; and 3) no fraction of nitrate is lost to denitrification in the soil. Output from the mass balance equation is the effective nitrate concentration expected in the ground-water system underlying the property.

3.2.3 Nitrate Loading Analysis

The average ground-water recharge rate from precipitation was previously calculated for the water balance analysis (Section 3.1.3). The mass of nitrogen loaded to the ground-water system was determined using available literature data and chemical analysis from samples collected on the property.

3.2.3.1 Impacts from Current Use of the Property

The Hayfields property is currently farmed and nitrogen in the form of fertilizers are applied to the property regularly. Ground-water sampling for nitrate analysis was performed on the property on November 22, 1994 and December 16, 1994. The results of the sampling and analysis are presented in Table 6.

**Table 6. Concentration of Nitrate in Ground Water
at the Hayfield Property in Fall 1994.**

Well ID	Nitrate (mg/l)
DTW-1	5.65
DTW-2	8.3
DTW-3	13.0
DTW-4	5.4
DTW-5	22.5
Mean	10.97

As presented in Table 6, the nitrate concentrations in ground-water underlying the Hayfields property ranges from 5 to 22 mg/l. The average of the samples analyzed slightly exceed the EPA established safe drinking water standard of 10 mg/l. Using the average value of nitrate concentration in ground-water underlying the Hayfields property (11 mg/l) and the average annual volume of ground-water recharge, an

estimate of nitrogen application to the property was calculated to be approximately 5.4 billion milligrams (mg), or 11,855 pounds (lbs) of nitrogen.

Typically, agricultural fertilizer applications are made during the Fall, and the values of nitrate in the ground-water underlying the Hayfields property is expected to decrease throughout the following year until another fertilizer application is made. If similar agricultural practices are continuously employed at the Hayfields property, it is expected that ground-water nitrate concentrations will continue to be elevated.

3.2.3.2 Impacts from Development Under Current Zoning

Under the current zoning of the property, approximately 40 residential units would be allowed. To calculate the nitrogen loading from these homes, estimates must be made of the quantity of nitrate that will be loaded to the ground-water system from septic systems and from application of fertilizers for lawn maintenance. Frimpter et al. (1990) report a typical nitrogen loading via septic systems to be approximately 5 lbs of nitrogen as nitrate per person per year. Assuming 40 lots are developed on the property, and each home is occupied by four persons, the annual nitrogen mass loading to the ground-water system would be approximately 800 lbs.

Additionally, Frimpter et al. (1990) report a typical nitrogen loading to residential lawns in the form of fertilizer as approximately 2 lbs per 1,000 ft² of lawn. Assuming that each of the developed 40 lots is approximately one acre in size, and that approximately 35,000 ft² would be planted with lawn grasses, the annual nitrogen mass loading to the ground-water system would be approximately 2,800 lbs.

Thus, the total mass loading of nitrogen from the development of 40 lots would be approximately 3,600 lbs. This loading translates to a nitrate concentration of 1.8 mg/l in the ground-water underlying the Hayfields property.

3.2.3.3 Impacts from Development Under Proposed Zoning

Under the proposed zoning of the property, approximately 50 residential units would be allowed. These additional ten developed lots will increase the mass loading of nitrogen to approximately 4,500 lbs per year. This loading will result in a nitrate concentration of 2.9 mg/l in the ground-water underlying the Hayfields property.

as a result of up-take by organisms in the food chain, and increased eutrophication as a result of the recycling of nutrients contributed by increased runoff discharges. The long-term water quality impacts of increased runoff are manifested during critical periods, such as summer, low stream flow conditions, and/or during sensitive life cycle stages of organisms.

A third type of receiving water impact is related to the quantity or physical aspects of flow and includes short-term water quality effects caused by scour and re-suspension of pollutants previously deposited in the sediments (USEPA, 1983).

3.3.2 Analysis of Surface Water Runoff

Quantifying the impacts of surface water runoff from any development is difficult at best to accomplish. The myriad of areally heterogeneous variables such as soil type, slope, vegetative cover, intensity and duration of storm events, existing water quality of surface water bodies and the presence and nature of existing habitats in surface water bodies, etc., make an accurate calculation of quantifiable impacts nearly impossible. Generally, predicted impacts of surface water runoff are assessed qualitatively, and mitigation actions are recommended to minimize impacts.

3.3.2.1 Impacts from Current Use of the Property

The current agricultural use of the Hayfields property likely results in little significant surface water runoff during times when low crop cover is maximized. When the fields are planted with row crops such as corn, however, runoff can be significant.

After planting, and before plant maturation, greater amounts of bare soil are exposed and significant runoff and sediment loading to Western Run and the intermittent tributaries on the Hayfields property would occur. This situation would also occur immediately after harvest of crops. The impacts of this runoff on the surface water ecosystems would vary depending on the crop planted, the time between fertilizer or pesticide application, the duration and intensity of the storm event, and the relative climatic conditions leading up to the storm event, but are very likely to be the most severe of any impact scenario.

3.3.2.2 Impact from Development Under Current Zoning

Environmental impacts due to surface water runoff will be the greatest during the construction phase of the Hayfields development. Short-term impacts will be in the form of slight, temporary increases in turbidity and sedimentation of Western Run and the intermittent tributaries on the property resulting from the disturbance of foundation materials. Following completion of the building phase, long term impacts from surface water runoff will be reduced due to the planting of turf grasses, which will help minimize runoff and sediment transport.

3.3.2.3 Impact from Development Under Proposed Zoning

While it is difficult to quantify the impacts from surface water runoff associated with the additional 10 residential lots that will be allowed under the proposed zoning reclassification, these additional lots will undoubtedly result in greater short-term impacts on surface water systems on the property. However, the beneficial long-term impacts of reduced runoff due to the planting of turf grasses also would be increased.

3.3.3 Surface Runoff Environmental Impact Statement

The short-term impacts from surface water runoff during the construction phase of the development will be minimized by the implementation of a County-approved sediment and erosion control plan. This plan will be more stringent than most due to the classification of Western Run and the intermittent tributaries on the property as Use III-P (Natural Trout Waters and Public Water Supply) waters. This classification requires that specific water quality criteria be met, and any sediment and erosion control plan must include Best Management Practices (BMPs) aimed at safeguarding the high quality of these waters. The specific water-quality protection measures for Use III-P waters include: 1) no sources of pathogenic or harmful organisms may be directed into the stream; 2) fecal coliform density must be less than 200 per 100 ml; 3) dissolved oxygen concentrations may not be less than 5 mg/l; 4) the maximum temperature outside the mixing zone may not exceed 68° C; 5) pH cannot be less than 6.5 or greater than 8.5; 6) turbidity may not exceed 150 units at any time or 50 units average; and 7) Maryland toxic substance criteria to protect fresh water aquatic organisms are applicable (COMAR 20.08.02.03-3).

BMPs can be grouped into three categories (USEPA, 1983). Level One control options, the base level of effort, include practices that remove or reduce the sources of runoff

pollutants. Level Two controls reduce the volume of runoff reaching waterways. Level Three controls are needed usually in the most severe cases of runoff pollution and consist of runoff collection and treatment measures. The most commonly used practices are source controls, which stabilize or trap sediments, and volume controls, which enhance infiltration or detain stormwater to reduce the rate of stormwater discharge. One special category of runoff control is sediment and erosion control on construction sites; BMPs in this category contain both Level One and Level Two practices. The following BMPs are examples of measures represented by each level of control:

Level One: Source controls, planning (street-sweeping, sewer catch-basin cleaning, vegetative cover, straw bales, educational programs on the disposal of used oil and use of fertilizers and pesticides, controls on the use and storage of street de-icing compounds, and pre-development landscape planning, etc.).

These controls are generally amenable to developing areas because they are designed to reduce site pollutant sources. The effectiveness of each depends on many factors. The value of educational programs, for example, is realized in the potential to eliminate pollutant build-up. Runoff studies in the Washington, D.C. area have found that street-sweepers used 3 times a week can remove up to 50 percent of the phosphorus from the street surface. The effectiveness of voluntary controls, such as those generally applicable to used-oil disposal or application of lawn and garden chemicals, depend upon an informed and responsible development (USEPA, 1983).

Level Two: Volume or discharge controls (rooftop and parking lot storage, infiltration pits, modular concrete-grid pavement, porous pavement, vegetative cover, grassed swales, detention basins, etc.).

Volume controls reduce the amount of stormwater entering receiving waters by detaining runoff temporarily, allowing particulate pollutants to settle out, and by slowing the rate of stormwater discharge to receiving streams. They also improve infiltration, which takes advantage of soil processes to remove pollutants. Volume controls can achieve higher nonpoint source control benefits than other runoff controls due to the removal of both dissolved and suspended pollutants through infiltration and natural nutrient-removal processes within the soil profile. They are multipurpose controls because they also reduce peak-flow rates, usually extending the runoff discharge over a larger period of time, and because they minimize flooding, although the potential for stream-bank erosion and

channel sourcing may be increased. Research in the Washington, D.C. area on volume controls such as wet ponds indicates they are very effective urban BMPs.

Their effectiveness is dependent on how much of the site's runoff is collected or slowed down by volume controls. Their use is not generally feasible in established urban areas because they are structural in nature, and installation requires expensive retrofitting. Developing areas offer a better potential for the application of volume controls because they can be incorporated into site-design plans; much more of the runoff can be controlled at less expense if source and volume control measures (Levels One and Two) are an integral part of the design of new developments (USEPA, 1983).

Level Three: Sewer conveyance-system storage, conventional and fluidic flow-regulators in sewer lines, off-site retention basins, waste-water treatment, etc. (USEPA, 1983).

These practices are structural engineering solutions that reduce peak flow during a runoff event through off-site storage and, in extreme situations, remove pollutants from the runoff by natural processes or through some type of wastewater treatment. These practices are often implemented in areas with combined sewer overflows and flooding problems. Although these are the most costly runoff controls, they may be the only type that could significantly reduce pollutant loadings from severe runoff problems. Source and volume controls may not provide sufficient coverage to reduce large runoff volumes, rates of discharge, and pollutant loads from these areas, and Level Three could offer the best solution.

The BMPs used for surface water runoff control at the Hayfields site will be determined by Baltimore County Department of Protection and Resource Management (DEPRM), and will be designed and implemented with the goal of protecting the high-quality Use III-P waters on the property.

3.4 Wetland and Forest Disturbance

3.4.1 Potential Impacts

Potential areas of wetlands have been approximated by Daft-McCune-Walker (DMW), based on a site walk-through, topography, aerial photographs, soils maps and Wetland Inventory Maps. According to DMW, there are an estimated 27 acres of non-tidal wetlands on the Hayfields property (Figure 6).

The potential wetlands associated with the proposed development generally perform four critical ecological and physical functions.

- 1) Biological Habitat - Wetlands provide direct and indirect supplies of food to a large array of animals including microorganisms, invertebrates, fish, birds, mammals, and reptiles. Wetlands also perform critical ecological functions in the breeding, resting, molting, and winterizing of migratory birds and waterfowl.
- 2) Hydraulic Controls - Wetlands return storm water and reduce the severity of flooding by storing and detaining storm water runoff. They serve as hydrologic buffers by releasing water during dry periods and storing water during wet periods.
- 3) Ground-Water Controls - Wetlands act as important groundwater recharge and discharge areas.
- 4) Attenuate Non-Point Source Pollution - Wetlands mitigate pollution by trapping, retarding, and filtering out suspended materials and silt, and by transforming or detoxifying pesticides, toxic compounds, metals, and organic matter. The microorganisms in wetlands break down air pollutants such as sulfites, and utilize water pollutants such as dissolved nitrogen and phosphorus for growth and development.

The environmental impacts to the existing wetlands on the property would include any action that decreased the total acreage of wetlands or impeded any of the four critical ecological and physical functions of these wetlands, as described above.

The Hayfields property is currently used for agriculture, and therefore there are few existing trees. Forested areas on the property are generally located coincident with potential wetland areas and on steep slopes where development will be prohibited.

3.4.2 Wetlands and Forest Environmental Impact Statement

The proposed development plan for the property places the residential units primarily on former agricultural lands and avoids any disturbance of wetland and/or forested areas. Should a determination be made at a later date that minimal impacts will be necessary, mitigative measures will be performed in accordance with county, state and federal wetland regulations and the state Forest Conservation Act.

3.5 Reduction of Wildlife Habitat

The Hayfields property has been investigated by a certified wildlife biologist, Mr. Richard Pais, of DMW. During numerous site investigations, no rare, endangered or threatened species were observed by Mr. Pais. Additionally, Ms. Patricia Cornman, of DEPRM, was also contacted to research county and state records regarding the presence of any rare, endangered or threatened species on the property. The result of that initial research indicated that no such species currently exist on the property, and a formal request for determination has been made to the county and state.

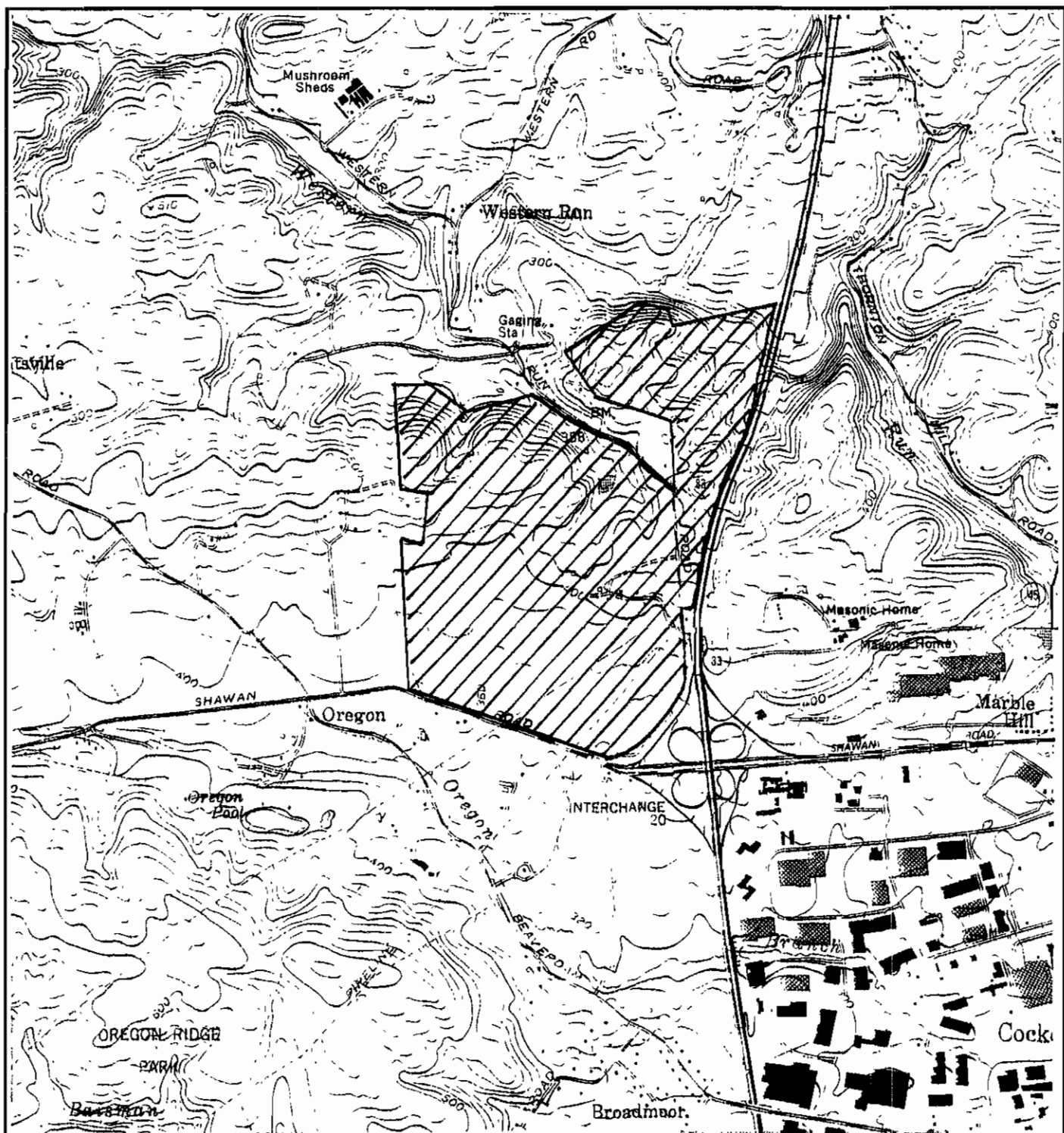
4.0 SUMMARY AND CONCLUSIONS

The results of CEM's study show that the Hayfields property appears to be well suited for the proposed zoning reclassification and development scheme. Environmental impacts from this zoning change are expected to be minimal. The increase in ground-water consumption and the decrease in ground-water recharge will not be significantly different whether the development proceeds under the current zoning of the property or under the proposed reclassification. The potential for nitrate loading and surface water runoff will decrease and water quality will likely improve over the current use of the property. It is not anticipated that there will be any disturbance to wetlands, forest or wildlife habitat under the proposed rezoning of this property.

5.0 REFERENCES

- Crowley, W.P., J. Reinhardt and E.T. Cleaves, 1975, Geologic Map of the Cockeysville Quadrangle, Maryland: Maryland Geological Survey.
- Daniel, C.C., III, and N.B. Sharpless, 1983, Ground-water Supply Potential and Procedures for Well-Site Selection in the Upper Cape Fear River Basin, North Carolina: North Carolina Department of Natural Resources and Community Development, 73 pp.
- Frimpter, M.H., J.J. Donohue, IV and M.V. Rapacz, 1990, A Mass-Balance Nitrate Model for Predicting the Effects of Land Use on Ground-Water Quality: US Geological Survey, Open-File Report 88-493.
- Maryland Department of State Planning, 1990, Unpublished Report of Domestic Water Demands in the Various Counties of the State of Maryland.
- Muller, P.D., 1985, Geologic Map of the Hereford Quadrangle, Maryland: Maryland Geological Survey.
- Otton, E.G., R.E. Willey, R.A. McGregor, G. Achmad, S.N. Hiortdahl, and J.M. Gerhart, 1988, Water Resources and Estimated Effects of Ground-Water Development, Cecil County, Maryland: Maryland Geological Survey, Bulletin 34.
- Rutledge, A.T., 1993, Hydrologist, U.S. Geological Survey, personal communication.
- US Environmental Protection Agency, 1983, Results of the Nationwide Urban Runoff Program: V.1, Washington, D.C., 9:17 pp.
- U.S. Geological Survey, 1957, photorevised 1986, Cockeysville, Maryland 7.5-Minute Topographical Quadrangle Map.
- U.S. Geological Survey, 1958, photorevised 1974, Hereford, Maryland 7.5-Minute Topographical Quadrangle Map.

6.0 FIGURES



0 2000 4000

SCALE (FEET)

LEGEND



Property Area

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

FIGURE 1

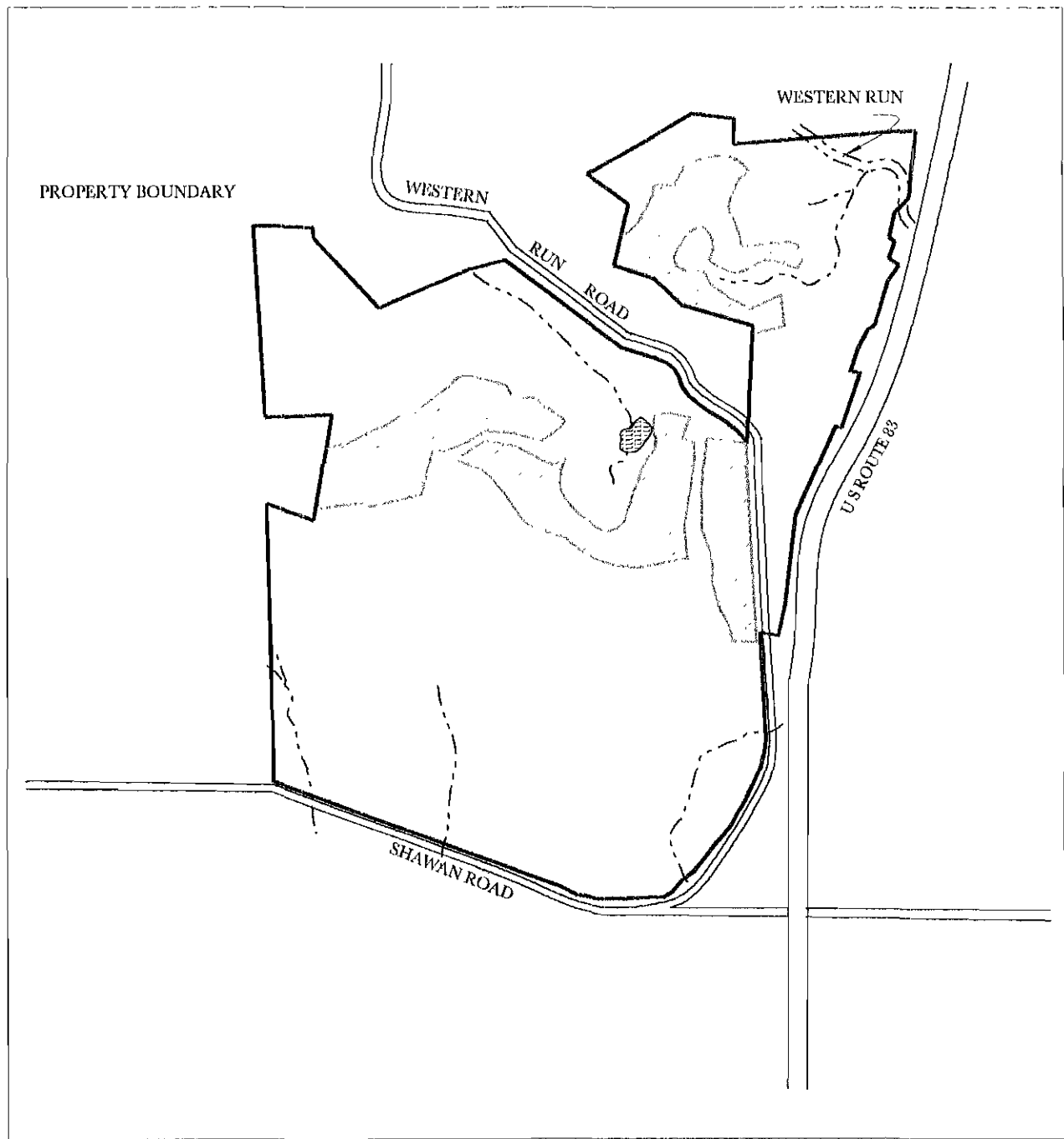
SITE TOPOGRAPHY
AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 16 JAN 1995

HAYFIELDS, INC.



CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

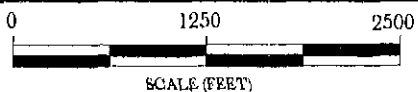
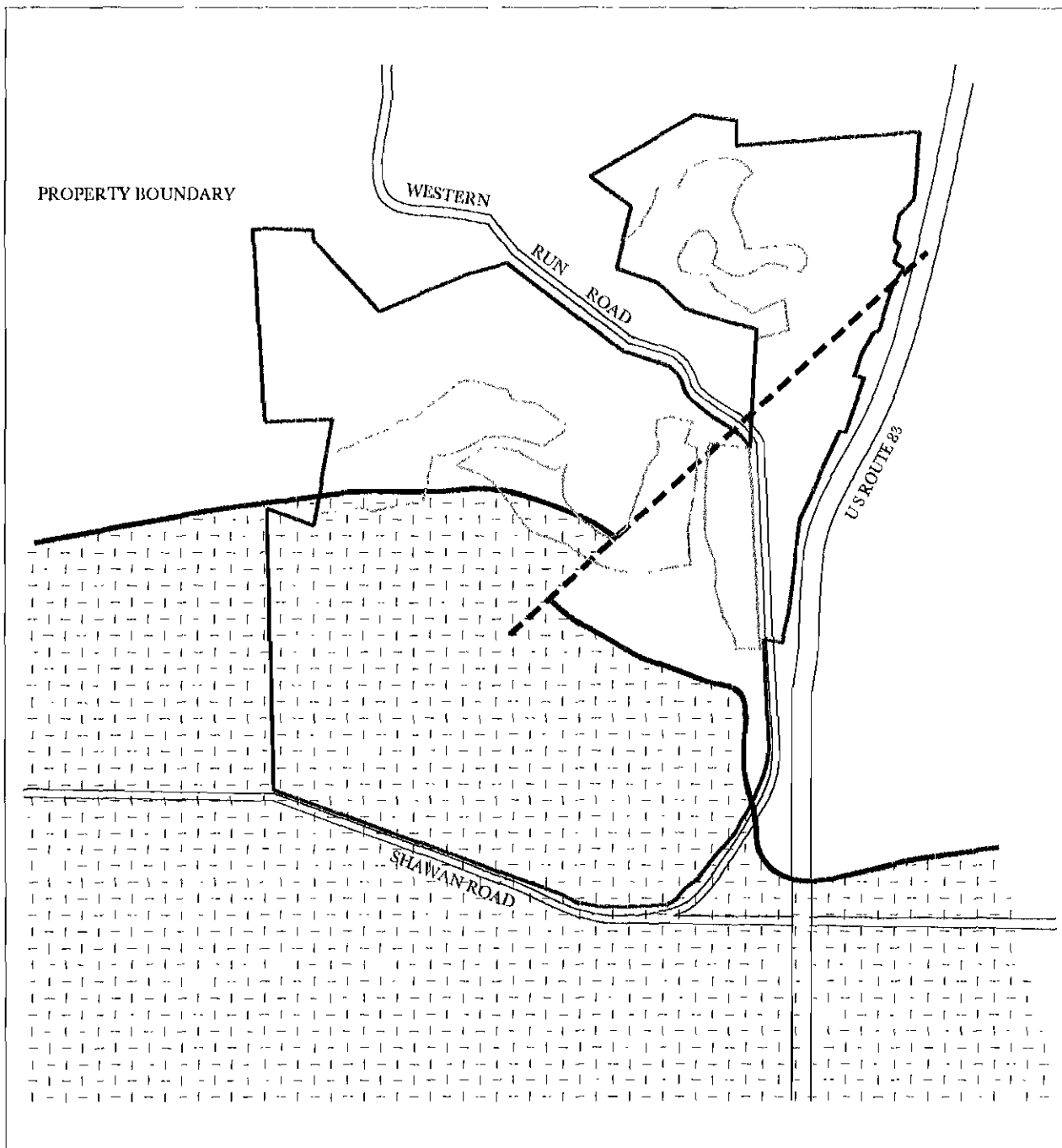
FIGURE 2 PLANNED RESIDENTIAL DEVELOPMENT AREAS UNDER THE PROPOSED ZONING AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 16 JAN 1995

HAYFIELDS, INC.



LEGEND

- N
 — Baltimore Gneiss — Cockeysville Marble
 — Geologic Contact
 - - - Geologic Fault [] Residential Areas

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

FIGURE 3

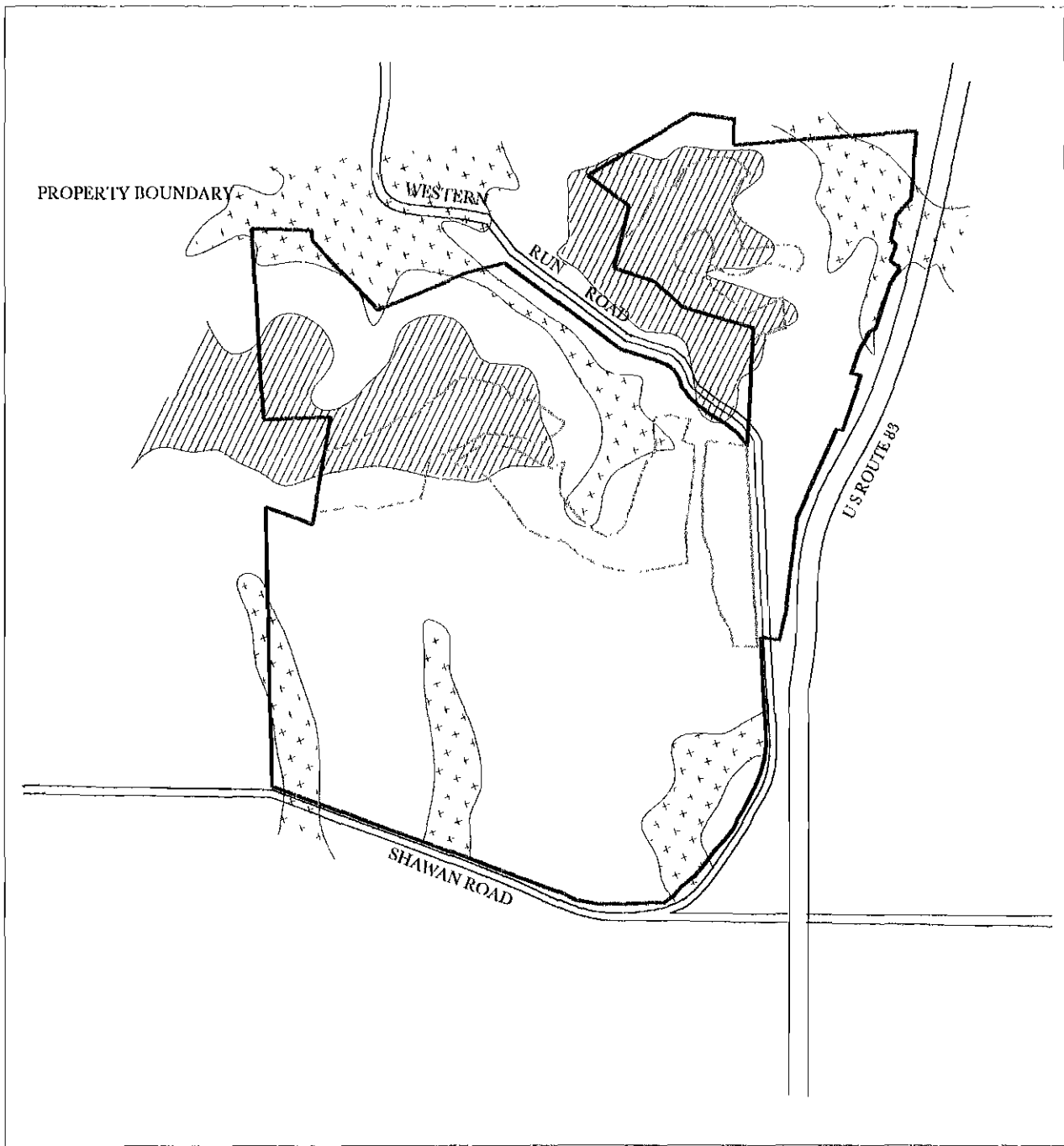
GEOLOGIC SETTING AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 16 JAN 1995

HAYFIELDS, INC.



0 1250 2500



SCALE (FEET)

LEGEND



0 - 10 Feet



35 - 75 Feet



10 - 35 Feet



Residential Areas

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

FIGURE 4

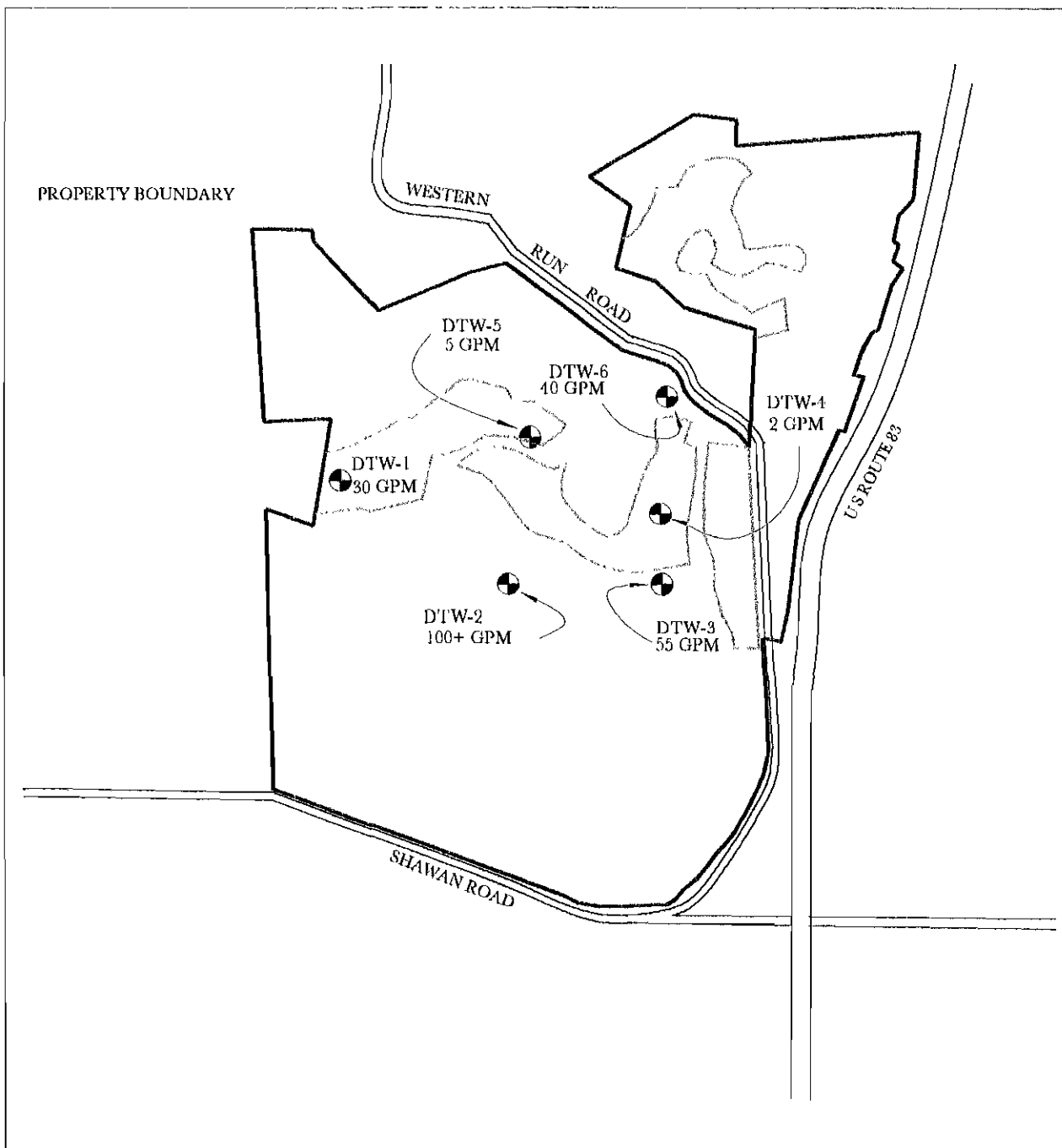
**DEPTH TO GROUNDWATER
AT THE HAYFIELDS PROPERTY**

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 16 JAN 1995

HAYFIELDS, INC.



0 1250 2500



SCALE (FEET)

LEGEND



Residential Areas



Domestic Test Wells

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

FIGURE 5

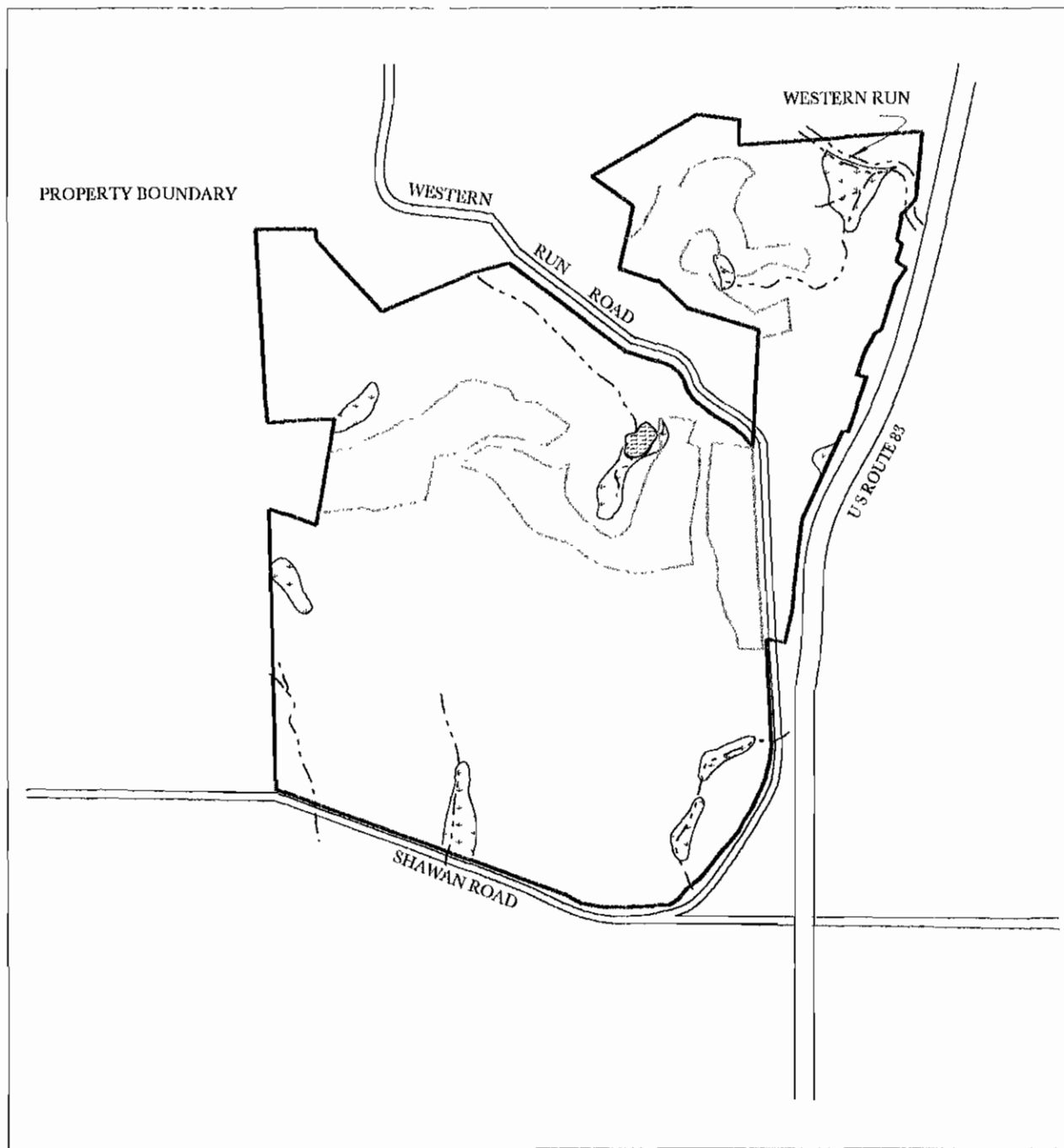
WELL LOCATIONS AND YIELDS AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 16 JAN 1995

HAYFIELDS, INC.



0 1250 2500

SCALE (FEET)

LEGEND



Potential Wetland Areas



Residential Areas

Streams



Ponds

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

FIGURE 6

POTENTIAL WETLANDS AREAS
AT THE HAYFIELDS PROPERTY
(FROM DMW, INC.)

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 16 JAN 1995

HAYFIELDS, INC.



Pct Ex
18 A



18 B



18 C



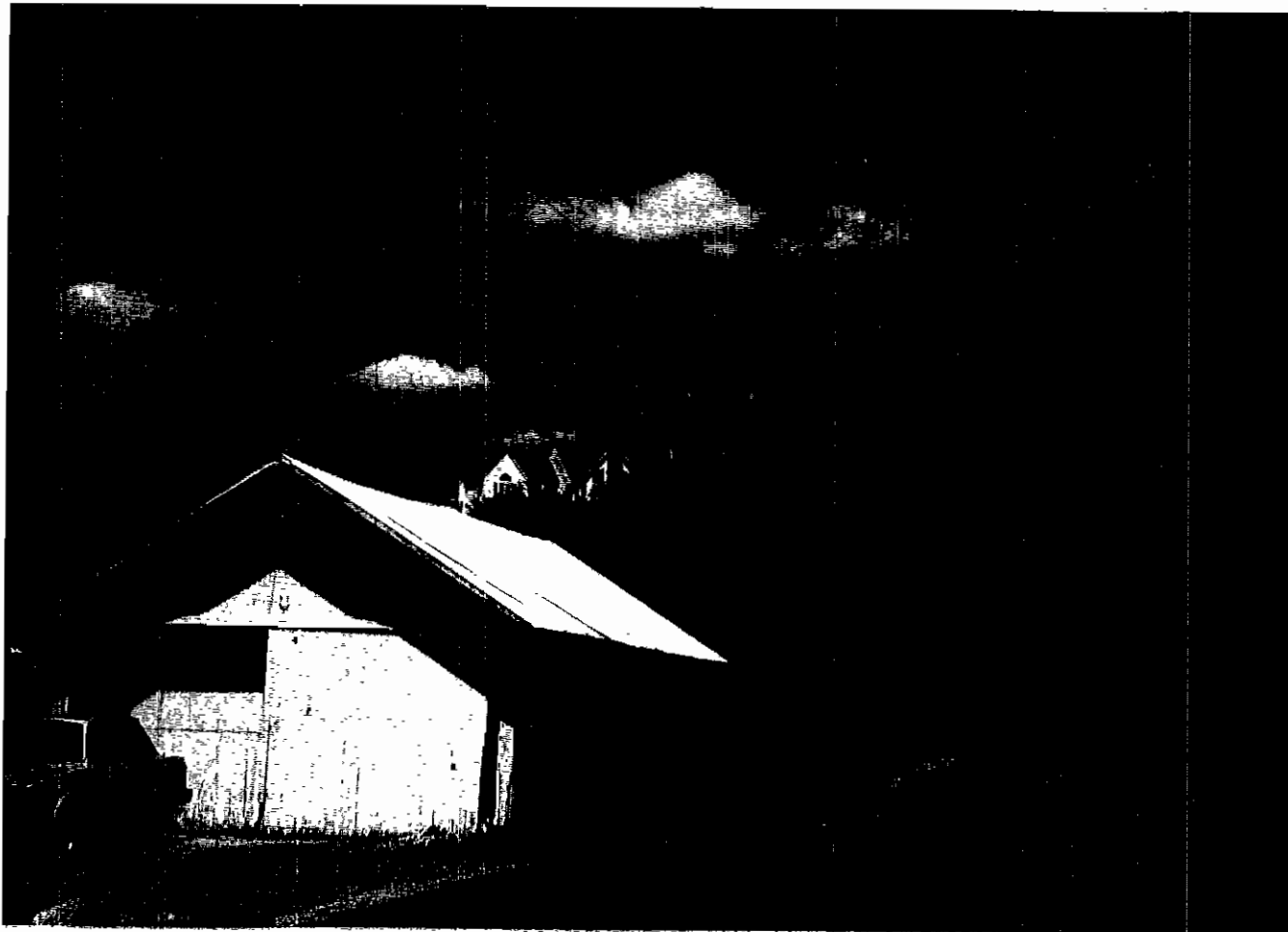
18 D



18 E



18 F



18G



18H



18 I



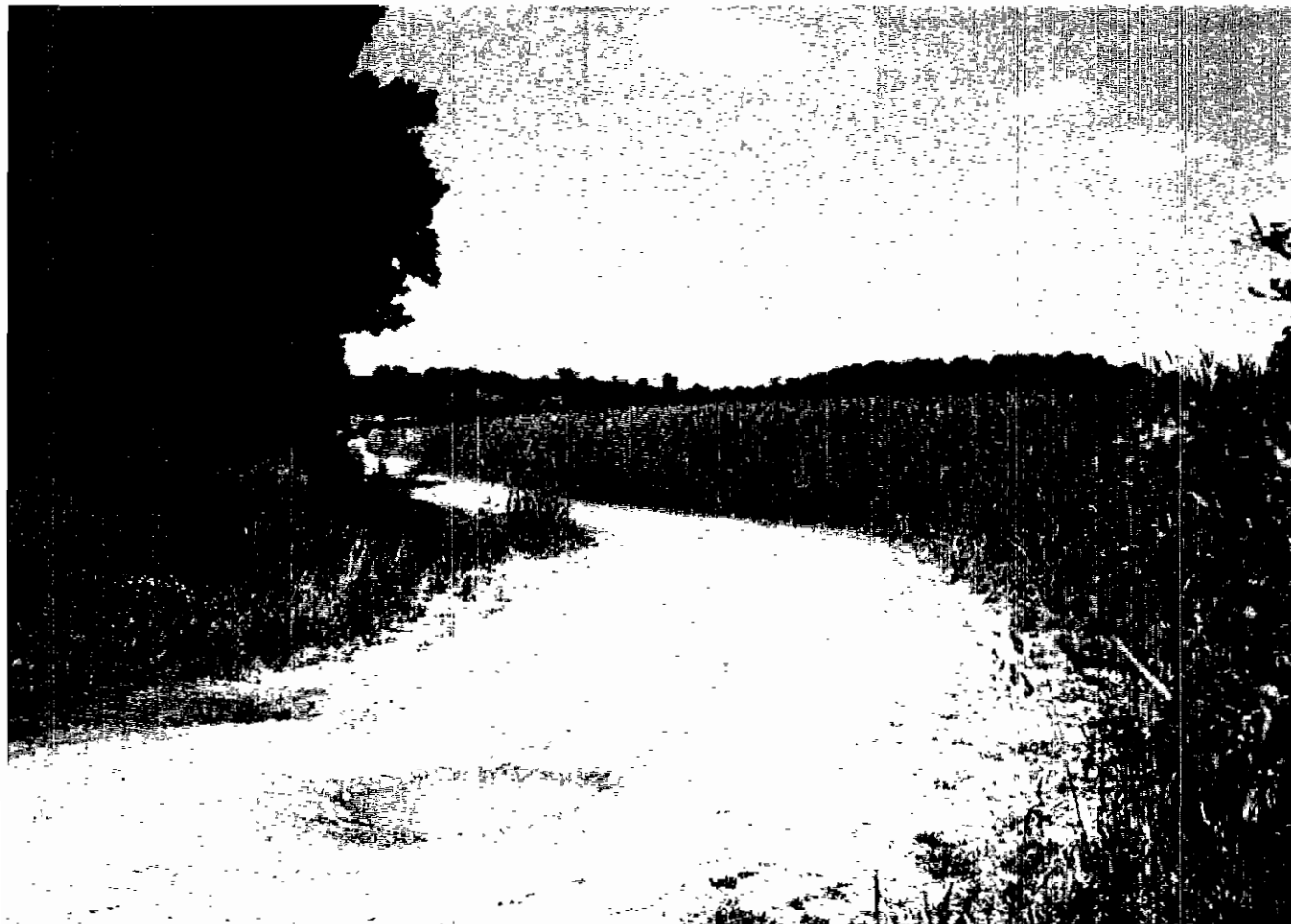
18 J



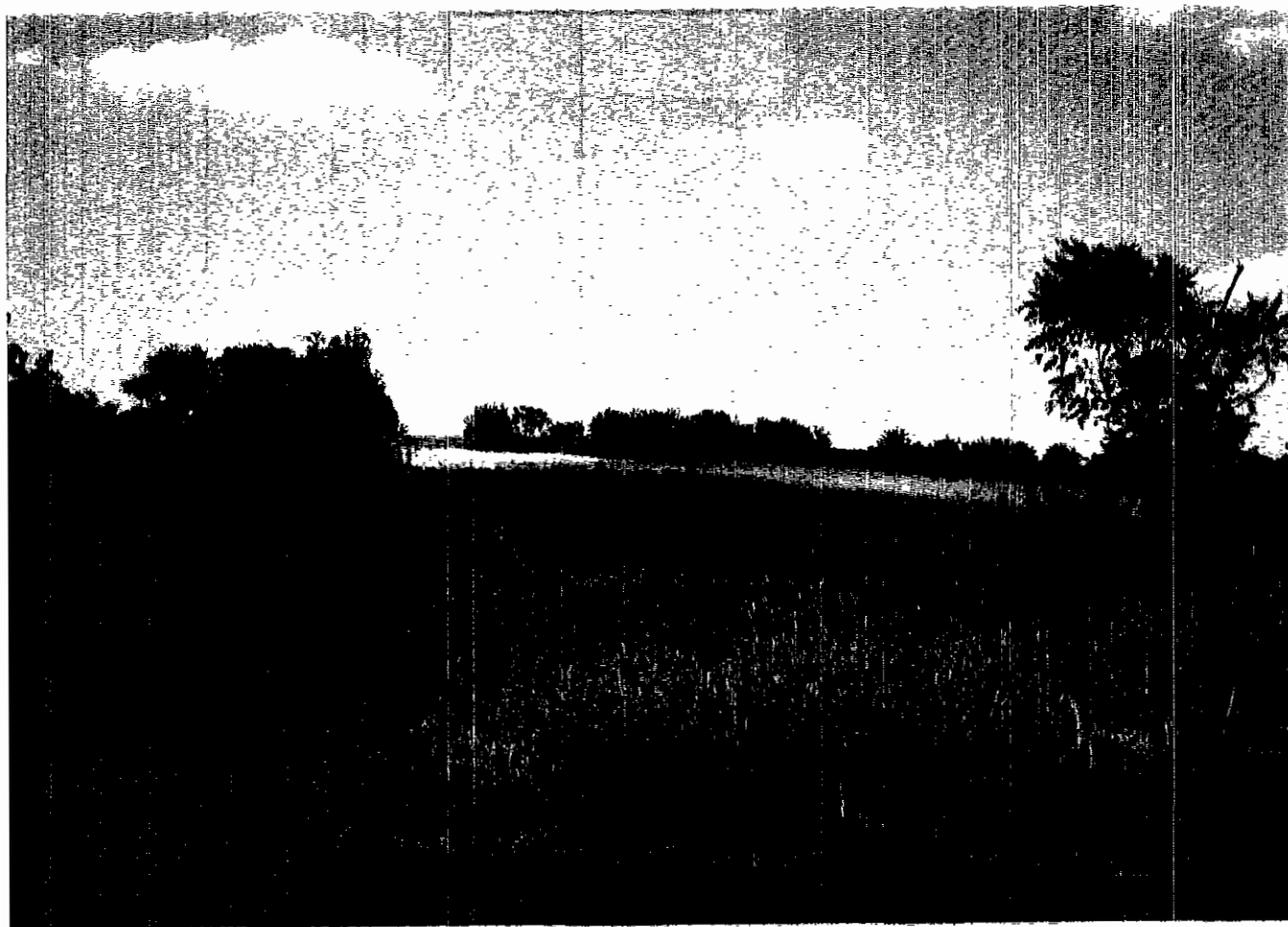
18 K



18 L



18 Y



18 N

Ret. Ex. 20

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COMMENTS
3-182	OPZ Staff	SE corner Reisterstown Rd & Owings Mills Blvd (10401 Reisterstown Rd)	2.30	ML-IM 2.30	BM 2.30	BM 2.30	
3-183	OPZ Staff	SW side Reisterstown Rd 300' W of Tollgate Rd (10706 Reisterstown Rd)	0.57	RD 0.57	RD or BL 0.57	BL 0.57	See Issue 3-106
3-184	OPZ Staff	Emor Mill Rd	43.00	RC 5 43.00	RC 2, RC 4 or RC 5 43.00	RC 2 32.00 RC 4 11.00	See Issue 3-111 Amended by staff 6/4/92
3-185	Planning Board Member	Rural Area agricultural preservation area	23000.00	RC 4 23000.00	RC 2 23000.00	RC 4 22583.00 RC 2 317.00	See Issue 3-187
3-186	Planning Board Member	N & S Sides of Cockeys Mill Rd E of I-795	37.50	RC 4 37.50	DR 3.5 37.50	RC 4 37.50	See Issue 3-137
3-187	Planning Board Member	S Side of Black Rock Rd	317.00	RC 4 317.00	RC 2 317.00	RC 2 317.00	See Issue 3-185
3-188	County Council Member	2700' SW of Jarrettsville Pike	3.20	ML 3.20	RC 4 3.20	RC 4 3.20	
3-189	County Council Member	1350' NW of Freeland Rd (20234 Middletown Rd)	0.14	RC 2 0.14	BL-CR 0.14	BL-CR 0.14	See Issue 3-021
3-190	County Council Member	1200' E of Dear Park Rd (1117 Berryman Lane)	0.41	RC 5 0.41	RCC or BL-CR 0.41	BL-CR 0.41	See Issue 3-057

**BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES**

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	STAFF RECOMMENDATIONS	ZONING PLAN AND RECOMMENDATIONS	COMMENTS
3-183	OPZ Staff	SW Side Reisterstown Rd 300' N of Tollgate Rd (10706 Reisterstown Rd)	0.57	RO 0.57	RO or BL 0.57	BL	0.57	See Issue 3-106
3-184	OPZ Staff	Ensor Mill Rd	35.00	RC 5 35.00	RC 2, RC 4 or RC 5 35.00	RC 4 11.00 RC 2 24.00		See Issue 3-111
3-185	Planning Board Member	Rural Area agricultural preservation areas	23000.00	RC 4 23000.00	RC-2 23000.00	RC 4 23000.00		See Issue 3-187
3-186	Planning Board Member	N & S Sides of Cockeys Mill Rd E of 1-795	37.50	RC 4 37.50	DR 3.5 DR 3.5 37.50	DR 3.5 37.50		See Issue 3-137
3-187	Planning Board Member	S Side of Black Rock Rd	317.00	RC 4 317.00	RC 2 317.00	RC 4 317.00		See Issue 3-185
3-188	County Council Member	2700' SW of Jarrettville Pike	3.20	ML 3.20	RC 4 3.20	RC 4 3.20		
3-189	County Council Member	1350' NW of Freeland Rd (20234 Middletown Rd)	0.14	RC 2 0.14	BL-CR 0.14	BL-CR 0.14		See Issue 3-021
3-190	County Council Member	1200' E of Deer Park Rd (1117 Berrymans Lane)	0.41	RC 5 0.41	RCC or BL-CR 0.41	BL-CR 0.41		See Issue 3-057
3-191	County Council Member	NE & NW of Future Red Run Blvd N Side of Cherry Hill Ct	1.43	O-1 1.43	BL-CNS 1.43	O-1 1.43		See Issues 3-114, 3-058

MINORITY OPINION OF CZMP ISSUE 3-185

In an effort to provide the Council with additional information on the resolution of Issue 3-185, the five Planning Board members who voted against maintaining the current zoning on this issue chose to draft this minority opinion.

Issue 3-185 was perhaps the most discussed during our months of deliberation on the CZMP. This issue requested that approximately 23,000 acres of prime and productive agricultural land, currently zoned RC4, be re-zoned to RC2. It is important to remember that this Issue does not cover all RC4, especially the acreage around reservoirs and other watersheds (the Resource Conservation Area and the Rural Protection Area). It specifically addressed the RC4 land in the Agricultural Preservation Area.

The intent in the raising of this issue was to insure protection of the prime and productive acreage in question and to correct the inappropriate use of the RC4 zone.

An indication of the difficulty in deciding this issue is exemplified in its history with the Board. A motion to maintain the current RC4 zoning was passed on May 12, 1992. The Issue was then reopened for reconsideration at the following meeting where it was tabled pending additional information from DEPRM. However, on June 4, 1992 the Planning Board again voted to maintain the current zoning of RC4 with an eight to five vote.

The hours of discussion revolving around 3-185 revealed several key concerns that the Planning Board is currently unable to resolve. The dissenting minority, and several other members of the Board, feel that these issues demand further action beyond the CZMP process.

The issues of concern are as follows:

1. The sunset of the Prime and Productive Soils Legislation and the "window" of inappropriate development activity it will allow;
2. The lack of adequate protection for 23,000 acres within the designated Agricultural Preservation Area of Baltimore County;
3. Correction of the inappropriate zoning of RC4 land that does not conform to RC4 legislation, either current or pending and should be RC2;

4. A need to zone, logically, comprehensively, and appropriately, in whole or in part, the acreage concerned to insure adequate protection and use of the land;
5. The fiscal constraints created by the high cost of infrastructure to service these pockets of development; and
6. The potential of the degradation of the public water resources in Baltimore County and City.

A great deal of discussion centered on the sunset of the Prime and Productive Soils Legislation. The loss of this critical legislation would provide for an open window of sprawl development in areas that currently contain land covered under the legislation. This would have immense impact on the agricultural industry that is so critical to this County.

The proliferation of sprawl development impacts every aspect of this viable and valuable industry. Part of the problem with the current RC4 zoning in question is the spot zoning in areas that are primarily RC2. To develop this zone would in essence split some RC2 and add additional pressure on the current agricultural operations. Also, the lack of protection for this area would lead to further degradation of the Agricultural Preservation Areas by increasing the ability to open up acreage, currently protected, to development.

During a recent workshop on rural clustering held at the annual conference of the American Planning Association in Washington, D.C. panelists said that "clustering in rural areas may not preserve farming or farmland, and is better directed at preserving open space and rural character." The proposed RC4 legislation does just that in the Rural Conservation Area and in the Rural Protection Area, but is counterproductive to the Agricultural Preservation Area.

The report goes on to point out that "the rural cluster technique sites homes in a way that leaves a significant percentage of a parcel in open space for homeowner's passive or recreational use, or for lease to farmers. Some open space zoning advocates have promoted rural clustering as a farmland preservation tool, but professionals in farmland preservation say the technique is another form of sprawl that will create conflicts between residential and agricultural uses. The panelists unanimously agreed it should not be considered a farmland preservation technique.

The panelists came under fire from rural areas planners who said rural clustering would not preserve farmland, but would create conflict for farmers and facilitate the demise of local farming economies.

Many concluded that regardless of the objective, clustering in agricultural areas would damage rural communities. A Baltimore County planner attending the workshop said that Baltimore County was about to introduce a rural cluster provision, and that the initiative was considered by some to be in conflict with the County's farmland preservation efforts.

Panelist Tony Redman, who was consulted on rural clustering development design in Maryland and Virginia, said he agreed that farmland preservation was not the proper objective of rural clustering.

"Agricultural preservation and rural character protection are separate and distinct agendas. Clustering by definition brings residential intrusion into agricultural areas and as soon as you do that you have conflicts," Redman emphasized.

An example of the stress on those areas was highlighted in a recent program on Maryland Public Television, "Outdoors Maryland." The pressures being felt by the horse breeding industry, especially within northern Baltimore County to be able to maintain their industry when development pressures are slowly forcing them out of the County. Maryland has continually sought to protect this valuable industry while development has continually pressured it to leave. The loss of this industry and other agricultural industries would have an immense impact on this County--especially financially. The horse breeding industry, as well as the agricultural industry as a whole, provides needed County-wide employment and services. It gives Baltimore County the ability to rely on itself without having to seek other providers of these key products.

The proposed changes in the RC4 legislation would address some of the environmental problems in the RC4 zone. However, the new legislation does not in itself provide protection for prime and productive land while it does allow for higher density.

The new RC4 legislation also fails to correct the inappropriate zoning of acreage that by definition does not fit RC4 and should be RC2. Those areas need to be addressed and the issue needs to be resolved with a logical, comprehensive and appropriate zoning overlay which would insure the correct use of the land in question.

In terms of fiscal constraints, Baltimore County is continually faced with the problem of being able to financially provide for adequate facilities within developing areas. We are all too familiar with the constraints placed on us as a County to be able to finance needed facilities where development has outpaced infrastructure. The opportunity for appropriate planning of this area will soon pass and we will once again be faced with having to correct situations where development preceded, sometimes with catastrophic environmental impact, appropriate services such as schools, roads, storm water management and environmental protection. At that point the situation can only be mitigated.

There are additional issues connected to 3-185. Some members felt that it was inappropriate to rezone so large a parcel with so many different owners. It was also felt that further investigation and additional information on individual site specifics would have helped to alleviate the problems; however, time constraints prohibited such an in-depth investigation. DEPRM also expressed concern over the potential loss of large timber stands that could be cleared for farming. Much discussion revolved around whether or not this was the appropriate place in which to affect such changes. However, if this was the incorrect forum in which to address the problems, we were unable at this time to find the forum which would be appropriate. These are all valid concerns and added to our difficulty in resolution of the Issue.

While the Planning Board currently finds itself unable to resolve these issues, especially within the CZMP process, the dissenting members of the Board feel that these issues mandate further action by the Board and the Council. It is also felt by many that the time expended in "studies" would only further aggravate and extend an already long-neglected problem.

These opinions corroborate the ideas expressed in the April 10, 1992, letter to the Planning Board from Jack H. Anderson, as secretary of the Reservoir Watershed Protection Subcommittee. The letter states, "We support the re-zoning of 23,317 acres currently zoned RC4 to RC2 (3-185; 3-187)."

The basis for their recommendation was formed in relation to concerns of "any increases in residential density which might form an opening wedge to further encroachment into the RC2 and RC4 zones; and proposed zoning changes which could result in either a significant expansion of the current developed areas within the watershed or a movement outward of the URDL into the watershed." These comments were accepted by unanimous vote of the subcommittee, which is chaired by Councilman Melvin Minfz and is part of the Baltimore Regional Council of Governments.

In the face of this difficult problem we therefore recommend the Council seek alternative solutions. The potential of a moratorium on this acreage exists and it would be one alternative solution to the problems connected with 3-185. It does not, however, resolve the situation. The time for temporary solutions to this Issue has passed and we are respectfully requesting your assistance in the resolution of a broad, far reaching, and explosive problem.

Respectfully submitted,

Elizabeth Healey, Vice Chairperson
William Bauman
Douglas Croker
Philip Edwards
Dorothy Foos

EH:WB:DC:PE:DF:pat

MINORITY.RPT/TXTPAT

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1989, Legislative Day No. 16
BILL NO. 134-89

Mr. William R. Evans, Councilman
By Request of County Executive

By the County Council, September 5, 1989

A BILL
ENTITLED

AN ACT concerning

Development Regulations-Agricultural Preservation

FOR the purpose of preserving agricultural lands and protecting
prime and productive soils in the development process.

BY adding

Section 22-37(b) (5)
Division 1

Section 22-39 new definition "Prime and Productive Soils"
Division 1

Section 22-99(c)
Division 3

BY repealing and reenacting with amendments

Section 22-55(b) (3)
Division 2

All of Article IV.
Title 22 "Planning, Zoning and Subdivision Control"
Baltimore County Code, 1978, 1987 Cumulative Supplement
as amended

1. SECTION 1. Be it enacted by the County Council of Baltimore
2. County, Maryland, that Sections 22-37(b) (5), 22-39 new definition
3. "Prime and Productive Soils, and 22-99 (c), be and they are hereby
4. added to Article IV. title "Planning, Zoning and Subdivision Control"
5. of the Baltimore County Code, 1978, 1987 Cumulative Supplement, to read
6. as follows:
7. Sec. 22-37. Development policies.
8. (b) These regulations are intended to protect and promote public
9. health, safety and welfare and to ensure provision for public

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. facilities, services and amenities. To this end, these regulations are
2. designed and intended to ensure the safety, adequacy and convenience of
3. proposed provisions for the following:

4. (5) PRESERVATION OF AGRICULTURAL LANDS, INCLUDING ADEQUACY OF
5. PROTECTION OF PRIME AND PRODUCTIVE SOILS FROM INAPPROPRIATE DEVELOPMENT.

6. Sec. 22-39. Definitions.

7. As used in these regulations, the following words and terms have
8. the meaning indicated:

9. PRIME AND PRODUCTIVE SOILS MEANS SOIL TYPES DEFINED IN THE
10. U.S.D.A. SOIL SURVEY OF BALTIMORE COUNTY, ISSUED MARCH 1976 AND AS
11. UPDATED, AS AGRICULTURAL CAPABILITY CLASSES I, II OR III OR AS WOODLAND
12. CLASSES 1 OR 2.

13. Sec. 22-99. Slope protection and soils.

14. (c) ON PRIME AND PRODUCTIVE SOILS WITHIN THE R.C. ZONES, EXCEPT
15. WITHIN THE R.C.5 ZONE, NO PLAN OR PLAT MAY BE APPROVED UNLESS THE
16. COUNTY FINDS THAT CONSTRUCTION, EXCAVATIONS, BUILDINGS, STRUCTURES,
17. PAVEMENTS, GRADING, CLEARING OR OTHER DISTURBANCES OF THE SOILS WILL BE
18. LIMITED OR RESTRICTED IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE
19. DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT TO
20. PROMOTE AGRICULTURAL USES AND PROTECT BALTIMORE COUNTY'S SOIL RESOURCES.
21. THIS REGULATION SHALL APPLY TO ALL DEVELOPMENT EXCEPT SUCH DEVELOP-
22. MENT WHICH HAS BEEN ACCEPTED FOR FILING UNDER SECTION 22-56 BY THE
23. DEPARTMENT OF PUBLIC WORKS PRIOR TO OCTOBER 1, 1989.

24. SECTION 2. Be it further enacted, that Section 22-55(b) (3), Division
25. 2, Article IV. of the Baltimore County Code, 1978, 1987 Cumulative
26. Supplement, be and it is hereby repealed and reenacted, with amendments, to
27. read as follows:

28. Section 22-55. Plan.

29. (b) The plan shall be filed with the department of public works
30. and shall contain the following information:

1. (3) Soil types in accordance with the soil survey, Baltimore
2. County, Maryland{;}, INCLUDING, IDENTIFICATION OF PRIME AND PRODUCTIVE
3. SOILS;

4. Section 3. And be it further enacted, that this bill, including
5. all of Subsection 22-99(c) shall expire and be of no further effect on
6. January 1, 1991.

7. SECTION 34. And be it further enacted, that this Act
8. shall take effect forty-five days from the date of its enactment.

Ret. Ex 22

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1990, LEGISLATIVE DAY NO. 23
BILL NO. 223-90

COUNCILMEMBERS RUPPERSBERGER & MANLEY

BY THE COUNTY COUNCIL, DECEMBER 17, 1990

A BILL ENTITLED

AN ACT concerning

Development Regulations - Agricultural Preservation

FOR the purpose of extending the automatic termination date of Bill

No. 134-89 relating to restrictions on development on prime and
productive soils within the R. C. Zones.

BY repealing and re-enacting, with amendments

Section 3 of Bill No. 134-89

Baltimore County Code, 1978, 1988/89 Supplement

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that Section 3 of Bill No. 134-89, Baltimore County
3. Code, 1978, 1988/89 Supplement, be and it is hereby repealed and
4. re-enacted, with amendments, to read as follows:

5. Bill No. 134-89

6. AN ACT concerning

7. Development Regulations - Agricultural Preservation

8. FOR the purpose of preserving agricultural lands and protecting prime
9. and productive soils in the development process.

10. SECTION 3. And be it further enacted, that this bill, including
11. all of Subsection 22-99(c) shall expire and be of no further effect on
12. January 1, [1991] 1992.

13. SECTION 2. And be it further enacted, that this Act is hereby
14. declared to be an emergency measure affecting the public health, safety
15. or welfare, and having been passed by the affirmative vote of five
16. members of the County Council, the same shall take effect from the date
17. of its enactment.

LAWS OF BALTIMORE COUNTY

cannot be determined, or if any part of the consideration, other than rent, consists of anything other than cash paid or to be paid, the value of which cannot be determined from the instrument itself, then, in either case, the average annual stipulated cash rental (excluding indeterminate considerations of any kind, nature or description) shall be used as the basis of tax computation; and, in such event, "taxable basis" shall mean the capitalization at ten per cent of the average annual stipulated cash rental over the entire period of the lease, or [1.66 times the assessed value of the property mentioned and described in the lease,] *by a factor which will convert the assessed value to market value, whichever amount is greater.*

SECTION 3. *And be it further enacted, that this Act shall take effect forty-five days after its enactment.*

Enacted: November 7, 1975.

BILL NO. 98-75

AN ACT to amend the Baltimore County Zoning Regulations to establish four new zoning classifications intended to insure the preservation of Baltimore County's Natural Resources, by repealing subparagraph 100.1.A.2 of Section 100 of the Zoning Regulations of Baltimore County and enacting a new subparagraph 100.1.A.2 in lieu thereof; by adding certain new definitions to Section 101 of said regulations; by adding new subsection 103.3 to Section 103 of said regulations; and by repealing Article 1A, and Sections 1A00 and 1A01 thereunder, of said regulations and enacting new sections 1A00 through 1A04, under new Article 1A entitled "Resource-Conservation Zones", in lieu thereof.

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE FINAL REPORT OF THE PLANNING BOARD, ENTITLED *PROPOSED ZONING AMENDMENTS: ZONING CLASSIFICATIONS FOR RESOURCE CONSERVATION*, IN ACCORDANCE WITH SECTIONS 22-20 AND 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED TESTIMONY AT THE PUBLIC HEARING HELD IN ACCORDANCE WITH SECTION 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS REVIEWED IN WORK SESSION AND LEGISLATIVE SESSION THE PLANNING

LAWS OF BALTIMORE COUNTY

BASIS OF THE FINAL REPORT AS ELABORATED BY THE STAFF OF THE OFFICE OF PLANNING AND ZONING OF BALTIMORE COUNTY; AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE COMPREHENSIVE PLAN FOR BALTIMORE COUNTY APPROVED BY THE PLANNING BOARD OCTOBER 13, 1975.

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland, that subparagraph 100.1.A.2, under section 100 of the Baltimore County Zoning Regulations, be and it is hereby repealed and new subparagraph 100.1.A.2 be and it is hereby enacted in lieu thereof, to read as follows:*

2. Zones are classified as follows:

- R. C. 2 (Resources Conservation-agriculture)
- R. C. 3 (Resource Conservation-deferral of planning and development)
- R. C. 4 (Resource Conservation-watershed protection)
- R. C. 5 (Resource Conservation-rural-residential)
- D. R. 1 (Density Residential, 1.0 dwelling unit per acre)
- D. R. 2 (Density Residential, 2.0 dwelling units per acre)
- D. R. 3.5 (Density Residential, 3.5 dwelling units per acre)
- D. R. 5.5 (Density Residential, 5.5 dwelling units per acre)
- D. R. 10.5 (Density Residential, 10.5 dwelling units per acre)
- D. R. 16 (Density Residential, 16.0 density units per acre)
- R. A. E. 1 (Residential, 40.0 density units per acre)
- R. A. E. 2 (Residential, 80.0 density units per acre)
- B. L. (Business, Local)
- B. M. (Business, Major)
- B. R. (Business, Roadside)
- M. R. (Manufacturing, Restricted)
- M. L. R. (Manufacturing, Light, Restricted)
- M. L. (Manufacturing, Light)
- M. H. (Manufacturing, Heavy)

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SECTION 2. *Be it further enacted*, that Section 101 of said Zoning Regulations be and it is hereby amended by adding the following definitions thereto in alphabetical order:

Commercial fishing, crabbing and shellfishing operation.

Primary-A residential or commercial property fully devoted to commercial fishing activities and the retail and wholesale sale of fish, crabs and shellfish including facilities for the repair, storage, launching, berthing, securing, loading and unloading of catches and gear including nets, crab pots, oyster tongs, trout lines and clamming equipment, also live boxes and the necessary cold storage facilities.

Secondary-A residential property which is the domicile of a person engaged full or part time as a commercial fisherman and who is required under Title 4 of the Department of Natural Resources to possess a license for the purpose of catching by net, line, trap or tongs, of fish, crabs or shellfish and has limited facilities for the storage and berthing of a commercial fishing boat and the loading or unloading of catches and gear.

Design provisions, adopted: Design provisions adopted by the Planning Board under the authority of Subsection 504.1 of these regulations.

Diametral dimension (of a lot): The diameter of the largest circle that may be inscribed within lot lines.

Environmental Impact Statement—A comprehensive study which accurately discloses the environmental consequences or enhancement of a proposed action. Such a statement ~~may~~ MUST include ~~one or more~~ of the following:

1. A detailed description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact.
2. Discussion of the probable impact on the environment, including any impact on ecological systems and any direct or indirect consequence that may result from the action.
3. Any adverse environmental effects that cannot be avoided.
4. Alternatives to the proposed action that might avoid some or all of the adverse environmental effects, including analysis of cost and environmental impact of these alternatives.
5. An assessment of the cumulative, long-term effects of the proposed action including its relationship to short-term use of the environment versus the environment's long-term productivity.

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or situated only in accordance with the standards as prescribed and in force at the time of the lot recordation.

SECTION 4. *Be it further enacted*, that Article 1A of said Zoning Regulations and Sections 1A00 and 1A01 thereunder be and they are hereby repealed and new Sections 1A00, 1A01, 1A02, 1A03 and 1A04 under new Article 1A be and they are hereby enacted in lieu thereof, said new Sections and Article to read as follows:

ARTICLE 1A—RESOURCE-CONSERVATION ZONES

Section 1A00—GENERAL PROVISIONS: ALL R. C. CLASSIFICATIONS.

1A00.1—Findings. It is found:

- a. That development in the rural areas of Baltimore County has in recent years been taking place at an increasing rate;
- b. That this development has occurred without the framework of a land use plan or other planning components;
- c. That due to this and other factors, this development has formed very undesirable land use patterns;
- d. that in general, these patterns are, or can be described as, urban sprawl;
- e. that a significant amount of urban sprawl development is occurring as linear development along the various highways of the rural areas of the County as tracts of land immediately fronting along highways are "lotted off"; the utility of the road system is being impaired and future improvements will be frustrated if this process continues;
- f. that it has been established that this development carries with it an extremely high cost to the County in a number of respects including:
 1. the cost of servicing this pattern of development;
 2. the cost with respect to its consumption and use of prime agricultural land, critical watershed areas, mineral extractive sites, as well as of other important natural resource areas;
 3. the cost of future development opportunities due to the fact that viable, rational alternatives will be lost totally or comprised significantly by the present form of development;

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g. that the aspect of the comprehensive plan that is applicable and which is being considered for rural Baltimore County embodies solutions to the various problems; and

h. that the effective implementation of this plan requires additional zoning classifications.

1A00.2—Purposes. Pursuant to the above findings it is the purpose of the Resource Conservation zones to:

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

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

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

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

1A00.3—Rezoning.

A. Filing of rezoning petitions.

1. No petition to reclassify an R. C. zone or part thereof as other than an R. C. zone may be accepted for filing by the Zoning Commissioner unless-

a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland 1957, with amendments as codified in the 1971 Replacement Volume and 1974 Cumulative Supplement, show that the property under petition is to be serviced by public sewerage and water-supply systems within ~~six~~ TWO years after the date the petition is submitted;

b. That land hereafter classified as an R. C. zone shall not be reclassified until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated; or

c. The Planning Board, under procedures authorized by amendments to Title 22 of the Baltimore County Code 1968, has submitted the petition upon reaching the opinion that the property was improperly classified as a result of technical error.

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B. The meeting of criteria established in this article for the filing ~~or granting~~ of zoning reclassification petitions shall not in itself be sufficient grounds to reclassify property.

1A00.4—Plans and Plats.

Development Plans and Final Subdivision Plats shall be required in the manner prescribed under subsection 1B01.3 and for the purpose of this subsection all references to D. R. zones shall include the R. C. zones.

1A00.5—Application to tract divided by zone boundary.

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R. C. zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and for the purpose of these regulations shall be considered as separate parcels.

Section 1A01—R. C. 2 (AGRICULTURAL) ZONES

1A01.1—General provisions.

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. that Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. that the agricultural industry is an integral part of the Baltimore County economy and that a continued conversion of agricultural land will continue to undermine this basic industry;

c. that scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;

d. that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

e. that heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;

f. THAT BALTIMORE COUNTY HAS CERTAIN WETLANDS ALONG CHESAPEAKE BAY AND ITS TRIBUTARIES WHICH SERVE AS BREEDING GROUNDS AND NURSERY AREAS FOR THE BAY'S BIOTIC LIFE;

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§ G. that Baltimore County possesses numerous areas which are highly suitable for urban development including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes: The R. C. 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2—Use regulations.

A. PREFERRED USE PERMITTED AS OF RIGHT. AGRICULTURAL OPERATIONS, WHEN CONDUCTED IN ACCORDANCE WITH GOOD AND REASONABLE HUSBANDRY PRACTICES, SHALL BE AFFORDED PREFERENTIAL TREATMENT OVER AND ABOVE ALL OTHER PERMITTED USES IN R. C. 2 ZONES.

A—B. Uses permitted as of right. The following uses, only, are permitted as of right in R. C. 2 zones.

1. Churches or other buildings for religious worship
2. Dwellings, one-family detached
3. Farms, limited-acreage wholesale flower farms, satellite farms
4. Farmettes
5. Open space, common
6. Schools for agricultural training
7. Streets and ways
8. Telephone, telegraph, electrical-power, or other similar lines or cables—all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines.
9. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subparagraph 415.2. a(1) or 415.3.c(1), as applicable
10. Accessory uses or structures, including, but not limited to, the following:
 - a. Excavations, uncontrolled

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b. Farmers roadside stands (subject to the provisions of Section 404.6)

c. Home occupations

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence, does not occupy more than 25 percent of the total floor area of that residence as it existed on the effective date of this provision and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.

e. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A)

f. PIERS, WHARVES, DOCKS AND BULKHEADS (SUBJECT TO THE PROVISIONS OF SECTION 417)

§ G. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B C. Uses permitted by special exception. The following uses, only, are permitted by special exception in R. C. 2 zones.

1. Airports

2. Animal boarding places (regardless of class), kennels, veterinarians offices, or veterinarians (subject to the provisions of Section 421)

3. Antique shops (subject to the provisions of Section 402 B)

4. Camps, including day camps

5. Cemeteries

6. COMMERCIAL FISHING, CRABBING OR SHELLFISHING OPERATION—PRIMARY OR SECONDARY, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 OF THE ZONING REGULATIONS

§ 7. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature

7 8. Excavations, controlled (subject to the provisions of Section 403)

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- 8 9. Farmers Co-op roadside stand
- 9 10. Fish hatcheries
- 10 11. Golf courses, country clubs, or other similar outdoor recreation clubs
- 11 12. Golf driving ranges, miniature-golf courses, or baseball batting ranges
- 12 13. Helistops
- 13 14. Hospitals
- 14 15. Nursing homes and convalescent homes or sanitariums
- 15 16. Offices, for agricultural related uses
- 16 17. Physicians' or dentists' offices (as principal uses)
- 17 18. Public utility uses not permitted as of right including underground interstate and intercontinental pipelines
- 18 19. Railroads or other transportation lines or ways
- 19 20. Research institutes (subject to the provisions of Section 418)
- 20 21. Residential art salons (subject to the provisions of Section 402C)
- 21 22. Restaurants or tea rooms converted from dwellings or other buildings as provided in Subsection 402.3
- 22 23. Riding stables (commercial or noncommercial)
- 23 24. Sanitary landfills (subject to the provisions of Section 412)
- 24 25. Schools, including but not limited to private preparatory schools, colleges, business and trade schools, conservatories or other fine arts schools
- 25 26. Shooting preserves including hunting and fishing preserves
- 26 27. Shooting ranges including but not limited to archery, pistol, skeet, trap, target (~~large and small bore~~ SMALL BORE RIFLE ONLY) EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500.4, and turkey shoots

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certified copies of the petition and plats to the Director of Planning (as Secretary to the Planning Board) for transmittal to the Planning Board or the appropriate sub-committee of the Planning Board who shall review the proposed development and solicit comments from any agency, group or individual deemed necessary in order to evaluate the proposal.

3. Not more than 60 days after receipt of the petition the Planning Board shall complete its review of the proposed development and prepare a report to the Zoning Commissioner.

4. The final recommendations submitted by the Planning Board with respect to the petition shall be limited to a resolution effecting one of the following:

a. Adoption of a favorable report on the proposed planned development with or without recommended restrictions

b. Modification of such plan and adoption of a favorable report on the plan as modified with or without recommended restrictions

c. Adoption of an unfavorable report on the plan.

5. A favorable or unfavorable report from the Planning Board shall be supported in detail.

6. The next, regular business day after the Planning Board has taken action as prescribed above, the Director of Planning shall transmit to the Zoning Commissioner copies of the Board's report, together with copies of the resolution whereby the action was taken.

C. Remaining Procedural Steps and Review Requirements. The following provisions apply only to petitions for planned development in an R. C. 2 Zone.

1. Upon his receipt of the Planning Board resolution and report with respect to a petition for a planned development in an R. C. 2 zone, the Zoning Commissioner shall within 90 days schedule a hearing on the petition. The date of the hearing shall be subject to such postponement or conditions as circumstances may require, and except that the hearing may be scheduled for a later date if any day in the interval specified falls within a period for which hearings on zoning reclassification petitions must be scheduled pursuant to Section 22-22 of the Baltimore County Code 1968 Edition.

2. Upon hearing and reviewing the petition, the Zoning Commissioner may:

a. Grant the petition, as submitted; or

b. Deny the petition; or

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e. Grant the petition as conditioned, restrict or modify the proposed planned development and grant the petition with the plan modified

3. The Zoning Commissioner may grant the petition only if he affirmatively finds:

a. That the proposed planned development would have no adverse effect upon the health, safety, general welfare and environment in the vicinal area.

b. That the proposed planned development will be in accord with the intent and purpose of this classification and that specifically the proposed development will not be detrimental to any existing or potential agricultural activities on the remainder of the property or on nearby or adjacent land.

c. That, in due consideration of the comments or reports submitted by the Planning Board and all other agencies or officials required or requested to submit to him comments on the petition, the proposed development would not create conditions as set forth in Paragraph b, c, d, e, or f or Subsection 502.1; and

d. That the development, as approved, would comply with all applicable provisions of the Zoning Regulations and that the resolution of any conflict between other County laws or technical requirements and the proposed development plan is reflected by revisions incorporated into a development plan as finally approved.

4. The Zoning Commissioner in considering the petition shall also give consideration to the following factors:

a. The soil condition and type as determined by the Soil Survey for Baltimore County as published by the Soil Conservation Service, U.S. Department of Agriculture.

b. Current use and status of the property.

5. A development plan shall be submitted for approval in the manner prescribed under Subsection 1B01.3 of these regulations.

1A01.3—Height and area regulations

A. Height regulation. No structure hereafter erected in an R. C. 2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

1. Subdivision. Any subdivision of a lot in an R. C. 2 zone must be in accordance with the provisions of this subparagraph or of Subparagraph 1A02, 3B2 or Sec. 103.3 or subparagraph 2. below.

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a. The maximum number of lots in addition to an existing principal dwelling that may be created shall be based on the gross area of that tract which is to be subdivided and which constitutes the record lot of the effective date of this subparagraph, as follows:

Area of Record Lot OF RECORD at the Time of the Effective Date of this Sub- paragraph, in Acres	Maximum Number of Lots Permitted
less than 3	1
at least 3 but not more than 10	2
more than 10 but not more than 20	3
more than 20 but not more than 40 100	4 0.2 LOTS PER ACRE
more than 40 but not more than 60	5
more than 60 but not more than 100	6
more than 100	2 20 lots plus 1 ONE addi- tional lot for each 25 acres IN EXCESS OF 100 ACRES of THE total tract area.

b. No such lot shall be less than 1 acre in area. THE MINIMUM LOT SIZE SHALL BE 2 ACRES EXCEPT ON THOSE SOIL TYPES WHICH ARE IN CAPABILITY CLASSIFICATIONS I AND II AS RATED BY THE U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE, WHEREIN A 1 ACRE MINIMUM LOT SIZE IS REQUIRED HOWEVER, LOTS LOCATED IN CAPABILITY CLASSIFICATION I AND II SHALL NOT EXCEED 3 ACRES. NOT MORE THAN ONE-THIRD OF THE PERMITTED NUMBER OF LOTS SHALL BE PLACED WITHIN CAPABILITY CLASSIFICATIONS I AND II PROVIDED THAT THIS SUBSECTION SHALL NOT BE CONSTRUED SO AS TO DEPRIVE ANY PROPERTY OWNER OF THE NUMBER OF LOTS PERMITTED UNDER 1A01. 3B1a.

c. Width at front setback line—The minimum width at the front setback line shall not be less than 150' and not more than 50% of the permitted number of lots may front on an existing public road, except as provided in subparagraph 103.3, 1A01. 3B.2.

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d. Setbacks. The minimum setback for any dwelling or principal building shall be not less than 75' from the centerline of any street, and not less than 50' from a future right-of-way line, a minimum of 25' from both side lot lines or a minimum of 50' from any rear lot line.

2. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning or tentative approval of a preliminary plan on or before the effective date of these regulations and not part of an approved subdivision, that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the setback standards as prescribed and in force at the time of the lot recordation.

3. DwellingS units per lot. No more than one dwelling unit is permitted on any lot in an R. C. 2 zone but not excluding additional dwellingS units for bona fide tenant farmers.

4. Additional development. Any remaining land may be further sub divided under the provisions of Section 1A02, 2B 30.

Section 1A02—R. C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

1A02.1—General provisions.

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. That specific areas in Baltimore County are ideally suited for future higher density development due to their favorable geographic location to existing urban areas.

b. That these areas can be most economically provided with metropolitan water and sewer and other services.

c. That these areas are being preempted by scattered large lot development which will effectively destroy their use for future higher density development.

d. That any appreciable amount of preempting development must be deferred until future urban development can proceed.

e. That adequate large lot development areas are available without preempting these areas.

B. Purpose. The RC 3 zoning classification is established pursuant to the legislative findings set forth above, in order to: prevent undesirable, preempting forms of development which will prohibit a desirable higher density development pattern in the future.

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C. Location. The R. C. 3 classification may be applied at a given time only to land lying beyond the urban-rural demarcation line at that time.

1A02.2—Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R. C. 3 zones.

1. Churches or other buildings for religious worship
2. Dwellings, one-family detached
3. Farms, or, limited-acreage wholesale flower farms, satellite farms
4. Farmettes
5. Open space, common
6. Schools, including but not limited to private preparatory schools, colleges, conservatories or other fine arts schools
7. Streets, or ways
8. Telephone, telegraph, electrical-power, or other similar lines or cables—all underground; underground gas, water or sewer mains or storm drains; other underground conduits, except underground intercontinental or interstate pipe lines
9. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2a (1) or 415.3c (1), as applicable
10. Accessory uses or structures including, but not limited to the following:
 - a. Excavations, uncontrolled
 - b. Farmers' roadside stands (subject to the provisions of Section 404.6)
 - c. Home occupations
 - d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of that residence as it existed on the effective date of this provision; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees

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e. Parking spaces, including recreational vehicles (subject to the provision of Section 415A)

f. Piers, wharves, docks, and bulkheads (subject to the provisions of Section 417)

g. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R. C. 3 zones.

1. Airports
2. Animal boarding places (regardless of class), kennels, veterinarians offices, or veterinarians (subject to the provisions of Section 421)
3. Antique shops (subject to the provisions of Section 402B)
4. Boat yards
5. Camps, including day camps
6. Cemeteries
7. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature.
8. Excavations, controlled (subject to the provisions of Section 403)
9. Farmers Co-op roadside stand.
10. Commercial fishing, crabbing and shellfishing operation, Primary or Secondary, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 OF THE ZONING REGULATIONS.
11. Fish hatcheries
12. Golf courses, country clubs, or other similar outdoor recreation clubs
13. Golf driving ranges, miniature-golf courses, or baseball batting ranges
14. Helistops

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15. Marinas
16. Nursing homes, convalescent homes or sanitariums
17. Physicians' or dentists' offices.
18. Public utility uses not permitted as of right, including underground intercontinental and interstate pipe lines
19. Railroads or other transportation lines or ways
20. Research institutes (subject to the provisions of Section 418)
21. Restaurants or tea rooms converted from dwellings or other buildings as provided in Subsection 402.3
22. Riding stables, (Commercial or non-commercial)
23. Sanitary landfills (subject to the provisions of Section 412)
24. Schools not permitted as of right
25. Shooting ranges, including, but not limited to, archery, pistol, skeet, trap, target (~~large or small bore~~ SMALL BORE RIFLE ONLY) EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500.4, and turkey shoots
26. Shooting preserves including hunting and fishing preserves
27. Trailers (subject to the provisions of Subsection 415.1d)
28. Volunteer-fire-company or ambulance-rescue facilities
29. Radio or television transmitting facilities
30. Planned unit developments (subject to the provisions of Section 430.3)
31. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the

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horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line.

1A02.3—Height and area regulations.

A. Height regulation. No structure hereafter erected in an R. C. 3 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area Regulations.

1. Cluster development. Residential development shall be permitted in the R. C. 3 zone classification on lots not less than 1 acre in area and clustered in such a manner to allow for future urban density development, except as provided in Subparagraph 103 or Paragraph 6 below.

2. Density Control. The maximum gross density of a record lot of the effective date of this paragraph is 0.3 dwellings units per acre.

3. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R. C. 3 zone shall be 150 feet, except as provided in Subparagraph 103 or Paragraph 6 below.

4. Building setbacks. Any principal building hereafter constructed in an R. C. 3 zone shall be situated at least 75' from the centerline of any street and not less than 50' from the future right-of-way line, 25' from both side lot lines and 50' from any rear lot line.

5. Density application. In keeping with the purpose of this classification, the density as designated shall apply to any development approved under this subsection. The residual land shall not be further developed until public utilities are extended and higher densities are applied.

6. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning or tentative approval of a preliminary plan on or before the effective date of these regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation.

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7. DwellingS units per lot. No more than one dwelling unit is permitted on any lot in an R. C. 3 zone, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS

Section 1A03-R.C.4 (WATERSHED-PROTECTION) ZONES

1A03.1—General Provisions.

A. Legislative Statement of Findings,

1. Declaration of Findings. It is found:

a. that metropolitan Baltimore has an exceptional high quality public water source

b. that within Baltimore County there lie the three major sources of water supply for the entire Baltimore metropolitan area

c. that continuing rural-residential development at current densities in the critical watershed area of the reservoirs and their tributaries is causing increased physical, bacteriological and chemical pollution. In addition, sedimentation, which is increasing, is causing an ever-increasing storage loss in the impoundments.

d. that failure to protect the critical watershed areas will result in increasing levels of pollution in the impoundments and their tributaries.

e. that the continued increases in levels of pollution in the metropolitan Baltimore reservoirs will result in escalation of water-treatment costs.

B. Purpose: The R. C. 4 zoning classification is established pursuant to the legislative findings set forth above, in order to: provide at least minimum protection for our watersheds by establishing certain criteria with regard to development so as to more effectively prevent water contamination and pollution.

1A03.2—Rezoning by petition.

A. No petition for reclassification of an R. C. 4 zone may be accepted for a hearing by the Zoning Commissioner unless a registered professional engineer has certified that—

1. the property does not lie within 200 feet of a water course classified as a third order stream¹ or greater which directly or indirectly flows into a public water reservoir and does not lie within 200 feet of any such reservoir property line or within 200 feet of any first or second order stream which discharges directly into a reservoir

¹Stream Order Classification Based on Playfairs Law, streams have been classified from first order thru sixth order and are designated on the official stream base map in the Office of Planning and Zoning.

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1. THE PROPERTY DOES NOT LIE WITHIN 200 FEET OF A WATER COURSE CLASSIFIED AS A THIRD ORDER STREAM OR GREATER, AS SHOWN ON A 'MAP OF STREAM CLASSIFICATIONS OF BALTIMORE COUNTY' WHICH SHALL BE OFFICIALLY ADOPTED BY THE BALTIMORE COUNTY PLANNING BOARD WITHIN 180 DAYS OF THE ENACTMENT OF THIS LEGISLATION, AND THEREAFTER FROM TIME TO TIME DULY AMENDED BY SAID BOARD, WHICH DIRECTLY OR INDIRECTLY FLOWS INTO A PUBLIC WATER RESERVOIR AND DOES NOT LIE WITHIN 200 FEET OF ANY SUCH RESERVOIR PROPERTY LINE OR WITHIN 200 FEET OF ANY FIRST OR SECOND ORDER STREAM WHICH DISCHARGES DIRECTLY INTO A RESERVOIR

2. the natural grade of the property generally does not exceed 20 per cent, and

3. that, through an environmental impact statement, the proposed reclassification will not impair the water quality within its watershed.

1A03.3—Use Regulations.

A. Uses permitted as of right. The following uses, only are permitted as of right in R. C. 4 zones

1. Dwellings, one-family detached

2. Existing Farms Any existing farm in operation shall, within five years of the adoption of this subsection, have a fully implemented and maintained Soil Conservation Plan and additionally obtain a discharge permit for any point sources of waste as required by the Maryland Water Resources Administration of the Maryland Department of Natural Resources FARMS, LIMITED ACREAGE, WHOLESALE FLOWER FARMS, SATELLITE FARMS, AND FARMETTES

3. Open space, common

4. Telephone, telegraph, electrical-power, or other similar lines or cables—all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines.

5. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2a(1), as applicable

6. Accessory uses or structures, including, but not limited to the following:

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- a. Excavations, uncontrolled
 - b. Farmers' roadside stands (subject to the provisions of Section 404.6)
 - c. Home occupations
 - d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 percent of the total floor area of that residence as it existed on the effective date of this provision; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.
 - e. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A)
 - f. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)
- B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R. C. 4 zones
- 1. Antique shops (subject to the provisions of Section 402B)
 - 2. Camps, including day camps
 - 3. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities, picnic grounds.
 - 4. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402.3
 - 5. Excavations, controlled (subject to the provisions of Section 403) except removal of top soil FROM THE SITE is expressly prohibited
 - 6. Fish hatcheries
 - 7. Golf courses, country clubs, or other outdoor recreation clubs, and game preserves
 - 8. Public utility uses not permitted as of right, including underground interstate and intercontinental pipe lines
 - 9. Riding stables
 - 10. Shooting preserves including hunting and fishing preserves

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11. Shooting ranges, including, but not limited to, archery, pistol, skeet trap, target (~~large or small bore~~ SMALL BORE RIFLE ONLY) EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500.4 and turkey shoots

12. Trailers (subject to the provisions of Section 415.1d)

13. Volunteer-fire-company or ambulance-rescue facilities

14. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400: (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line.

1A03.4—Height and Area Regulations.

A. Height. No structure hereafter erected in an R. C. 4 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

1. No lot less than three acres in area may be hereafter created from a larger tract in an R. C. 4 zone, and no detached single-family dwelling may be hereafter erected on any lot of smaller area except as otherwise provided in Subsection 103.3 or in Paragraph 6, below.

2. Density control. The maximum gross density of a record lot of the effective date of this paragraph is 0.2 dwelling units per acre.

3. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R. C. 4 zone shall be 300 feet except as otherwise provided in Paragraph 6 below.

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4. Building setbacks. Any principal building hereafter constructed in an R. C. 4 zone shall be situated at least 100 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 6, below.

5. Coverage. No more than 10 percent of any lot in an R. C. 4 zone may be covered by buildings, structures, walks, patios or drives.

6. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative approval of a preliminary plan~~ on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation.

7. DwellingS units per lot. No more than one dwelling unit is permitted on any lot in an R. C. 4 zone, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS.

Section 1A04—R. C. 5 (RURAL-RESIDENTIAL) ZONE

1A04.1—General Provisions.

A. Legislative Statement of Findings

1. Declaration of findings. It is found:

a. That the rural-residential development that has occurred in Baltimore County heretofore has been of a scattered and generally disorderly nature;

b. That this form of development constitutes a wasteful use of land and is fiscally expensive to serve with respect to the provision of basic services;

c. That in some cases lot sizes are inadequate to assure long term adequacy of on-lot sewer and water systems;

d. That unless measures are implemented to assure more rational growth patterns, including adequate lot size, undue financial hardships will be placed on Baltimore County and the life, safety and general welfare of the citizens of the County will be adversely affected;

e. That specific areas which are highly suitable for rural-residential development do exist; and

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f. That these areas are adequate to accommodate anticipated future growth in the rural area and that future growth should be directed to these areas.

B. Purpose. The R. C. 5 zoning classification is established pursuant to the legislative findings above, in order to:

1. Provide for rural-residential development in suitable areas in which basic services are not anticipated.

2. Eliminate scattered and generally disorderly patterns of future rural-residential development.

3. Assure that encroachments onto productive or critical natural resource areas will be minimized.

4. Provide a minimum lot size which is sufficient to provide adequate area for the proper functioning of on-lot sewer and water systems.

1A04.2—Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R. C. 5 zones:

1. Churches or other buildings for religious worship including church schools

2. Dwellings, one-family detached

3. Farms, limited-acreage wholesale flower farms, satellite farms

4. Farmettes

5. Hospitals

6. Open space, common

7. Schools, including but not limited to private preparatory schools, colleges, conservatories or other fine arts schools

8. Streets or ways

9. Telephone, telegraph, electrical-power, or other similar lines or cables—all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines

10. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2a(1) as applicable.

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11. Accessory uses or structures, including, but not limited to, the following:

- a. Excavations, uncontrolled
- b. Farmers' roadside stands (subject to the provisions of Section 404.6)
- c. Home occupations
- d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence as it existed on the effective date of this provision; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees
- e. Parking spaces including recreational vehicles (subject to the provisions of Section 415A)
- f. Piers, wharves, docks, and bulkheads (subject to the provisions of Section 417)
- g. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R. C. 5 zones.

1. Antique shops (subject to the provisions of Section 402B)
2. Boat yards
3. Camps, including day camps
4. Cemeteries
5. Community buildings, swimming pools, or other uses of a civic, social, recreational or educational nature
6. Excavations, controlled
7. Commercial fishing, crabbing or shellfishing operation—Primary or Secondary, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 OF THE ZONING REGULATIONS

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8. Golf courses, country clubs, or other similar outdoor recreation clubs

9. Marinas

10. Office of doctor or dentist

11. Public-utility uses not permitted as of right, including underground interstate and intercontinental pipe lines

12. Research institutes (subject to the provisions of Section 418)

13. Railroads or other transportation lines or ways

14. Residential art salons (subject to the provisions of Section 402C)

15. Restaurants or tea rooms, converted from dwellings or other buildings as provided in Subsection 402.3

16. Riding stables (commercial or non-commercial)

17. Sanitary landfills

18. Schools, not permitted as of right

19. Trailers (subject to the provisions of Section 415.1d)

20. Volunteer-fire-company or ambulance-rescue facilities

21. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line.

1A04.3—Height and area regulations.

A. Height regulation. No structure hereafter erected in an R. C. 5 zone shall exceed a height of 35 feet, except as provided under Section 300.

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B. Area regulations.

1. Lot area. No lot less than two acres in area may be hereafter created from a larger tract in an R. C. 5 zone and no detached single-family dwelling may be hereafter erected on any lot of smaller area, except as otherwise provided in Subsection 103.3 or in Paragraph 5, below.

2. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R. C. 5 zone shall be 250 feet except as otherwise provided in Paragraph 5, below.

3. Building setbacks. Any principal building hereafter constructed in an R. C. 5 zone shall be situated at least 75 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5, below.

4. Coverage. No more than 15 percent of any lot in an R. C. 5 zone may be covered by buildings, except as otherwise provided in Paragraph 5, below.

5. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning or tentative approval of a preliminary plan on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed in force at the time of the lot recordation.

6. Dwellings units per lot. No more than one dwelling unit is permitted on any lot in an R. C. 5 zone. BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS.

SECTION 5. *AND BE IT FURTHER ENACTED, THAT EVERY PART OF EVERY SECTION AND ZONING REGULATION OF THIS ACT IS ENACTED INDEPENDENTLY AND IS, THEREFORE, SEVERABLE; IF ANY PART IS DECLARED INVALID BY A COURT OF COMPETENT JURISDICTION, THE REST OF THIS ACT REMAINS VALID.*

SECTION 6. *AND BE IT FURTHER ENACTED, THAT ANY AMENDMENTS HEREIN, OR ANY NEW ZONING CLASSIFICATIONS PROVIDED FOR IN THIS BILL, SHALL NOT BE PROMULGATED AS TO ANY EXISTING ZONING MAPS, BUT SHALL*

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BE EFFECTIVE ONLY UPON THE ADOPTION BY THE COUNTY COUNCIL OF ANY NEW ZONING MAPS ON OR BEFORE OCTOBER 15, 1976.

SECTION 5 7. *And be it further enacted*, that this Act shall take effect forty-five days after its enactment.

Enacted: November 7, 1975.

BILL NO. 99-75

A RESOLUTION to approve the extension of the sanitary sewer system of Baltimore County in Hill Drive, in the vicinity of Belmont Terrace, First Election District of Baltimore County.

WHEREAS, the county health officer and the director of public works have found it necessary, for the protection of the public health, that the sanitary sewer system of Baltimore County be extended in Hill Drive, in the vicinity of Belmont Terrace, First Election District, to serve existing housing units in the area; and

WHEREAS, pursuant to the authority contained in Section 34-28 of the Baltimore County Code, 1968, the county is authorized to construct such extension of said system without meeting the requirement that such project be self-supporting, provided the County Council of Baltimore County, Maryland approve said extension by Resolution duly adopted; and

WHEREAS, the County Council deems it necessary for the protection of the public health that said sewer extension be constructed as aforesaid; now, therefore

SECTION 1. *Be it resolved by the County Council of Baltimore County, Maryland*, that it hereby approves the extension of the sanitary sewer system of Baltimore County, Maryland, in Hill Drive, in the vicinity of Belmont Terrace, First Election District.

SECTION 2. *And be it further resolved*, that this Resolution shall take effect forty-five days after its enactment.

Enacted: December 9, 1975.

A RESOLUTION to approve the extension of the sanitary sewer system of Baltimore County in Hill Drive, in the vicinity of Belmont Terrace, First Election District of Baltimore County.

WHEREAS, the county health officer and the director of public works have found it necessary, for the protection of the public health, that the sanitary sewer system of Baltimore County be extended in Hill Drive, in the vicinity of Belmont Terrace, First Election District, to serve existing housing units in the area; and

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WHEREAS, the County Council deems it necessary for the protection of the public health that said sewer extension be constructed as aforesaid; now, therefore

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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1979, Legislative Day No. 20

BILL NO. 178-79

Mr. Norman W. Lauenstein, Councilman

By the County Council, October 15, 1979

A BILL
ENTITLED

AN ACT to implement various elements of the County's ~~Comprehensive~~ Master Plan, and more specifically those objectives, policies and standards relating to the assimilation, location, quantity, quality and timing of growth and development in Baltimore County, the provision of adequate public facilities to support development and the protection of agricultural and environmentally-sensitive land in the resource conservation zoning classifications, ~~and to provide for the -- establishment of overlay district areas and regulations and requirements pertaining thereto; to provide for a master plan consistency determination;~~ AND TO ADOPT BASIC SERVICES MAPS AND REGULATIONS AND REQUIREMENTS PERTAINING THERETO; and to provide for monitoring of development activity; by adding new Article 4A - GROWTH MANAGEMENT; by repealing Subsections 1A01.2.B., 1A01.2.C., 1A01.3.B., 1A02.1, 1A03.1, 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5. and 1A04.3.B.1. of said regulations and enacting new Subsections 1A01.2.B., 1A01.2.C., 1A01.3.B., 1A02.1, 1A03.1, 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5. and 1A04.3.B.1. in lieu thereof; by adding Subsections 1A01.4, 1A02.4, 259.3 -- and new definitions "~~Facilities impact use, Class-A~~", "~~Facilities impact use, --- Class-B~~"; "Housing for the elderly"; "Industrial, quasi-industrial, or industry-related use"; and "Nonindustrial use" to Section 101, all of the Baltimore County Zoning Regulations; by ~~repealing and re-enacting with amendments - Subsections 100.1.B.2, 100.1.C., 100.4, the definition of "Farm" under --- Section 101, and Subsection 259.2, all of the Baltimore County Zoning Regulations; --~~ by repealing Subsection 1A04.3.B.2 of said regulations; and by repealing Council Bill 177-79.

NOTE: NOTICE OF AMENDMENT TO THIS BILL.

At the time of Final Reading, the Council unanimously voted to delete pages 3 through 43 of the bill as introduced and replace them with pages 3 through 21. For purposes of clarity and economy, the deleted pages are not included.

WHEREAS, by Article XI-A of the Maryland Constitution, the General Assembly is authorized to provide a grant of "express powers" to counties that form a charter government; and

WHEREAS, by Article 25A, Section 5 of the Annotated Code of Maryland, the General Assembly has designated the "express powers" to be granted to charter counties, which powers include the power to enact local laws for the protection and promotion of public health, safety and welfare, relating to planning, zoning and subdivision and to pass all ordinances, resolutions or bylaws that may be necessary and proper to execute and enforce any of the powers expressly enumerated; and

WHEREAS, the people of Baltimore County in accordance with the Constitution and Laws of the State of Maryland have adopted, ordained and established the Baltimore County Charter; and

WHEREAS, pursuant to provisions of the Charter and of the County Code, the County is responsible for planning for the future growth and development of the County, including the preparation of a Master Plan; and

WHEREAS, pursuant to Section 523 of the Baltimore County Charter, the Master Plan shall be a composite of mapped and written proposals setting forth comprehensive objectives, policies and standards to serve as a guide for the development of the County; and

WHEREAS, the County Council has adopted the Master Plan by Resolution No. 71 -79 dated ~~October-15-~~ NOVEMBER 19, 1979; and

WHEREAS, pursuant to the Baltimore County Charter and Code, the County Council is responsible for the implementation of the Master Plan through the adoption or amendment of zoning maps and regulations, subdivision regulations, capital improvement programs and such other legislation, regulations, policies and programs which may be necessary; and

WHEREAS, said Master Plan divides the County into areas for the purpose of achieving specific plan objectives related to the location, density, timing and quantity of growth and development in such areas and the appropriate distribution of population, housing units and land uses throughout the County; and

WHEREAS, said Master Plan contains objectives, policies and standards designed to assimilate full population growth by the County representing the County's share of regional growth, to insure orderly growth and development of said population in the County; to protect valuable and irreplaceable natural, agricultural and environmental land and resources; to promote economic growth; to meet the housing needs of present and future anticipated residents; to assure that new development is adequately served by public facilities and services; to correct service and facility deficiencies in existing neighborhoods; and to promote the public health, safety and welfare of all residents of the County; now, therefore

1. SECTION 1. Be it enacted by the County Council of Baltimore County,
2. Maryland, that a new Article 4A - GROWTH MANAGEMENT, be and it is
3. hereby added to the Baltimore County Zoning Regulations, said new article to
4. read as follows:

5. ARTICLE 4A - GROWTH MANAGEMENT

6. Section 4A00 - Purpose and Definitions

7. 4A00.1 - Purpose.

8. The purpose and intent of this Article is to implement the objectives
9. of the County-wide Master Plan and to adopt standards and guidelines relative
10. to new development in all areas of the County which would result in land use
11. patterns, location of new growth and timing of growth and development that
12. is consistent with preservation of the quality of life in existing neighborhoods,
13. with the ability of the County to provide necessary public facilities and services
14. to support new development, with the ability of the County to correct existing
15. service and facility deficiencies, with the preservation of natural, agricultural
16. and environmental resources and with the promotion of new growth and develop-
17. ment in appropriate areas.

1. 4A00.2 - Definitions

2. For the purposes of this Article, certain words and terms are defined as
3. set forth below:

4. 1. Capital Improvements Program. A proposed schedule of all future
5. projects listed in order of construction priority together with cost estimates
6. and the anticipated means of financing each project. All major projects requiring
7. the expenditure of public funds, over and above the annual budget, for the purchase,
8. construction, or replacement of the physical assets of the community are included
9. as set forth in the Baltimore County Charter. Capital Improvements Program shall
10. refer to the existing or any subsequently adopted CIP as defined herein.

11. ~~-----2. Development Applications. Applications to the County for nonindustrial~~
12. ~~development approval necessary prior to and including building permit applications;~~
13. ~~includes applications for special permits, special exceptions, tentative or final~~
14. ~~subdivision approval (with or without public works agreements) and building permits~~
15. ~~when no other development approval has been required.-----~~

16. ~~-----3. Director. The Director of the Office of Planning and Zoning of~~
17. ~~Baltimore County.---~~

18. -4- 2. Master Plan. The comprehensive plan for orderly development of the
19. County, adopted by the County Council, pursuant to the Baltimore County Charter
20. and Code, and including all parts and elements thereof which shall serve as the
21. basis for land use regulations in the County.

22. Section 4A01 - Monitoring of Development Activity.

23. 4A01.1 - Generally.

24. In order to insure consistency between the operation and effectiveness of
25. the Growth Management process, including but not limited to zoning maps, zoning
26. regulations, subdivision regulations, basic services mapping standards, PUD
27. requirements, community plans, and capital improvement programs and the growth
28. management objectives of the County-wide Master Plan, as adopted, development
29. activity in the County shall be monitored on a semi-annual basis in order to
30. reflect current trends and activities and to provide a basis for amendment
31. to the County's Growth Management process and/or County-wide

1. Master Plan from time to time.
2. A. Monitoring Function.
3. 1. The responsibility for monitoring development activity shall be
4. with the Director of the Office of Planning and Zoning.
5. 2. The Director of the Office of Planning and Zoning shall, semi-
6. annually, request such information as is necessary from any and all departments
7. of the County and State or federal agencies, as needed, in order to prepare and
8. formulate a comprehensive report on development activity having taken place
9. during the preceding six month period in the County and which might be expected
10. to take place during the following six month period.
11. 3. The report on development activity shall be completed not more
12. than one month following the conclusion of the six-month period that is subject
13. of the report.
14. 4. Upon completion of the report, it shall be forwarded to the
15. Administrative Officer, Planning Board and the County Council for review,
16. recommendation and appropriate action, as determined by the County Council.
17. 4A01.2 - Contents of Report.
18. A. The report on development activity shall include, but need not be
19. limited to, consideration of applications for, status and disposition of requests
20. for permit issuance or approval of the following:
21. 1. reclassifications
22. 2. special exceptions
23. 3. tentative subdivisions
24. 4. final subdivisions
25. 5. building permits
26. B. Development activity shall be described by type of development as
27. follows:
28. 1. residential
29. 2. office
30. 3. commercial

1. 4. industrial
2. 5. public
3. 6. other

4. C. Development activity shall be described and located by the growth
5. areas referred to in the land use elements of the County-wide Master Plan.

6. D. Development activity shall be described by the number of acres
7. being developed, the number and type of units being developed, ~~or~~ AND by other
8. appropriate criteria as determined by the Director of the Office of Planning
9. and Zoning.

10. E. The report on development activity shall specify whether or not, and
11. the extent to which, such development activity is consistent with the objectives
12. of the County-wide Master Plan and elements thereof and with other adopted
13. County plans, and the County capital improvements program, with respect to
14. each growth area. As such, the report shall emphasize the degree of conformity
15. between the County capital budget and long-term capital improvements program
16. regarding the timing and sequencing of the provision of public facilities and
17. services necessary to support development and the scope, extent and location of
18. development activity that has actually occurred during the previous monitoring
19. period. To the extent that the County capital budget and capital improvements
20. program is found to be deficient in providing public facilities and services
21. necessary to support development activity consistent with Master Plan projections
22. and recommendations, the Director of the Office of Planning and Zoning, in
23. conjunction with other County staff, departments, agencies and officials shall
24. consider such deficiencies and shall recommend appropriate actions for Planning
25. Board and County Council review and consideration.

26. Section 4A02 - Basic Services Maps.

27. 4A02.1 - Purpose and intent.

28. The County Council finds that important public facilities in certain
29. predominantly urban areas of the County are inadequate to serve all of the
30. development that would be permitted under the regulations of the zones or

1. commercial districts within which those areas lie. Basic service maps are
2. hereby established to regulate ~~residential and other~~ nonindustrial development in
3. those underserved areas to a degree commensurate with the availability of these
4. facilities. Basic service maps are not permanent, and will be reviewed annually
5. with reports to the County Council.

6. 4A02.2 Conflicts.

7. In the event that there is any conflict between the provisions of this subsection-
8. ARTICLE and any other provisions of these zoning regulations, the provisions
9. of this subsection- ARTICLE shall govern.

10. 4A02.3 Adoption of Basic Services Maps.

11. A. The following basic services maps, which shall be in the custody of
12. the zoning commissioner for Baltimore County, are hereby adopted and made a part
13. of this Article:

14. 1. Basic Service Sewerage Map, dated November 19, 1979.
15. 2. Basic Service Water Supply Map, dated November 19, 1979.
16. 3. Basic Service Transportation Map, dated November 19, 1979.

17. B. The three basic services maps shall be prepared annually in accordance
18. with the schedule set forth below, which maps shall incorporate a delineation of
19. adequacy and availability of water supply, sewerage, transportation services and
20. facilities according to the standards and requirements set forth in this section.

21. C. The individual sewer, water supply and transportation basic services
22. maps shall be adopted by the County Council in accordance with the procedures and
23. requirements of this Article contrary provisions of Title 22. of the Baltimore
24. County Code notwithstanding.

25. D. Boundaries as shown on the basic services maps shall be interpreted
26. in accordance with section 100.4 of these zoning regulations.

27. E. 1. Before July 31, 1980, and annually thereafter, the Planning
28. Board shall recommend to the County Council any revisions to the basic services
29. maps. The Planning Board need not adopt a preliminary report or hold a public
30. hearing with respect to its recommendations, although it shall allow the public
31. a reasonable opportunity to comment before adopting the recommendations.

32. 2. Before October 15, 1980 and annually thereafter, the
33. County Council shall take action on said maps-with-respect-to-----
34. AFTER CONSIDERATION OF the recommendations of the Planning

1. Board. The County Council shall hold one public hearing prior to adoption of said
2. maps which hearing shall be advertised and held in accordance with Section 22-22(a)
3. of the Baltimore County Code.

4. 3. The basic services maps may be amended only under the annual-
5. revision procedures set forth above except in the case of error. In such case, the
6. maps may be corrected at any time by legislative act of the County Council, providing
7. that the Planning Board has been given an opportunity, at a regular meeting of the
8. board, to review and issue a report with respect to the amendment under consideration
9. and provided that the County Council has found that an error has, in fact, been made,
10. after consideration of the purposes of the zoning regulations and map, including the
11. factors set forth in subsection 2-40.1(j) (Council Bill 46-79). Contrary provisions
12. of Section 22-22 of the Code notwithstanding, only one hearing under the procedures
13. of subsection 22-22(a) need be held before the County Council adopts a corrective
14. amendment pursuant to this subsection, and the report of the Planning Board and any
15. accompanying materials need not be displayed in each councilmanic district.

16. F. Basic services maps are not intended to permanently establish either
17. areas of service deficiencies or areas of service availability and adequacy. Such
18. maps will be reviewed annually, as it is the intent of the County Council that existing
19. service deficiencies will be corrected in accordance with the Master Plan and capital
20. improvements program. It is also recognized by the County Council that continuing
21. development in certain areas may create service deficiencies in areas that presently
22. have adequate levels of service. In some cases, changes in underlying zoning classi-
23. fications may have to be made to better correlate development potential.

24.-----G.---1.---Except as otherwise provided in this Article, no building permit,-----
25.---pursuant to subsection 500.1 of Article 5 of these Zoning Regulations, or final sub-----
26.---division approval shall be granted after the effective date of this Article within a-----
27.---basic sewerage or basic transportation mapped area, unless the Director of the Office-----
28.---of Planning and Zoning has issued, upon appropriate application on forms issued by the-----
29.---Director, a reserve capacity use certificate for that development as follows:-----
30.-----a.---With respect to all subdivisions recorded prior to the effective-----
31.---date of this Article, no building permit shall be issued which allows an extent of-----
32.---development exceeding that authorized by the certificate;-----
33.-----b.---The Office of Planning and Zoning shall not approve a final-----

1.--- plat for any subdivision that provides an extent of development beyond that authorized -----
2.--- in the certificate;
3.----- c.--- With respect to an application for development which does
4.--- not require subdivision approval, no building permits shall be issued for development
5.--- which allows an extent of development exceeding that authorized by the certificate.
6.----- 2.--- a.--- An application for a reserve capacity use certificate shall
7.--- be accepted by the Director of the Office of Planning and Zoning after the applicant
8.--- has applied for a building permit or final subdivision approval for which the application
9.--- for a reserve capacity use certificate is sought.
10.----- b.--- Applications may be acted upon only according to the order in
11.--- which they are accepted by the Office of Planning and Zoning.
12.----- 3.--- a.--- Prior to January 1, 1980 no applications for a reserve capacity-
13.--- use certificate shall be accepted by the Office of Planning and Zoning unless the
14.--- applicant has a final subdivision plat covering the subject property recorded prior
15.--- to the effective date of this Article or the applicant has applied for a building
16.--- permit for development of the property for which subdivision approval is not otherwise
17.--- required.
18.----- b.--- After January 1, 1980, applications shall be accepted pursuant
19.--- to the provisions of subparagraph 1 of this paragraph 6.
20.----- 4.--- A reserve capacity use certificate shall authorize development only
21.--- to the extent that it will not utilize more than the reserve capacity of the sewerage
22.--- or the transportation network, as the case may be, of the basic services mapped area
23.--- within which the property is located. Before issuance of such a certificate, the
24.--- capacity shall be determined under the formula--
25.----- $R = N - A + E$ ---
26.--- in which
27.----- R = the reserve capacity at the time of application, in millions of
28.--- gallons per day or peak hour trips per day, as the case may be,
29.----- N = the numerical designation of the mapped area, ---
30.----- A = the aggregate reserve capacity already authorized by certificate --
31.--- applications approved on or after the effective date of the basic --
32.--- services map in question plus the aggregate reserve capacity that will --
33.--- be used by development for which certificates are not required but
34.--- which has been authorized by building permits since that date, and --

1. ~~the aggregate reserve capacity so authorized by issuance of certifi-~~
2. ~~cates that have expired, as provided in this paragraph G.~~
3. ~~5. Except as otherwise provided in Subparagraph 6, any reserve capacity~~
4. ~~use certificate for development of a subdivision tract shall expire 9 months after the~~
5. ~~date it is issued, except to the extent that it applies to a tract or part of a tract~~
6. ~~on which substantial construction of the utilities or roads has taken place on that~~
7. ~~date or with respect to which a public works agreement has been both executed and~~
8. ~~funded, in that there has been deposited with Baltimore County money or irrevocable~~
9. ~~security in an amount sufficient to secure the construction of the public improvements~~
10. ~~covered by that agreement.~~
11. ~~6. A reserve capacity use certificate pertaining to development that~~
12. ~~has been authorized by a building permit does not expire unless the building permit has~~
13. ~~expired.~~
14. ~~7. For all sewerage allocations made by the Department of Public Works~~
15. ~~prior to the effective date of this Article, and for all development for which there is~~
16. ~~an approved and unexpired building permit issued prior to the effective date of this~~
17. ~~Article, reserve capacity use certificates shall be issued by the Director of the Office~~
18. ~~of Planning and Zoning without application. The effective date of issuance of such~~
19. ~~certificates shall be the effective date of this Article.~~

20. G. 1. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, NO BUILDING PERMIT,
21. PURSUANT TO SUBSECTION 500.1 OF ARTICLE 5 OF THESE ZONING REGULATIONS AND NO FINAL SUB-
22. DIVISION APPROVAL SHALL BE ISSUED OR GRANTED AFTER THE EFFECTIVE DATE OF THIS ARTICLE
23. WITHIN A BASIC SERVICES MAPPED AREA, UNLESS THE DIRECTOR OF THE OFFICE OF PLANNING AND
24. ZONING HAS ISSUED, UPON APPROPRIATE APPLICATION ON FORMS PREPARED BY THE DIRECTOR, A
25. RESERVE-CAPACITY-USE CERTIFICATE FOR THAT DEVELOPMENT IN ACCORDANCE WITH THE FOLLOWING:
26. A. WITH RESPECT TO ALL SUBDIVISIONS RECORDED PRIOR TO THE EFFECTIVE DATE
27. OF THIS ARTICLE, NO RESERVE-CAPACITY-USE CERTIFICATE SHALL BE ISSUED WHICH ALLOWS AN
28. EXTENT OF DEVELOPMENT EXCEEDING THAT ALLOWED IN ACCORDANCE WITH SUBPARAGRAPH 4 HEREOF.
29. B. WITH RESPECT TO ALL SUBDIVISIONS FINALLY APPROVED SUBSEQUENT TO THE
30. EFFECTIVE DATE OF THIS ARTICLE, THE OFFICE OF PLANNING AND ZONING SHALL NOTIFY THE AP-
31. PPLICANT AS PART OF ANY SUCH FINAL SUBDIVISION APPROVAL, THE EXTENT OF DEVELOPMENT
32. ALLOWED PURSUANT TO SUCH RESERVE-CAPACITY-USE CERTIFICATES APPLICABLE THERETO AS OF THE
33. DATE OF FINAL SUBDIVISION APPROVAL ISSUED IN ACCORDANCE WITH SUBPARAGRAPH 4 HEREOF.
34. C. WITH RESPECT TO AN APPLICATION FOR A BUILDING PERMIT FOR DEVELOPMENT
35. WHICH DOES NOT REQUIRE SUBDIVISION APPROVAL, NO RESERVE-CAPACITY-USE CERTIFICATE SHALL
36. BE ISSUED WHICH ALLOWS AN EXTENT OF DEVELOPMENT EXCEEDING THAT ALLOWED IN ACCORDANCE
37. WITH SUBPARAGRAPH 4 HEREOF.

1. 2. A. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH 3, AN APPLICATION FOR
2. A RESERVE-CAPACITY-USE CERTIFICATE SHALL BE FILED WITH THE DIRECTOR OF THE OFFICE OF
3. PLANNING AND ZONING AFTER THE APPLICANT HAS APPLIED FOR A BUILDING PERMIT (FOR DEVELOP-
4. MENT WHICH DOES NOT OTHERWISE REQUIRE SUBDIVISION APPROVAL) OR FINAL SUBDIVISION APPROVAL
5. FOR WHICH THE APPLICATION FOR A RESERVE-CAPACITY-USE CERTIFICATE IS SOUGHT, AND SHALL
6. BE ACTED UPON BY THE DIRECTOR WITHIN 3 WORKING DAYS AFTER SAID FILING.

7. B. APPLICATIONS MAY BE ACTED UPON ONLY ACCORDING TO THE ORDER IN WHICH
8. THEY ARE PROPERLY FILED WITH THE OFFICE OF PLANNING AND ZONING.

9. 3. PRIOR TO JANUARY 1, 1980, NO APPLICATIONS FOR A RESERVE-CAPACITY-USE CER-
10. TIFICATE SHALL BE ACCEPTED BY THE OFFICE OF PLANNING AND ZONING UNLESS THE APPLICANT
11. HAS A FINAL SUBDIVISION PLAT COVERING THE SUBJECT PROPERTY RECORDED PRIOR TO THE EFFEC-
12. TIVE DATE OF THIS ARTICLE OR THE APPLICANT HAS APPLIED FOR A BUILDING PERMIT FOR DEVELOP-
13. MENT FOR WHICH SUBDIVISION APPROVAL IS NOT OTHERWISE REQUIRED.

14. 4. A. A RESERVE-CAPACITY-USE CERTIFICATE SHALL AUTHORIZE DEVELOPMENT ONLY
15. TO THE EXTENT THAT IT WILL MEET THE WATER SUPPLY STANDARDS OF SECTION 4A02.4 AND WILL
16. NOT UTILIZE MORE THAN THE RESERVE CAPACITY OF THE SEWERAGE OR THE TRANSPORTATION NETWORK,
17. AS THE CASE MAY BE, OF THE BASIC SERVICES MAPPED AREA WITHIN WHICH THE PROPERTY IS
18. LOCATED. BEFORE ISSUANCE OF SUCH A CERTIFICATE, THE SEWERAGE OR TRANSPORTATION CAPACITY
19. SHALL BE DETERMINED UNDER THE FORMULA

20.
$$R = (N - A) + E$$

21. IN WHICH

22. R = THE RESERVE CAPACITY AT THE TIME OF APPLICATION, IN MILLIONS OF GALLONS
23. x PER DAY OR PEAK-HOUR TRIPS PER DAY, AS THE CASE MAY BE ;

24. N = THE NUMERICAL DESIGNATION OF THE MAPPED AREA;

25. A = THE AGGREGATE RESERVE CAPACITY ALREADY AUTHORIZED BY CERTIFICATE APPLICA-
26. TIONS APPROVED ON OR AFTER THE EFFECTIVE DATE OF THE BASIC SERVICES MAP
27. IN QUESTION PLUS THE AGGREGATE RESERVE CAPACITY THAT WILL BE USED FOR
28. DEVELOPMENT FOR WHICH CERTIFICATES ARE NOT REQUIRED BUT WHICH HAS BEEN
29. AUTHORIZED BY BUILDING PERMITS SINCE THAT DATE; AND

30. E = THE AGGREGATE RESERVE CAPACITY SO AUTHORIZED BY ISSUANCE OF CERTIFICATES
31. THAT HAVE EXPIRED, AS PROVIDED IN THIS PARAGRAPH G.

32. B. IN THE EVENT THAT ANY RESERVE-CAPACITY-USE CERTIFICATE DETERMINATION
33. RESULTS IN R EQUALLING ZERO, SUCH DETERMINATION SHALL NOT PROHIBIT THE GRANTING OF
34. FINAL SUBDIVISION APPROVAL.

35. 5. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH 6, ANY RESERVE-CAPACITY-USE
36. CERTIFICATE FOR DEVELOPMENT OF A SUBDIVISION TRACT SHALL EXPIRE 9 MONTHS AFTER THE DATE

1. IT IS ISSUED, EXCEPT TO THE EXTENT THAT IT APPLIES TO A TRACT OR PART OF A TRACT ON
2. WHICH SUBSTANTIAL CONSTRUCTION OF THE UTILITIES OR ROADS HAS TAKEN PLACE ON THAT DATE
3. OR WITH RESPECT TO WHICH A PUBLIC WORKS AGREEMENT HAS BEEN BOTH EXECUTED AND FUNDED
4. IN THAT THERE HAS BEEN DEPOSITED WITH BALTIMORE COUNTY MONEY OR IRREVOCABLE SECURITY
5. IN AN AMOUNT SUFFICIENT TO SECURE THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS COVERED
6. BY THAT AGREEMENT.

7. 6. A RESERVE-CAPACITY-USE CERTIFICATE PERTAINING TO DEVELOPMENT THAT HAS BEEN
8. AUTHORIZED BY A BUILDING PERMIT DOES NOT EXPIRE UNLESS AND UNTIL THE BUILDING PERMIT
8a. EXPIRES.

9. 7. FOR ALL SEWERAGE ALLOCATIONS MADE BY THE DEPARTMENT OF PUBLIC WORKS
10a. PRIOR TO NOVEMBER 19, 1979, AND FOR ALL DEVELOPMENT FOR WHICH THERE IS AN
11. APPROVED AND UNEXPIRED BUILDING PERMIT ISSUED PRIOR TO NOVEMBER 19, 1979, AND
11a. FOR ALL DEVELOPMENT OF A SUBDIVISION TRACT OR PART OF A
12. TRACT ON WHICH SUBSTANTIAL CONSTRUCTION OF THE UTILITIES OR ROADS HAS TAKEN PLACE
13. PRIOR TO NOVEMBER 19, 1979 OR WITH RESPECT TO WHICH A PUBLIC WORKS AGREEMENT HAS BEEN
14. BOTH EXECUTED AND FUNDED IN THAT THERE HAS BEEN DEPOSITED WITH BALTIMORE COUNTY MONEY
15. OR IRREVOCABLE SECURITY IN AN AMOUNT SUFFICIENT TO SECURE THE CONSTRUCTION OF THE
16. PUBLIC IMPROVEMENTS COVERED BY THAT AGREEMENT PRIOR TO NOVEMBER 19, 1979, RESERVE-
17. CAPACITY-USE CERTIFICATES SHALL BE ISSUED BY THE DIRECTOR OF THE OFFICE OF PLANNING
18. AND ZONING UPON APPLICATION REGARDLESS OF THE CIRCUMSTANCE THAT SAID ISSUANCE WOULD
19. ALLOW AN EXTENT OF DEVELOPMENT BEYOND THAT ALLOWED PURSUANT TO SUBPARAGRAPH 4 ABOVE.
20. THE EFFECTIVE DATE OF ISSUANCE OF SUCH CERTIFICATES SHALL BE THE EFFECTIVE DATE OF
21. THIS ARTICLE REGARDLESS OF THE DATE OF FILING BY THE APPLICANT. ANY SUCH CERTIFICATES
22. SHALL BE GOVERNED BY AND SUBJECT TO THE PROVISIONS OF SUBPARAGRAPHS 5 AND 6 ABOVE.

23. 4A02.4 Basic Services Mapping Standards.

24. A. Generally.

25. The standards contained herein are intended to form the basis for the delineation of areas on the basic services maps as well as for the evaluation of development
26. applications in accordance with the requirements of this Article.

28. B. Water Supply Standards.

29. 1. Intent. The water supply standards and maps are intended to regulate
30. nonindustrial development where there are serious deficiencies in the public water supply
31. system, as evidenced by County tests of water flows from a substantial sample of fire
32. hydrants.

33. 2. Standard. Residual water pressure at the public fire hydrant nearest
34. the site of the proposed nonindustrial development must meet the standards established
35. by the National Board of Fire Underwriters fire flow test.

36. 3. Exception. This subparagraph does not apply to any development
37. application relating to a structure or structures that would not draw upon the public
38. water supply system or which involve a residential development of no more than 3 dwelling

1. units on a lot of record as of the effective date of this Article or to any development in
2. a CCC district, CSA district OR RAE zone ~~or~~ IN a town center other than a town center
3. within a new development area so designated in the Master Plan.

4. C. Sewerage Standards.

5. 1. Intent. The sewerage standards and maps are intended to regulate
6. nonindustrial development where it has been determined that the County's share of public
7. sewerage capacity is substantially less than the capacity necessary both to serve already
8. established uses and to serve new uses likely to be established pursuant to this legisla-
9. tion.

10. 2. Determination of Reserve Capacity. The County's share of public
11. sewerage capacity must be capable of serving already established uses and new uses likely
12. to be established under the provisions of this legislation.

13. 3. Maximum Level of Nonindustrial Development. The maximum level of
14. nonindustrial development per sewerage area shall not be greater than that capable of
15. being provided with available sewerage capacity based on the following:

16. a. the County's share of the maximum reserve capacity of the
17. sewerage in the area on the effective date of mapping of the area minus the daily
18. quantity of sewerage from any industrial buildings for which construction permits are
19. expected to be issued between that date and the time the "basic services" map is next
20. revised, in millions of gallons of sewage per day, and

21. b. the maximum level of nonindustrial development allowable in
22. the district as determined based on the following assumptions:

23. 1. Each dwelling unit with 3 bedrooms or more shall be
24. considered to result in a yield of 300 gallons of sewage per day; and

25. 2. Each dwelling unit with less than 3 bedrooms shall be
26. considered to result in a yield of 200 gallons of sewage per day.

27. 3. Each square foot of gross floor area of a building or a
28. part of a building devoted principally to retail use shall be considered to result in a
29. yield of 0.05 gallon of sewage per day; and

30. 4. Each square foot of gross floor area of a building or a
31. part of a building devoted principally to office use shall be considered to result in a
32. yield of 0.09 gallon of sewage per day.

33. c. The quantity of sewage yielded by a building or a part of a
34. building to be devoted principally to ~~nonindustrial~~ uses other than dwelling or retail

1. or office uses shall be determined by the Department of Public Works.

2. 4. Exception. This subparagraph does not apply to any development
3. application relating to a structure or structures that will be situated on a lot or lots
4. not served by a public sewerage system or which involve a residential development of no
5. more than 3 dwelling units on a lot of record as of the effective date of this Article or
6. to any development in a CCC district, CSA district OR RAE zone ~~or~~ IN a town center, other
7. than a town center within a new development area so designated in the Master Plan.

8. D. Transportation.

9. 1. Intent. The transportation standards and maps are intended to regulate
10. nonindustrial development where it has been determined that the capacity of arterial and
11. arterial collectors- INTERSECTIONS is less than the capacity necessary to accommodate
12. traffic both from established uses and from uses likely to be built pursuant to this
13. Article. Such development is not intended to be restricted unless there is a substantial
14. probability that an arterial and arterial collector intersection situated within ~~and serving~~
15. the MAPPED area will, on the date the map becomes effective, be rated at level-of-service
16. E or F under standards established by the Highway Capacity Manual, 1965, published by
17. the Highway Research Board of the Division of Engineering and Industrial Research,
18. National Academy of Sciences-National Research Council.

19. 2. Determination of critical vehicle-trip number. a. For the purpose of
20. this subparagraph, the "critical vehicle-trip number" of an intersection is determined
21. by the formula

22.
$$C = \frac{F - E}{2} + E$$

23. in which each letter represents a number of daily vehicle trips through a
24. given intersection at peak hour and

25. C = the critical vehicle-trip number;

26. F = that number which if reduced by one would result in a change
27. in the intersection's level of service from F to E; and

28. E = that number which if reduced by one would result in a change
29. in the intersection's level of service from E to D.

30. b. Determination of reserve capacity. It is intended that the
31. reserve capacity be determined for each district by the formula

32.
$$N = C - (T+I)$$

33. in which

34. N = reserve capacity

35. C = the critical vehicle-trip number for the most congested arterial

1. intersection in a transportation mapped area on the date the
2. designation becomes effective;

3. T = the number of daily peak-hour vehicle trips, based on actual
4. traffic counts taken by the Department of Traffic Engineering,
5. passing through the most congested arterial intersection in a
6. transportation mapped area; and

7. I = the projected number of additional daily peak-hour vehicle
8. trips to be generated by nonindustrial developments that have been
9. approved under the provisions of this Article and have not yet
10. been constructed and would most likely pass through that inter-
11. section. For partially completed nonindustrial developments,
12. the amount of peak-hour vehicle trip shall be prorated based on
13. number of completed units or square footage.

14. However, if N is less than zero under the formula, the reserve
15. capacity in the area shall be zero.

16. 3. Maximum Level of Nonindustrial Development.

17. a. The level of additional nonindustrial development in a mapped
18. area as provided above, may not exceed that which would generate the number of daily
19. peak-hour vehicle trips equal to the reserve capacity of that mapped area, based on
20. the following assumptions:

21. 1. Every 100 dwelling units, other than for the elderly,
22. shall be considered to result in the generation of 85 peak-hour vehicle trips daily;

23. 2. Every 100 dwelling units in housing for the elderly shall
24. be considered to result in the generation of twenty-five peak-hour vehicle trips
25. daily;

26. 3. Every 1000 square feet of gross floor area of a building
27. or a part of a building devoted principally to retail use shall be considered to
28. result in the generation of 14.70 peak-hour vehicle trips daily; and

29. 4. Every 1000 square feet of gross floor area of a
30. building or a part of a building devoted principally to office use shall be considered
31. to result in the generation of 2.34 peak-hour vehicle trips daily.

1. b. The number of daily peak-hour vehicle trips generated by
2. a building or a part of a building to be devoted principally to uses other than
3. dwellings or retail or office uses shall be determined by the Department of Traffic
4. Engineering.

5. 4. Exception.

6. This subparagraph does not apply to any development application
7. relating to a residential development of no more than 3 dwelling units on a lot of
8. record as of the effective date of this Article or to any development in a CCC district,
9. CSA district OR RAE zone or- IN a town center,- other than a town center within a new
10. development area so designated in the Master Plan.

11.-----4A02.5--Basic Services Determination,-----

12.-----A.--Generally,-----

13.-----Any,-development-application-within-any-basic-services-mapped-area-in----
14.---addition-to-all-other-requirements-imposed-by-the-zoning-regulations,-subdivision----
15.---regulations-and-other-County-legislation-and-regulations,-shall-be-subject-to-a-basic---
16.---services-availability-determination,-----

17.-----B.--Scope-and-Applicability-of-Basic-Services-Availability-Determination,-----

18.-----The-basic-services-availability-determination-shall-be-made-by-the-----
19.---Director-of-the-Office-of-Planning-and-Zoning,-in-accordance-with-the-basic-services-----
20.---maps-and-standards-set-forth-in-this-Article,-----

21. SECTION 2. Be it further enacted, that Subsections 1A01.2.B., 1A01.2.C.,
22. 1A01.3.B., 1A02.1, 1A03.1, 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5, and
23. 1A04.3.B.1 of the Baltimore County Zoning Regulations, by and they are hereby
24. repealed and new Subsections 1A01.2.B., 1A01.2.C, 1A01.3.B., 1A02.1, 1A03.1,

1. 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5 and 1A04.3.B.1 are hereby enacted
2. in lieu thereof to said regulations, to read as follows:
3. Section 1A01 - R.C.2 (AGRICULTURAL) ZONES
4. 1A01.2-Use regulations.
5. B. Uses permitted as of right. The following uses, only, are
6. permitted as of right in all R. C. 2 zones:
7. 1. Dwellings, 1-family detached
8. 2. Farms, satellite farms, farmettes, and limited-acreage
9. wholesale flower farms (see Section 404)
10. 3. Open space, common
11. 4. Streets and ways
12. 5. Telephone, telegraph, electrical-power, or other lines or
13. cables, provided that any such line or cable is underground; underground gas,
14. water, or sewer mains or storm drains; or other underground conduits, except
15. interstate or international pipelines.
16. 6. Trailers, provided that any trailer allowed under this
17. provision must be used or stored in accordance with the provisions of paragraphs
18. b, c, e or f of subsection 415.1 and subparagraph 415.2.a(1) or 415.3.c(1), as
19. applicable.
20. 7. Accessory uses or structures, including, but not limited to,
21. the following:
22. a. Excavations, uncontrolled
23. b. Farmers' roadside stands (see Section 404)
24. c. Home occupations
25. d. Offices or studios of physicians, dentists, lawyers,
26. architects, engineers, artists, musicians, or persons engaged in other, similar
27. occupations, provided that the use is established within the building that serves
28. as the owner's domicile; occupies a floor area no greater than 25% of the floor
29. area used for residential purposes, not including garage floor area or unfinished
30. basement space; and does not involve the employment of more than 2 nonresidents.

1. e. Parking space, including residential-garage space and space
2. for recreational vehicle (see Section 415A)
3. f. Piers, wharves, docks and bulkheads (subject to the provisions
4. of Section 417)
5. g. Radio antennas in conjunction with wireless transmitting or
6. receiving facilities, provided that any such facility is used by a resident who has
7. an amateur radio operator's license issued by the Federal Communications Commission.
8. No such antenna may extend closer than the front building line to any street on which
9. the lot may front; no rigid-structure antenna may be taller above grade level than the
10. horizontal distance to the nearest property line or 100 feet, whichever is less; and
11. no supporting structure may be situated within 50 feet of any property line (see also
12. Section 400).
13. h. Swimming pools, tennis courts, garages, utility sheds or
14. other accessory structures or uses (subject to the height and area provisions for
15. buildings as set forth in Section 400)
- 15a. I. TENANT HOUSES, INCLUDING TRAILERS USED AS TENANT HOUSES.
16. C. Uses permitted by special exception. The following uses, only, may
17. be permitted by special exception in any R.C. 2 zone, provided that in each case the
18. hearing authority empowered to hear the petition finds that the use would not be detri-
19. mental to the primary agricultural uses in its vicinity; and, in the case of any use
20. permitted under Item 24, further provided that the hearing authority finds that the
21. use would support the primary agricultural use in its vicinity and would not itself be
22. situated on land more appropriately used for primary agricultural uses:
23. 1. Airports
24. 2. Animal boarding places (regardless of class), kennels, veteri-
25. narians' offices, or veterinarians (see Section 421)
26. 3. Antique shops (see Section 402B)
27. 4. Camps, including day camps
28. 5. Community care centers providing care for not more than 15
29. persons per site
30. 6. Churches or other buildings for religious worship
31. 7. Excavations, controlled
32. 8. Farmers' co-op roadside stands
33. 9. Fishing and shellfishing facilities, Class I or II

1. 10. Golf courses or country clubs
2. 11. Hunting or fishing preserves
3. 12. Offices for agriculture-related uses; physicians' or dentists'
4. offices as principal uses
5. 13. Public-utility uses not permitted as of right
6. 14. Research institutes (see Section 418)
7. 15. Residential art salons (see Section 402C)
8. 16. Restaurants or tea rooms converted from dwellings (see sub-
9. section 402.3)
10. 17. Riding stables
11. 18. Sanitary landfills (see Section 412)
12. 19. Schools, including schools for agricultural training, private
13. preparatory schools, business or trade schools, conservatories, or colleges
14. 20. Shooting ranges, including archery, pistol, skeet, trap, or
15. small-bore rifle ranges, or turkey shoots
16. 21. Trailers as provided in Paragraph 415.1.d
17. 22. Volunteer-fire-company or ambulance rescue facilities
18. 23. Wireless transmitting or receiving facilities as principal uses
19. 24. The following "agricultural-support" uses:
20. a. Farm-machinery sales, storage, or service; blacksmithing
21. b. Feed or grain mills or driers
22. c. Fertilizer sales or storage
23. d. Sawmills
24. e. Slaughter houses or manufacture, processing, or packing
25. of fruit, vegetables, animal, or meat products, or by-products
26. f. Wine or spirits manufacture, including the manufacture of
27. alcohol to be used in gasoline-alcohol mixtures, but excluding the production of those
28. mixtures (as a principal use)
29. 1A01.3 - Height and area regulations
30. B. Area regulations
31. 1. Subdivision Lot Density.
32. No lot of record lying within an R.C.2 zone and having a gross area of
33. LESS THAN 2 acres ~~-or-less-~~ may be subdivided. No such lot having a gross area between
34. 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having
35. a gross area of MORE THAN 100 acres ~~-or-more-~~ may be subdivided only at the rate of 1

1. lot for each 50 acres of gross area.

2. 2. Lot size. A lot having an area less than 1 acre may not be
3. created in an R.C. 2 zone.

4. 3. Setback requirements. No principal structure or dwelling (whether
5. or not it is a principal structure) in an R.C.2 zone may be situated within 75 feet
6. of the centerline of any street or within 35 feet of any lot line other than a street
7. line.

8. 4. Principal dwellings per lot. No more than 1 principal dwelling is
9. permitted on any lot in an R.C. 2 zone.

10. Section 1A02 - R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

11. 1A02.1 - Findings and Legislative Policy.

12. A. Declaration of findings. The County Council finds that some presently
13. rural areas which may in the future be suitable for urban development are being pre-
14. empted by sprawling development that will preclude future development of urban intensity.
15. The Council also foresees a strong possibility that market demand, energy policies,
16. food needs, and numerous other significant conditions may change substantially, or even
17. drastically, with the result that the public interest would be impaired if urban
18. development were to be allowed in some of these areas, despite their physiographic
19. suitability to accommodate urban water-supply and sewerage systems. All of these
20. areas are suitable for agriculture, which is the preferred use of the land in these
21. areas, thus providing a reasonable present and future use for the land. The R.C. 3
22. zoning classification and its regulations are established, therefore, to prevent inappro-
23. priate sprawling development when WHERE urban development may be appropriate in the
24. future and where the detailed planning necessary for that development must be deferred.

25. B. Location. The R.C. 3 classification may be applied only to land that
26. lies beyond the Urban-Rural Demarcation Line, as established in the 1979- 1975 Master
27. Sewer and Water Plan, and as amended from time to time.

28. Section 1A03 - R.C. 4 (WATERSHED PROTECTION) ZONES

29. 1A03.1 - Findings and Legislative Policy. The County Council finds that
30. major, high-quality sources of water supply for the entire Baltimore metropolitan
31. area and for other neighboring jurisdictions lie within Baltimore County and that
32. continuing development in the critical watersheds of those water-supply sources is
33. causing increased pollution and sedimentation in the impoundments, resulting in

1. increasing water-treatment costs and decreasing water-storage capacity. The R.C. 4
2. zoning classification and its regulations are established to provide for the protection
3. of the water supplies of metropolitan Baltimore and neighboring jurisdictions by pre-
4. venting contamination through unsuitable types or levels of development in their
5. watersheds.

6. 1A03.2 - Rezoning by petition. No petition for reclassification of property
7. in an R.C. 4 zone may be granted unless a registered professional engineer, architect,
8. landscape architect, or land surveyor first certifies:

9. 1. That the parcel of land under petition lies at least 200 feet
10. from the property line of any public water reservoir;
11. 2. That the parcel lies at least 300 feet from any 1st - or 2nd - order
12. or greater stream that flows directly into a public water reservoir;
13. 3. That the parcel lies at least 300 feet from any 3rd - order or
14. greater stream that flows directly or indirectly into a public water reservoir;
15. 4. That no more than 30% of the parcel has a slope of more than 20%;
16. 5. That the parcel does not lie within a 100-year floodplain; and
17. 6. That, as shown by an environmental impact statement, the MANNER IN
18. WHICH proposed reclassification will ~~not-impair-~~ AFFECT water quality in the watershed.
19. or any public water reservoir.

20. For the purpose of this subsection, streams are classified by order as
21. shown on the map of stream orders adopted by the Planning Board on March 25, 1976.

22. 1A03.4 - Height and Area Regulations.

23. B. Area regulations.

24. 1. No lot less than three acres in area may be hereafter created from
25. a larger tract in an R.C. 4 zone, and no detached single-family dwelling may be
26. hereafter erected on any lot of smaller area except as otherwise provided in Subsection
27. 103.3 or in Paragraph 6, below.

28. 2. Lot density. A lot of record in an R.C. 4 zone with a gross
29. area of less than 6 acres may not be subdivided, and a lot of record with a gross area
30. of ~~more-than-~~ 6 ACRES but not more than 10 acres may not be subdivided into more than
31. 2 lots (total). The maximum gross density of a lot of record with a gross area of more
32. than 10 acres is 0.2 lot per acre.

33. 5. Coverage. No more than 10 percent of any lot in an R.C. 4 zone
34. may be covered by impermeable surfaces (such as structures or pavement). No more than

1. 25 per cent of the natural vegetation may be removed from any lot in an R.C. 4 zone.

2. Section 1A04 - R.C. 5 (RURAL - RESIDENTIAL) ZONE

3. 1A04.3 - Height and area regulations.

4. B. Area regulations.

5. 1. Lot area; density control. A lot having an area of less than 1
6. acre may not be created in an R.C. 5 zone. The maximum gross residential density
7. of a lot of record is 0.667 dwellings per acre.

8. SECTION 3. Be it further enacted, that new Subsections 1A01.4, 1A02.4,
9. and new definitions "Housing for the elderly", "Industrial, quasi-industrial, or
10. industry-related uses" and "Nonindustrial uses" to Section 101, all of the Baltimore
11. County Zoning Regulations, be and they are hereby added to said regulations, to read
12. as follows:

13. Section 1A01 - R.C. 2 (AGRICULTURAL) ZONES

14. 1A01.4 - Maryland Agricultural Land Preservation Program. The use or
15. development of land in an agricultural district established in accordance with Section
16. 2-509 of the Agriculture article of the Annotated Code of Maryland, 1974, 1979 Cumu-
17. lative Supplement, shall be governed by agricultural land preservation provisions
18. enacted by the County Council pursuant to Section 2-513 of that article in the case
19. of any conflict between those provisions and these Zoning Regulations.

20. Section 1A02 - R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

21. 1A02.4 - Maryland Agricultural Land Preservation Program. The use or
22. development of land in an agricultural district established in accordance with Section
23. 2-509 of the Agriculture article of the Annotated Code of Maryland, 1974, 1979 Cumu-
24. lative Supplement, shall be governed by agricultural land preservation provisions
25. enacted by the County Council pursuant to Section 2-513 of that article in the case of
26. any conflict between those provisions and these Zoning Regulations.

27. Section 101 - DEFINITIONS

28. Housing for the elderly: Housing that is constructed and designated for
29. occupancy by elderly persons under the applicable provisions of a federal housing act.

30. Industrial, quasi-industrial, or industry-related use: Any use listed in
31. Paragraph 253.1.A other than Item 33; any use listed in Paragraph 253.1.B, Paragraph
32. 253.2.A, or Subsection 256.2; any manufacturing use not listed in those provisions; or
33. any use accessory to one of those uses.

34. Nonindustrial use: Any use other than an industrial, quasi-industrial,

1. or industry-related use.

2. SECTION 4. Be it further enacted, that Subsection 1A04.3.B.2 of the
3. Baltimore County Zoning Regulations, be and it is hereby repealed.

4. SECTION 5. Be it further enacted, that Council Bill No. 177-79 be and it is
5. hereby repealed ~~upon the enactment of this bill.~~ EFFECTIVE 12:01 A.M. November 25, 1979.

6. SECTION 6. Be it further enacted, that every part of every section, sub-
7. section, sentence, clause or word of this Act is enacted independently and is therefore,
8. severable; if any section, subsection, sentence, clause, phrase or word hereof is for
9. any reason held to be unconstitutional, void or invalid, the validity of the remaining
10. portions shall not be affected thereby, it being the intent of the County Council of
11. Baltimore County, Maryland in adopting this Act that no portion thereof or provision
12. or regulation contained therein shall become inoperative or fail by reason of any
13. unconstitutionality or invalidity of any other portion or provision or regulation.

14. SECTION 7. And be it further enacted, that this Act is hereby declared to
15. be an emergency measure affecting the public health, safety or welfare, and having
16. been passed by the affirmative vote of five members of the County Council, the same
17. shall take effect ~~from the date of its enactment.~~ 12:01 A.M. November 25, 1979.

COMPREHENSIVE ZONING PROCESS

EVERY FOUR YEARS, AS REQUIRED BY
THE BALTIMORE COUNTY CHARTER, THE
COUNTY COUNCIL REVIEWS AND REVISES THE
COUNTY'S COMPREHENSIVE ZONING MAPS

FILING PERIOD

August 1, 1991 thru January 15, 1992 *

Baltimore County law provides that, during the OPEN FILING PERIOD (August 1 to October 31), any person, association, corporation, County agency or other entity may file a petition for zoning reclassification on any property in the County. Certain information must be filed with the petition, all of which becomes a matter of public record identified by an Issue Number. From November 1 through November 30 additional Issues can be raised, but only by the members of the Baltimore County Planning Board. December 1, 1991 through January 15, 1992 allows for Issues to be raised by the members of the County Council.

LOG OF ISSUES-PRELIMINARY RECOMMENDATIONS

January 16 thru March 30, 1992 *

Each of the Issues raised during the filing periods are analyzed by County staff. Summary data about each Issue, along with the preliminary staff recommendations, are published in the seven volumes of the "Log of Issues." The Log and the accompanying maps comprise a report by the County Planning Board for the purpose of public hearings in April. Also during this time period, notice is mailed to the owners of those properties which are listed in the Log but which were not filed by the owner or the owner's agent.

PLANNING BOARD PUBLIC HEARINGS

April 1 thru April 30, 1992 *

The Baltimore County Planning Board schedules a public hearing in each Councilmanic District during the month of April. Testimony is limited to those Issues within the district for which the hearing is held.

PLANNING BOARD REVIEW AND RECOMMENDATIONS

May 1 thru June 30, 1992 *

At a series of work sessions, open to the public, the Planning Board reviews and discusses the various Issues. A recommendation on each Issue must be formally adopted by the Planning Board before June 30.

TRANSMITTAL PERIOD

July, 1992 *

The Planning Board's recommendations on each Issue must be transmitted to the County Council within 20 days after the Board's vote; a revised edition of the Log of Issues is published to serve as

COUNTY COUNCIL REVIEW

August, 1992 *

The County Council has sole authority to determine the final zoning on each property. Council may retain the existing zoning, accept the recommendation of the Planning Board, or may decide to apply to a property any zone under consideration.

COUNTY COUNCIL PUBLIC HEARINGS

September, 1992 *

The Baltimore County Council schedules a public hearing in each Councilmanic District during the month of September. Testimony is limited to those issues within the district for which the hearing is held.

COUNTY COUNCIL DECISIONS

October, 1992 *

The County Council vote on each Issue must occur before October 16, 1992. As adopted by legislative action of the County Council, the revised Comprehensive Zoning Map will take effect 45 days after being signed into law by the County Executive.

FINAL LOG AND MAPS

November, 1992 *

After the council's vote, the Office of Planning and Zoning prepares the final official copies of the amended zoning maps and publishes the final edition of the Log of Issues containing all of the decisions of the County Council.

* * * * *

* And every 4 years thereafter.

For additional information, please contact the Baltimore County Office of Planning and Zoning, County Courts Building (Room 406), Towson, Maryland 21204, (301) 887-3480.



Mr. Heaton

People's Council



BALTIMORE COUNTY COUNCIL



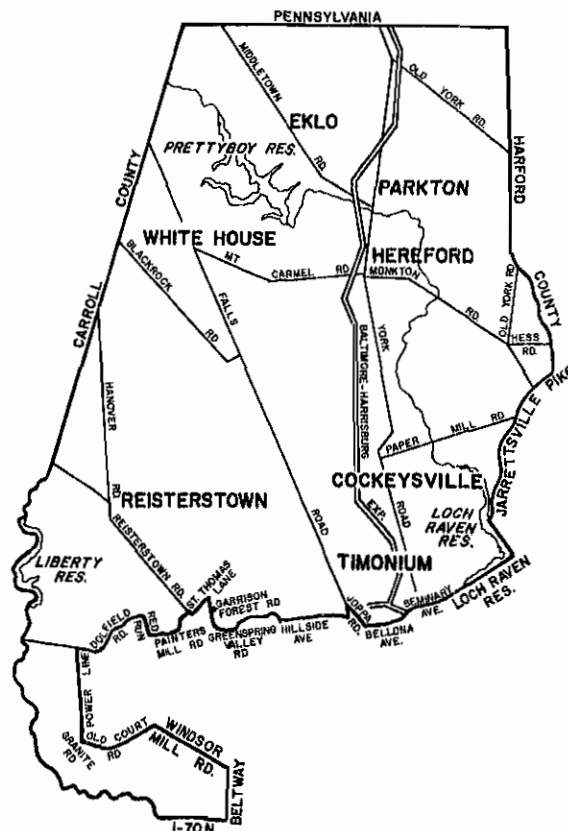
1976 REZONING

Bill 109



HON. CLARENCE E. RITTER
District Office 494-3387

THIRD COUNCILMANIC DISTRICT



BALTIMORE COUNTY COUNCIL SUMMARY OF ISSUES

3rd
COUNCILMANIC DISTRICT

SHEET 3 OF 8

ITEM NO.	PLANNING AREA	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACENAME	LOCATION AND (APPROXIMATE ACRES)	ZONING				COMMENTS
				EXISTING	REQUEST	PLANNING BOARD RECOMMENDATIONS	POSSIBLE FINAL ZONING	
3-69 (continued) R	NW	Philip O. Foard, atty. and Stephen Heerne, atty. (C.C.) D) Reisterstown - Owings Mills - Glyndon Coordinating Council E) the Valleys Planning Council	" "	ML " "	ML RC 2 "	RC 2 " "		
3-74 A	C	A) Caves Farm Investment Co. B) Lane Berk (C.C.) (P.B.)	E side of Garrison Forrest Rd. N of Caveswood Lane (393 AC) "	RDP "	RC 5 RC 2 RC 5	RC 2 RC 5 "	RC 5 RC 2	Council Hearing: 1 speaker supports P.B. rec. Council Comment Sheets: 2 support P/O P.B. rec. of RC 2 P.B. Hearing: 1 speaker supported staff rec. of RC 2, RC 5
3-81 A	C	Trustees of the Fenton Trust by Benjamin Howard	N/W corner of Falls & Greenspring Valley Rda. (70 AC)	RDP BR	RDP BR	RC 2	BR, BL RC 2	Council Hearing: 1 speaker supports P.B. rec. Council Comment Sheets: 6 support P.B. rec. P.B. Hearing: 1 supported staff rec. of RC 2
3-82 A	C	Staff - Office of Planning & Zoning	E & W sides of Falls Rd. N/W corner Greenspring Valley Rd. (8.96 AC)	BR BR-CR	RC 5	RC 5	BR, BR-CR BL, DR16 RC 5	Council Hearing: 1 speaker supports P.B. rec. Council Comment Sheets: 6 support P.B. rec. P.B. Hearing: 1 supported staff rec. of RC 5
3-83 R	C	Deep Run Assn. by Milton R. Smith (C.C.)	E side of Falls Rd. at Valley Rd. (1.23 AC)	RDP	BR	RC 5	BR, DR16 RC 5	Council Hearing: 1 speaker supports P.B. rec., 1 opposes P.B. rec. Council Comment Sheets: 7 support P.B. rec. P.B. Hearing: 1 speaker supported staff rec. of RC 5
3-86 A	C	A) James Keelty & Co. Inc. B) Pine Valley-Valleywood Assn. (C.C. & P.B.)	S. of Padonia Rd. W of I-83 E of Jennifer Rd. (3.8 AC) "	DR16 "	BL-CNS DR16	BL-CNS "	ML, DR16 DR16	Council Hearing: 2 speakers oppose P.B. rec. Council Comment Sheets: 1 oppose P.B. rec. P.B. Hearing: 1 speaker opposed staff rec. of BL-CNS
3-88 A	C	A) Central Balto. Co. Planning Assn. Inc. (C.C. & P.B.) B) Greater Timonium Comm. Council C) John B. Howard rep. property owners (C.C. & P.B.)	Areas W of I-83 at Shawan Rd. (1370 AC) " "	BL DR5.5 DR3.5 DR2, DR1 & RDP " " "	RC 5 " BL DR5.5 DR3.5 DR2, DR1 & RDP	RC 2 RC 4 RC 5 " "	BL, DR5.5 DR3.5 DR2, DR1 RC5, RC4 RC2	Council Hearing: 3 speakers support P.B. rec., 2 speakers oppose P.B. rec. Council Comment Sheets: 13 support P.B. rec. of RC2, RC4, RC5 3 oppose P.B. rec. of RC2, RC4, RC5 P.B. Hearing: 3 speakers support staff rec. of RC2, RC4, RC5 2 speakers opposed staff rec. of RC2, RC4, RC5
3-91 A	C	A) Md. Properties B) Leonard Gerber (Pres. Md. Properties) (CC.) C) Greater Timonium Community Council	W side of York Rd., N of Thornton Mill Rd. (247 AC) " "	ML " "	ML " ML, RC4	(171.5 AC) ML & (75.5 AC) RC 4 "	ML, RC4	Council Hearing: 1 assn. supports P.B. rec., 2 oppose P.B. rec. Council Comment Sheets: 1 supported P.B. rec. P.B. Hearing: 1 speaker supported staff rec. of ML, RC 4 P.B. Hearing: 2 speakers opposed staff rec. of ML, RC 4
3-92 A	C	A) Map Associates of Hunt Valley & Trand Lodge of Ancient, Free & Accepted Masons (Bonnie Blink property) B) John H. Hessey rep. Grand Lodge of A.F. & A.M. (C.C.) C) Kenneth Bosley (CC.)	N side of Shawan Rd. E side of I-83 W of York Rd. (319.74 AC) " "	DR1 MLR " "	EM-CT DR5.5 " " DR1, MLR	(275 AC) MLR (134 AC) RC 4 " "	MLR EM-CT DR16 DR10.5 DR5.5 DR3.5 DR2, DR1 RC4	Council Hearing: 3 speakers support P.B. rec. Council Comment Sheets: 10 support P.B. rec. P.B. Hearing: 3 speakers support staff rec. of MLR, DR1
3-94 R	C	Maryland Properties Inc. by Ernest C. Trimble (C.C. & P.B.)	N/E corner of York and Phoenix Rds. (229.59 AC)	MLR, RDP	DR3.5	(5.74 AC) RC 4 (223.85 AC) RC5	MLR DR3.5 RC5, RC4	Council Hearing: 2 speakers oppose P.B. rec. Council Comment Sheets: 1 supports P.B. rec. P.B. Hearing: 1 speaker supported staff rec. of RC 4, RC 5 2 speakers opposed staff rec. of RC 4, RC 5
3-95 A	C	A) Towson Nurseries, Inc. B) Melvin Colvin (C.C. & P.B.)	E side of York Rd. N of Western Run, S side of Phoenix Rd. (390.71 AC) "	MLR, DR1 RDP "	MLR, DR5.5 " "	(229 AC) DR3.5 (162 AC) RC 4 "	MLR DR5.5 DR3.5 DR1, RC4	Council Hearing: 1 speaker supports P.B. rec. Council Comment Sheets: 6 support P.B. rec. P.B. Hearing: 2 supported staff rec. of DR3.5, RC 4
3-96 A	C	Harry A. Dundore (owner)	S side of proposed Thornton Rd. E of York Rd. (.63 AC)	DR16	BL	DR3.5	BL, DR16 DR3.5 DR1	Zoning Petition # 75-203 RX Council Comment Sheets: 2 supported P.B. rec.

BALTIMORE COUNTY COUNCIL MINUTES
Legislative Day No. 24
October 7, 1976 - 7:00 P.M.

A. The meeting was called to order by the Chairman at 7:15 P.M. The Chairman then asked the audience to rise for a moment of silent prayer and the Pledge of Allegiance to the Flag. There were approximately 200 persons in attendance and the following councilmen were present:

John V. Murphy	First District
Gary Huddles	Second District
Clarence E. Ritter	Third District
Eugene L. Kibbe	Fourth District
Norman W. Lauenstein	Fifth District
Eugene W. Gallagher	Sixth District
John W. O'Rourke	Seventh District

The Chairman then delivered his opening statement and council procedure for this special meeting to adopt Bills Nos. 108-76 through 114-76 which incorporate the new official Comprehensive Zoning Maps for Baltimore County.

B. Call of Bills for Final Reading and Vote

Bill No. 108-76 was called. The Chairman then called upon Councilman Murphy to enumerate any issues which he wished to retire at this time. Councilman Murphy recommended retirement of the following issues: 1-1, 1-8, 1-8A, 1-9, 1-10, 1-12, 1-13, 1-17, 1-24, 1-26, 1-27, 1-31, 1-31A, 1-33, 1-35, 1-40, 1-51, 1-58, 1-61, 1-62, 1-73, 1-75, 1-76, 1-77, 1-80, 1-81. There being no further issues recommended to be retired under Bill No. 108-76, motion was made by Councilman Murphy, seconded by Councilman Ritter, that the aforesaid issues in addition to all other First District issues previously retired at the August 2, 1976 meeting, be closed out in accordance with the Planning Board's recommendations. The motion was unanimously passed.

The Chairman then called for changes to the new Comprehensive Zoning Map for the First District of Baltimore County. He called upon Councilman Murphy who moved for the following changes:

Issue 1-2 - From BM-CCC & DR5.5 to BM, DR5.5 as shown on the overlay - Motion seconded by Councilman Kibbe and unanimously passed

Issue 1-18 - From DR5.5 & DR10.5 to DR5.5, DR10.5, DR16 & BL as shown on the overlay - Motion seconded by Councilman Ritter and unanimously passed

Issue 1-23 - From DR5.5 to DR5.5 & DR16 as shown on the overlay - Motion seconded by Councilman Gallagher and unanimously passed

Issue 1-25 - Councilman Murphy explained that he must abstain from voting on this issue and called upon the council for their recommendations on same. Councilman O'Rourke moved that this issue be retired. Councilman Ritter seconded this motion and it passed by the following roll call vote:

* Thomas E. Stuebel, Clerk - 11/15/76

Bill No. 110-76 was called. The Chairman called upon Councilman Ritter to enumerate any issues which he wished to retire at this time. Councilman Ritter recommended retirement of the following issues: 3-1, 3-2, 3-5, 3-6, 3-9, 3-69, 3-83, 3-94, 3-104, 3-108, 3-112, 3-116, 3-119, 3-120, 3-122, 3-123, 3-159, 3-165, 3-187, 3-215, 3-216, 3-217, 3-218, 3-224, 3-242, 3-283, 3-284, 3-286. Councilman Murphy then moved to place Issue No. 3-187 into retirement. This motion failed for lack of a second. There being no further issues recommended to be retired under Bill No. 110-76, motion was made by Councilman Ritter, seconded by Councilman Gallagher, that the aforesaid issues in addition to all other Third District issues previously retired at the August 2, 1976 meeting, be closed out in accordance with the Planning Board's recommendations. The motion passed by the following roll call vote:

Aye - Messrs. O'Rourke, Huddles, Ritter, Kibbe, Lauenstein & Gallagher
Nay - Mr. Murphy

The Chairman then called for changes to the new Comprehensive Zoning Map for the Third District of Baltimore County. He called upon Councilman Ritter who moved for the following changes:

Issue 3-3 - From DR16, MLR, RAE2 to MLR, BM, DR16 as shown on the overlay - Motion seconded by Councilman Kibbe and unanimously passed

Issue 3-4 - From MLR, DR5.5 to MLR, BM, DR5.5 as shown on the overlay - Motion seconded by Councilman Kibbe and passed by the following roll call vote:

Aye - Messrs. O'Rourke, Huddles, Ritter, Kibbe, Lauenstein & Gallagher
Nay - Mr. Murphy

Issue 3-12 - From RC3 to DR5.5 - Motion seconded by Councilman Gallagher and unanimously passed

Issue 3-13 - From DR5.5 to BR - Motion seconded by Councilman Gallagher and passed by the following roll call vote:

Aye - Messrs. O'Rourke, Murphy, Ritter, Lauenstein and Gallagher
Nay - Messrs. Huddles and Kibbe

Issue 3-16 - From RC3 to RC3, DR1 as shown on the overlay - Motion seconded by Councilman Gallagher and unanimously passed

Issue 3-18 - From DR2 to BM, DR2 as shown on the overlay - Motion seconded by Councilman Gallagher and unanimously passed

Issue 3-19 - From DR2, RC4 to DR16, RC4 as shown on the overlay - Motion seconded by Councilman Gallagher and unanimously passed

Issue 3-20 - From BL to BL, DR2 as shown on the overlay - Motion seconded by Councilman Gallagher and passed by the following roll call vote:

Aye - Messrs. Murphy, Huddles, Ritter, Kibbe, Lauenstein and Gallagher
Nay - Mr. O'Rourke

Issue 3-21 - From DR2 to BL, DR2 as shown on the overlay - Motion seconded by Councilman Gallagher and unanimously passed

Issue 3-22 - From DR2 to BL, DR2 as shown on the overlay - Motion seconded by Councilman Gallagher and passed by the following roll call vote:

*Herman, B. G. L., et al
Remains at DR 5.5
*Herman, B. G. L., et al

X = Md. State Fairgrounds - retired at M.R.-I.M.
- 6 -

Issue 3-88 - From RC2, RC4, RC5 to RC2, RC4, RC5 as shown on the overlay - Motion seconded by Councilman Kibbe and unanimously passed

Issue 3-91 - From ML, RC4 to ML - Motion seconded by Councilman Lauenstein and unanimously passed

Issue 3-92 - From MLR, RC4 to MLR, BM-CT, DR3.5, DR2, DR1, RC4 as shown on the overlay - Motion seconded by Councilman Kibbe and unanimously passed

Issue 3-95 - From DR3.5, RC4 to MLR, RC4 as shown on the overlay - Motion seconded by Councilman Lauenstein and passed by the following roll call vote:

Aye - Messrs. O'Rourke, Murphy, Ritter, Kibbe, Lauenstein & Gallagher

Nay - Mr. Huddles

Way gone DR16-Planning Board recommended DR3.5-Petitioner requested BL
Issue 3-96 - From DR3.5 to DR1 - Motion seconded by Councilman Kibbe and unanimously passed

Issue 3-97 - From DR3.5, RC4 to DR16, DR1, RC4 as shown on the overlay - Motion seconded by Councilman Murphy and unanimously passed

Issue 3-98 - From DR3.5 to RC4 - Motion seconded by Councilman Murphy and unanimously passed

Issue 3-115 - From MR-IM to BM - Motion seconded by Councilman Lauenstein and unanimously passed

Issue 3-118 - From BL, BL-CCC, BM, BM-CCC, ML-IM, DR3.5 to BL-CCC, BM-CCC, ML-IM, DR3.5 as shown on the overlay - Motion seconded by Councilman Lauenstein and unanimously passed

Issue 3-121 - From DR3.5 to DR3.5, BM-CCC as shown on the overlay - Motion seconded by Councilman Lauenstein and unanimously passed

Issue 3-124 - From DR3.5 to DR16 - Motion seconded by Councilman Lauenstein and passed by the following roll call vote:

Aye - Messrs. O'Rourke, Huddles, Ritter, Lauenstein and Gallagher

Nay - Messrs. Murphy and Kibbe

Issue 3-130 - From DR2, DR3.5 to DR2 - Motion seconded by Councilman Murphy and unanimously passed

Issue 3-131 - From DR3.5 to DR2 - Motion seconded by Councilman Kibbe and unanimously passed

Issue 3-154 - From RC5 to DR16 - Motion seconded by Councilman Murphy and passed by the following roll call vote:

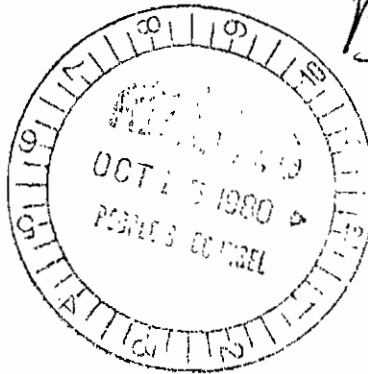
Aye - Messrs. O'Rourke, Murphy, Huddles, Ritter, Kibbe & Lauenstein

Nay - Mr. Gallagher

Issue 3-160 - From RC2 to BL, RC2 as shown on the overlay - Motion seconded by Councilman Lauenstein and unanimously passed

People's Counsel

for Baltimore County



People's Counsel
Ex. 5

Final Adoptions

**BALTIMORE
COUNTY
COUNCIL**

1980



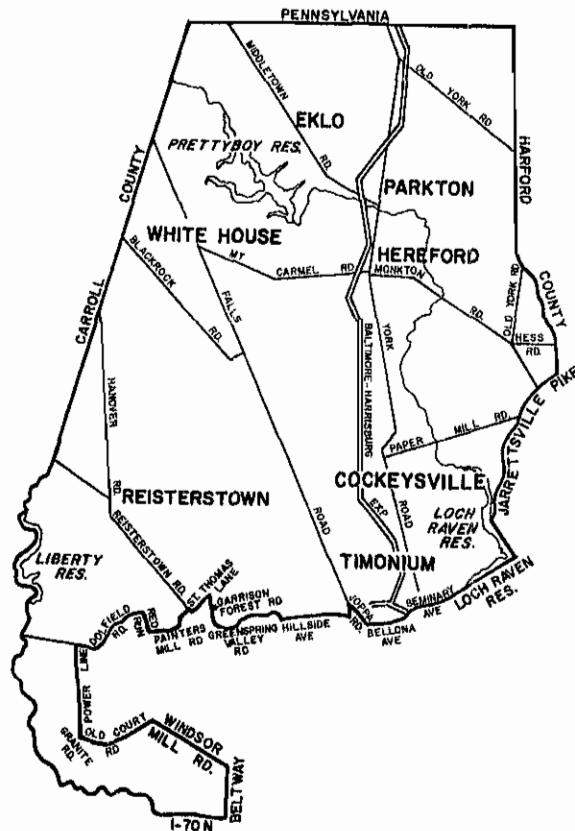
REZONING

Bill 186-80



HON. JAMES T. SMITH
District Office 494-3387

THIRD COUNCILMANIC DISTRICT



BALTIMORE COUNTY COUNCIL SUMMARY OF ISSUES

3rd
COUNCILMANIC DISTRICT

SHEET 1 OF 7

ITEM NO.	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACENAME	LOCATION AND (APPROXIMATE ACRES)	ZONING				COMMENTS
			EXISTING	REQUEST	PLANNING BOARD RECOMMENDATIONS	POSSIBLE FINAL ZONING	
3-1	Beltway Properties by Bernard Manekin	SE/C Security Blvd. & Rolling Rd. 22.7 ac.	MLR DR16	BM-CT	MLR DR16	MLR DR16 BM-CT	Zoning Petition - 79-53R
3-3	Albert Sew	SW/S Reisterstown Rd., 110' NW of Highfalcon Rd. 3.1 ac.	BL-CNS DR3.5	BR	BL-CNS DR3.5	BL-CNS DR3.5 BR DR-16	C.C. Hearing - 1 supports BL-CNS, DR3.5 C.C. Letters - 1 supports BR, DR3.5, DR16 P.B. Letters - 1 supports BL-CNS, DR3.5 B. of A. - (R-79-2X) Granted in part 7-11-79
3-7	Calvin Richardson	NE/S of Reisterstown Rd. 630' SE of Enchanted Hills Rd. 0.6 ac.	DR16	BR	DR16	DR16 (BR)	C.C. Hearing - 1 supports BR C.C. Letters - 1 supports BR P.B. Letters - 1 supports DR16
3-8	Raymond Pasziewicz	S/S of Liberty Rd. 480' W. of Chapel Dale Rd. 4.5 ac.	DR2	BL/BM	RC2 BL	RC2, BL (DR2)	B. of A. (78-184R) Dismissed 9/11/79
3-9	George Oursler	SW/C of Reisterstown & Cherry Valley Rds. 7 ac.	DR16 DR5.5	BL	DR16 DR5.5	DR16 DR5.5 (BL)	C.C. Hearing - 1 supports BL C.C. Letters - 1 supports DR16, DR5.5 P.B. Letters - 1 supports DR16, DR5.5 B. of A. (79-60R) Dismissed 9-18-79
3-14	Wilton A. DeBaugh York Mnr. Imp. Assn. (PB, CC)	SW/C Bellona & Melancton Ave. .32 ac.	DR16	BL	RO	RO (BL) DR16	P.B. Letters - 1 opposes BL B. of A. - R79-8XA
3-15	C. Gordon Gilbert by Jos. Wick (Atty.) (C.C.)	1) N/S Greenmeadow Rd. 161' E. of York Rd. 1.49 ac. 2) SW/C York Rd. & Round-ridge Rd. 1.15 ac.	1) DR2 2) DR16	1) DR16 2) BM	1) DR2 2) RO	DR2 DR5.5 DR16 (2) BL, BM (1) RO, 01	B. of A. R79-9X
3-19	Allen B. Bull by John L. Calhoun (Atty.) (PB & CC)	W/S York Rd., 500' S. of Old York Road 4.3 ac.	RC2	ML	ML2 ac. RC2/2.3 ac.	MLR, ML (RC2)	Owner requests 300' x 300' M.L.
3-25 *R	DPZ - Staff	Nicodemus & Delight Rds. .8 ac.	DR16	BL	(BL)	RO, BL DR16	C.C. Letters - 1 supports BL P.B. Letters - 1 supports DR16
3-28 R	Delight, Inc.	Church & Cherry Hill Rds 108 ac.	RC3	DR1	RC3	DR1 (RC3)	C.C. Letters - 1 supports DR1
3-29	J. Ridgely & Ann Parks	E/S Falls Rd., opp. Butler Rd. 1.4 ac.	RC4	BL	RO	(BL) RO	P.B. Letters - 1 supports RO
3-30	DPZ - Staff	NW/C of Reisterstown & Tollgate Rds. .25 ac.	BL	RO/DR16	RO	(BL) RO DR16	C.C. Hearing - 1 supports BL C.C. Letters - 1 supports RO P.B. Letters - 1 supports RO
3-31	Raldis, Inc. & Silbet Realty by David Thaler (CC)	SW/S Park Hgts. Ave. NW of Caves Rd. 240 ac.	RC2	RC2 RC5	RC2	(RC2) RC3 RC5	
3-33 R	P.B. Issue (M.P.) Save Reisterstown, Inc.	SHOPCO Prop. Franklin Mall, Reisterstown Pk. & Hanover Pike 60 ac.	BL-CCC	RC4 DR10.5 MLR/ BL-CCC	BL-CCC/ 12 ac. MLR/48 ac.	BL-CCC BL, MLR RC4 DR10.5 DR16 DR5.5 DR3.5	C.C. Hearing - 2 support BL-CCC, MLR C.C. Hearing - 1 opposes BL-CCC, MLR C.C. Letters - 2 support BL-CCC, MLR P.B. Letters - 11 support BL-CCC, MLR P.B. Hearing - 1 supports BL-CCC, MLR *Final vote
3-35	P.B. Issue (M.P.)	Hanover & Old Hanover Rds. area except Reisterstown Lumber 15 ac.	BR	RC2	RC2	RC2 RC3 (BR, BL) 01, 02	C.C. Hearing - 1 supports RC2 C.C. Letters - 1 opposes RC2
3-37	P.B. Issues (M.P.)	Hanover & Old Hanover Rds. along Transmission Lines 14 ac.	BL	RC2	RC2	BL, ML MLR RC3 RC2	C.C. Hearing - 1 supports RC2 C.C. Hearing - 1 opposes RC2
3-38	DPZ - Staff Reist.-Ow.Mls.-Glyn.C.Co. (CC)	Wolf Ave. 1,100' E. of Reisterstown Rd., Shuster property 10 ac.	DR16	DR3.5	DR3.5	(DR16) DR3.5 DR5.5 RO 01, 02	C.C. Hearing - 1 opposes DR3.5 C.C. Letters - 1 supports DR3.5, RO P.B. Letters - 1 opposes DR3.5 P.B. Letters - 1 supports DR3.5 P.B. Hearing - 1 opposes DR3.5
3-43	McCormick Prop., Inc.	E/S York Rd. N. of Phoenix Rd. 240.1 ac.	RC4 RC5	DR5.5 DR10.5 BL	DR3.5 BL	DR3.5 DR5.5 DR10.5 BL, RC4 RC5	P.B. Letters - 1 opposes DR5.5, DR10.5
3-44 R	Hayfields, Inc. by Edward Rybczynski (Atty.) (CC) Valleys Plan. Council (PB & CC)	NW/C Shawan Rd. & I-83 474 ac.	RC4 RC5	DR1 DR3.5 DR5.5 DR16 RC2	DR1, DR3.5 DR5.5 DR16 (RC2, RC4)	RC2, RC3 RC4, RC5 DR1 DR3.5 DR5.5	C.C. Hearing - 1 supports DR1, DR3.5, DR5.5, DR16 P.B. Letters - 2 oppose DR1, DR3.5, DR5.5, DR16 P.B. Hearing - 1 opposes DR1, DR3.5, DR5.5, DR16
3-50	David R. Griffin	Corner of Nicodemus & Delight Rds. 1.5 ac.	DR16	BL	RO	BL, DR16 RO, 01	C.C. Letters - 1 supports BL P.B. Letters - 1 supports BL, 1 supports RO Issue 3-25 is companion issue

BALTIMORE COUNTY COUNCIL MINUTES
Legislative Day No. 20
October 14, 1980 - 7:00 P.M.

A. The meeting was called to order by the Chairman at 7:35 P.M. The Chairman then asked the audience to rise for a moment of silent prayer and the Pledge of Allegiance to the Flag. There were approximately 200 persons in attendance and the following councilmembers were present:

Ronald B. Hickernell	First District
Gary Huddles	Second District
James T. Smith, Jr.	Third District
Barbara F. Bachur	Fourth District
Norman W. Lauenstein (Chrmn.)	Fifth District
Eugene W. Gallagher	Sixth District
John W. O'Rourke	Seventh District

The Chairman then delivered his opening statement and council procedure for this special meeting to adopt Bills Nos. 184-80 through 190-80 which incorporate the new official Comprehensive Zoning Maps for Baltimore County.

B. Call of Bills for Final Reading and Vote

Bill No. 184-80 was called. The Chairman then stated that prior to discussion on this bill, the Acting Secretary would read the corrections read into the record of minutes at the second public hearing on the First Councilmanic 1980 Comprehensive Zoning Map:

Issue 1-6 - Possible Final Zoning Column should include DR 16
Issue 1-7 - Possible Final Zoning Column should include DR 16
Issue 1-14 - Possible Final Zoning Column should include BL
Issue 1-15 - Possible Final Zoning Column should include RO
Issue 1-26 - Possible Final Zoning Column should include DR 16
Issue 1-34 - Possible Final Zoning Column should include RO
Issue 1-49 - Possible Final Zoning Column should include BL
Issue 1-51 - Possible Final Zoning Column should include RO
Issue 1-53 - Possible Final Zoning Column should include RO
Issue 1-61 - Possible Final Zoning Column should include BL
Issue 1-69 - Possible Final Zoning Column should include DR 16
Issue 1-73 - Possible Final Zoning Column should include DR 16
Issue 1-88 - Possible Final Zoning Column should include RO
Issue 1-102 - Possible Final Zoning Column should include BR-CCC
Issue 1-104 - Possible Final Zoning Column should include RO
Issue 1-106 - Possible Final Zoning Column should include RO
Issue 1-109 - Possible Final Zoning Column should include DR 16
Issue 1-112 - Possible Final Zoning Column should include DR 16
Issue 1-117 - Possible Final Zoning Column should include DR 5.5
Issue 1-125 - Possible Final Zoning Column should include MLR

The Chairman then called upon Councilman Hickernell to enumerate any issues which he wished to retire at this time. Councilman Hickernell recommended retirement of the following issues: 1-9, 1-10, 1-15, 1-26, 1-27, 1-36, 1-51, 1-52, 1-55, 1-56, 1-64, 1-71, 1-72, 1-77, 1-78, 1-79, 1-80, 1-81, 1-82, 1-83, 1-86, 1-87, 1-92, 1-96, 1-97, 1-98, 1-99, 1-100, 1-104, 1-112, 1-113, 1-119 and 1-125. There being no further issues recommended to be retired under Bill No. 184-80, motion was made by Councilman Hickernell, seconded by Councilman Smith, that the aforesaid issues in addition to all other First District issues previously retired at the August 4, 1980 meeting, be closed out in accordance with the Planning Board's recommendations. The motion was unanimously passed.

by Councilman Gallagher and passed by the following roll call vote:

Aye - Huddles, Smith, Bachur, Lauenstein, Gallagher and O'Rourke
Nay - Hickernell

Issue 2-125 - From DR 16 to DR 5.5 - Motion was seconded by Councilman Smith and passed by the following roll call vote:

Aye - Huddles, Smith, Bachur, Lauenstein, O'Rourke and Hickernell
Nay - Gallagher

Issue 2-126 - From DR 1 to DR 2 - Motion was seconded by Councilman Gallagher and unanimously passed.

Issue 2-113 - At this time, after discussion, Councilman Huddles moved to retire Issue 2-113.
Councilman Hickernell seconded the motion and Issue 2-113 was unanimously retired with DR 5.5 zoning.

Issue 2-93 - At this time, motion was made by Councilman Huddles to reconsider Issue 2-93. Councilman Gallagher seconded this motion and it was unanimously passed. Councilman Huddles then moved to change this issue from ML-IM to ML-IM and BR-IM. Councilman Hickernell seconded this motion and it passed by the following roll call vote:

Aye - Huddles, Smith, Bachur, Lauenstein, O'Rourke and Hickernell
Nay - Gallagher

There being no further changes to the Second Councilmanic District Map, covered by Bill No. 185-80, upon motion by Councilman Huddles, seconded by Councilman Hickernell, Bill No. 185-80, as amended, was passed by the following roll call vote:

Aye - Huddles, Smith, Bachur, Lauenstein, Gallagher, O'Rourke and Hickernell
Nay - None

Bill No. 186-80 was called. The Chairman called upon the Acting Secretary to read the corrections read into the record of minutes at the second public hearing on the Third Councilmanic 1980 Comprehensive Zoning Map:

Issue 3-44 - Planning Board Recommendation should read RC 2 and RC 4 only.
Issue 3-76 - Possible Final Zoning should include DR 10.5
Issue 3-77 - Possible Final Zoning should include DR 5.5
Issue 3-114 - Possible Final Zoning should include DR 16
Issue 3-121 - Possible Final Zoning should include DR 1 and DR 2
Issue 3-156 - Possible Final Zoning should include RC 4
Issue 3-173 - Possible Final Zoning should include DR 16
Issue 3-186 - Possible Final Zoning should include R0
Issue 3-222 - Possible Final Zoning should include DR 16, BR-CNS and BL
Issue 3-238 - Possible Final Zoning should include O1

The Chairman then called upon Councilman Smith to enumerate any issues which he wished to retire at this time. Councilman Smith recommended the retirement of the following issues: 3-28, 3-33, 3-44, 3-62, 3-65, 3-78, 3-79, 3-91, 3-117, 3-123, 3-153, 3-156, 3-158, 3-165, 3-169, 3-184, 3-185, 3-186, 3-188, 3-189, 3-192, 3-193, 3-195, 3-197, 3-198, 3-199, 3-200, 3-201, 3-208, 3-209, 3-210, 3-211, 3-212, 3-213, 3-214, 3-215, 3-216, 3-217, 3-222, 3-223, 3-227, 3-228, 3-231 and 3-235. Councilman O'Rourke then moved to separate Issue 3-33 from the above list of recommended issues for retirement. Councilman Huddles seconded this motion and it failed by the following roll call vote:

Aye - Huddles and O'Rourke
Nay - Smith, Hickernell, Bachur, Lauenstein and Gallagher

Issue 3-25 - From BL to O-1 - Motion was seconded by Councilman Hickernell; however, it was agreed that the Council would return to consider this issue later.

Issue 3-29 - From R0 to BL - Motion was seconded by Councilman Lauenstein and passed by the following roll call vote:

Aye - Smith, Bachur, Lauenstein and Gallagher
Nay - Hickernell and Huddles
Absent - O'Rourke

Issue 3-30 - From R0 to BL - Motion was seconded by Councilman Gallagher and unanimously passed.

Issue 3-31 - From RC 2 to RC 2 and RC 5 as shown on the overlay - Motion was seconded by Councilman Gallagher and passed by the following roll call vote:

Aye - Smith, Bachur, Lauenstein, Gallagher, O'Rourke and Hickernell
Nay - Huddles

Issue 3-35 - From RC 2 to BL and BR as shown on the overlay - Motion was seconded by Councilman Hickernell and passed by the following roll call vote:

Aye - Smith, Bachur, Lauenstein, O'Rourke, Hickernell and Huddles
Nay - Gallagher

Issue 3-37 - From RC 2 to BL - Motion was seconded by Councilman Lauenstein and passed by the following roll call vote:

Aye - Smith, Bachur, Lauenstein, Gallagher, O'Rourke and Huddles
Nay - Hickernell

Issue 3-38 - From DR 3.5 to DR 16 - Motion was seconded by Councilman Gallagher and passed by the following roll call vote:

Aye - Smith, Bachur, Lauenstein, Gallagher and Huddles
Nay - O'Rourke and Hickernell

Issue 3-43 - From DR 3.5 and BL to DR 3.5, DR 51.5 and RC 4 as shown on the overlay - Motion was seconded by Councilman Hickernell and unanimously passed.

Issue 3-50 - From R0 to O-1 - After discussion, wherein it was noted that the acreage did not meet the 2 acre minimum, Councilman Smith moved to retire this issue at R0 recommendation. This motion was seconded by Councilwoman Bachur and passed by the following roll call vote:

Aye - Smith, Bachur, Lauenstein, O'Rourke, Hickernell and Huddles
Nay - Gallagher

Issue 3-55 - From R0 to BL - Motion was seconded by Councilman Gallagher and unanimously passed.

Issue 3-60 - From DR 3.5 to MLR-IM and DR 2 - Motion was seconded by Councilman Gallagher and passed by the following roll call vote:

Aye - Smith, Bachur, Lauenstein, Gallagher, O'Rourke and Huddles
Nay - Hickernell

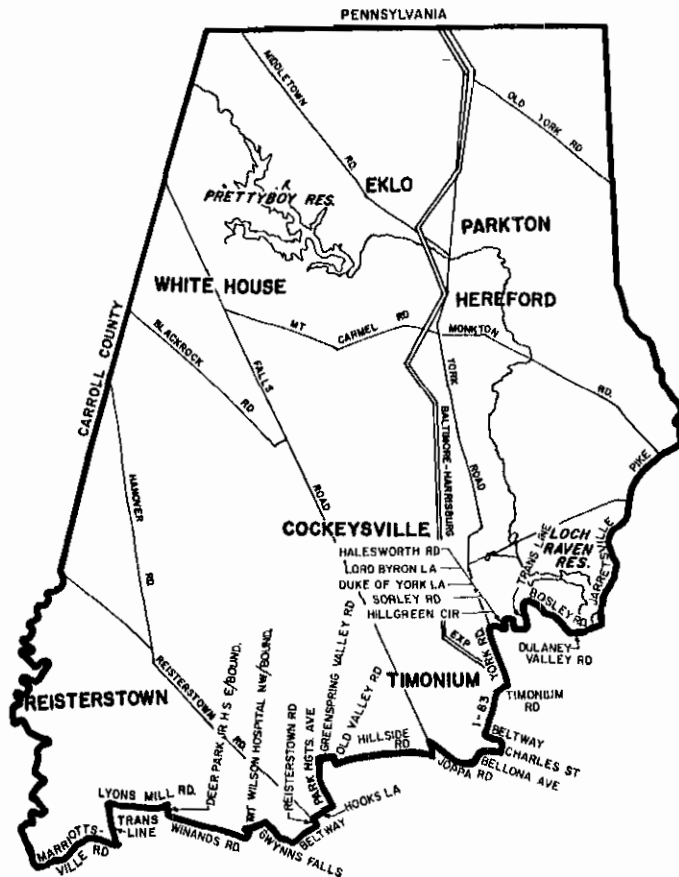
Issue 3-60A - From DR 3.5 to DR 2 - Motion was seconded by Councilman Gallagher and unanimously passed.

People's Counsel Ex. 6



HON. JAMES T. SMITH, JR.
District Office 494-3387

THIRD COUNCILMANIC DISTRICT



Final Adoption
November 13, 1984



**BALTIMORE
COUNTY
COUNCIL**

1984



REZONING

BALTIMORE COUNTY COUNCIL

THIRD
COUNCILMANIC DISTRICT

FINAL ISSUES

SHEET 10 OF 18

ITEM NO. & AREA	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACE NAME	LOCATION AND (APPROXIMATE ACRES)	ZONING				COMMENTS
			EXISTING	REQUEST	PLANNING BOARD RECOMMENDATIONS	POSSIBLE FINAL ZONING	
3-161 NW	OPZ Staff (Owings Mills Master Plan)	W/S Painters Mill Rd. 3,500'±, N. of Lyons Mill Rd. (6.5 ac.±)	DR 1	RAE 2	DR 1	DR 1 RAE 2 RC 3 <u>RAE 1</u> DR 16	P/O 3-66, 3-76
3-163 NW	OPZ Staff	S/W/S Woodholme Ave. reloc. 350'± S. of Reisterstown Rd. (.15 ac.±)	BL	DR 1	<u>DR 1</u>	DR 1 BL	<i>Retired</i>
3-164 NW	OPZ Staff	N/E/S Westminster Pike (rear) 1,000'± N/W of Reisterstown Road (20 ac.±)	RC 4	RC 3	RC 3	RC 3 RC 4 <u>DR 3.5</u> DR 5.5 DR 10.5	
3-166 NW	OPZ Staff	S/W/S Reisterstown Rd. 600'± S/E of Mt. Wilson Lane (11 ac.±)	DR 3.5	RO	O-1	O-1 DR 3.5 <u>RO</u>	P/O 3-122
3-167 NW	OPZ Staff	S/W/cor. Reisterstown & Featherbed Lane (1 ac.±)	BL	DR 10.5	DR 10.5	<u>DR 10.5</u> BL	P/O 3-90
3-168 C	OPZ Staff (P/U Clapp Prop.)	W. of Loch Raven Res. E. of Lakespring Way (29.34 ac.±)	RC 5	RC 4	RC 4	<u>RC 4</u> RC 5	P.B. Comment Sheets: 42 supported staff recommendation of RC 4
3-169 C	OPZ Staff (P/U Hunt Valley Mall)	N. of McConick Road W. of York Road (12.97 ac.±)	BM	DR 3.5 RC 4	DR 3.5 5.15ac. RC 4 7.82 ac.	DR 3.5 RC 4 <u>BM</u>	
3-170 C	OPZ Staff (P/U Symington Prop.)	N. side of Seminary Ave. 1100' W. of Tally-Ho Road (26.4 ac.±)	RC 5	DR 2	DR 1	<u>DR 1</u> RC 5 DR 2	Council Hearing: 2 speakers retained existing zoning P.B. Hearing: 3 speakers supported staff recommendation
3-171 NW	OPZ Staff	SE/cor. of the Northwest Expressway and W. Cherry Hill Rd. (relocated) (6 ac.±)	DR 2 DR 5.5 DR 16	O1	O1	<u>O1</u> DR 2' OR 5.5' DR 16' DR 10.5 DR 3.5	P.B. Letters: 100 opposed staff recommendation
3-172 R	OPZ Staff	Intersection of Graystone and Openshaw Roads w/Old York Road (4.06 ac.±)	BL-CR BR	RC-2 BL BL-CR	RC 2 BL	RC 2 BL BL-CR BR	BL-CR tract has been vacant BL uses are more compatible with neighborhood than existing BR RC 2 1.2 ac.± Planning Board Rec. BL 1.1 ac.± " " " Additional Tand requested at County Council Public Hearing Council Hearing: 1 individual opposed P.B. recommendation <i>Retired</i>
3-173 NW	Gordon & Virginia Lee	E/s Reisterstown Rd., 230' S. of Cherry Valley Rd. (.67 ac.±)	DR 16	BL	RO	RO DR 16 <u>BL</u>	Additional RO zoning in the area should be considered
3-175 NW	Holy Trinity Fathers, by Robert B. Kershaw, attny. for owners	NE/s Reisterstown Rd. opp. Mt. Wilson Lane (44.3 ac.±)	DR 3.5	DR 5.5	DR 3.5	<u>DR 3.5</u> DR 5.5 <u>BR</u>	

BALTIMORE COUNTY COUNCIL

THIRD
COUNCILMANIC DISTRICT

FINAL ISSUES

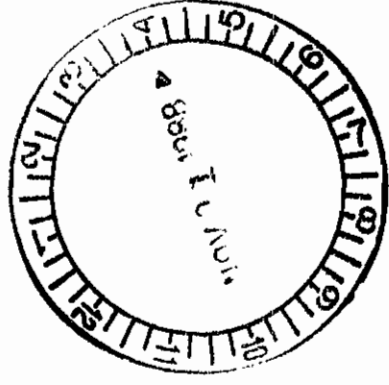
SHEET 11 OF 18

ITEM NO. & AREA	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACE NAME	LOCATION AND (APPROXIMATE ACRES)	ZONING				COMMENTS
			EXISTING	REQUEST	PLANNING BOARD RECOMMENDATIONS	POSSIBLE FINAL ZONING	
3-177 NW	Estate of Violet B. Folmer	NE/cor. of Reisterstown Rd. & Kingsley Rd. (3.3 ac.±)	DR 16 1.5 ac.± DR 3.5 1.8 ac.±	BR	RO 1.5 ac.± DR 3.5 1.8 ac.±	RO DR 3.5 <u>DR 16</u> BR	
3-182 NW	Jacob L. Friedman	NW/side Bonita Ave. & Kendrys Mill Rd. (93.7 ac.±)	DR 2 MLR-IM ML-IM DR 3.5 DR 5.5	DR 5.5	DR 2 DR 3.5	DR 2 DR 3.5 DR 5.5 MLR-IM ML-IM DR 10.5	DR 2 55 ac.± Planning Board Rec. DR 3.5 38.7 ac.± " " "
3-185 NW	Frank & Joan Charlton	N/s Westminister Pike 150 W. of Wolf Ave. (1 ac.±)	RO	BL	<u>RO</u>	RO BL	P/O 3-135 <i>Retired</i>
3-187 C	Julius & Tony Mandel	NE/cor. York & Halesworth Rd. (.24 ac.±)	DR 5.5	ML-CS-2	ML	<u>ML</u> DR 5.5 ML-CS-2	Council Comment Sheets: 2 opposed P.B. recommendation
3-189 C	Thomas D. Washburne & Chaloner B. Schley, trustees	1650'± N. of Greenspring Valley Rd. E. of Brooklawn Rd. (9.56 ac.±)	RC 2 RC 5 1%	RC 5	RC 2	<u>RC 2</u> <u>RC 5</u>	Council Comment Sheets: 2 supported P.B. recommendation
3-190 NW	Louis E. Fritz	W/side Reisterstown Rd. 720'± S. of Featherbed Lane (.9 ac.±)	DR 16	BM or BR	DR 10.5	DR 10.5 <u>DR 16</u> BM BR	P/O 3-140
3-194 R	J. Burton Webster	1705 Freeland Rd. W. of intersection W. Millers Mill Rd. (10 ac.±)	RC 2	RC 5	RC 2	RC 2 RC 5 <u>RC 3</u>	Council Hearing: 1 individual supported P.B. recommendation P.B. Letters: 3 letters supported staff recommendation 9 letters opposed staff recommendation
3-195 NW	1100 Corporation	E/side Reisterstown Rd. & N/side Hooks La. (79.9 ac.±)	DR 3.5 71.78 ac.± RC 5 7.83 ac.± BL .33 ac.±	BM 16.0 ac.± O-2 DR 10.5 22 ac.± DR 3.5 3.4 ac.± RC 5 .9 ac.±	DR 3.5 BM O-2 DR 3.5 DR 10.5 RC 5	<u>BM</u> O-2 DR 3.5 DR 10.5 RC 5 BL	BM 8.5 ac.± Planning Board Rec. O-2 15.5 ac.± " " " DR 3.5 45 ac.± " " " DR 10.5 10 ac.± " " " RC 5 0.9 ac.± " " " P.B. Comment Sheets: 58 opposed staff recommendation P.B. Letters: 1 opposed staff recommendation
3-199 NW	OPZ Staff	N/E/s Reisterstown Rd. 300' S. of Greenspring Valley Rd. (2.68 ac.±)	DR 16	RO	<u>RO</u>	RO DR 16	<i>Retired</i>
3-201 NW	Planning Board Mt. Wilson	N & S/s Mt. Wilson Lane 1 mile N. of Winands Rd. (30 ac.±)	DR 1	DR 3.5	DR 3.5	<u>DR 3.5</u> <u>DR 1</u>	

People's Counsel Ex. 17

THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues, June 28, 1988

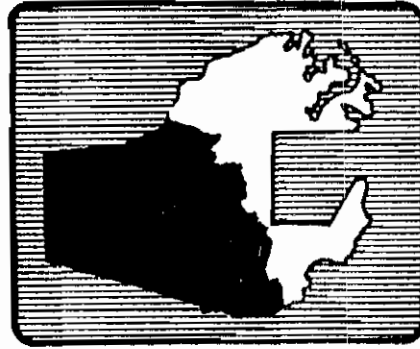
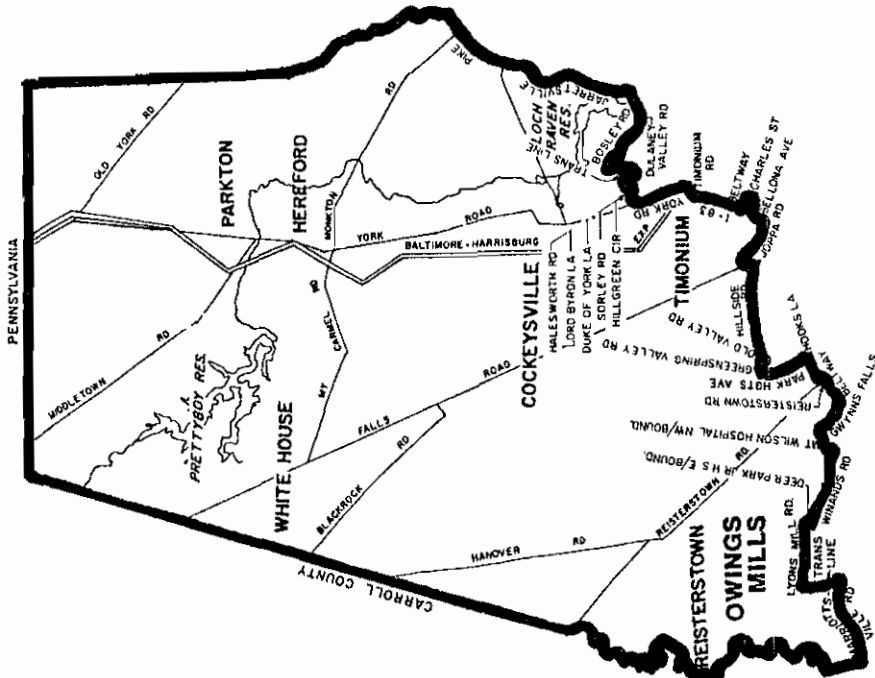


Baltimore County Council
Public Hearings on the
Final Report of the
Baltimore County Planning Board

BALTIMORE COUNTY COUNCIL

1988 REZONING

BILL NO. 146-88



HON. C.A. DUTCH RUPPERSBERGER M

COUNCIL OFFICE 494-3387

THIRD COUNCILMANIC DISTRICT

NO.	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACE NAME	LOCATION	TOTAL ACRES	EXISTING ZONING		REQUESTED ZONING		ZONING		COMMENTS
				and ACRES	and ACRES	and ACRES	and ACRES	PLAN ED RECOMMEN- DATIONS	COUNTY COUNCIL DECISIONS	
3-304	Dave Collins & Janet Miasak	S side Jordan Sawmill Rd on N side Downes Rd	25.00	RC 2 25.00	RC 4 25.00			RC 2 25.00	Same	
3-305	Norman & Dorothea Miller	NW side Owings Mills Blvd at intersection with Dolfield Rd	3.06	DR 16 3.06	O-1 3.06			DR 16 3.06		
3-306	Thomas Lamounica by Joseph Larson	N side of Spook Hill Rd 1900' NW of Armacost Rd	91.70	RC 4 34.04 RC 2 57.65	RC 4 34.04 RC 2 57.65			RC 4 34.04 RC 2 57.65		See Issue 3-327
3-307	Nicholas Mangione (Tillman Property)	NE corner Shawan Rd/Greencroft La	149.27	RC 4 10.60 RC 2 138.67	RC 5 149.27			RC 4 10.60 RC 2 138.67		See Issues 3-252, 3-308, 3-369
3-308	Tollhouse Inc (Hayfields) by Nicholas Mangione	NW corner of Shawan Rd & I-83	475.00	RC 2 300.00 RC 4 175.00	RC 5 475.00			RC 2 300.00 RC 4 175.00		3-176, 1984 See Issues 3-252, 3-307, 3-369
3-309	Jack Baylin, Managing Partner, Painters Mill Venture	NW of Lyons Mill Rd/Painters Mill Rd Intersection	263.11	DR 10.5 3.74 DR 16 88.53 RM-CT 0.75 RAE 1 15.52 RAE 2 116.92 O-T 30.93 ML-TH 6.72	DR 16 3.74 DR 16 88.53 RM-CT 0.75 RAE 1 15.52 RAE 2 116.92 O-T 30.93 ML-TH 6.72	DR 16 90.07 RAE 2 47.22 O-T 122.19 ML-TH 3.63				See Issues 3-153, 3-272, 3-351

✓ = Noted in
Log of Issues
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BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 19
OCTOBER 13, 1988 7:00 P.M.

A. The meeting was called to order by Chairman Volz at 7:30 P.M.
The Chairman then asked the audience to rise for a moment of
silent meditation and the Pledge of Allegiance to the Flag. There were
approximately 200 persons in attendance and the following
Councilmembers were present:

MELVIN G. MINTZ
C.A. DUTCH RUPPERSBERGER, III
BARBARA F. BACHUR
NORMAN W. LAUENSTEIN
WILLIAM R. EVANS
DALE T. VOLZ

SECOND DISTRICT
THIRD DISTRICT
FOURTH DISTRICT
FIFTH DISTRICT
SIXTH DISTRICT
SEVENTH DISTRICT

CALL OF BILLS FOR FINAL READING AND VOTE

BILL NO. 144-88, Comprehensive Zoning Maps -- First District,
was called. Councilman Volz moved to accept the Planning Board's
recommendation on the following issues: ✓ 1-002, ✓ 1-006, 1-013, 1-015,
1-017, 1-018, 1-019, 1-020, 1-022, 1-025, 1-028, 1-029, 1-030, 1-031,
1-032, 1-033, 1-037, 1-038, 1-040, 1-044, 1-045, 1-047, 1-051, 1-052,
1-053, 1-054, 1-055, 1-056, 1-057, 1-058, 1-059, 1-060, 1-061, 1-062,
1-063, 1-064, 1-066, 1-067, 1-068, 1-070, 1-071, 1-074, 1-076, 1-077,
1-079, 1-080, 1-084, 1-085, 1-086, 1-087, 1-088, 1-089, 1-090, 1-091,
1-092, 1-093, 1-096, 1-097, 1-098, 1-099, 1-100, 1-103, 1-104, 1-105,
1-107, 1-109, 1-112, 1-113, 1-114, 1-115, 1-116, 1-117, 1-120, 1-121
and 1-123. Councilman Mintz seconded the motion and these issues were
passed unanimously by the six Councilmembers present.

Chairman Volz then moved for the following changes in the First
District Comprehensive Zoning Map:

✓ Issue 1-001 from RO to DR 5.5. Motion was seconded by
Councilwoman Bachur and passed unanimously by the six Councilmembers
present.

✓ Issue 1-009 from BL to DR 3.5. Motion was seconded by
Councilman Evans and passed unanimously by the six Councilmembers
present.

✓ Issue 1-010 from DR 10.5 to DR 10.5 and RO as shown on the
overlay. Motion was seconded by Councilman Ruppertsberger and passed by
the six Councilmembers present.

✓ Issue 1-021 from RO to RO and DR 5.5 as shown on the overlay.
Motion was seconded by Councilman Evans and passed unanimously by the
six Councilmembers present.

✓ Issue 1-023 from BL to MTR-IM. Motion was seconded by
Councilman Ruppertsberger and passed unanimously by the six
Councilmembers present.



BILL NO. 146-88, Comprehensive Zoning Maps - Third District, was called. Councilman Ruppertsberger moved to accept the Planning Board's recommendation on the following issues: 3-002, 3-003, 3-004, 3-009, 3-010, 3-013, 3-014, 3-015, 3-016, 3-018, 3-019, 3-020, 3-021, 3-022, 3-023, 3-026, 3-027, 3-028, 3-029, 3-030, 3-031, 3-032, 3-033, 3-034, 3-035, 3-036, 3-037, 3-038, 3-039, 3-040, 3-042, 3-043, 3-044, 3-045, 3-046, 3-047, 3-048, 3-049, 3-050, 3-051, 3-053, 3-054, 3-055, 3-056, 3-057, 3-058A, 3-058B, 3-060, 3-062, 3-063, 3-064, 3-065, 3-066, 3-067, 3-072, 3-073, 3-075, 3-077, 3-078, 3-079, 3-080, 3-082, 3-083, 3-084, 3-085, 3-086, 3-087, 3-091, 3-093, 3-095, 3-096, 3-097, 3-098, 3-099, 3-101, 3-102, 3-103, 3-104, 3-105, 3-106, 3-107, 3-108, 3-109, 3-111, 3-112, 3-113, 3-114, 3-116, 3-120, 3-123, 3-124, 3-125, 3-127, 3-129, 3-131, 3-132, 3-133, 3-134, 3-135, 3-136, 3-139, 3-140, 3-142, 3-143, 3-144, 3-145, 3-147, 3-148, 3-149, 3-150, 3-151, 3-152, 3-153, 3-154, 3-155, 3-156, 3-157, 3-158, 3-159, 3-160, 3-161, 3-162, 3-163, 3-164, 3-165, 3-177, 3-179, 3-180, 3-181, 3-185, 3-186, 3-187, 3-188, 3-189, 3-190, 3-191, 3-192, 3-193, 3-194, 3-195, 3-196, 3-197, 3-198, 3-199, 3-202, 3-203, 3-204, 3-206, 3-207, 3-208, 3-210, 3-211, 3-212, 3-213, 3-214, 3-215, 3-216, 3-217, 3-218, 3-219, 3-220, 3-221, 3-222, 3-223, 3-224, 3-225, 3-227, 3-228, 3-230, 3-231, 3-232, 3-233, 3-234, 3-236, 3-237, 3-238, 3-239, 3-240, 3-241, 3-244, 3-245, 3-247, 3-248, 3-249, 3-250, 3-251, 3-252, 3-254, 3-255, 3-257, 3-259, 3-260, 3-261, 3-263, 3-264, 3-265, 3-266, 3-268, 3-269, 3-270, 3-271, 3-272, 3-273, 3-275, 3-276, 3-277, 3-278, 3-282, 3-284, 3-285, 3-287, 3-288, 3-289, 3-291, 3-292, 3-293, 3-295, 3-296, 3-297, 3-298, 3-299, 3-302, 3-303, 3-304, 3-305, 3-306, 3-307, 3-308, 3-310, 3-311, 3-312, 3-313, 3-314, 3-315, 3-317, 3-318, 3-319, 3-322, 3-323, 3-324, 3-325, 3-326, 3-327, 3-328, 3-329, 3-330, 3-331, 3-332, 3-333, 3-334, 3-335, 3-336, 3-337, 3-338, 3-339, 3-340, 3-340A, 3-341, 3-342, 3-343, 3-344, 3-345, 3-346, 3-347, 3-350, 3-351, 3-352, 3-353, 3-354, 3-355, 3-356, 3-357, 3-359, 3-360, 3-362, 3-364, 3-365, 3-366, 3-368 and 3-369. Councilman Volz seconded the motion and these issues were passed unanimously by the six Councilmembers present.

Councilman Ruppertsberger then moved for the following changes in the Third District Comprehensive Zoning Maps:

Issue 3-001 from O-1 to O-1 and RO as shown on the overlay. Motion was seconded by Councilman Volz and passed unanimously by the six Councilmembers present.

Issue 3-005 from DR 3.5 and DR 1 to BM. Motion was seconded by Councilman Volz and passed unanimously by the six Councilmembers present.

Issue 3-006 from RC 5 to BL-CR. Motion was seconded by Councilman Volz and passed unanimously by the six Councilmembers present.

Issue 3-007 from BL to BL-CR. Motion was seconded by Councilman Volz and passed unanimously by the six Councilmembers present.

Issue 3-008 from RC 5 to BL-CR. Motion was seconded by Councilman Volz and passed unanimously by the six Councilmembers present.

BALTIMORE COUNTY COUNCIL

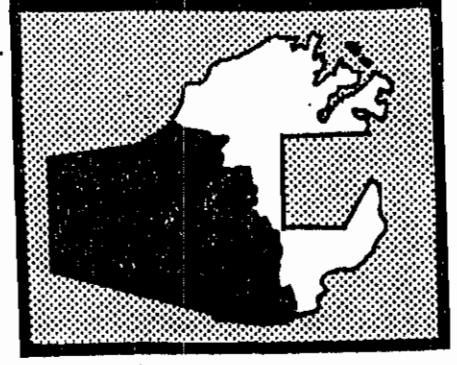
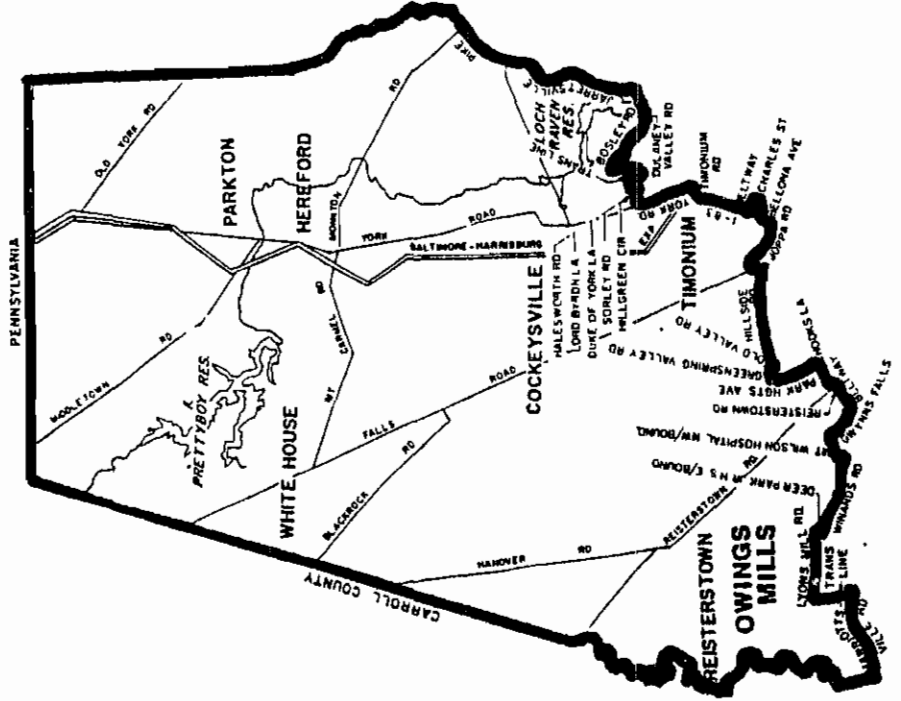
People's Counsel

Ex. 8

THIRD COUNCILMANIC DISTRICT

1992

COMPREHENSIVE ZONING PROCESS



BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-001	Osborne Beall, Jr et al By John Howard, Esq	NE Corner Stevenson Rd & Hillside Rd (1840 Hillside Rd)	0.80	RC 2 0.80	BL-CR 0.80	BL-CR 0.80	BL-CR 0.80	IV-7(R-91-113) CBA-Granted 10/01/91 See Issue 2-003
3-002	Eastern Land & Resources Corp By S Eric Dinenna, Esq	NE corner of intersection of Owings Mills Blvd & Reisterstown Rd	9.98	ML-IM 9.98	ER 9.98	EM 9.98	EM 9.98	I-5(R-89-455) CBA-Postponed See Issue 3-121
3-003	Dickey Howard Goodman By Robert A Diccico, Esq	Thornton Mill Rd 2400' NW Center of York Rd	60.14	RC 4 60.14	DR 10.5 60.14	RC 4 60.14	RC 4 60.14	II-4(R-90-173) CBA-Postponed See Issues 3-158, 3-180
3-004	Tel Bin Der By Arnold Fleischman	440' SE of Mt. Wilson Lane & Reisterstown Rd (1845 & 1853 Reisterstown Rd)	2.60	DR 3.5 2.60	BL 2.60	BL 2.60	BL 2.05 DR 3.5 0.55	III-8(R-90-407) CBA-Granted 9/24/92 Overlay adopted
3-005	Williard Hackerman By S Eric Dinenna, Esq	NW Side of Bellona Ave and Bellona Ia (8415 Bellona Ave)	5.15	DR 16 5.15	O-1 5.15	DR 16 5.15	DR 16 5.15	III-10(CR-90-409-SPHA) CBA-Granted in part 08/30/91
3-006	Dennis McGee By Hurst R Hessey, Esq	400' W of Falls Rd 3200' S of Benson Mill Rd (15906 Falls Rd)	4.00	RC 2 4.00	RC 5 4.00	RC 2 4.00	RC 2 4.00	V-5(R-91-363) CBA-Denied 12/17/91
3-007	Wanda C & Stanley E Bolt By M Benhoff Builders Inc	NW Corner of York Rd & Middletown Rd	1.40	RC 5 1.40	RCC 1.40	RC 5 1.40	RC 5 1.40	
3-008	Amer J & Shehla Amer Mian	60' to Hillfield Rd & 80' to Cherry Hill Rd (12 E Cherry Hill Rd)	0.25	DR 3.5 0.25	RO 0.25 or ROA 0.25	ROA 0.25	ROA 0.25	
3-009	OPZ Staff	E Side York Rd 1320' N of Mt Carmel Rd	2.70	BL 2.70	BL-CR or BL 2.70	BL-CR 2.70	BL-CR 2.70	See Hereford Plan

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-010	OPZ Staff	N & S Side of Mt Carmel Rd E of I 83	15.50	BR 15.50	BL-CR	BR 1.50 BM-CR 14.00	BR 3.10 BM-CR 3.65 BM 8.80	See Hereford Plan Overlay adopted
					15.50			
3-011	OPZ Staff	NE Side York Rd & Gifford Rd 400' N of Mt Carmel Rd	1.62	BL 1.62	BL or BL-CR 1.62	BL-CR 1.62	BL-CR 1.62	See Hereford Plan
3-012	OPZ Staff	W Side of York Rd N of Mt Carmel Rd (17004 & 17006 York Rd)	0.90	BL 0.90	BL or BL-CR 0.90	BL-CR 0.90	BL-CR 0.90	See Hereford Plan
3-013	OPZ Staff	W Side York Rd 800' N of Mt Carmel Rd (17030 & 17032 York Rd)	1.10	BL 1.10	BL or BL-CR 1.10	BL-CR 1.10	BL-CR 1.10	See Hereford Plan
3-014	OPZ Staff	E Side York Rd near the intersection of Everett Rd & York Rd (16829 York Rd)	0.45	RO 0.45	RO-CR	BL-CR 0.45	BL-CR 0.45	See Hereford Plan
					0.45			
3-015	OPZ Staff	S Side of Middletown Rd SE of Walker Ave (19536 Middletown Rd)	0.37	BL 0.37	BL or BL-CR or RCC 0.37	BL-CR 0.37	BL 0.37	
3-016	OPZ Staff	NE Corner of Miller's Mill and Freeland Rds (1703 Freeland Rd)	2.60	BL 2.60	BL or BL-CR or RCC 2.60	RCC 2.00 RC 2 0.60	RCC 2.00 RC 2 0.60	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-017	OPZ Staff	N Side of Freeland Rd (21612 Freeland Rd)	5.88	RC 5 5.88	RC 2 5.88	RC 2 5.88	RC 2 5.88	See Issue 3-136
3-018	OPZ Staff	NW Corner of Rayville and Middletown Rds (19200 Middletown Rd)	1.60	BM RC 2 1.40 0.20	BM-CR RC 5 1.40 0.30 0.30	ML BL-CR RC 5 1.00 0.30 0.30	ML BL-CR RC 5 1.00 0.30 0.30	See Issues 3-095,3-193
3-019	OPZ Staff	E Side Parker Rd off New Freedom Rd (21609 Parker Rd)	0.60	BL 0.60	BL or BL-CR or RCC 0.60	BL-CR 0.60	BL-CR 0.60	
3-020	OPZ Staff	W Side New Freedom Rd N of Oakland Rd	0.34	BL 0.34	BL or BL-CR or RCC 0.34	BL-CR 0.34	BL-CR 0.34	
3-021	OPZ Staff	E & W Side Middletown Rd N of Beckleysville Rd (20231 Middletown Rd)	4.56	BL 4.56	BL or BL-CR or RCC 4.56	BL-CR 0.27 BL 4.29	BL-CR 0.27 BL 4.29	See Issue 3-189
3-022	OPZ Staff	W Side Middletown Rd N of Keeney Rd (20234 Middletown Rd)	0.50	BL 0.50	BL or BL-CR or RCC 0.50	BL-CR 0.50	BL 0.50	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-023	OPZ Staff	E Side Freeland Rd between Ridge and Oaklands Rds; SW of RR tracks	2.50	BL 2.50	BL or BL-CR or RCC 2.50	RCC 2.00 RC 2 0.50	RCC 2.00 RC 2 0.50	
3-024	OPZ Staff	W Side Freeland Rd between Ridge and Oakland Rds; SW of RR tracks	0.80	BL 0.80	BL or BL-CR or RCC 0.80	RCC 0.80	RCC 0.80	
3-025	OPZ Staff	NW Corner of York and Turner Crossing Rds	2.00	BL 2.00	BL or BL-CR or RCC 2.00	BL-CR 2.00	BL 2.00	Amended 4/8/92
3-026	OPZ Staff	W Side York Rd S of Stablers Church Rd	1.20	BL 1.20	BL or BL-CR or RCC 1.20	BL-CR 1.20	BL 1.20	
3-027	OPZ Staff	W Side York Rd N of Kaufman Rd (20116 York Rd)	0.50	BL 0.50	BL or BL-CR or RCC 0.50	RCC 0.50	RCC 0.50	
3-028	OPZ Staff	E Side York Rd @ intersection of York & Bentley Rds	0.40	BL 0.40	BL or BL-CR or RCC 0.40	RCC 0.40	RCC 0.40	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-029	OPZ Staff	N Side Old York Rd 1400' W of Twig Ct	0.85	BL 0.85	BL or BL-CR or RCC 0.85	RCC 0.85	RCC 0.85	
3-030	OPZ Staff	N Side Old York Rd 400' W of Kirkwood Shop Rd (19609 Old York Rd)	0.88	BM 0.88	BM or BM-CR or RCC 0.88	BM 0.88	BM 0.88	
3-031	OPZ Staff	200' W of Foreston Rd	5.80	BL 5.80	BL or BL-CR or RCC 5.80	BL 5.80	BL 5.80	
3-032	OPZ Staff	N Side Prettyboy Dam Rd @ Intersection of Backbone Rd	1.39	BL 1.39	BL or BL-CR or RCC 1.39	RCC 1.39	RCC 1.39	
3-033	OPZ Staff	N Side Whitehall Rd 1000' E of Vernon Rd	0.25	BL 0.25	BL or BL-CR or RCC 0.25	RCC 0.25	RCC 0.25	
3-034	OPZ Staff	E Side Weisburg Rd N of Big Falls Rd	1.60	BL 1.60	BL or BL-CR or RCC 1.60	BL-CR 1.60	BL-CR 1.60	
3-035	OPZ Staff	N2 Corner Weisburg Rd and Whitehall Rd	0.80	ML-CR 0.80	ML 0.80	ML 0.80	ML 0.80	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

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3-036	OPZ Staff	N Side of Dairy Rd W of York Rd	1.10	BL 1.10	BL or BL-CR or RCC 1.10	BL-CR 1.10	BL-CR 1.10	
3-037	OPZ Staff	Frederick Rd W of York Rd (18819 Frederick Rd)	0.50	BL 0.50	BL or BL-CR or RCC 0.50	BL-CR 0.50	BL-CR 0.50	
3-038	OPZ Staff	E Side York Rd N of Middletown Rd	0.64	BL 0.64	BL or BL-CR or RCC 0.64	BL-CR 0.64	BL-CR 0.64	
3-039	OPZ Staff	E Side Falls Rd 1200' S of Stringtown Rd	1.15	BL 1.15	BL or BL-CR or RCC 1.15	BL-CR 1.15	BL-CR 1.15	
3-040	OPZ Staff	E Side York Rd S of Everett Rd (16631 York Rd)	2.10	BL 2.10	BL or BL-CR or RCC 2.10	BL-CR 2.10	BL-CR 2.10	
3-041	OPZ Staff	E Side York Rd N of Finney Hill Rd (16435 York Rd)	1.06	BL 1.06	BL or BL-CR or RCC 1.06	BL-CR 1.06	BL-CR 1.06	See Issue 3-094

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-042	OPZ Staff	E Side Falls Rd @ intersection with Black Rock Rd	2.30	BL 2.30	BL or BL-CR or RCC 2.30	BL-CR 2.30	BL-CR 2.30	
3-043	OPZ Staff	E Side & W Side Falls Rd @ Butler Rd	4.70	BL 4.10 RO 0.60	BL or BL-CR 4.10 RO-CR 0.60	BL-CR 4.10 RO-CR 0.60	BL-CR 4.10 RO-CR 0.60	
3-044	OPZ Staff	E Side York Rd 100' N of Quaker Bottom Rd (14821 York Rd)	0.80	BL 0.80	BL or BL-CR or RCC 0.80	BL-CR 0.80	BL-CR 0.80	
3-045	OPZ Staff	E Side York Rd 500' N of Quaker Bottom Rd (14833 York Rd)	1.60	BL 1.60	BL or BL-CR or RCC 1.60	BL 1.60	BL 1.60	See Issue 3-194
3-046	OPZ Staff	NW Corner of intersection of Euseb Mill Rd & York Rd	2.40	BR 2.40	BR or BR-CR or RCC 2.40	BL-CR 2.40	BR-CR 2.40	
3-047	OPZ Staff	W Side Falls Rd S of Gadd Rd (14436 Falls Rd)	0.05	BL 0.05	BL or BL-CR or RCC 0.05	BL 0.05	BL 0.05	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-048	OPZ Staff	N Side Paper Mill Rd W of Old York Rd (2824 Paper Mill Rd)	0.30	HL 0.30	BL or BL-CR or RCC 0.30	RCC 0.30	BL-CR 0.30	
3-049	OPZ Staff	N Side Paper Mill Rd W of Old York Rd (2828 Paper Mill Rd)	0.41	HL 0.41	BL or BL-CR or RCC 0.41	RC 4 0.41	RC 4 0.41	
3-050	Villa Julie College Inc By Benjamin Bronstein	Intersection of Villa Julie Rd and Spring Ave (1525 Green Spring Valley Rd)	60.24	RC 2 60.24	RC 5 60.24	RC 2 60.24	RC 2 60.24	See Issue 3-129
3-051	OPZ Staff	N Side Paper Mill Rd W of Jarrettsville Pike (3314 Papermill Rd)	1.20	RO 1.20	RO or RO-CR 1.20	RO-CR 1.20	RO 1.20	
3-052	OPZ Staff	W Side Jarrettsville Pike N of Paper Mill Rd	1.00	RO 1.00	RO-CR 1.00	RO-CR 1.00	HL-CR 1.00	
3-053	OPZ Staff	W Side Jarrettsville Pike 450' N of Paper Mill Rd	1.00	HL 1.00	BL or BL-CR or RCC 1.00	BL-CR 1.00	BL-CR 1.00	
3-054	OPZ Staff	S Side Paper Mill Rd 250' W of Jarrettsville Pike	2.40	RO 2.40	RO or RO-CR 2.40	RO-CR 2.40	RO-CR 2.40	
3-055	OPZ Staff	W Side Jarrettsville Pike S of Paper Mill Rd	1.90	RO 1.90	RO or RO-CR 1.90	RO-CR 1.90	RO-CR 1.90	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-056	OPZ Staff	E Side Park Heights Ave 200' S of Walnut Ave	0.92	BL 0.92	BL-CR 0.92	BL-CR 0.92	BL-CR 0.92	
3-057	OPZ Staff	S Side Berrymans Lane 1200' E of Deer Park Rd (1117 & 1121 Berrymans Lane)	1.81	EM 1.81	EM or EM-CR 1.81	EM-CR 1.81	EM-CR 0.81 EM 1.00	See Issue 3-138 Overlay adopted
3-058	OPZ Staff	N Side Church Rd & S Side of Franklin Blvd 1500' SW of I-795	32.50	RC 3 32.50	O-1 17.18 RC 5 15.32	O-1 17.18 RC 5 15.32	O-1 17.18 RC 5 15.32	See Issues 3-114, 3-191
3-059	OPZ Staff	N Side I-795 & Butler Rd & Rt 30	12.08	BL 9.08 DR 3.5 3.00	BL or BL-CR 12.08	RC 2 9.08 BL-CR 3.00	RC 2 8.07 BL 4.01	See Hanover Pike Corridor Study See Issues 3-162, 3-168 Overlay adopted
3-060	OPZ Staff	E Side Reisterstown Rd 1500' S of Gwynbrook & 500' N of Pleasant Hill	9.93	DR 16 5.58 RC 1.56 DR 3.5 2.79	O-2 9.93	O-2 9.93	O-2 9.93	
3-061	OPZ Staff	E Side Hanover Pike N of Butler Rd	15.30	BL 12.00 BR 3.30	BL or BL-CR 12.00 BR or BR-CR 3.30	BL-CR 12.00 BR-CR 3.30	BL-CR 12.00 BR-CR 3.30	See Hanover Pike Corridor Study
3-062	OPZ Staff	NW Side of Prospect Ave 900' N of Emory Grove Rd above Glyndon	1.59	EM 1.59	EM or EM-CR 1.59	EM 1.59	EM 1.59	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-063	OPZ Staff	N Side Westminster Pike 700' W of Gores Mill Rd	1.65	BL 1.65	BL or BL-CR 1.65	BL-CR 1.65	BL-CR 1.65	See Hanover Pike Corridor Study
3-064	OPZ Staff	N Side Westminster Pike 1100' SE of Glen Falls Rd	6.03	BL 2.47 DR 1 3.56	BL or BL-CR 3.56 or RC 4 6.03	RC 4 3.56 BL-CR 2.47	RC 4 3.56 BL 2.47	See Hanover Pike Corridor Study
3-065	OPZ Staff	N & S Side Liberty Rd W of Allen Rd	1.62	BL 1.62	BL or BL-CR 1.62	BL-CR 1.62	BL-CR 1.62	
3-066	OPZ Staff	W Side Owings Mills Blvd from Bonita Ave S to the Geynys Falls	89.52	ML-IM 89.52	ML-IM or DR 1 89.52	DR 1 76.30 DR 3.5 13.22	DR 1 76.30 DR 3.5 13.22	
3-067	OPZ Staff	E Side Deer Park Rd 1200' W of Dolfield Rd	0.62	BL 0.62	RC 5 or BL or BL-CR 0.62	BL-CR 0.62	BL-CR 0.62	
3-068	OPZ Staff	E & W Side of Deer Park Rd N of Lyons Mill Rd	270.00	RC 5 152.00 DR 3.5 118.00	RC 5 152.00 DR 3.5 118.00 152.00 DR 3.5 118.00	RC 5 152.00 DR 3.5 118.00	RC 5 100.70 DR 3.5 118.70 RC 4 51.30	Overlay adopted
3-069	OPZ Staff	N Side Liberty Rd 300' E of Holbrook Rd	1.70	BL 0.63 RCC 1.07	BL or BL-CR 1.70	BL-CR 1.70	BL-CR 1.70	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	EXISTING ZONING AND ACRES		REQUESTED ZONING AND ACRES		PLANNING BOARD RECOMMENDATIONS		COUNTY COUNCIL DECISIONS		COMMENTS
			TOTAL ACRES	ACRES	ACRES	ACRES	DATIONS				
3-070	OPZ Staff	S Side Liberty Rd W of Chapeldale Rd	0.45	BM 0.45	BM or BM-CR 0.45	BM or BM-CR 0.45	BM-CR 0.45	BM-CR 0.45	BM-CR 0.45		
3-071	OPZ Staff	NE Side Liberty Rd @ Wards Chapel Rd	2.25	BL 2.25	BL or BL-CR 2.25	BL or BL-CR 2.25	BL-CR 2.25	BL-CR 2.25	BL-CR 2.25		
3-072	OPZ Staff	N Side Liberty Rd 320' E of Allen Rd (10726 Liberty Rd)	1.16	RO 1.16	RO or RO-CR 1.16	RO or RO-CR 1.16	RO-CR 1.16	RO-CR 1.16	RO-CR 1.16		
3-073	OPZ Staff	N Side Liberty Rd 400' E of Holbrook Rd	1.72	RO 1.72	RO or RO-CR 1.72	RO or RO-CR 1.72	RO-CR 1.72	RO-CR 1.72	RO-CR 1.72		
3-074	OPZ Staff	W Side Hanover Pike 100' S of Mt Gilead Rd	0.92	BR 0.92	BR or BM-CR 0.92	BR or BM-CR 0.92	BR 0.92	BR 0.92	BR 0.92		See Hanover Pike Corridor Study
3-075	OPZ Staff	E Side Hanover Pike 250' N of Mt Gilead Rd	8.25	BM 8.25	BM, or BL-CR or RC 2 8.25	BM, or BL-CR or RC 2 8.25	BL-CR 2.10 RC 2 6.15	BL-CR 2.10 RC 2 6.15	BL-CR 2.10 RC 2 6.15		See Hanover Pike Corridor Study
3-076	OPZ Staff	E Side Hanover Pike 1350' S of 5th Ave	1.74	BR 1.74	BR or BL-CR 1.74	BR or BL-CR 1.74	BM-CR 1.74	BM-CR 1.74	BR-CR 1.74		See Hanover Pike Corridor Study

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-077	OPZ Staff	E & W Side of Hanover Pike S of Emory Rd & W Side of Eastview Dr	29.95	RC 5 8.11 BR 7.19 BR-CR 14.65	EM-CR 4.64 RC 2 21.56 RO-CR 3.75	RC 2 8.11 RO-CR 3.75 BR-CR 18.09	RC 2 8.11 RO-CR 3.75 BR-CR 18.09	See Hanover Pike Corridor Study
3-078	OPZ Staff	W Side Hanover Pike 1300' N of Emory Rd	6.75	BM 6.75	BM OR BM-CR 6.75	BM-CR 6.75	BM-CR 6.75	See Hanover Pike Corridor Study
3-079	OPZ Staff	N Side Old Hanover Rd N of Byerly Rd	0.25	BL 0.25	BL OR BL-CR 0.25	BL-CR 0.25	BL-CR 0.25	See Hanover Pike Corridor Study
3-080	OPZ Staff	E Side Old Hanover Rd N of Frye Rd	1.52	BL 1.52	BL OR BL-CR 1.52	BL-CR 1.52	BL-CR 1.52	See Hanover Pike Corridor Study
3-081	OPZ Staff	N Side Arcadia Rd at RR	1.98	BM 1.98	BM OR BM-CR 1.98	BM-CR 1.98	BM-CR 1.98	See Hanover Pike Corridor Study
3-082	OPZ Staff	W Side Hanover Rd 130' N of Lees Mill Rd	0.67	RCC 0.42 BL 0.25	BL, OR BL-CR OR RCC 0.67	RCC 0.42 BL-CR 0.25	BL-CR 0.67	See Hanover Pike Corridor Study

BALTIMORE COUNTY
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ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-083	OPZ Staff	E Side of Falls Rd N Side of Joppa Rd (Greenspring Station)	20.45	BL-CR 1.52 BR-CR 9.22 BR 9.71	BL-CMS or BL-CSA 1.52	BM 18.93 BL-CMS 1.52	BM 18.93 BL-CMS 1.52	
					1.52 BM 18.93			
3-084	Ronald W Spielman By W Duvall & Associates Inc	NE Side of Reisterstown Rd 70' SE Shetland Circle (11609 Reisterstown Rd)	0.57	RO 0.57	BL	BL 0.57	BL 0.57	
3-085	Henry W & Nancy K Stewart	540' SE of York Rd & Weisburg Rd (18113 York Rd)	2.60	RC 4 2.60	ROA or RO-CR 2.60	ROA 2.60	ROA 0.43 RC 4 2.17	Overlay adopted
3-086	James "Pope" Woodard By David S Thaler	W Side of Greentree Rd 1200' N of Hooks Lane (1829 Reisterstown Rd)	3.25	DR 3.5 3.25	O-2	DR 3.5 3.25	DR 3.5 1.73 O-2 1.52	Overlay adopted
3-087	Douglas Elseroad By Douglas L Burgess	SW Side of Greenspring Ave & Ridge Rd (12124 Greenspring Ave)	1.70	RC 5 1.70	RCC	RCC 1.70	RCC 1.70	Amended by petitioner 4/9/92
3-088	Bernard A Strate By Newton A Williams, Esq	2150' to intersection of Grave Run & Church Rd (4211 Church Rd)	19.43	RC 2 19.43	RC 4	RC 2 19.43	RC 4 19.43	
3-089	Harvey E Marshall By Newton A Williams, Esq	S Side Delight Rd 350' SW of Reisterstown Rd (11502, 11504, 11510 Reisterstown Rd)	0.18	DR 3.5 0.18	BL	BL 0.18	BL 0.18	
					0.18			

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ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-090	P W Keeney III By Stephen J Nolan, Rep	E Side of Beaver Dam Rd 240' to Industry Lane (10111 Beaver Dam Rd)	9.41	ME-IM 9.41	ML-IM 9.41	ML-IM 9.41	ML-IM 9.41	
3-091	Historic Glyndon Inc By Anna Welsh	350' S of Butler Rd NE Side of Railroad Ave	0.89	HL 0.89	RC 3 or DR 3.5 0.89	DR 3.5 0.89	HL 0.89	
3-092	Bruce D Carothers	E Side of Main St 500' S of Rt 140 (51 Main St)	0.18	DR 3.5 0.18	HL-CCC 0.18	HL-CCC 0.18	HL-CCC 0.18	
3-093	Ronald W Spielman	NW corner of Franklin Blvd & Reisterstown Rd (11904 Reisterstown Rd)	1.26	HL 1.26	HL-CNS 1.26	HL 1.26	HL-CNS 1.03 HL 0.23	Overlay adopted
3-094	John Elliott Mays	1800' N of Piney Hill Rd & York Rd (16435 York Rd)	0.60	RC 2 0.60	HL 0.60	HL-CR 0.60	HL-CR 0.60	See Issue 3-041
3-095	Joseph W & Brenda J Blevins By S Eric DiKenna	N Side of Beckleysville Rd 560' W of Spooks Hill Rd (2618 Beckleysville Rd)	1.03	RC 4 1.03	BR or RCC 1.03	RC 4 1.03	RC 4 1.03	
3-096	Jerry Reese Phillips	NW corner Rayville Rd & Middletown Rd (19200 Middletown Rd)	3.43	RC 5 3.43	ML 3.43	ML 0.80 RC 5 2.63	ML 0.80 RC 5 2.63	See Issues 3-018, 3-193
3-097	A Vernon Bucher, Jr By Robert Knatz, Rep	SE Side Wolf Ave 173' N of Westminster Pike	0.25	DR 3.5 0.25	HL 0.25	DR 3.5 0.25	DR 3.5 0.25	
3-098	The Honey Bunch, Inc By Robert Knatz, Rep	205' E Side Main St (Rt. 30) to Bond Ave (317 Main Street)	0.28	DR 3.5 0.28	HL 0.28	HL 0.28	HL 0.28	

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ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-099	Walter Ratterman By Michele Jays Floam	S Side Valley Mill Rd 540' W of Bentley Rd	7.00	RC 2 7.00	RC 4 7.00	RC 2 7.00	RC 2 1.90 RC 4 5.10	Overlay adopted
3-100	Charlotte C Frederick	Middletown Rd, Slab Bridge Rd, Baker Schoolhouse Rd property adjoins county Rd (21501 Middletown Rd)	110.00	RC 2 110.00	RC 4 or RC 5 110.00	RC 2 110.00	RC 2 110.00	
3-101	Horizon Nursery Company By Michael S Fabula	NE corner of Gore Mill Rd & Middletown Rd (19901 Gore Mill Rd)	2.00	RC 2 2.00	RCC 2.00	RCC 2.00	RCC 2.00	
3-102	Mayor & City Council of Balto. By W. Hesson & C. E. Hitchcock	E Side Owings Mills Blvd 2000' NE of Reisterstown Rd	37.46	ML-IM 37.46	BM or BR 37.46	ML-IM 37.46	ML-IM 37.46	
3-103	John R. Jackson By James A Gede, Esq	250' W of the W Side of Reisterstown Rd 450' N of Highfalcon (11416 Reisterstown Rd)	4.10	DR 3.5 4.10	BR or BM 4.10	DR 3.5 3.60 BM 0.50	DR 3.5 2.85 BM 1.25	Overlay adopted
3-104	Joseph L Larson By Spellman Larson & Assoc	N Side of Everett Rd 150' W of York Rd	0.90	RC 5 0.90	BM-CR 0.90	RC 5 0.90	RC 5 0.90	See Hareford Issues
3-105	Questar Assoc of Owings Mills By Newton A Williams, Esq	E & W Side of Reisterstown Rd at Cradock Lane (9009 Reisterstown Rd)	59.44	DR 3.5 18.81 DR 10.5 14.00 O-2 26.63	DR 16 18.81 DR 16 40.63 40.63 DR 5.5 18.81	DR 3.5 18.81 DR 10.5 14.00 O-2 26.63	DR 3.5 18.81 DR 10.5 14.00 O-2 26.63	

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ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-106	Won S Yang By Jeff Messon & Mark Willen	SW Reisterstown Rd 350' N of Tollgate Rd (10710 Reisterstown Rd)	0.88	RO 0.88	BL	BL 0.49 DR 3.5 0.39	BL 0.49 DR 3.5 0.39	See Issue 3-183
					0.88			
3-107	Continental Realty Invest. Corp By William Monk	NE Side of Microdemon Rd 1200' N of Franklin Blvd	8.10	RO 8.10	RO	RO 8.10	RO 8.10	Request amended by applicant 1/31/92
					5.50 BL-CRS 2.60			
3-108	Meadowood Inc By Clarence Elder, President	SW corner of Greenspring Valley Rd & Falls Rd	95.49	RC 2 95.49	BL	RC 2 95.49	RC 2 95.49	
					20.00 RC 5 40.00 RC 2 35.49			
3-109	Frederick J Burgesen By Newton A Williams, Esq	NW Side Berrymans Lane 300' S of Sungold Rd (908 Berrymans Lane)	2.99	RC 4 2.99	RC 5	RC 4 2.99	RC 5 2.99	
					2.99			
3-110	Richard & Claire Taylor	E Side Falls Rd 765' S of Seminary Ave (10915 Falls Rd)	0.50	RC 5 0.50	RO or ROA	RC 5 0.50	ROA 0.50	
					0.50			
3-111	Donald Kaye Taylor	500' from S property corner to Belfast Rd (15516 Ensor Mill Rd)	5.36	RC 5 5.36	RC 2	RC 2 5.36	RC 2 5.36	See Issue 3-184
					5.36			
3-112	Spring Meadow Farms By Stan Dabkowski	E Side Hanover Pike (Rt.30) 1080' to Fringer Rd (334 Lees Mill Rd)	2.00	RC 2 2.00	RCC	RCC 2.00	RCC 2.00	
					2.00			

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ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-113	Ronald W Spielman By Stuart Kaplow	SE corner of Graystone Rd at Old York Rd	5.21	RC 2 5.21	BL-CR or RCC 5.21	RC 2 5.21	RC 2 5.21	
3-114	Bosworth Properties Inc By Peter Bosworth, President	NE & NW of Future Red Run Blvd N of Cherry Hill Ct & 600' W of 795/Franklin Blvd	6.00	RC 3 2.00 O-1 4.00	BL-CNS 4.00 BL 2.00	O-1 6.00	O-1 6.00	See Issues 3-191,3-058
3-115	Valley Village Associates By Julius W Lichter, Esq	S Side Craddock Lane 200' NE of Reisterstown Rd (9183 Reisterstown Rd)	5.40	BL 1.70 O-1 3.70	BL-CNS 5.40	BL 1.70 O-1 3.70	BL-CNS 3.08 O-1 2.32	Overlay adopted
3-116	Alvin Blank By Newton A Williams, Esq	S Side Paper Mill Rd W of Robcaste Rd (Lot 19 Ascot Estates)	9.97	RC 4 8.97	RC 5 8.97	RC 4 8.97	RC 4 8.97	
3-117	Gordon K Harden By Robert J Barrett	S Side St. Thomas Lane 150' NE Reisterstown Rd (3 St. Thomas Lane)	0.46	RO 0.46	BL 0.46	RO 0.46	BL 0.46	
3-118	Michael B Glick By Robert J Barrett	NW corner Owings Court & Franklin Blvd (201 Franklin Blvd)	0.89	RO 0.89	BL 0.89	O-1 0.89	O-1 0.89	
3-119	Solomon A Spetner By Richard Lehmann	NE corner of Rosewood Lane & Reisterstown Rd (10301-79 Reisterstown Rd)	10.80	EM-CNS 3.60 BL-CNS 6.60 DR 16 0.60	EM-CCC 10.40 BL-CNS 0.40 10.40 BL-CNS 0.40	EM 10.40 BL-CNS 0.40	EM 10.40 BL-CNS 0.40	See Issue 3-182

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ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES		REQUESTED ZONING AND ACRES		PLANNING BOARD RECOMMENDATIONS		COUNTY COUNCIL DECISIONS		COMMENTS
				RO	EL	BR	BM	RC 2	EL	RC 5	RC 16	
3-120	El-Jen, Inc. c/o Paul Dipino By S Eric DiNenna, Esq	W Side York Rd between Main Blvd & Harding St (2400 York Rd)	0.69	RO 0.69	EL		BM	RC 2	EL	RC 5	RC 16	See Issue 3-002
3-121	B & C Investors By Mark Dopkin	NE Side Reisterstown Rd 600' N of Owings Mills Blvd (10427 Reisterstown Rd)	1.84	ML-IM 1.84	BR		BM	RC 2	EL	RC 5	RC 16	See Issue 3-002
3-122	Kevin L Schlander	E Side Hanover Pike 2100' N of Lees Mill Rd (111 Hanover Pike)	4.60	RC 2 4.60	BR		BM	RC 2	EL	RC 5	RC 16	See Hanover Pike Corridor Study
3-123	Horwester Associates	S Side Westminster Pike 300' E of I-795 (135 & 137 Westminster Road)	3.44	O-1 3.44	EL		BM	RC 2	EL	RC 5	RC 16	See Issue 3-195
3-124	Ritters Square Ltd Partnership By Gurnett S Dhillon	NW corner Reisterstown Rd & Ritters Lane (10902 Reisterstown Rd)	0.81	RO 0.74 DR 3.5 0.07	EL		BM	RC 2	EL	RC 5	RC 16	Overlay adopted
3-125	Joel M Simonds By G Scott Barhight	At intersection with Berrymans Lane (5701 Dear Park Rd)	2.80	RC 5 2.80	RCC		BM	RC 2	EL	RC 5	RC 16	
3-126	Dr. Gordon J Korn	E Side York Rd 3/4 Mile N of Mt. Carmel Rd (17119 York Rd)	1.85	RC 5 1.85	EL-CR		BM	RC 2	EL	RC 5	RC 16	Amended by staff 2/20/92 See Hereford Issues
3-127	August & Felicia Piccinini By Newton A Williams, Esq	N Side Nicodemus Rd 500' SE of Berrymans Lane	49.34	RC 5 49.34	MLR, O-2, DR 10.5 OR DR 16 49.34		BM	RC 2	EL	RC 5	RC 16	

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3-128	Dr. Gordon Zorn	W Side of York Rd (16924 York Rd)	2.00	RC 5 2.00	RM-CR 2.00	RC 5 2.00	RC 5 2.00	See Hereford Issues
3-129	Sister Marie Kelly By G Scott Barnight	Fronts on Greenspring Valley Rd (1531 Greenspring Valley Rd)	19.58	RC 2 19.58	RC 5 19.58	RC 2 19.58	RC 2 19.58	See Issue 3-050
3-130	Charles C.D. McGill By Venable, Baetjer & Howard	Adjacent to E Side of York Rd & S Side of Ashland Rd	39.90	RO 3.90 DR 3.5 36.00	BR 39.90	RO 3.90 DR 3.5 36.00	RO 3.90 DR 3.5 36.00	
3-131	Security Management Corp. By G Scott Barnight	At intersection of York Rd & Phoenix Rd	215.00	RC 4 215.00	DR 3.5 or DR 5.5 or DR 10.5 or DR 16 215.00	RC 4 215.00	RC 4 215.00	Amended by petitioner 2/21/92
3-132	Sparks State Bank By J Howard & R Hoffman, Esq	SW corner York Rd & Quaker Bottom Rd	4.99	RC 5 1.79 BL-CR 3.20	BL 4.99	RC 5 1.79 BL 3.20	RC 5 1.79 BL 3.20	Amended by petitioner 10/13/92
3-133	Samuel M Dell Jr By Richard A Reid, Esq	E Side of York Rd 200' W of Halesworth Rd (10117 York Rd)	7.12	ML-CS-2 7.12	RM 7.12	ML-CS-2 7.12	ML-CS-2 7.12	
3-134	Lyons Mill Associates Ltd Prt c/o Koren Development Co. Inc	900' W of Painters Mill Rd & Lakeside Blvd	75.10	BL 6.90 DR 16 49.70 RAE 1 0.53 RAE 2 18.97	BL 6.90 DR 16 49.70 RAE 1 0.53 RAE 2 18.97 OT 19.50	BL 6.90 DR 16 49.70 RAE 1 0.53 RAE 2 18.97	BL 6.90 DR 16 49.70 RAE 1 0.53 RAE 2 18.97	See Issues 3-159,3-160,3-161,3-165

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3-135	Panther Branch Ltd Partnership By Edward A Halle Jr, Esq	1400' N of Mt. Carmel Rd & York Rd (17106-112 York Rd)	22.00	BL-CR 1.40 RC 5 20.60	BL-CR 1.40 RC 5-CR 20.60	BL-CR 1.40 RC 5-CR 20.60	BL-CR 1.40 RC 5 20.60	Amended By Staff 2/3/92 See Hareford Issues
3-136	Joseph & Mary Anne O'Neill By Venable, Baetjer & Howard	800' from Freeland Rd 2750' from intersection of Middletown & Freeland Rds	4.13	RC 2 4.13	RC 5 4.13	RC 2 4.13	RC 5 2.50 RC 2 1.63	See Issue 3-017 Overlay adopted
3-137	The Operating Engrs. Local #37 By Venable, Baetjer & Howard	Between Chatsworth Ave & Cockeys Mill Rd adjacent to I-795	10.84	RC 4 3.88 DR 3.5 6.96	DR 10.5 10.84	RC 4 3.88 DR 3.5 6.96	DR 3.5 10.84	See Issue 3-186
3-138	Joseph L Canby By Venable, Baetjer & Howard	1050' NE of intersection of Bear Park Rd & SE Side of Berryman's Lane (1123 & 1125 Berryman's Lane)	1.05	RC 5 1.05	BM 1.05	BM-CR 0.55 BM 0.50	BM-CR 0.37 BM 0.68	See Issue 3-057 Overlay adopted
3-139	Mine Branch Golf Community By BWI Development Corporation	N Side Stablers Church Rd adjacent to E Side I-83	971.64	RC 2 903.43 RC 4 68.21	RC 5 971.64	RC 2 903.43 RC 4 68.21	RC 2 903.43 RC 4 68.21	
3-140	John Carl Whitcraft	S Side of Old York Rd 3168' E of Bond Rd (20756 Old York Rd)	3.00	RC 2 3.00	ME 3.00	RC 2 3.00	ME 3.00	
3-141	Amoco Oil Company By Charles T Bogdanowicz	160' N of Shaven Rd W Side York Rd (11416 York Rd)	0.16	MLR 0.16	BM-IM 0.16	MLR 0.16	BM-IM 0.16	

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3-142	The Arundel Corporation By Venable, Baetjer & Howard	SW Side Nicodemus Rd NW Side of Franklin Blvd	117.00	RC 3 117.00	BM, BL, or BR, ML, MLR or O-1 O-2, DT or RO 27.00 DR 3.5, 16.00 DR 5.5, 18.00 O-2 or DR 10.5 90.00	DR 1 31.00 DR 3.5 30.00 DR 10.5 13.00 DR 16 16.00 BM O-2 9.00	DR 1 31.00 DR 3.5 30.00 DR 10.5 13.00 DR 16 16.00 BM O-2 9.00	
3-143	Aasc Jewish Charities of Balto By Robert Cannon, Esq	NW intersection of Garrison Forest Rd & Gwynnbrook Rd	38.00	DR 1 38.00	DR 16 25.50 O-1, or O-2 12.50	DR 1 38.00	O-1 12.50 DR 16 25.50	Overlay adopted
3-144	Mostafa & Zohreh Izadi	S Side of Upper Glencoe Rd 3800' N of Glencoe Rd (1026 Upper Glencoe Rd)	4.50	RC 4 4.50	RC 5 4.50	RC 4 4.50	RC 4 4.50	Withdrawn by petitioner 4/6/92
3-145	George & Athena Antonia By John Etzel	E Side Old Hanover Rd 900' S of Kemp Rd (13105 Old Hanover Rd)	9.45	RC 2 9.45	RC 5 9.45	RC 2 9.45	RC 2 9.45	See Hanover Pike Corridor Study
3-146	George & Athena Antonia By John Etzel	SE corner of Reisterstown Rd & Timbergrove Rd (9 Timbergrove Rd, 11507- 11515 Reisterstown Rd)	1.02	DR 3.5 0.73 RO 0.29	BL 0.73 0.29 1.02	DR 3.5 0.73 RO 0.29	DR 3.5 0.73 RO 0.29	
3-147	Richard & Myrtle Bukowsky By William Monk	S Side of McDonogh Rd 200' W of Crossroads Dr (8015 McDonogh Rd)	3.90	DR 1 3.90	DR 3.5 3.90	DR 2 3.90	DR 2 3.90	See Issue 3-148

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3-148	William & Rosa Lee Rothe By William Monk	S Side McDonogh Rd 50' W of Crossroads Dr (8005 McDonogh Rd)	1.90	DR 1 1.90	DR 3.5 1.90	DR 2 1.90	DR 2 1.90	See Issue 3-147
3-149	Randolph & Yvonne Shelley	E Side York Rd (15129 York Rd)	1.10	RC 5 1.10	RO 1.10	RC 5 1.10	RC 5 1.10	
3-150	Thomas & Maria Rafailides By Newton A Williams, Esq	SW corner of York Rd & Lincoln St (2334 York Rd)	0.28	DR 3.5 0.28	RO 0.28	DR 3.5 0.28	DR 3.5 0.28	
3-151	Maryland Title Guarantees Co. By Newton A Williams, Esq	W Side of Broad Ave 126' to Broad Ave & Roosevelt St (2424/2454 Broad Ave)	6.57	DR 3.5 0.22 MLR 4.84 O-1 1.51	ML-IM ML-IM MLR O-1 6.57	ML-IM 6.57 MLR O-1 1.51	DR 3.5 0.22 MLR 4.84 O-1 1.51	
3-152	Frank P Favaaza Jr By Newton A Williams, Esq	S Side of Padonia Rd 1200 W of York Rd (201 Padonia Rd)	3.10	MLR 2.00 O-1 1.10	ML-IM ML-IM O-1 3.10	ML-IM 3.10 MLR 2.00	ML-IM 1.10 MLR 2.00	
3-153	Lion Brothers Company Inc By Susan J Ganz, President	210' S of Reisterstown Rd 550' W of Painters Mill Rd (10246 Reisterstown Rd)	5.28	ML-IM 5.28	RM 5.28	ML-IM 5.28	ML-IM 5.28	
3-154	American Legion, Dept of MD By S Eric Dineena, Esq	NE & SE corners Thelma St & Landstreet St	0.80	MLR-IM 0.12 DR 3.5 0.68	ML-IM or BR 0.80	MLR-IM 0.12 DR 3.5 0.68	MLR-IM 0.12 DR 3.5 0.68	
3-155	Timothy Hearn & James Bottes	NE corner of York Rd and Matthews Ave (10615 York Rd)	0.34	RO 0.34	HL 0.34	RO 0.34	RO 0.34	

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				DR 5.5	ROA	RC 2	RC 5	RC 2	ROA	RC 2	ROA	
3-156	John F Owings, Jr	300' S of Franklin Blvd 850' SW of Relatertown Rd (35 Franklin Blvd)	1.54	DR 5.5 1.54	ROA 1.54	RC 2 6.26	RC 5 1.54	RC 2 6.26	ROA 1.54	RC 2 6.26	ROA 1.54	
3-157	Koinonia Partnership By Stephen Nolan	1000' from Greenspring Ave S Side Greenspring Ave (1400 Greenspring Valley Rd)	6.26	RC 2 6.26	RC 5 6.26	RC 2 6.26		RC 2 6.26		RC 2 6.26		
3-158	Bosworth Properties Inc	300' from Thornton Mill Rd and York Rd intersection	38.00	RC 4 38.00	DR 10.5 OR DR 16 38.00	RC 4 38.00		RC 4 38.00		RC 4 38.00		See Issues 3-003,3-180
3-159	Painters Mill Venture By Lawrence Macks	SE Side of Intersection Owings Mills Blvd & Meadows Rd	24.47	RAE 2 24.47	OT 24.47	RAE 2 24.47		RAE 2 24.47		RAE 2 24.47		See Issues 3-134,3-156,3-161,3-165
3-160	Painters Mill Venture By Lawrence Macks	Intersection of Red Run Blvd & Owings Mills Blvd	20.32	DR 16 0.40 OT 19.92	BM OT 20.32	DR 16 0.40 OT 19.92		DR 16 0.40 OT 19.92		DR 16 0.40 OT 19.92		See Issues 3-134,3-159,3-161,3-165
3-161	Painters Mill Venture By Lawrence Macks	NW Side of Intersection Lakeside Dr & Owings Mills Blvd	4.05	DR 16 4.05	BL 4.05	DR 16 4.05		DR 16 4.05		BL 4.05		See Issues 3-134,3-159,3-160,3-165
3-162	Spring Lake Farm, Inc By Venable, Baetjer & Howard	W Side of Hanover Pike N of Butler Rd	109.75	RC 2 109.75	MLR 109.75	RC 2 109.75		RC 2 109.75		RC 2 109.75		See Hanover Pike Corridor Study See Issues 3-059,3-168
3-163	AAI Corporation Inc By Stuart Kaplow	W Side of York Rd 150' S of Scott Adam Rd (10150 York Rd)	4.00	ML-CS-2 3.00 ML-IM 1.00	BR 4.00	ML-CS-2 3.00 ML-IM 1.00		ML-CS-2 3.00 ML-IM 1.00		BR 4.00		

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3-154	Riparius Development Corp. By Venable, Baetjer & Howard	Intersection of Smoot Lane & Church Rd W Side of I-795 Right-of-Way	27.93	DR 1 21.50 DR 2 6.43	ML-IM 27.93	ML-IM 27.93	ML-IM 27.93	
3-155	Daniel Mills Ltd Partnership By Venable, Baetjer & Howard	Adjacent to I-795 Doilfield Rd & proposed Red Run Blvd	127.58	OT 52.98 ML-IM 74.60	ML-IM 52.98 ML-IM 74.60	OT 52.98 ML-IM 74.60	ML-IM 127.58	See Issues 3-134, 3-159, 3-160, 3-161
3-156	McDonogh School, Inc By Venable, Baetjer & Howard	NE corner of Painters Mill Rd & McDonogh Rd	52.90	DR 16 4.60 DR 10.5 36.89 DR 1 11.41	OT or O-2 48.76 OT 4.14	O-2 48.76 OT 4.14	O-2 48.76 OT 4.14	
3-157	AAI Corporation Inc By Stuart Kaplow	350' W of York Rd on S Side Industry Lane (103 Industry Lane)	16.63	ML-IM 16.63	EM 16.63	ML-IM 16.63	ML-IM 16.63	
3-158	MIE Investment Company By Venable, Baetjer & Howard	900' NW from intersection of Hanover Pike & Old Hanover Rd	72.10	RC 2 72.10	MLR 72.10	RC 2 72.10	RC 2 72.10	See Hanover Pike Corridor Study See Issue 3-162
3-159	AAI Corporation Inc By Stuart Kaplow	E Side of York Rd 300' W of Industry Lane (10139 York Rd)	3.42	ML-CS-2 1.71 ML 1.71	EM 3.42	ML-CS-2 1.71 ML 1.71	ML-CS-2 1.71 ML 1.71	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-170	McDonogh School, Inc By Venable, Baetjer & Howard	S Side McDonogh Rd N & S of Red Run Blvd	9.30	RAE 1 1.83 DR 1 5.25 OT 2.22	OT 7.08 DR 1 2.22	OT 7.08 DR 1 2.22	OT 7.08 DR 1 2.22	
3-171	Greenspring Valley Ofc Ctr Ltd By Charles Heyman, Esq	E Side Reisterstown Rd 320' S of Greenspring Valley (9505 Reisterstown Rd)	1.40	RO 1.40	BL 1.40	O-1 1.40	O-1 1.40	
3-172	Gr. Lodge Masons of MD, USA By Stuart Kaplow, Esq	2800' along International Circle & the intersection with International Dr	78.13	DR 1 34.45 DR 2 4.85 O-1 0.45 RC 4 38.38	RC 4 15.24 MLR 62.89	OT 39.75 RC 4 38.38 O-1 0.45	OT 48.43 RC 4 29.25 O-1 0.45	Overlay adopted
3-173	Pleasant Hills Partnership By Lawrence J Thanner, Jr	Intersection of Gentlebrook & Reisterstown Rds (20,30 Gentlebrook Rd & 11112, 11115 Reisterstown Rd)	2.70	O-1 2.70	BL 2.70	O-1 2.70	O-1 2.70	
3-174	37-39 Main Street, Inc By Robert W Cannon	340' SE of intersection Rt 140 Westminster Pike & E Side Main St (37 Main Street)	0.46	DR 3.5 0.46	BL-CCC 0.46	BL-CCC 0.46	BL-CCC 0.46	
3-175	Larry E Knight By Ben Bronstein	SW corner Glynowings Dr & Timber Grove Rd (12200 Glynowings Dr)	15.80	ML-IM 15.80	DR 16 15.80	SE 15.80	SE 15.80	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-176	Hathaway Community Association By Kenneth D Hines	Along NE Side I-795 SE Side Franklin Blvd and both Sides Nicodemus & Cherry Hill Rds	51.24	DR 2 37.59 DR 3.5 9.92 RO 2.80 RC 5 0.29 DR 5.5 0.64	DR 2 28.95 DR 5.5 0.03 DR 10.5 9.15 RC 5 0.29 RO 2.80 O-1 or SE 10.02	DR 2 37.59 DR 3.5 9.92 RO 2.80 RC 5 0.29 DR 5.5 0.64	DR 2 37.59 DR 3.5 9.92 RO 2.80 RC 5 0.29 DR 5.5 0.64	Amended by petitioner 4/1/92 Withdrawn by petitioner 5/8/92
3-177	Edward Personetta By John Contrus	1300' N of Winands Rd (4225 McDonogh Rd)	20.39	DR 3.5 20.39	DR 5.5 20.39	DR 5.5 20.39	DR 5.5 20.39	
3-178	Nicholas B Mangione By Joseph LaVerghetta	N Side Shawan Rd and I-83	471.00	RC 2 300.00 RC 4 171.00	RC 2 300.00 RC 4 171.00 300.00 RC 5 171.00	RC 2 300.00 RC 4 171.00	RC 2 300.00 RC 4 171.00	
3-179	Carlyle N Montanye, Jr	Intersection of Prospect Ave & Waugh Ave (4500 Prospect Ave)	56.75	RC 2 56.75	RC 5 56.75	RC 2 56.75	RC 2 56.75	
3-180	Dickes Howard Goodman By Robert D'icicco, Esq	2400' W of centerline of York Rd @ Thornton Mill Rd & York Rd	68.59	RC 4 68.59	DR 10.5 or ML 68.59	RC 4 68.59	RC 4 68.59	See Issues 3-003,3-158
3-181	Michael Horner	NW Intersection of York Rd & Balfast Rd	8.00	RC 5 8.00	RL 8.00	RC 5 8.00	RC 5 8.00	

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-182	OPZ Staff	SE corner Reisterstown Rd & Owings Mills Blvd (10401 Reisterstown Rd)	2.30	ML-IM 2.30	RM 2.30	RM 2.30	RM 2.30	See Issue 3-119
3-183	OPZ Staff	SW Side Reisterstown Rd 300' N of Tollgate Rd (10706 Reisterstown Rd)	0.57	RO 0.57 or BL 0.57	RO or BL 0.57	BL 0.57	BL 0.57	See Issue 3-106
3-184	OPZ Staff	Emor Mill Rd	43.00	RC 5 43.00	RC 2, RC 4 or RC 5 43.00	RC 2 32.00 RC 4 11.00	RC 2 32.00 RC 5 11.00	See Issue 3-111 Amended by staff 6/4/92
3-185	Planning Board Member	Rural Area agricultural preservation areas	23000.00	RC 4 23000.00	RC 2 23000.00	RC 4 22683.00 RC 2 317.00	RC 4 23000.00	See Issue 3-187
3-186	Planning Board Member	N & S Sides of Cockeys Mill Rd E of I-795	37.50	RC 4 37.50	DR 3.5 37.50	RC 4 37.50	DR 3.5 37.50	See Issues 3-137, 3-195
3-187	Planning Board Member	S Side of Black Rock Rd	317.00	RC 4 317.00	RC 2 317.00	RC 2 317.00	RC 4 317.00	See Issue 3-185
3-188	County Council Member	2700' SW of Jarrettville Pike	3.20	ML 3.20	RC 4 3.20	RC 4 3.20	RC 4 3.20	
3-189	County Council Member	1350' NW of Freeland Rd (20234 Middletown Rd)	0.14	RC 2 0.14	EL-CR 0.14	EL-CR 0.14	EL-CR 0.14	See Issue 3-021
3-190	County Council Member	1200' E of Deer Park Rd (1117 Berrymans Lane)	0.41	RC 5 0.41	RCC or BL-CR 0.41	EL-CR 0.41	BL-CR 0.41	See Issue 3-057

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-191	County Council Member	NE & NW of Future Red Run Blvd N Side of Cherry Hill Ct	1.43	O-1 1.43	BL-CMS 1.43	O-1 1.43	O-1 1.43	See Issues 3-058, 3-114
3-192	County Council Member	400' S of Galloway, W Side of York Rd (9800 York Rd)	2.18	ML-IM 2.18	BM 2.18	BM 2.18	BM 2.18	
3-193	County Council Member	NW corner of Rayville & Middletown Rds (19200 Middletown Rd)	1.20	BL-CR 1.20	BL-CR or ML 1.20	BL-CR 0.80 ML 0.30 RC 5 0.10	BL-CR 0.80 ML 0.30 RC 5 0.10	See Issues 3-018, 3-096
3-194	County Council Member	E Side York Rd 500' N of Quaker Bottom Rd (14833 York Rd)	2.30	RC 4 2.30	BL-CR 2.30	RC 4 2.30	RC 4 2.30	See Issue 3-045
3-195	County Council Member	Intersection of 1-795 & Westminster Pike	17.30	RC 4 0.85 RO 11.55 O-1 3.44 BL 0.70 BM 0.76	RC 4 0.85 BM 0.76 RC 5 2.95 RO 0.10 RC 5 3.70 RO 9.30 O-1 3.44	RC 4 0.85 RC 5 2.95 DR 3.5 0.85 RO 9.30 O-1 3.44	BM 0.76 RC 5 2.95 DR 3.5 0.85 RO 9.30 O-1 3.44	See Issue 3-123, 3-186 Overlay adopted
3-196	County Council Member	N Side of Glencoe Rd 3000' NE of Gunpowder Falls	112.00	RC 4 112.00	RC 2 or RC 4 112.00	RC 2 68.50 RC 4 43.50	RC 2 68.50 RC 4 43.50	

Part of People's Counsel Ex. 9

CONTENTS OF OFFICE OF PLANNING'S FILE ON ISSUE 3-178 (1992)

1. 1992 Comprehensive Zoning Map Request for Zoning Change form dated 10/31/91, with attached Reason for Request form (2 pgs.)
2. 11" x 17" zoning map with yellow and red markings on property (1 pg.)
3. through 7. Four (4) 11" x 17" tax assessment maps with red markings on property (4 pgs.)
8. 1992 Comprehensive Zoning Map Process Comment Form by Mr. & Mrs. T. Hartley Marshall dated 4/13/92 (1 pg.)
9. Letter dated 3/28/92 from Kieron F. Quinn to P. David Fields, Secretary to the Planning Board (1 pg.)
10. Memo dated 4/9/92 from J. James Dieter, DEPRM to Office of Planning & Zoning (1 pg.)
11. 8½" x 11" map of The Farm Buildings at Hayfields (Survey No. MD15, Historic American Buildings Survey) (1 pg.)
12. Letter dated 4/15/92 from Polly Walker Wirth, Chairman, Land Use Committee, and Louis R. Witt, III, President, Oregon Ridge Nature Center Council, to Harold Reid, Chairman, Baltimore County Planning Board (2 pgs.)
13. Baltimore County Historical Society "History Trails", Vol. 19, Winter 1984-85, "Hayfields History" article - pages 1, 6, 7, 8 (4 pgs.)
14. through 16. Two (2) large Baltimore County Office of Planning and Zoning Official Zoning Maps # N.W. 19-C and N.W. 20-C, with attached 11" x 17" 200' scale zoning map # 20-D (3 pgs.)
17. and 18. Two (2) photogrammetric Maps of Baltimore County Metro Area # N.W. 19-C and N.W. 20-C (2 pgs.)
19. through 21. Two (2) large Baltimore County Office of Planning and Zoning Official Zoning Maps # N.W. 20-C and _____, with attached 11" x 17" 200' scale zoning map # 20-D (3 pgs.)
22. Large Photographic Map of Baltimore County Metro Area # N.W. 19-C (1 pg.)

78 N/w/and. Shawin PL & T-83

People's Council Ex 9

1992

3-178

1992 COMPREHENSIVE ZONING MAP
Request For Zoning Change
Applicant must present this form
and required supplemental material in person

Baltimore County
Office of Planning and Zoning
401 Bosley Avenue
Towson, MD 21204
301-887-3480

OFFICE USE ONLY
Issue No. 8-178
Council District 3rd
Planner J. Dillan
Received on 10/31/91
Fee (non-refundable) \$125.00
Receipt No. 49953

PLEASE TYPE OR PRINT

--- Applicant Information ---

1. NICHOLAS B. MANGIONE
Name
2. _____
Organization, if applicable
3. 1205 YORK RD.
Mailing address
4. LUTHERVILLE, MD. 21093
City, state, and zip code
5. (H) 825-8400 (B) 825-8400
Home and business phone numbers
6. JOSEPH C. LAVERGHETTA
Attorney or other representative, if any
- JOSEPH C. LAVERGHETTA CHARTERED
Representative's firm name (if applicable)

606 BALTA. AVE., SUITE 206
Address

TOWSON, MD 21204
Representative's city, state, and zip code

825-8400 ext. _____
Representative's business phone number

--- Property Information ---

7. HAYFIELD'S INC.
Property owner's name
8. NS SHAWAN RD. / I-83 - 21030
(Number) (Zip)
Property street address and zip code
9. 471 AC.
Acreage or lot size of total property
10. NW QUAD - SHAWAN RD / I-83
Distance of property to nearest street/intersection
Name street(s)
11. 18-00-002444
Property-tax number
12. 41, 42 13. 26
Property-tax map number Parcel number
14. C-2 15. 20C, 19C, 19D, 20D
1,000-scale zoning map no. 200-scale zoning map no.

FOR OFFICE USE ONLY

16. Water-service zone NS Subwatershed zone NS
Water-service area WE-7 Sewer-service area S-7
Transportation zone 314 Police Precinct 07
Growth Management AG, PRES. School district
Area Elementary POTSPRING
Critical Area designation Middle COCKEYSVILLE
High DULANEY

----- Zoning Request Information -----

17. RC 2 300 AC. RC 4 171 AC
Existing zoning, in acres per zone
18. FARMING / RESIDENTIAL
Existing use of property
19. RC 2 300 AC. RC 5 171 AC
Proposed zoning, in acres per zone
20. FARMING / RESIDENTIAL
Proposed use of property
21. 3-307, 1988
Zoning history of property
22. VALLEY PLANNING COUNCIL
Community organizations in the area of this zoning request

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE

Nicholas B. Mangione
(Signature)

OWNER ACKNOWLEDGEMENT: ☒ Y ☐ N
Are you the owner?

If yes, review and sign below.

23. I hereby grant permission to Baltimore County for any required field inspections of my property in regard to the subject zoning request.
I hereby acknowledge that if any rezoning occurs, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.
Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

NICHOLAS B MANGIONE
Owner Name (Type or Print)

Nicholas B. Mangione
(Signature)



1992 COMPREHENSIVE ZONING MAP PROCESS

COMMENT FORM

(Please Print)

☐

SUPPORT Requested Zoning

Issue No. 3-178

☒

OPPOSE Requested Zoning

Name MR. AND MRS. T. HARTLEY MARSHALL

Organization (If any) _____

Address SPRINGLANE FARM 2008 CORBETT RD. MONKTON, MD. 21111

Phone No. (410) 472-2079

Comment against the Master plan and preservation
of agriculture.

Signature

T. Hartley Marshall
Carolyn F. Marshall

Date

7/13/92

Use back of sheet for additional comments

PK
26 Sparks Station Road
Sparks, Maryland 21152

March 28, 1992

Mr. P. David Fields
Secretary to the Planning Board
401 Bosley Avenue
Towson, Maryland 21204

Re: CZMP 3-178
400 Acres West of I-83

Dear Mr. Fields:

My wife and I oppose this request for rezoning.

No sensible reason exists to increase the density of this area and alter the Master Plan.

Local services, schools and roads would have to be dramatically altered. A significant precedent would have been set for the entire I-83 corridor which would serve only a bad purpose.

Please add this letter to the file for this zoning issue.

Very truly yours,

Kieron F. Quinn

Kieron F. Quinn

RECEIVED

MAR 31 1992

OFFICE OF
PLANNING & ZONING

TO: Office of Planning & Zoning

DATE: April 9, 1992

RE: Comments on CZMP Issue No. 3-178

FROM: Department of Environmental Protection and Resource Management

 The Department has no comments on the proposed zoning.

 The proposed zoning is consistent with the goals of the Department.

 The proposed zoning raises concerns in certain environmental areas but is generally consistent with the goals of the Department (see comments).

 X The proposed zoning raises substantial concerns which are not consistent with the goals of the Department (see comments).

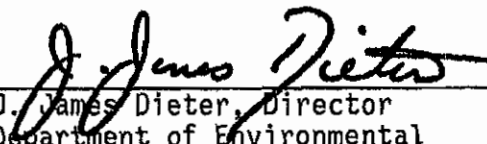
NOTICE: Please be advised that any clearing, grading, building or development at the referenced site must comply with all environmental regulatory requirements in effect at the time of such clearing, grading, building or development.

COMMENTS:

1) The steep/erodible slopes, nontidal wetlands and streams on site must be protected. Western Run (Use III trout stream) and several tributaries flow through this site to Loch Raven Reservoir. The existing RC4 zoning is more consistent with the goals of the Reservoir Watershed Management Agreement than the proposed RC5 zoning is.

2) This site is in an Agricultural Preservation Area. The property has a mixture of soils, including prime and productive and Woodland Class 1 and 2. A change to RC5 would be in conflict with the purposes of Agricultural Preservation.

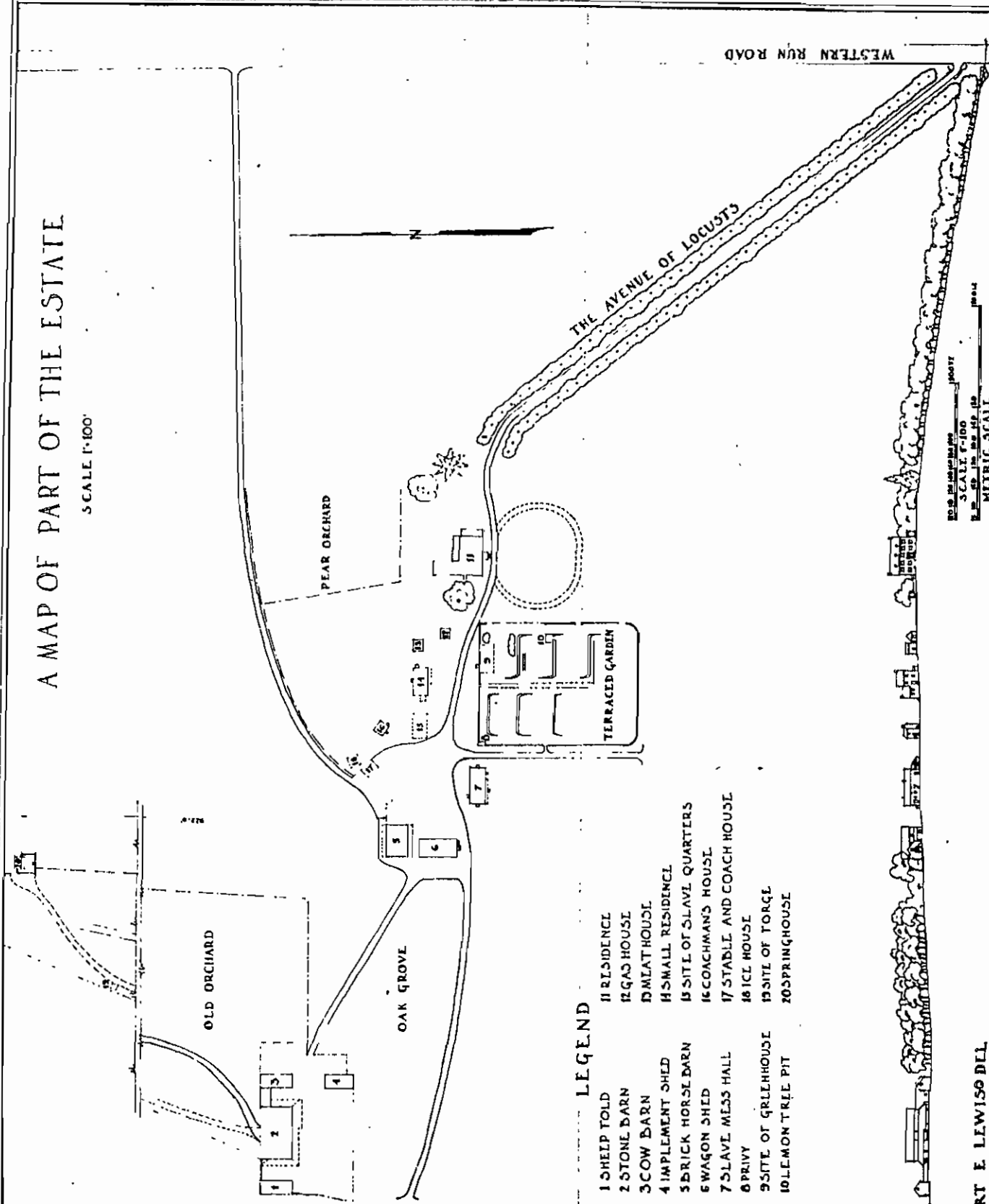
3) The requirements of the State Forest Conservation Act must be met. Approximately 35% of this site is forest.



J. James Dieter, Director
Department of Environmental
Protection and Resource Management

A MAP OF PART OF THE ESTATE

SCALE 1"=100'



ROBERT E. LEWIS DILL

WORLD PROGRESS ADMINISTRATION
OFFICIAL PROJECT # 145-697
UNIVERSITY OF MARYLAND, COLLEGE PARK, MARYLAND
NATIONAL PARK SERVICE, DIVISION OF PLANS AND DESIGN

NAME OF STRUCTURE
THE FARM BUILDINGS AT HAYFIELDS
NAR COCKLEYSVILLE BALTIMORE COUNTY MARYLAND



SURVEY NO.
MD15

HISTORIC AMERICAN
BUILDINGS SURVEY
SHEET 1 OF 8 SHEETS

10/31/91

REASON FOR REQUEST

To make adequate use of RC 4 zoning and at the same time maintain and preserve the aesthetic values existing.



April 15, 1992

Mr. Harold Reid, Chairman
Baltimore County Planning Board
c/o Office of Planning and Zoning
401 Bosley Avenue
Towson, Maryland 21204

Re: Issue 3-178

Dear Mr. Reid:

The Oregon Ridge Nature Center and Park Council and its 900 members urge you to OPPOSE upzoning the 171 acres of RC-4 land to RC-5 land at Hayfields farm on the corner of Shawan Road and I-83.

1. Watershed protection

The most important reason is that this land was zoned RC-4 as watershed protection for Western Run. Western Run is one of the few viable trout streams left in Baltimore County (97% have been destroyed by development). As RC-4 land continues to be developed in the northern part of the County, it has become apparent that even that density does not protect the County's streams and water supply. Therefore, NO UPZONING OF RC-4 LAND SHOULD BE CONSIDERED.

2. Master Plan Conflict

The Master Plan for Baltimore County designates the area North of Shawan Road and West of I-83 as an agriculture priority area and Shawan Road as the Northern boundary for suburban development. This intersection (that is Hayfields Farm) is listed as a visual gateway area.

The priorities for this property were set in the 1960's with the plan for the Valleys. It would be a dangerous precedent to make exceptions.

3. Historical value to Baltimore County

If agriculture is important to Baltimore County, then this farm is important not only as the gateway to the Shawan valley, but because of its historic role in Baltimore County history. The land was farmed in colonial times, and the Federal style mansion and farm buildings built in 1805 by

article for more historical information.)

4. Effect on Oregon Ridge Park

Just down the road is Oregon Ridge Park, the County's premier park - highlighted in many County Publications. The views from the top of the Ridge are of Hayfields. Preserving the open space around the park enhances its ecological value and prevents it from becoming an island park in a sea of development. Part of what makes Oregon Ridge Park unique is its rural setting, and Hayfields is an integral part of that. The Master Plan says Baltimore County values scenic routes and areas for us to enjoy. Baltimore County residents agree.

In addition increased density RC-5 may not be possible without public water and sewer. Bringing either across I-83 at Shawan will spell the death knell of the Valley and of the park as we know it.

We urge you to oppose the zoning change in issue 3-178 from RC-4 to RC-5, because it is a precedent for increased development in an agricultural priority area, and because it is the harbinger of public sewer and water in the Shawan Valley.

Sincerely yours,

Polly Walker Wirth

Polly Walker Wirth
Chairman, Land Use Committee

Louis R. Witt, III

Louis R. Witt, III
President

cc: C. A. "Dutch" Ruppertsburger



History Trails

Baltimore County Historical Society

Location:
Agriculture Building
9811 Van Buren Lane

Mail Address:
Box 81
Cockeysville, Md. 21030

Editors: JOHN W. McGRAIN and WILLIAM HOLLIFIELD

VOL. 19

WINTER 1984-1985

NO. 2



THE GREAT HEREFORD BULL—SIR BENJAMIN.



THE PRIZE HEREFORD OX.

John Merryman of Hayfields sent these drawings, which he called "electrotypes," to the Maryland Farmer in 1877 to illustrate Sir Benjamin, the ancestor of his herd, as well as a typical Hereford ox. They were published in the issue of January, 1878, pages 14 and 15 of Volume 15, along with Merryman's article in support of Hereford cattle.

Hayfields History

by Nicholas Bosley Merryman

Hayfields, located near Cockeysville on the northwest quadrant of the Shawan Cloverleaf of 183, was originally a part of the tracts *Nicholsons Manor* and *Taylor's Discovery*. It was assembled in the early 1800's by Col. Nicholas Merryman Bosley from purchases made from William Bosley of Joseph. John Naylor, Zachariah Doughady, and John S. Gittings and totalled approximately 560 acres. The soil is Hagerstown and Munor loam with an underlying limestone base. Bluegrass grows naturally and thrives on this land. Colonel Bosley was his own builder and architect and the main house took ten years to build with the expert help of his slaves. He drew the plans for his house with his cane in the sand.

The census of 1798 shows just one house on the property, a single-room fieldstone house with dirt floor and immense fireplace. Col. Bosley enlarged this house with a three-story addition, also of fieldstone and he lived in this comfortable cottage while the main house was being erected. The other numerous structures were built in two periods. The first and oldest buildings were built of fieldstone picked up off the farm and comprise the cottage, smoke house, ice house, servant quarters (later called bachelors' quarters), and the main cattle barn. The brick stable with two lofts was also built in the first period.

Colonel Bosley must have run short of fieldstone because a quarry was opened just south of the garden and the second period buildings were all built of stone from this quarry. This stone is an impure form of the famed Cockeysville white marble which was used to construct the Washington Monument and the famous white marble steps of Baltimore row homes. The second group of buildings consist of the main dwelling, gas house, slave quarters, wagon shed and granary, sheep fold, lower horse barn and wagon shed, small stable and coach shed, and the spring house. The garden is enclosed by a six-foot high stone wall built from this quarried stone.

All of these structures are exceptionally well built — to last for generations. The stone walls are two feet thick as are the partitions in most of the buildings. Timber used was cut from trees on the place and the main center beams in the main house, the slave quarters, and the brick stable extending the length of these buildings were cut from a single giant tree. The main house and slave quarters have full cellars while the cottage, bachelor quarters, and, surprisingly, the wagon shed have part cellars. In those days, cellars were tremendously important to store and keep produce for winter use. The gardens were valued even more highly and all kinds of fruits and vegetables were raised and excess stored. Even a small orangery was located in the garden.

Colonel Nicholas Merryman Bosley (1774-1847) was the son of Elijah Bosley, a large landowner, and Elizabeth Merryman Bosley, a daughter of Nicholas Merryman of Bacon Hall near the

town of Hereford. Colonel Bosley fought in the War of 1812 serving in the 6th Baltimore County Calvary. He was an early firm believer in the use of burnt lime and crop rotation. His rotation was corn, wheat, oats, or rye; followed by clover and timothy hay. Hayfields derived its name because of the prodigious crops of hay produced. Shoulder-high fields of hay were reported but people were shorter in those days.

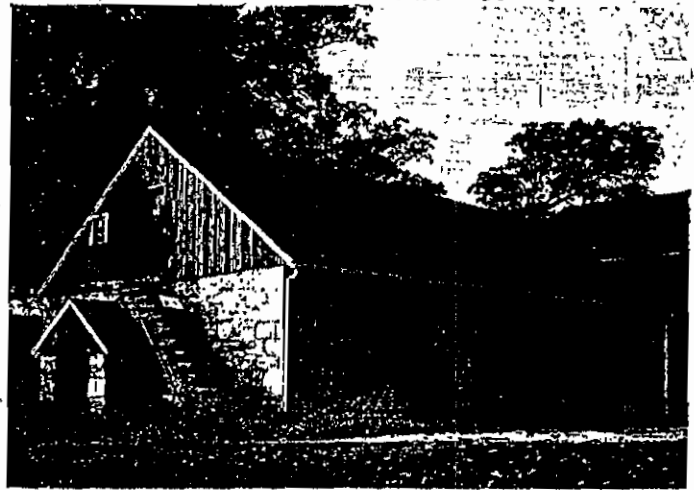
Agriculture was an extremely important business then and a contest for the best cultivated farm was held. A committee of prominent farmers was appointed, they selected Hayfields as the winner. A silver tankard was awarded by the Maryland Agricultural Society in November 1824 to Colonel N. M. Bosley for the "Best Cultivated Farm." The tankard was presented by the Marquis de Lafayette. The Revolutionary War hero was then on his triumphant tour of the United States and was himself extremely interested in agriculture. In selecting Bosley for this prestigious award the committee made this additional comment, "Colonel Bosley should select his best stock to use as breeders. At present he uses his best stock for his own table."

A triangular, two-acre parcel of land located where Interstate 83 crosses Shawan Road was claimed by several adjoining property owners but none could get a clear title. Finally, it was decided that if someone would build a much needed blacksmith shop on the land he would then receive a clear title. The following day, Colonel Bosley took his slaves down there and built a blacksmith shop which pleased everybody. He was an avid foxhunter and it is said that after an especially exhilarating hunt, he rode his hunter up the front marble steps into the main hall of his house and asked for refreshment.

Colonel Bosley and his wife, Eleanor Addison Smith Bosley had no issue and he entailed Hayfields to his close relative John Merryman (1824-1881). John was born at Hereford Farm, the son of Nicholas Rogers and Anna Marie Gott Merryman. Nicholas R. Merryman had served with Colonel Bosley in the War of 1812 and they were close friends as well as relatives. He was also the younger half-brother of Eleanor Addison Bosley. Upon inheriting Hayfields John then became known as John Merryman of Hayfields. In 1844, he married Anne Lousia Gittings, a great-neice of Colonel Bosley.

John soon set about rectifying the livestock situation. He retained his best stock for breeders and traveled widely to purchase superior breeding animals. He imported some of the first registered Herefords from England and also imported Suffolk sheep some of which he gave to Druid Hill park. Merryman was fortunate in bringing to this country one of the most famous Hereford bulls, named *Sir Richard 2nd*. *Sir Richard 2nd* is one of the four bulls who have had the most influence on the present day Hereford breed. In those days, Herefords were dual purpose cattle being noted for their milk and butter as well as for their beef.

John of Hayfields was an excellent farmer and was president of the Maryland State Agricultural Society for many years. In 1859 the Annual Show was held in Frederick and the Hayfields livestock were walked there for that event. There were classes for Herefords and a Hereford cow was entered in a class for milk cows. A horse was entered in the Trial of Speed contest. He was instrumental in starting the Maryland Agricultural College in 1858 and served on



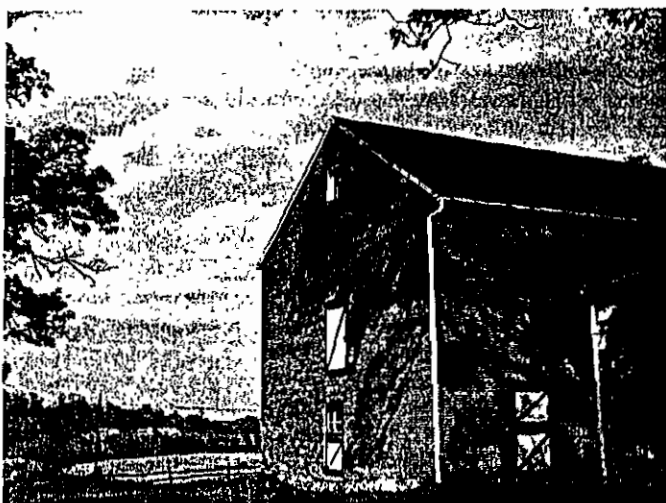
The wagon shed and granary is 60 feet wide and has a second-story loft where grain and beans were threshed with flails before the coming of farm machinery.

its first Board of Regents. The college was formed to educate the sons of Maryland farmers in the latest agricultural practices. This college is now the University of Maryland at College Park. John served as treasurer of Maryland and was also in the fertilizer business in Baltimore trading fertilizer for cotton which he then sold to local cotton mills.

During the Civil War — an exceedingly trying period for Marylanders — Merryman's sympathies were with the South. In 1860, he was a first lieutenant in the Baltimore County Horse Guards. Soon after the Baltimore Riots of April 19, 1861, the services of the Horse Guards were offered to the State and they were being used to keep peace. A section of them were stationed at Hayfields.

Northern troops were camped at Cockeysville until ordered to proceed to Washington. Mayor Brown and other Baltimore leaders were able to persuade President Lincoln not to send troops through the city for fear of further bloodshed. The Northern troops, mostly Pennsylvanians, returned to their home state. More soldiers were assembling at the Pennsylvania Line, including General Sherman's regiment. Marylanders were very concerned that northern troops would again be sent through Baltimore on their way to Washington, and Merryman was given orders to burn the railway bridges between Cockeysville and the state line. He did burn the most important bridge, the one at Parkton crossing the Gunpowder.

On May 25, 1861, he was routed from his bed, arrested and confined to Ft. McHenry. His lawyers petitioned for a writ of *habeas corpus* from Chief Justice Robert Brooke Taney, who issued the writ immediately. Taney then wrote a legal masterpiece defending the rights of civilians versus those of the military known as *Ex Parte Merryman*, a decision often referred to in legal cases to this day. The charges against Merryman were discovered to be unfounded and he was later discharged from prison, not without spending some exceedingly uneasy moments, however. He did get



The Hayfields hunter and brood mare barn. Measured drawings were made by the Historic American Buildings Survey of the Works Progress Administration in the 1930s.

along well with his captors and won enough money from them playing poker to keep Hayfields running smoothly in his absence.

J. Thomas Scharf in his *History of Baltimore City and County* refers to Hayfields "as a Princely Place, the stock and grazing farm of John Merryman." A premier herd of Herefords and a flock of Suffolk sheep were maintained and breeding stock was sold throughout the country. A dairy barn plus a dairyman's house were built on the back place. Three frame hay barracks were built, one on the Western Run Road, a second on Shawan Road, and the third west of the main and lower barns. Timothy and Clover hays were extremely profitable crops, and wagon loads of hay and straw were sold in Baltimore. Rye whiskey was made in Cockeysville and rye was another money crop as were wheat and oats. John being in the fertilizer business also helped improve the crop yields at Hayfields.

John and Anne Louisa had ELEVEN children. There was an Orangery located just south of the present swimming pool which supplied citrus. A ram pumped water from the spring house located fairly near and just above the present pond to a large storage tank in the third floor of the main house. The overflow passed by gravity to a second storage tank in the third floor of the cottage and that overflow furnished water to the slave quarters and horse watering trough. The main house also had a coal-fired furnace, gas lights, and an immense bathroom.

John Merryman died in 1881 and ownership in Hayfields passed to his oldest son, N. Bosley Merryman (1852-1921), according to Colonel Bosley's will. N. Bosley did not claim his inheritance immediately, allowing his mother and brothers to live there until 1903-1904. He was a politician serving the county as clerk of the court and then county treasurer until his death in 1921.

Never defeated in an election, he was extremely popular, noted for his hospitality. He rented the property but kept a few Herefords, trotting horses, Jersey cows, and some pigs. His wife

was Sarah Wilmington Norton McClesky from Savannah, Georgia, who was a young girl when Sherman marched through Georgia, an experience she never forgot. They had five children. Bosley loved game chickens and some famous mains were fought at Hayfields during his tenure. He built the large chicken house located west of the cottage.

A law had been passed restricting the number of generations in which a holding can be entailed, so the oldest son, my father John Merryman, did not inherit Hayfields according to Colonel Bosley's wishes. Upon the death of N. Bosley Merryman in 1921, Hayfields passed to his children with a life interest to his wife Sarah. When she died in 1923, her oldest son assumed management of the farm. The major enterprise was the grazing and fattening of Hereford steers. This was a profitable business until the depression years of the 1930s. I well remember my father purchasing 100 head of 400-pound steer calves at 10 cents per pound, roughing them through the winter on hay and corn stover, grazing them on pasture the following summer, fattening them on corn and clover hay and then selling them weighing around 1100 pounds, for less than he paid for them a year earlier.

Those of you who weathered the depression will fully appreciate the difficulties of that trying period.

In September 1939, John Merryman Franklin purchased the farm from the Merryman heirs. He was the son of Laura Merryman Franklin and had been born at Hayfields. She was the youngest child of John of Hayfields. The *Sun* ran an article on the sale the headlines of which read, "Hayfields acquires a new owner." It is interesting to note that when the Confederate general, Bradley T. Johnson, made his raid through Maryland in 1864, he made his headquarters at Hayfields. Johnson was going to destroy the Ashland Iron Works owned by the Small and Franklin families. John of Hayfields interceded, and the town and iron works were spared.

In 1939, I applied for the position as farm manager and was accepted. This was a commission that I coveted above all others and had prepared myself to do best. We both agreed to restore all the buildings possible, to stock the place with Hereford cattle, and to bring the farm back to its position of former prominence.

The first project was to convert the brick stable into a hunter and broodmare barn. Seven roomy box stalls, a tack room, and a walkway through the stable were installed on the ground level and the old outside shed roofs were eliminated. Both lofts were redone.

The second project was to restore the slave quarters and convert it into an assistant manager's house plus a farm office. All of the stone buildings were repointed, good for another hundred years.

The third project was the restoration of the wagon shed and granary, which was accomplished with very few changes.

The fourth project was restoring the bachelor quarters and converting it into a horseman's house.

The cottage was being enlarged and the section over the original stone house was raised providing two extra bedrooms and bath and a steam heating system installed.

By far, the biggest challenge was converting the lower barns into an efficient beef cattle complex. The massive barn was in sad repair and had to be torn down. The stones were used to erect two



The Hayfields mansion was opened to the Baltimore County Historical Society for a tour on October 21, 1984, a day when the temperature reached 80 degrees. View of south facade.

60 by 40-foot barns on each wing. A walkway and feeding shed connected the two barns with a silo in the middle of the 120-foot walkway. I called upon the expertise of my former buildings professor at the University of Maryland to help design these barns, and for many years they were a model for beef barns in the state.

The farm was stocked with Herefords purchased from Turner Ranch, Sulpher, Oklahoma, owned by Governor Roy Turner and one of the best breeding establishments in the U.S. at that time. Surprisingly enough, some of the Herefords were descendants of *Sir Richard 2nd*. Chester White hogs and Percheron horses were also added. The front fields were planted with a crop rotation of corn, small grain, timothy, and clover, and the back place plus the hillier fields were put into pasture. During the war years tremendous amounts of beef and pork were produced and large yields of tomatoes were raised to supply our troops and allies. Renovating pastures was a major undertaking which was accomplished by new varieties such as ladino clover and brome grass, liming, fertilization primarily with superphosphate and regular mowing plus rotational grazing.

Soil conservation was always of major importance at Hayfields and the best soil conservation practices were adhered to. Live-stock watering devices were installed and many grassed waterways were planted and maintained. Trees were planted on the steepest slopes and a pond was built. In April 1970, the first no-till demonstration was held at Hayfields.

Hayfields was an early breeder of Polled Herefords (a naturally hornless breed developed in this country) and eventually sold the horned Hereford herd in its entirety to Arthur Godfrey of Leesburg, Virginia. In 1970, when the first Simmentals were being imported into the country, Hayfields became part owner of the first Simmental bull used in the east. Artificial insemination was becoming more important and this practice was heavily used at the farm. Crossing Simmentals on Polled Herefords was an exceptionally fine cross and many outstanding cattle were produced.

John M. Franklin was president of the United States Lines and under his leadership the liner *United States* was built. This ship set and still holds the trans-Atlantic speed record. During World War Two he rose to the rank of Major General and served as head of the water division of the Army Transport Corps. General Franklin died in 1975, bequeathing Hayfields to his wife, who sold the estate in 1978 to The Hammerman Organization.

For accounts of the post-tobacco soil restoration work at Hayfields and the prize of 1824, see *American Farmer*, 5 (October 24, 1823: 248, and 6 (December 24, 1824): 313, Baltimore publications available at the Enoch Pratt Free Library and the Maryland Historical Society.

Part of People's Counsel Ex. 10

CONTENTS OF OFFICE OF PLANNING'S FILE ON ISSUE 3-178 (1992)

1. 1992 Comprehensive Zoning Map Request for Zoning Change form dated 10/31/91, with attached Reason for Request form (2 pgs.)
2. 11" x 17" zoning map with yellow and red markings on property (1 pg.)
3. through 7. Four (4) 11" x 17" tax assessment maps with red markings on property (4 pgs.)
8. 1992 Comprehensive Zoning Map Process Comment Form by Mr. & Mrs. T. Hartley Marshall dated 4/13/92 (1 pg.)
9. Letter dated 3/28/92 from Kieron F. Quinn to P. David Fields, Secretary to the Planning Board (1 pg.)
10. Memo dated 4/9/92 from J. James Dieter, DEPRM to Office of Planning & Zoning (1 pg.)
11. 8½" x 11" map of The Farm Buildings at Hayfields (Survey No. MD15, Historic American Buildings Survey) (1 pg.)
12. Letter dated 4/15/92 from Polly Walker Wirth, Chairman, Land Use Committee, and Louis R. Witt, III, President, Oregon Ridge Nature Center Council, to Harold Reid, Chairman, Baltimore County Planning Board (2 pgs.)
13. Baltimore County Historical Society "History Trails", Vol. 19, Winter 1984-85, "Hayfields History" article - pages 1, 6, 7, 8 (4 pgs.)
14. through 16. Two (2) large Baltimore County Office of Planning and Zoning Official Zoning Maps # N.W. 19-C and N.W. 20-C, with attached 11" x 17" 200' scale zoning map # 20-D (3 pgs.)
17. and 18. Two (2) photogrammetric Maps of Baltimore County Metro Area # N.W. 19-C and N.W. 20-C (2 pgs.)
19. through 21. Two (2) large Baltimore County Office of Planning and Zoning Official Zoning Maps # N.W. 20-C and _____, with attached 11" x 17" 200' scale zoning map # 20-D (3 pgs.)
22. Large Photographic Map of Baltimore County Metro Area # N.W. 19-C (1 pg.)

N
1
308
HAYFIELD

People's Counsel
Ex. 10

N
1
308

NW 19 C & D
EO C & D

3-308

1988

4/6/88

Mtg. with Nick Mangione Re: Hayfield Prop.

in attendance.

Bob Shealey, Al. Noyes, Pat Kinsler, Lou Mangione
David Fields, Wally Lippincott, J. Diller

Nick explained that Dutch had put together a committee to work with Mangione, (see Phil Wornall report)

DAVID F. stated that it is important to work within the context of the master plan. - New plan. will be underway -

S.E. for Golf course - will rise and fall on its merits

Bob Shealey. - indicated that his office would have to evaluate a golf course in context with agriculture.

N.M. we want to make this a monument for Balto Co. - will need a mix of housing with Golf in context of master plan.

wants support for DERM/C.P.Z./R&P. for support of S.E. of Golf Course.



COUNTY COUNCIL OF BALTIMORE COUNTY

COURT HOUSE, TOWSON, MARYLAND 21204

CHARLES A. RUPPERSBERGER, III
COUNCILMAN, THIRD DISTRICT

COUNCIL OFFICE: 494-3387
494-3196

March 13, 1987

Mr. John J. Dillon, Jr.
Baltimore County Office of Planning and Zoning
Courts Building
Towson, Maryland, 21204

Dear Mr. Dillon: *Jack*

Mr. Nicholas Mangione, who recently purchased the Hayfields property from Mr. Hammerman, has agreed to meet with members of the community and me to discuss the future of the this property.

As a representative of that community, your input would be most helpful. The meeting is scheduled for March 31st at 10:00 a.m. in the Baltimore County Council Conference Room, which is located on the second floor of the Old Courthouse at 400 Washington Avenue in Towson.

So that we may have a meaningful meeting, I am suggesting that you come prepared to present your recommendations as to the use of the Hayfields property. Since Mr. Mangione is a new member of this community, we would like this to be a productive meeting for all concerned.

For your information I am enclosing a copy of the list of people to whom this invitation has been extended.

Please call my Legislative Aide, Jennifer Macek, at 494-3387 to let her know whether or not you will be able to attend this meeting.

Sincerely yours,

Dutch

C. A. Dutch Ruppertsberger, III
Councilman, Third District

CAR:ml

cc: Mr. Nicholas B. Mangione

Ms. Lisa Keir, Executive Director
Valleys Planning Council
212 Washington Avenue
Box 5402
Towson, Maryland 21204

Ms. Judy Baer
Land Preservation Trust
212 Washington Avenue
P. O. Box 5402
Towson, Maryland 21204

Mr. Douglas McComas, President
Falls Road Community Association
P. O. Box 555
Brooklandville, Maryland 21022

Mr. John Richardson
Greencroft Community Association
14200 Greencroft Lane
Cockeysville, Maryland 21030

Mr. Alan Fell, President
Tufton Farms Association
13201 Dover Road
Reisterstown, Maryland 21136

Mr. Armand Shank, President
Beaver Dam-Ivy Hill Community
Association, Inc.
11117 Pool Road
Cockeysville, Maryland 21030

James W. Constable, Esq.
Wright, Parks, Constable & Skeen
Sun Life Building
Charles Center
Baltimore, Maryland 21201

Mr. Bert Criste
13717 Cuba Road
Serenity Farm
Cockeysville, Maryland 21030

Mr. and Mrs. L. McLane Fisher
1301 Western Run Road
Cockeysville, Maryland 21030

Mr. Stuart Janney
15326 Falls Road
Butler, Maryland 21023

Ms. Jody Roesler
Maryland Environmental Trust
118 N. Howard Street, Suite 700
Baltimore, Maryland 21201

Mr. Phillips J. Lee
314 Western Run Road
Cockeysville, Md. 21030

The Executive Director
Maryland Historical Trust
Shaw House
14 State Circle
Annapolis, Maryland 21401

Baltimore County Historical Society
9811 Van Buren Lane
Cockeysville, Maryland 21030

Mr. David Miller
Natural Lands Trust
The Rotunda, Room 452
411 W. 40th Street
Baltimore, Maryland 21211

Ms. Stephanie Churchill
Preservation Maryland
17 Commerce Street
Baltimore, Maryland 21202

Mr. Robert Stanhope, Naturalist
Oregon Ridge Nature Center
13555 Beaver Dam Road
Cockeysville, Maryland 21030

Mr. Jeremy V. Criss
Baltimore County Office of Planning
& Zoning
Courts Building
Towson, Maryland 21204

Mr. John J. Dillon, Jr.
Baltimore County Office of Planning
& Zoning
Courts Building
Towson, Maryland 21204

Mr. Uri Avin, Deputy Director
Baltimore County Office of Planning
& Zoning
Courts Building
Towson, Maryland 21204

Mr. Jerry Talbot
Maryland Agricultural Land Preservation
Foundation
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Mr. Malcolm Aldridge, Director
Baltimore County Department of
Recreation and Parks
301 Washington Avenue
Towson, Maryland 21204

Ms. Noreen Mack
10 Clipping Tree Lane
Cockeysville, Maryland 21030

Note: If this request is granted, it does not guarantee the issuance of plan approval or a building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

088 COMPREHENSIVE ZONING MAP Request For Change

Office of Planning and Zoning
Baltimore County, Maryland

(Office Use Only)		
COUNCIL DISTRICT	3	
ISSUE NO.	3-308	
AREA	6	
PLANNER	JVM	
RECEIPT DATE	11/2/84	

- 1 APPLICANT'S NAME TollHouse, Inc. (HAYFIELDS)
- 2 ADDRESS 1205 York Road
- 3 CITY Lutherville 4 STATE Maryland 5 ZIP 21093 6 PHONE 825-8400
- 7 ORGANIZATION (if any) _____ 8 COMMUNITY ORGANIZATION INVOLVED: _____
- 9 APPLICANT STATUS: (Please Circle one)
Property Owner; Contract Purchaser; Legal Rep.
- 10 PROPERTY LOCATION N/W Corner of Shawan Road and I-83
- 11 ACREAGE OR LOT SIZE 475 Acres
- 12 EXISTING ZONING BY ACRES RC 2 (300 Ac.) RC 4 (175 Ac.)
- 13 REQUESTED ZONING BY ACRES RC 5 (475 Ac.)
- 14 EXISTING USE Vacant/Farm
- 15 PROPOSED USE (if known) Residential
- 16 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18 Issue No. 3-176 19 Year 1984
(if applicable) 20(b) Cycle Zoning: 21 Case No. _____
- 22 WATER SERVICE ZONE NPS
- 23 SUBSEWERSHED NUMBER (If request is located in more than one subsewershed, the number of dwelling units for each subsewershed must be shown, if known.) NPS
- 24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)

District	Property Number		
08	18	00	002444
Deed	Liber		Folio
	7362		289

Map	Block	Parcel
042	07	00026
Rec. Plat	Liber	Folio
	Block	Lot

25 APPLICANT ACKNOWLEDGEMENT:

I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.

I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

NAME TollHouse, Inc. (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)

SIGNATURE _____

Application Must be Presented in Person

TOLLHOUSE, INC.
1205 York Road
Lutherville, MD 21093

REQUEST FOR REZONING OF 475 ACRES N/W QUADRANT INTERSTATE 83 AND SHAWAN ROAD

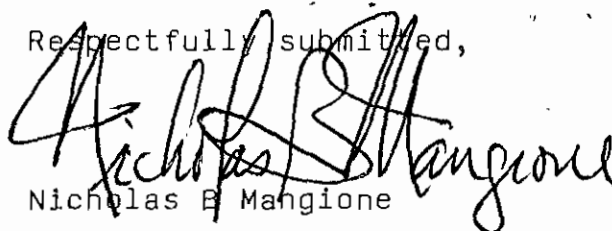
We respectfully request that the referenced property be rezoned RC 5 for the following reasons:

This property is a prime piece located immediately adjacent to Interstate 83. Development in accordance with present zoning would be an under-utilization of infrastructure and a tremendous loss of property tax revenues to the residents of Baltimore County.

The proposed zoning is an ideal compromise between those residents west of the referenced property and all other residents of Baltimore County.

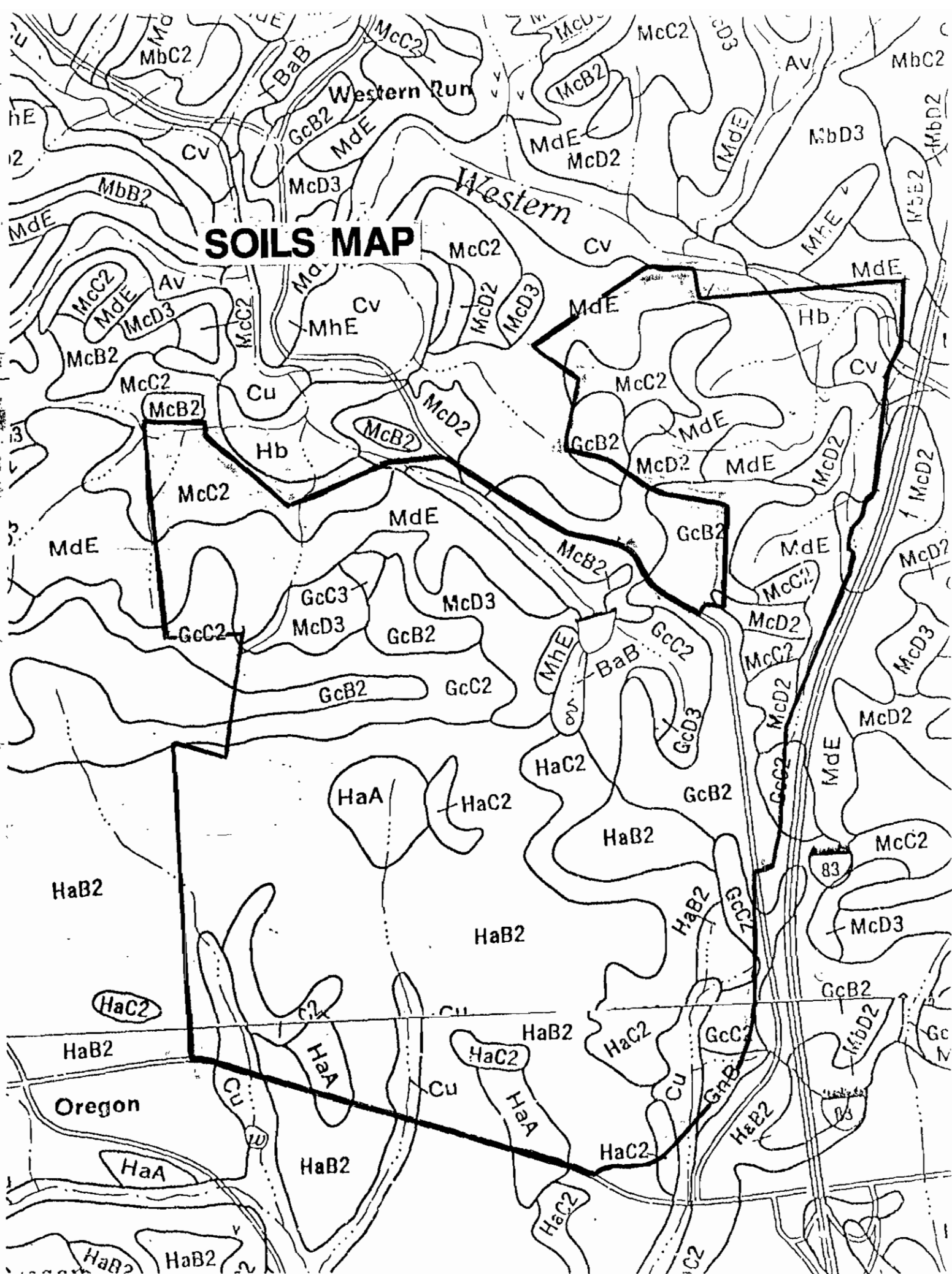
Further, more detailed information in support of this request will soon be forwarded.

Respectfully submitted,


Nicholas B. Mangione

MAXIMUM # OF DWELLING UNITS PERMITTED UNDER THE EXISTING ZONING:	41
MAXIMUM # OF DWELLING UNITS PERMITTED UNDER THE PROPOSED ZONING:	<u>317</u>
ADDITIONAL # OF DWELLING UNITS IF PROPOSED ZONING IS GRANTED:	276

SOILS MAP



1"=1000' ZONING MAP

C 4

RC 2

RC 4

EL PINO ST

WILSON
RUN

WESTERN
RUN RD

RC 2

DR 1

DR 2

DR 10.5

RC 2

BALTIMORE
01

MLR

BEAVER
D

SHAWAN
RD

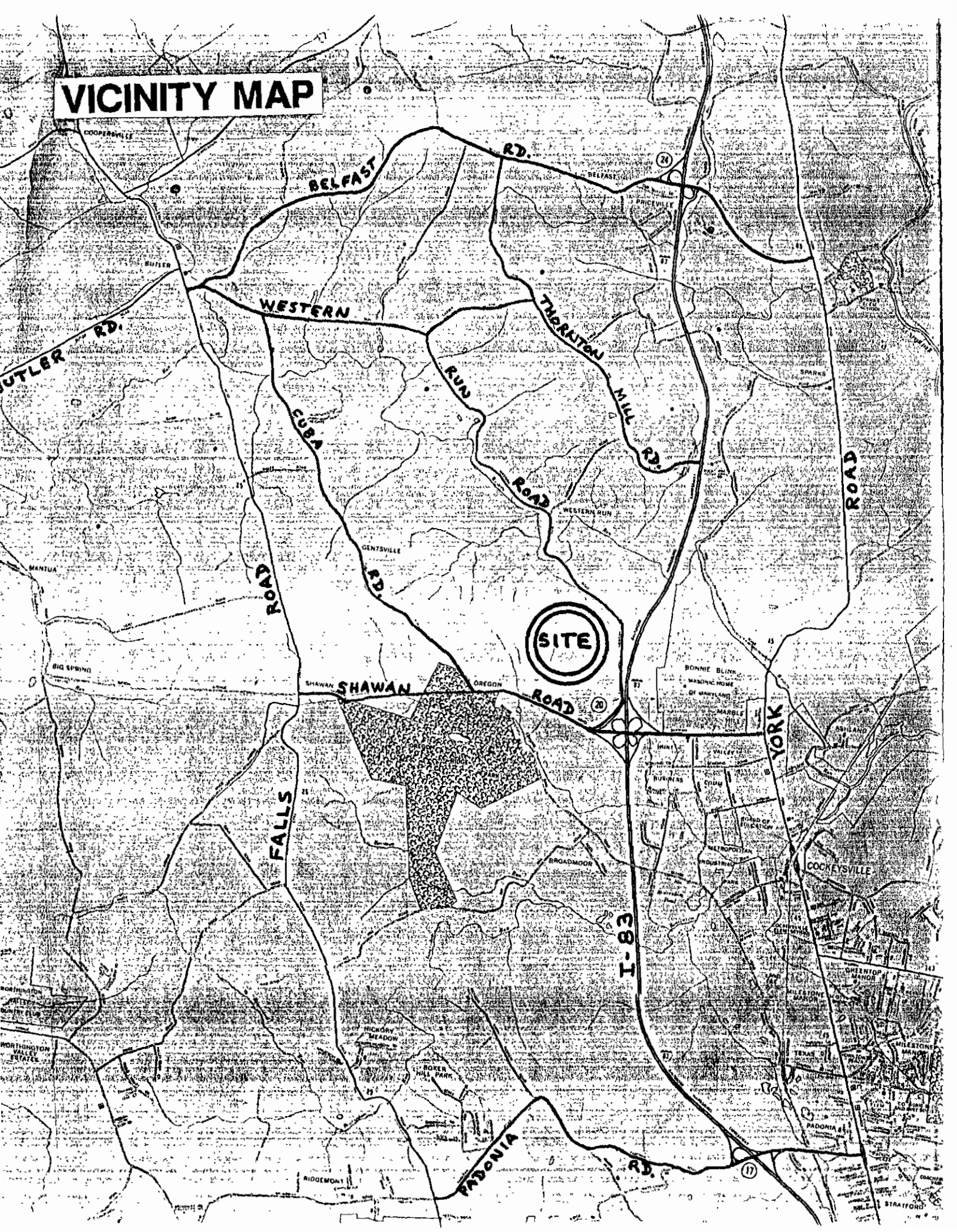
RD

OREGON
POOL

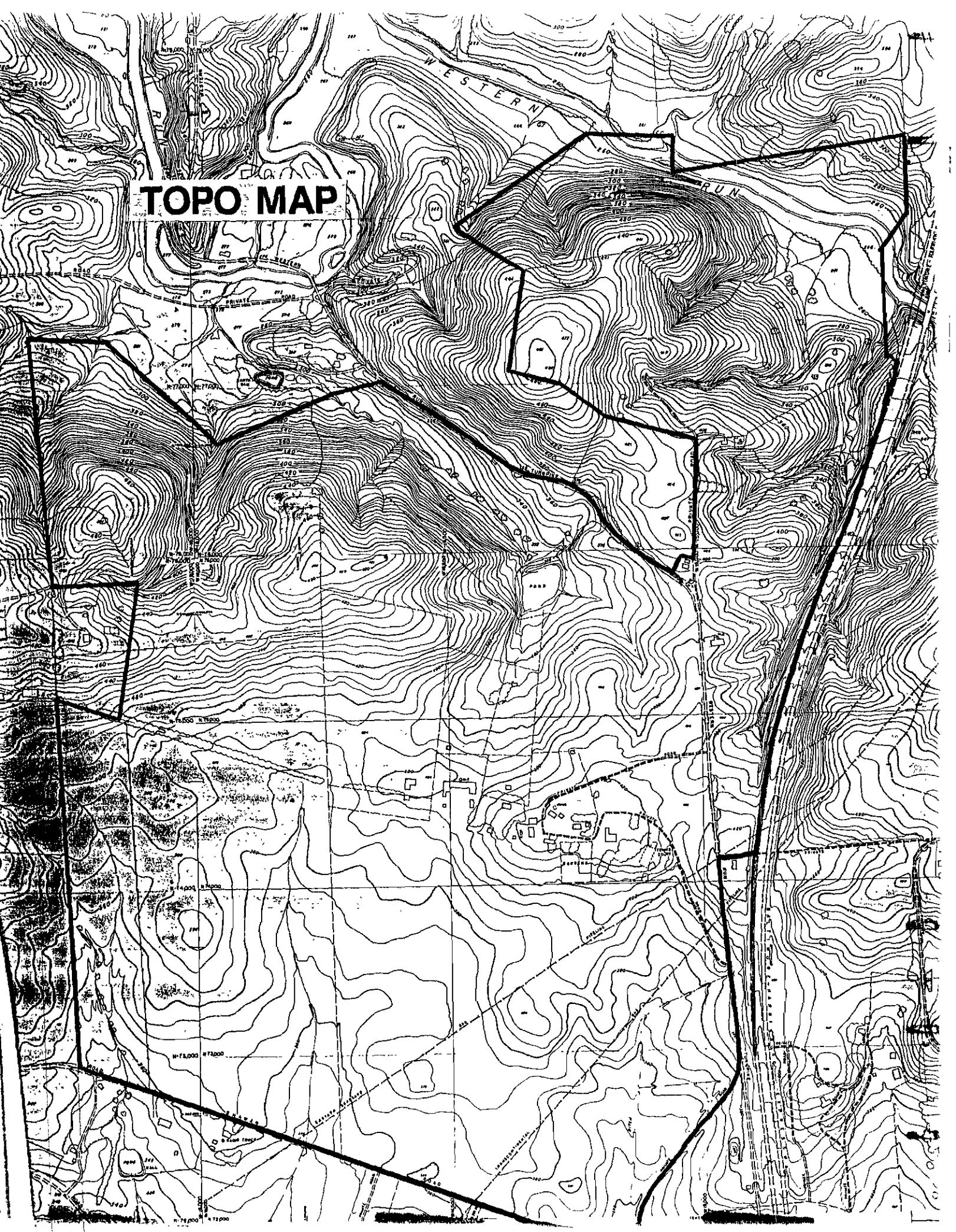
GREATER
SCHILLING

HARRIS

VICINITY MAP



TOPO MAP





STEEP SLOPES

BUILDABLE LAND OUTSIDE
THE PROPOSED SEWER LIMIT

EXISTING STRUCTURES

EXISTING TREES

VIEWS

BUILDABLE LAND WITHIN THE
PROPOSED SEWER LIMIT

EXISTING PIPELINES

STORM WATER

MANAGEMENT AREAS

PRIMARY ACCESS POINT

- 20% or greater

HAYFIELDS

BALTIMORE COUNTY

SITE INVENTORY



ISSUE NO. _____

TRAFFIC INFORMATION

Average Daily Trips

Manufacturing Zones -- M.L.R., M.L., M.H.

_____ Acres X 100 = _____ A.D.T.

Business Zones -- B.L., B.M., B.R.

Elevator Apartment Zones -- R.A.E. 1, R.A.E. 2

_____ Acres X 750 = _____ A.D.T.

Office Zones -- R-0, O-1, O-2

_____ Acres X 200 = _____ A.D.T.

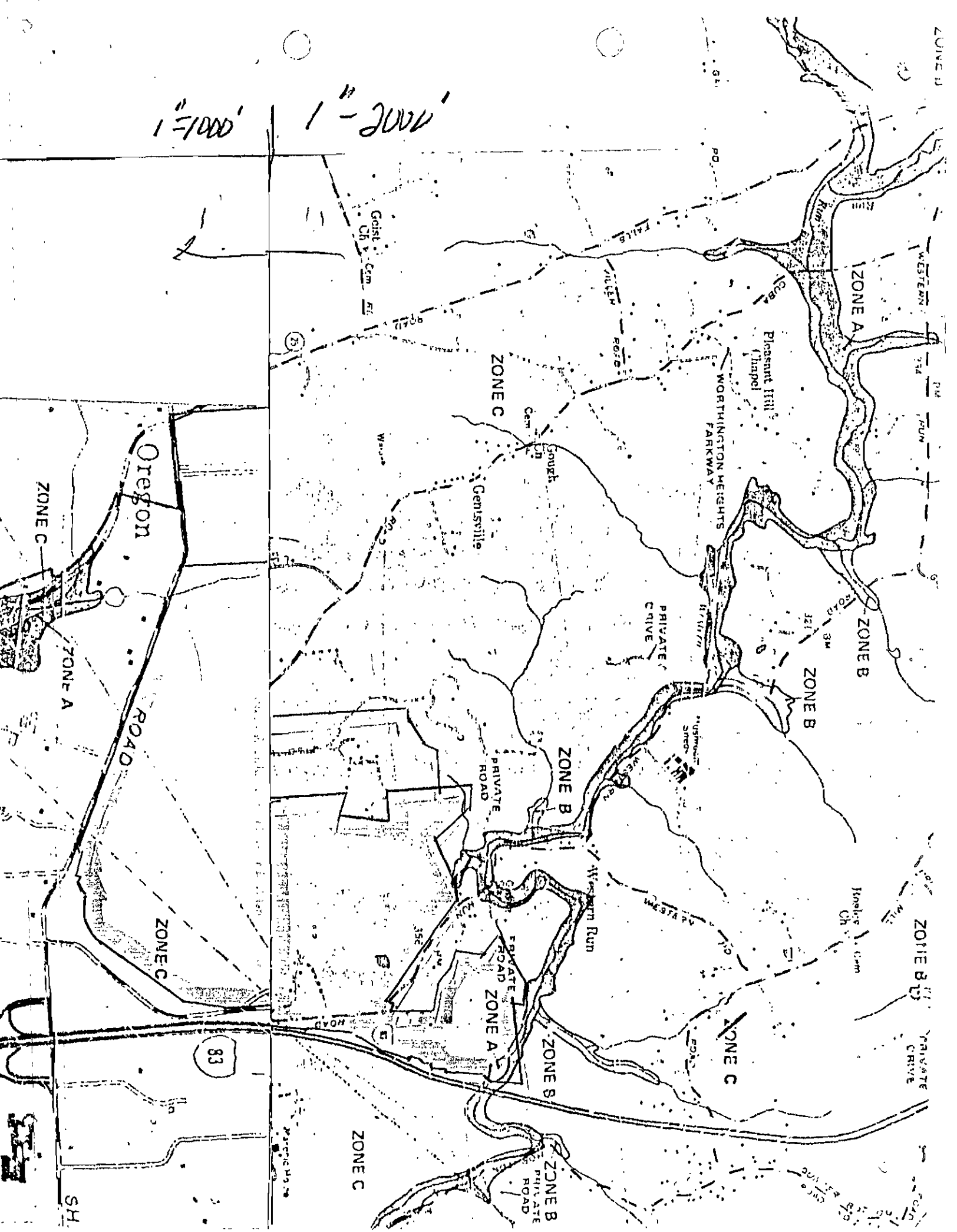
Density Residential Zones --

D.R. 1	<u>475</u>	Acres X 10 =	<u>4750</u>	A.D.T.
D.R. 2	_____	Acres X 20 =	_____	A.D.T.
D.R. 3.5	_____	Acres X 35 =	_____	A.D.T.
D.R. 5.5	_____	Acres X 50 =	_____	A.D.T.
D.R. 10.5	_____	Acres X 50 =	_____	A.D.T.
D.R. 16	_____	Acres X 120 =	_____	A.D.T.

10% West towards Fall's Road:
90% East towards I-83:

475
4275
4750

1"=1000' 1"=2000'



TO: Office of Planning & Zoning

DATE: December 28, 1987

RE: Zoning Issue Comments
Project No. 3-308

*March 4, 1988

REVIEWER: Environmental Protection & Resource Management

_____ The Department has no comments on the proposal.

_____ The proposal is consistent with the goals of the department and meets regulatory requirements.

_____ The project raises concerns in certain environmental areas, but is generally consistent with departmental goals (see comments).

XXX The project raises substantial concerns which do not conform with the goals of the department (see comments).

“_____ The project would violate regulatory requirements and should be denied (see comments).

Petitioner Contact: _____

Date: _____

Field Inspection: _____

Date: _____

Comments: This historic farm and RC-4 area drains to Western Run and is located in the Worthington-Shawan Valleys priority preservation area. Residential development at this density is inconsistent with the Reservoir Watershed Management Agreement. A Groundwater Protection Strategy which addresses the critical water areas of the Valleys is being developed. Development of this magnitude should not proceed until past and future impacts have been assessed.

*Questions should be raised as to whether additional RC-5 zoned land is needed in this area of the County. RC-5 development of this site would inhibit present and future preservation efforts. The RC-2 portion of this site consists of predominately prime and productive agricultural

Signature Robert J. Thibault

Title Director

Agency Dept. of Environmental

Protection & Resource

Management

soils as defined by the Baltimore County Soil Survey. The RC-4 portion of this site consists of excess slopes and minor streams which drain into Western Run to justify the criteria of RC-4.

TO: Office of Planning & Zoning

DATE: December 28, 1987

RE: Zoning Issue Comments
Project No. 3-308

REVIEWER: Environmental Protection & Resource Management

 The Department has no comments on the proposal.

 The proposal is consistent with the goals of the department and meets regulatory requirements.

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Signature Robert L. Husby

Title Director

Agency Dept. of Environmental
Protection & Resource
Management



BALTIMORE COUNTY
1988 COMPREHENSIVE ZONING MAP PROCESS
COMMENT FORM

Zoning Request

Item No. 3 308

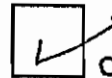
RECEIVED
PLEASE PRINT

APR 28 1988



Support Requested Zoning

OFFICE OF
PLANNING & ZONING



Oppose Requested Zoning

Name MARGUERITE J. HASLINGS

Organization (if any) Valleys Planning Council

Address 812 WESTERN Run Rd, Cockeysville, Md 21030

Phone No. 584-2550

Comment Hayfields is on the NATIONAL HISTORIC REGISTER. The FARM WAS AN ORIGINAL LAND GRANT FARM IT HAS BEEN NOTED FOR AND AWARDED FOR ITS FARMING METHODS AND PRIZE COWS. The land is steeply hilly in places and DRAINS into Western Run which in turn runs into Loch Raven. - The county roads CANNOT stand further traffic. Further building also CAN ENDANGER the water level in the AREA.

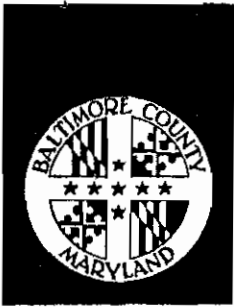
BASICALLY IT IS AN AREA THAT SHOULD BE BOUGHT BY Baltimore County AND USED AS A MODEL FARM Related to Oregon Ridge Center. Baltimore County HAS done little to save historic structures. This could be a beginning

Signature

Marguerite J. Haslings

Date

4-25-88



BALTIMORE COUNTY
1988 COMPREHENSIVE ZONING MAP PROCESS
COMMENT FORM

RECEIVED
BALTIMORE COUNTY

APR 20 1988

OFFICE OF PLANNING
AND ZONING

Zoning Request

Item No. 8-308 3-307

PLEASE PRINT

☐

Support Requested Zoning

☒

Oppose Requested Zoning

Name

PAUL FUGER

Organization (if any)

Greencroft

Address

3 Clipping Tree Lane 21030

Phone No.

584-2712

Comment

Oppose requested zoning as mentioned
at tonight's meeting.

Signature

Paul Fuger

Date

4-19-88

1988
gale

Stephen M. Dimond
1503 Near Thicket Lane, Stevenson, Maryland 21153

April 5, 1988

C. A. Dutch Ruppertsberger, III
Councilman, Third District
County Council Chambers
Old Court House
Towson, Maryland 21204

RE: 3-307, 3-308 Rezoning Issue

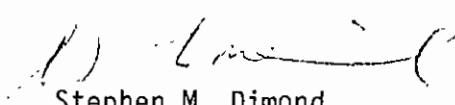
Dear Mr. Ruppertsberger:

I am opposed to granting the requested rezoning on this property.

Since these two parcels are at the entrance to Worthington Valley, these developments would be the beginning of the end of the Valley.

For the above reason, I urge you to retain the existing zoning on the property.

Sincerely,


Stephen M. Dimond

Phone No. 484-2530

Handwritten initials: J. J. J.

Stephen M. Dimond

1503 Near Thicket Lane, Stevenson, Maryland 21153

April 5, 1988

C. A. Dutch Ruppertsberger, III
Councilman, Third District
County Council Chambers
Old Court House
Towson, Maryland 21204

RE: 3-307, 3-308 Rezoning Issue

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Stephen M. Dimond

Phone No. 484-2530

Stephen M. Dimond

1503 Near Thicket Lane, Stevenson, Maryland 21153

April 5, 1988

C. A. Dutch Ruppertsberger, III
Councilman, Third District
County Council Chambers
Old Court House
Towson, Maryland 21204

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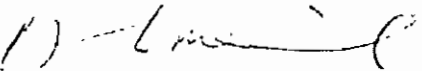
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Sincerely,



Stephen M. Dimond

Phone No. 484-2530

Renate M. Kniffin
26 Saint Thomas Lane
P.O.Box 134
Garrison, MD 21055
363-2533

4/15/88

C.A. Dutch Ruppersberger, III
Councilman, Third District
County Council Chambers
Old Court House
Towson, MD 21204

Re: Rezoning issue number 3-307

3-308

Dear Mr. Ruppersberger:

I am opposed to granting the requested rezoning on these properties.

Such rezoning would begin the destruction of the rural lands of the Worthington Valleys.

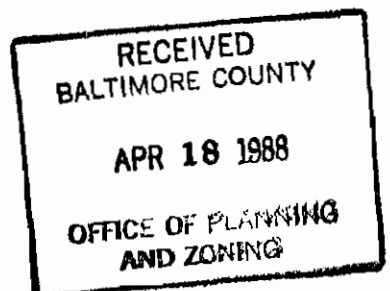
For the above reason, I urge you to retain the existing zoning on the property.

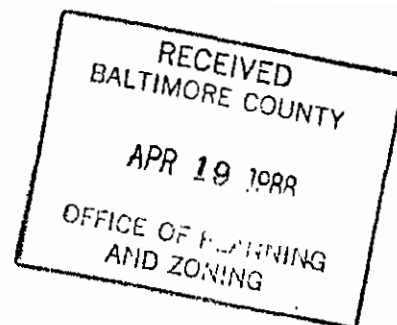
Sincerely,

cc:

Honorable Dennis A. Rasmussen
County Executive
Joshua Wheeler, Chairman
Planning Board of Baltimore County

Renate M. Kniffin





April 14, 1988

Mr. G. A. Dutch Ruppertsberger, III
Councilman, Third District
County Council Chambers
Old Court House
Towson, MD 21204

Re: Rezoning issue number 3-307
3-308

Dear Mr. Ruppertsberger:

I am opposed to granting the requested rezoning on this property. The change in zoning from agricultural to one-acre lots would begin the destruction of the Worthington Valley! These two pieces are the entrance to the Worthington Valley and the development would be the beginning of the destruction of the rural lands.

I urge you to retain the existing zoning on the property.

Sincerely,

Howard Baetjer

Mr. Howard Baetjer, III
Stevenson, Maryland 21153
(301) 363-4033

Katharine Finney Baetjer

Mrs. Katharine Finney Baetjer

cc: Honorable Dennis A. Rasmussen
Councilman Melvin G. Mintz
Mr. Joshua Wheeler ✓

April 12, 1988

C.A. Dutch Ruppersberger, III
Councilman, Third District
County Council Chambers
Old Court House
Towson, Maryland 21204

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APR 14 1988

OFFICE OF PLANNING
AND ZONING

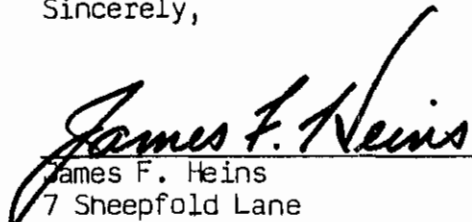
cc: Ronald B. Hickernell, Councilman, First District
Melvin G. Mintz, Councilman, Second District
Barbara F. Bachur, Councilman, Fourth District
Norman W. Lauenstein, Councilman, Fifth District
William R. Evans, Councilman, Sixth District
Dale T. Volz, Councilman, Seventh District
✓ Joshua Wheeler, Chairman, Planning Board

RE: Zoning Issues No. 3-111, 3-307 and 3-308

I am strongly opposed to the zoning change requests identified as issues 3-111, 3-307 and 3-308. I am a resident of the Greencroft community and am currently President of the Greencroft Community Association.

In expressing my opposition, I am representing myself personally and am also expressing the views of the other residents of the Greencroft community. We believe retention of the current zoning is necessary to maintain the quality of life in our community and in the Shawan Road-Worthington Valley area. Rural land is disappearing all too rapidly. We urge the preservation of what is still left and the retention of the present character of this area west of I-83. We consider this to be of the highest priority and urgently request that you deny any request to change the present zoning.

Sincerely,


James F. Heins
7 Sheepfold Lane
Hunt Valley, Maryland 21030
(301)584-2713

Mrs. W. C. Trimble, Sr.
Brooklandville
Baltimore, Maryland 21022

April 6, 1988

Joshua Wheeler, Chairman
Planning Board of Baltimore Co.
% Office of Planning & Zoning
New courts Bldg. Towson

RECEIVED

APR 11 1988

Dear Mr. Wheeler,

OFFICE OF
PLANNING & ZONING

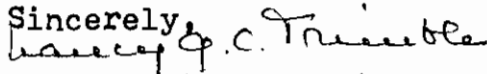
I am writing in regard to the upcoming Planning and Zoning meetings. We are original members of the Valleys Planning Council as well as the Falls Rd. Ass. and Accord. My husband worked for five years heading a committee to create Historic Landmark preservation for Baltimore Co. We also have an agricultural easement on our property.

We are dismayed at the domino effect of ^{un}controlled (or permitted) development of a once beautiful and agriculturally economic land.

From our point of view we are greatly opposed to the development of no. 3-298, which is now zoned R-2. This not only contains flood plain but would add increased traffic, water and pollution problems to an area opposite it where the present commercial plus permission for 25A of residence already creates havoc.

In addition to our personal views, having lived through two cycles of rezoning, we are able to see where bad planning and in some cases/unplanned results and speculation have destroyed a once beautiful county.

We strongly support cooperation with and adherence to the advice of community organizations, which represent the citizens of our county.

Sincerely,

Mrs. William C. Trimble

April 6, 1988

gwh

Joshua Wheeler, Chairman
Planning Board of Baltimore County
c/o Office of Planning and Zoning
New Courts Building
Bosley Ave
Towson, Md. 21204

RE: Rezoning issue number 3-298

Dear Mr. Wheeler:

I am opposed to granting the requested rezoning on this property. For many years, the Falls Road has been regarded as the line across which high density zoning should never come. To allow a "Cross-Keys" type commercial and office use on this property that is the cornerstone of the Greenspring Valley would bring wholesale development into the Valleys.

This property is zoned correctly as RC-2. It is suitable for agriculture and was planted with soybeans last season. With the amount of flood plain on this property, the Jones Falls, and a Class III trout stream crossing it, this land is environmentally sensitive as well as a pivotal location.

This development would also strain the already overtaxed sewer system in the area. This development would also strain the overflowing East-West roads such as the Greenspring Valley Road and Hillside Avenue. Both of these roads see huge volumes of traffic daily with extra volume at rush hour or when problems develop on route 695. More traffic on these roads is unacceptable.

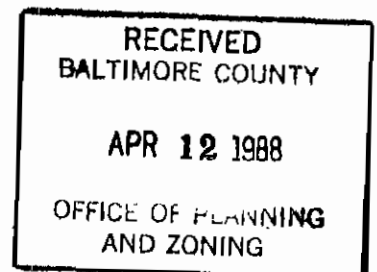
For the above mentioned reasons, I urge you to retain the existing zoning on this property.

Sincerely,

Edward H. Welbourn III

Edward H. Welbourn, III
317 Chattolane Hill Rd.
Owings Mills, Md. 21117
301-363-0521

cc: Valleys Planning Council



FALLS ROAD COMMUNITY ASSOCIATION, INC.

P.O. BOX 555

BROOKLANDVILLE, MARYLAND 21022

March 21, 1988



Hon. C. A. Dutch Ruppertsberger III
County Councilman, Third District
Old County Courts House
Towson, MD 21204

Dear Councilman Ruppertsberger,

Re: Comprehensive Zoning Map Process, Issue 3-308 (Hayfields)

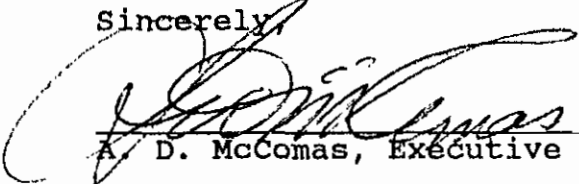
This is a request for the rezoning of 175 acres from Watershed Protection RC 4 to RC 5 and 300 acres from Agricultural Protection RC 2 to RC 5. The Falls Road Community Association Board of Directors considered this request at its January 1988 meeting and unanimously opposed such a change.

FRCA's very strong opposition to this request is primarily based on the potential risk to the environment that any transfer of property from watershed protection would create. Streams in this area feed the Loch Raven watershed and the area is generally unsuitable for residential development because of the potential to contaminate ground water and the metropolitan water supply.

In addition there is a need to preserve agricultural land in the Worthington Valley. Any change in the zoning in this area, which lies at the gateway to the valleys, could set a precedent which could lead to the development of the entire Worthington Valley. Finally, this property is historically significant and its preservation has symbolic as well as practical importance.

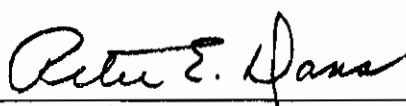
The Falls Road Community Association therefore strongly supports the recommendation of the Office of Planning and Zoning to maintain the existing RC 4 and RC 2 zoning classifications on this tract.

Sincerely,


A. D. McComas, Executive Director

Approved:


W. R. Lessig
Chairman, Zoning Committee


Peter E. Dans M.D.
President

cc: Joshua R. Wheeler, Chairman,
Baltimore County Planning Board
c/o Office of Planning and Zoning

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APR 11 1988

OFFICE OF
PLANNING & ZONING

3-30Y

17210 Whiteley Rd.
Monkton, Md. 21111
March 10, 1988

Jack
Dear Wally,

While I do not live in very close proximity to the house known as Hayfields, I feel compelled to place a letter in the file stating my opposition to any change of zoning on the property. The national import of the history of Hayfields is so significant that any tampering with the house or its surroundings would seriously detract from the nation's sense of the past. The farming operation itself was a crucial aspect of the reason for such national fame, even if one did not include the relation of the Merryman family to early Federal history, the landmark Supreme Court case of ex parte Merryman, which established the principle of the writ of habeas corpus in American jurisprudence and the interest that the Marquis de Lafayette took in the farm.

As a member of a committee who met with the owners in order to work out a scenario that would be beneficial to both the owner and to the historic site, I feel that there could be incentives used by the owner in conjunction with the historic preservation of the site that would realize a win-win situation for all concerned.

Unfortunately, the owner felt that these incentives were not lucrative enough and declined to continue working toward a compromise. Even though the private property owner feels that he may use his land as he please, I feel that there is a time and a place for consideration of the greater good of people and for the realization that because of this greater good, the owner will be the final recipient of an enhanced life quality and benefit.

Paul Krasni

17210 Whiteley Rd
Monkton, Md. 21111
March 10, 1988

Dear Wally,

Please accept this letter as a statement of our vehement opposition to the proposed rezoning of a parcel on Troyer Rd. in Monkton, now known as #208 issue.

There are several reasons for the opposition:

1. Inappropriate use of land that is Manor soil (with some Glenelg), that has standing timber on it, that provides refuge for native Maryland wildflowers such as the Maryland orchid, may apple and blood root among others, that provides habitat for deer, racoon, opposum, red fox, red shouldered hawk, owls and numerous migratory birds.
2. Inappropriate zoning in the middle of RC2 that would create spot zoning.
3. Possible pollution of the Charles Run that lies within 15 and 25d slopes.
4. Possible creation of too many wells which would seriously compromise the water supply.
5. Noise and air pollution from added cars.
6. Impact on an old historic black community.
7. Adverse impact on facilities such as roads, fire and ambulance(which are volunteer) and on an already over crowded schools system.

These specific objections are linked to our objection of the great pressure for development so that individuals may strive to bleed the area for every extra dollar they may make at the expense of the land, the citizens and the future.

Sincerely yours,

But { Claud Mascari

HARVEY M. MEYER OF

25 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201

Residence: 3206 Caves Road

Jack

March 31, 1988

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APR 5 1988

C. A. "Dutch" Ruppertsberger III
Councilman, Third District
Old Court House
Towson, Maryland 21204

Re: Rezoning issue number 3-279

PLAINT - REZONING
3-279

Dear Mr. Councilman:

I write in opposition to the granting of the requested zoning on this property. For many years, Reisterstown Road and Falls Road north of the Beltway have been regarded as the lines between which high density zoning should not be tolerated.

This petition seeks to rezone the Valley floor, which contains flood plain areas, is reasonably flat and probably could only be developed with extensive modification via storm drainage changes. Obviously this is at odds with both common sense, good engineering practice and probably EPA and Corps of Engineers regulations. Additionally, of course, significant farming takes place in this area, and the Valley floor should be retained for that purpose.

Also, as I know you are aware, public sewer and water are unavailable and will not be available under any proposed plans. The impact of continued septic tank disposal on the underground water supply has to be deleterious. Continued expansion of private water supplies drawn from the underlying aquifers in the area have already produced problems and will continue to do so. The roads in the area are now choked at certain times of the day, and this could only compound that problem.

C. A. "Dutch" Ruppertsberger III
March 31, 1988
page 2

For all the above reasons I urge you to retain
the existing zoning on the property.

Very truly yours,

Harvey M. Meyerhoff
Harvey M. Meyerhoff

cc: Planning Board of Baltimore County

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APR 22 1988

OFFICE OF PLANNING
AND ZONING

Marjorie A. Slater-Kaplan
12402 Greenspring Avenue
Owings Mills, MD 21117
April 20, 1988

Joshua Wheeler, Chairman
Planning Board of Baltimore County
c/o Office of Planning and Zoning
New Courts Building
Bosley Avenue
Towson, MD 21204

RE: Rezoning Issue number	3-004	3-298
	3-025	3-229
	3-116	3-308
	3-265	3-158
	3-270	3-136
	3-298	3-112

Dear Mr. Wheeler,

I am opposed to granting the requested rezonings from RC2 to RC5 for the properties listed above. As a new resident of the Greenspring Valley, I was very careful in choosing the place where I want to bring up my family and reside. I chose this area based on the current Master Plan, existing zoning and protections, as well as the long history this area has for being sensitive to protectionist and environmental issues.

It is my understanding the valley's areas have existing capacity for over 22,000 additional dwelling units with no rezonings. State Planning has predicted an increase in population for entire Baltimore County of only 32,450 people, which translates to about 11,000 households. Regional Planning Council's most recent (round 3A) projections are much more conservative with only a 17,800 population increase, or 6,000 households. Even if the valleys did get all the population increase, which of course is ridiculous to assume, we can not only accommodate them but give the developers room to choose properties that best meet the demands of the marketplace.

The residents of the valley are concerned that this area of Baltimore County is NOT OVERDEVELOPED. We are not responsible to developers demands for the sake of their demands. Carefully considered planning for healthy growth of the valleys is the position to take.

For the reasons outline above I urge you to retain the existing zonings on the above mentioned properties and take a lead on protecting your county.

Sincerely,

Marjorie A. Slater-Kaplan

Marjorie A. Slater-Kaplan
Associate, American Institute of Certified Planners

ROBERT D. SELLERS
ATTORNEY AT LAW
SUITE 204, LAFAYETTE BUILDING
40 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

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301/583-1712

April 26, 1988

C.A. Dutch Ruppertsberger, III
Councilman, Third District
County Council Chambers
Old Court House
Towson, Maryland 21204

Re: Comprehensive zoning

Issue No: 3-004 3-025
3-214 3-252
3-270 3-298
3-307 3-308

Dear Mr Ruppertsberger:

I am adamantly opposed to the proposed rezoning of the above-referenced properties. It is time for Baltimore County to make a long term policy decision to preserve agricultural land and open space. The county services and improvements to roads sewers, etc., which will be necessary should the zoning be changed will only further burden the taxpayer and reduce the quality of life in the area. The environment and eco-systems, once destroyed, can never be re-created.

The County government "sold" the town center idea to the citizens with explicit and implicit promises that development would be centered in those areas, saving the remainder of the county from extensive development. I hope you will fulfill those promises.

Please work to retain the existing zoning on the properties.

Yours,

Robert D. Sellers

RDS/sjp
cc: Dennis A. Rasmussen
Joshua Wheeler
Harold H. Burns

April 14, 1988

Mr. G. A. Dutch Ruppersberger, III
Councilman, Third District
County Council Chambers
Old Court House
Towson, MD 21204

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APR 18 1988

EXECUTIVE OFFICE

Re: Rezoning issue number 3-307
(3-308)

Dear Mr. Ruppersberger:

I am opposed to granting the requested rezoning on this property. The change in zoning from agricultural to one-acre lots would begin the destruction of the Worthington Valley! These two pieces are the entrance to the Worthington Valley and the development would be the beginning of the destruction of the rural lands.

I urge you to retain the existing zoning on the property.

Sincerely,

Howard Baetjer

Mr. Howard Baetjer, II
Stevenson, Maryland 21153
(301) 363-4033

Katharine Finney Baetjer

Mrs. Katharine Finney Baetjer

cc: Honorable Dennis A. Rasmussen ✓
Councilman Melvin G. Mintz
Mr. Joshua Wheeler

Baltimore County, Maryland
Executive Office
Courthouse Mezzanine
Towson, Maryland 21204
494-2450
494-3728 (TTY)

May 6, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Howard Baetjer, II
Stevenson, Maryland 21153

RE: 1988 Comprehensive Zoning Map Issues
No(s). 3-229,004,025,270,214,307,308,252,190,228,
149,298 & 158

Dear Mr. & Mrs. Baetjer:

I appreciate your letter expressing your concerns about the above referenced zoning reclassification(s) in your area. However, as County Executive, I have no authority to make decisions in the current zoning map process. County law clearly establishes the Baltimore County Council as the authority in such matters. I am forwarding your letter to the Office of Planning and Zoning where it will be kept on file and made available to both the Planning Board and the County Council as they deliberate on the 1988 zoning map issues.

To assist you in understanding that process and how you can further express your concerns, I have included two brochures with this letter. If you have any additional questions, please contact the area planner, Joseph Maranto or John J. Dillon, at 494-3480.

Sincerely,

151

Dennis F. Rasmussen
County Executive

DFR:bjs

Enclosures: 2

CC: Joseph Maranto, John J. Dillon



National Agricultural Lands Study

The Protection of Farmland:
A Reference Guidebook
for State and Local Governments





National Agricultural Lands Study

New Executive Office Building
722 Jackson Place, N.W.
Washington, D.C. 20006
(202) 395-5832

Robert Gray
Executive Director

Michael Brewer
Research Director

Shirley Foster Fields
Information Director

Participating Agencies

Council on Environmental Quality
Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Housing and Urban Development
Department of the Interior
Department of State
Department of Transportation
Department of the Treasury
Environmental Protection Agency
Water Resources Council



The Protection of Farmland: A Reference Guidebook for State and Local Governments

Robert E. Coughlin and John C. Keene
Senior Authors and Editors
and
J. Dixon Esseks, William Toner, and
Lisa Rosenberger
Authors

A Report to the
National Agricultural Lands Study
from the
Regional Science Research Institute
Amherst, Massachusetts

CHAPTER 10

INTEGRATED PROGRAMS OF INCENTIVES AND CONTROLS: STATE PROGRAMS*

I. WHAT CAN THE STATES DO?

In the American system, the states have the power to control the uses to which land may be put. In most states, however, most of this power has been delegated to local governments, which make nearly all decisions concerning the planning and regulation of land use.¹

For many land use decisions, the local government is probably the most appropriate decision-making body, since local officials have an intimate knowledge of local conditions, needs, and community goals which could not be matched by more remote state or regional agencies. Concomitant with this detailed knowledge, however, there is often a parochial outlook, and the tendency to accommodate the desires and pressures of local landowners rather than to promote the regional welfare and to achieve long-range objectives for the use of the land resource. Such shortcomings may be particularly critical for an issue such as the protection of farmland, which requires an extreme restriction of development potential, and hence of land value, and whose benefits must be judged on a regional or national scale. In truth, it makes little difference to our national food supply if a single township or even a single county were to allow all of its farmland to be developed. But, just as clearly, if every township and county permitted the destruction of its farmland, regional, national, and international needs could not be met. Thus, it can be argued strongly that to deal with a national or regional problem of retaining farmland solely through the effort of local jurisdictions is inappropriate and probably will be ineffective. A role for higher levels of government is called for.

There is no legal reason why a state could not retrieve its powers over the planning and control of land use from local governments. Clearly, however, there would be substantial political objection to removing powers which local governments now exercise. As a result, with certain outstanding exceptions, the few states that have assumed an active role in agricultural land pro-

tection have tended to do so by providing incentives for local jurisdictions which agree to exercise land use controls over agricultural lands or by retrieving only a limited number of specific powers.

Without involving local government in any way, however, state governments can take certain actions. One step, though one not taken formally by many states, is to recognize that in many instances the actions of state agencies have themselves contributed to the unnecessary development of farmland. Taking a cue from a number of federal agencies,² Governor James R. Thompson of Illinois issued an executive order on July 22, 1980 which notes that "there is no single policy or coordinating mechanism to ensure that State actions do not unnecessarily encourage the conversion of prime farmland to non-farm uses." The order declares it a state policy to protect prime agricultural land through the administration of the state's current programs and designated the Department of Agriculture as the lead agency for implementing the policy. The Department must analyze state-funded capital projects that have an impact on farmland conversion and advise the Governor's Office concerning the consistency of agency actions with the order. Each of nine state agencies is ordered to prepare and submit to the Governor, with a copy to the Illinois Department of Agriculture, an Agricultural Land Preservation Policy within one year. The policy must "include an analysis of the impact on agricultural land conversions caused by their programs, regulations, procedures and operations," and must "detail measures that can be implemented by the agency which will mitigate conversions to the maximum extent practicable". The nine agencies will participate in an inter-agency committee to solve mutual problems in meeting objectives of agricultural land preservation.³

In addition to requiring their own agencies to act consistently with the objective of protecting farmland, various states have undertaken a number of other programs which involve local governments or individual landowners. They may be classified as follows:

* The principal author of this chapter was Robert E. Coughlin.

Incentives

Preferential assessment and deferred property taxation (46 states)

Use value appraisal for inheritance taxation (28 states)

Incentives and Controls

Farm use assessment in return for restrictive agreement (California)

Offer to purchase development rights in return for enrollment in agricultural district (Maryland)

Tax credits to individuals dependent on whether local government adopts an agricultural preservation plan, zoning, or both (Wisconsin)

Controls

Development permit systems for special classes of lands or types of development (Vermont, California Coastal Commission)

Statewide zoning (Hawaii)

Integrated system of state goals and guidelines, local planning and enforcement, and incentives (Oregon)

The first two approaches, which have been discussed in chapter 3 on tax incentives, have been shown to be insufficient by themselves to save significant areas from development, but may be important elements in a total program.

The next three approaches are voluntary programs in which individual landowners, in response to monetary incentives, will accept land use controls or encourage their local governments to adopt general land use controls. Such approaches are discussed in Section II. The last three programs, consisting of controls enacted by state legislatures, require all landowners and local governments to comply rather than attempting to induce them to participate. Such mandatory programs are discussed in Section III.

In both voluntary and mandatory state programs, a variety of incentives and controls are combined. In the voluntary programs, the incentives play the preliminary role of inducing landowners to join the program and accept the restraints on land use. These restraints assure the

public that their expenditures for incentives will achieve their long-term purpose of protecting land for agricultural use. Once the restraints on land use are in effect, (either as the result of a voluntary program or a mandatory one) the continuing incentives act to offset the additional costs caused by nearby urbanization and make it possible for farmers to continue to farm. Thus, the linkage of incentives and controls is equitable for both the public and the participating landowner.

The linkage of incentives and controls also represents an important strategy for enacting programs. A common shortcoming of state efforts to protect farmland has been to enact programs consisting solely of incentives as a first step. Having already given away major benefits, the state may lack other benefits to offer along with land use controls in order to make the controls palatable to legislators and farmowners.

II. VOLUNTARY STATE PROGRAMS INVOLVING INCENTIVES AND CONTROLS

State programs involving incentives and controls tend to have common elements. First, the state makes an offer (usually a financial offer) to owners of farmland. Second, a condition of the offer is that the owner accept certain controls on land use. The program is implemented only to the extent that offers are accepted by individual landowners, or groups of landowners. The conditions of the offer may also include a requirement that the local government adopt a program to protect agricultural land. In this case, not only the original participating landowners, but also all owners of land within the designated district will be subject to the local government's program. Third, secondary effects may follow. For example, the fact that some land is enrolled in the program may shift taxes onto other landowners, thus increasing their incentive to participate, or encourage local governments to enact controls to rationalize the land use pattern.

As examples of state programs involving land use controls that are implemented through the voluntary participation of landowners, we will summarize the programs of California, Maryland, and Wisconsin.

against achieving more complete coverage. "[To the extent that] increased rates of participation in a community increase the probability of development on unrestricted land, non-participating landowners have an incentive to keep their land in the unrestricted state . . . effectively prohibit[ing] a sufficient level of participation in the rural-urban fringe to affect the rate, timing, or spatial distribution of the conversion of agricultural and other open space lands to urban-suburban and related uses."²⁰

3. Costs

The costs to the state of administering the program have not exceeded \$100,000 per year. Two staff members are assigned to the program.²¹

The subvention entitlements which are paid by the state to local governments to offset tax losses, however, have been about \$12 million per year for the past several years. Virtually all of this (99.6 percent) is paid to county governments. These payments only partially offset local tax losses. Data are not available on total tax losses to local government, but in 1973, Ronald Welch, Assistant Executive Secretary of the State Board of Equalization, estimated that the tax shift experienced by local governments was approximately three times the subventions paid in that year.²² It is believed to be more in the order of 1½-2 times the subventions since the approval of Proposition 13.²³

B. Maryland Agricultural Land Preservation Program²⁴

1. Elements of the Program

Maryland has linked its program of voluntary purchase of development rights to an agricultural districting program that requires participating farmland owners to enter into contracts not to develop their land. The program is making progress towards its own objectives and also is apparently stimulating county governments to study the loss of agricultural land more carefully and to enact programs to protect their farmland.

Maryland was the first state to institute a differential assessment program.²⁵ Property tax incentives by themselves, however, proved little deterrent to the conversion of agricultural land, particularly in the Baltimore-Washington, D.C.

area where development pressure is intense. Although the differential assessment program was strengthened by adding a rollback tax requirement in 1969, it became clear that more direct methods of controlling land use were necessary. The result of several years of deliberation was the Maryland Agricultural Land Preservation Foundation Act of 1977.²⁶

Under the Maryland program, landowners in agricultural districts are given the opportunity to sell their development rights to the Maryland Land Preservation Foundation and are also extended some protection from potential nuisance suits. In return for these benefits, the owner must agree not to subdivide or develop his land for residential, industrial, or commercial purposes for an initial period of five years. By conscious design on the part of those who drafted the Act of 1977, the state preservation program is voluntary on the part of the farmland owners and heavily dependent on the cooperation of local governments. No district may be formed or easement sale application approved without the consent of the county governing body, which, in turn, relies on the local Agricultural Preservation Advisory Board and the planning and zoning body to review and offer recommendations on all proposals.

In order to participate in the program, each county must appoint a five-member Agricultural Preservation Advisory Board which is to advise the county governing body on the formation of agricultural districts and on the approval of easement purchases, and is to formulate local priorities for agricultural land preservation. Also required of each county is adoption of a "right-to-farm" ordinance.²⁷

The regulations covering agricultural districts in Maryland have been discussed in Chapter 4.²⁸ Within the initial five-year period, a landowner may request release from the district on the basis of severe economic hardship. After the fourth year, he may terminate with one year's notice. Except for becoming ineligible to sell an easement to the Foundation, however, there are no sanctions on leaving a district.

The easements to be purchased by the Foundation specify the prevention of development, prohibition of dumping of trash and other materials,

and the displaying of most signs and billboards. They also require that sound agricultural, soil, and water conservation activities be carried out. Easements purchased by the Foundation are to be held for as long as profitable farming is feasible, which is the sole criterion for termination decisions. They may not be reviewed for possible termination sooner than 25 years after the date of institution of the easement.

In order to sell an easement, the landowner must make written application to the Foundation including his asking price. For such an offer to be considered by the Foundation, the county governing body must approve the application, basing its decision upon an evaluation of the land in light of current local regulations, patterns of development, and priorities for the preservation of agricultural land.

The Foundation assigns highest priority for purchase to those easement offers in which the ratio of offering price to appraised value is lowest. The appraised value (the "theoretical value") is the maximum which they are allowed to pay. By buying only those easements which are offered at the lowest relative prices, the Foundation will in effect provide partial compensation in an amount which is acceptable to the landowner. It will also accept what are, in fact, the best offers and therefore spend its funds most efficiently (see Chapter 7).

2. Implementation and Effectiveness

a. Statewide

The program authorized by the Maryland Agricultural Land Preservation Foundation Act of 1977 effectively went into operation in January 1979, when the Foundation adopted regulations for the program. In the ensuing year and a half, participation in the program was substantial and interest was growing. By August 1980, a total of 100 agricultural districts had been formed. They contained 22,200 acres and 158 properties and were located in 13 counties. Each of Maryland's 23 counties had appointed a local Agricultural Preservation Advisory Board, and 13 had also passed local ordinances providing for the protection of normal agricultural activities in agricultural districts, thus com-

pleting the prerequisites for participation in the state program.

The first round of easement sale applications was due on July 31, 1979. Since the final regulations for the program had first been published in January, local governments and farmers interested in participating had only six months in which to appoint a local Agricultural Preservation Advisory Board, pass a county ordinance allowing formation of districts, receive and review applications for district formation, finalize district agreements, and receive and review applications for easement sale. In light of this time constraint, it is quite remarkable that 17 completed easement sale applications were received by that July deadline.²⁹ Those 17 offered the sale of easements on a total of 2,842 acres located in four counties: Anne Arundel (89.5 acres), Carroll (1880.6 acres), Harford (107 acres), and Howard (764.9 acres). The average asking price was \$1,100, but the range was very broad: from \$400 to \$5200 per acre.³⁰ By August 1980, offers to sell easements had been received on 11,500 acres, with an average asking price of \$1,100. Because of the extremely wide spread of asking prices, the average may not be particularly useful in predicting future expenditures. Nonetheless, the asking price is not necessarily the price at which an easement will be bought, and a representative of the Maryland Farm Bureau postulated that farmers were coming in with high bids on the first round in order to "test the waters." Price negotiation may become an integral part of the purchase process through new legislation.

Interest in the program has spread geographically. Initial participation was predominantly from metropolitan area counties, since farmers in the more rural areas were subject to less development pressure and consequently adopted a skeptical, wait-and-see attitude. With the relatively smooth functioning and adequate funding of the program's first year, participation has extended to Eastern Shore and western Maryland counties.

b. Howard County

Howard County, situated in the fast-growing corridor between Baltimore and Washington,

has witnessed widespread interest in the state program. As of August 1980, 11 agricultural districts, totaling 4,100 acres, had been formed in the County. In the first round of easement sale applications, three offers were submitted by Howard County farmland owners to sell easements on 765 acres. All three offers were accepted, and two easements have been sold. The third landowner withdrew his offer because of involvement in an estate settlement and the uncertainty of how IRS would treat the easement transaction. In 1980, farmland owners made 11 easement sale offers involving 1,776 acres.

The county has also initiated its own purchase-of-development rights program, which may prove of interest to landowners who cannot meet the state's 100-acre minimum or whose offers to sell easements to the state program were rejected for lack of state funds.³¹

The state and local programs have greatly heightened awareness of the loss of agricultural land and have enabled local government officials to see more precisely the characteristics of the problem in Howard County. At least 40 percent of the land farmed in the county is leased, and as a consequence, most decisions as to district formation or easement sale are in the hands of non-farmers with a variety of long-term intentions for their land. Current development which is eating away at agricultural lands is of the large-lot exurban type rather than more dense suburban subdivisions. As a result, the county's 3-acre zoning in rural areas is ineffective in stopping the development of agricultural lands. Similarly, its recent action to convert its 10-year sewer and water boundary into a 30-year sewer and water service district (a district beyond which it will not extend public services for at least 30 years) is likely to have little effect in preventing the type of development which is now consuming the county's farmland.

In recognition of these problems, the County Executive and county council are now considering a program whereby the county would have the right of first refusal on agricultural lands put up for sale.³² The county could then purchase those lands it desired in fee simple, and resell them stripped of their development rights or subject to other restrictions. Agricultural zoning is

also being discussed—possibly taking the form of a core protected by exclusive agricultural zoning surrounded by a buffer zone protected by area-based allocation or some other type of non-exclusive agricultural zoning.

c. Baltimore County

By the spring of 1980, Baltimore County had taken all the basic steps necessary for participation in the state districting and easement program. It had established its Agricultural Preservation Advisory Board, passed the required ordinance allowing district formation, and passed a capital program for the county's share of easement purchases. The county's major thrust, however, has been in enacting an exclusive agricultural zoning district.

In November 1975, the county council adopted a Rural Conservation Zone to replace a 1-acre rural zone covering 119,000 acres. The new zone allowed a maximum of 20 lots per 100 acres on a sliding scale. Since the new zoning was not to take effect until November 1977, the planning staff recommended that a moratorium be imposed on building permits. Neither planning board nor county council acted on this suggestion, with the result that there was a rush to get final plats for subdivisions recorded during that year.

In the four months after the Rural Conservation Zone was finally put in effect, 221 tracts were subdivided, resulting in the loss of 1,663 acres of agricultural land. The inadequacy of the Rural Conservation Zone was thus apparent. The county, under a new administration, therefore imposed an Interim Development Control Act for 24 months, during which time only two lots could be split from any parcel in the Rural Conservation Zone, and began work on a growth management plan. During the period of plan review and revision, the Interim Development Control Act was extended, and in November 1979, the county council adopted an area-based allocation zoning ordinance for the rural district which permits parcels of between 2 and 100 acres to be subdivided into no more than two lots, no one of which can be smaller than one acre. Owners of properties larger than 100 acres are

allowed to split off one lot for each 50 acres of gross area. This zoning district was temporarily assigned to all 119,000 acres under the old Rural Conservation Zone. Permanent mapping of the new zoning category was scheduled for the autumn of 1980. It was expected that the proposed permanent district would generally coincide with the temporary district, and would probably include some additional areas.

The enactment of such a restrictive agricultural zone in the heart of the northeastern Megalopolitan corridor is an unusual occurrence. In part, it can be attributed to the support of local farmers, especially those on the Agricultural Preservation Advisory Board and those involved in the local Young Farmers group. These individuals were committed to farming, and they saw the agricultural zoning as a useful step in protecting agricultural land. As a condition of their support, however, they demanded county participation in the state districting and easement program, including the provision of at least some county matching funds.

By the fall of 1980, the first steps in both zoning and matching fund programs had been taken. The zoning text was adopted, \$400,000 for easement purchase was approved by the county council for 1980-81, and \$1 million for each of the following two years. The county's Farm Bureau agreed to act as the principal lobbyist for the bond issue question and made an initial allocation of \$1,000 for the effort. When an agricultural zone was proposed four years ago, many farmers were opposed, but at the time of writing most farmers accepted the zoning restrictions, and most inquiries to the county planning commission from farmers concerned how they could participate in an agricultural preserve district and why certain boundary properties had not been included in the agricultural zone. Initially, at least, no opposition was raised by developers, and one rural developer acknowledged that the rules of the game have changed and that he was willing to abide by them.³³

3. Costs and Funding

State funding from the beginning of the program through the FY 1981 budget totals \$6.3

million. Local matching funds are expected to increase the total funds to \$10.0 million.

Some of the funding for the agricultural protection program is provided by Maryland's differential tax assessment program. As amended in 1979, the differential assessment law provides for a penalty tax of 10% of the difference between the fair market value and the agricultural use value of the land at the time of conversion. Two-thirds of all revenue generated by this development tax penalty is put into the State Agricultural Land Preservation Foundation, with the other one-third retained by the local taxing jurisdiction for an approved local agricultural land preservation program.³⁴

As with any purchase-of-development-rights program, the major questions of effectiveness are concerned primarily with whether sufficient funding is likely to be available to achieve the objectives of the program. If the FY 81 level of funding (\$6.25 million from state and local sources) is maintained, and the \$1,100 per acre average asking price does not increase, Maryland can expect to purchase easements on 56,820 acres of farmland over the next 10 years. This represents a mere 2 percent of all land in farms in the state, and is far short of the 1.5 million acres tentatively recommended in the 1974 Report of the Committee on the Preservation of Agricultural Land. Even the sought-after annual funding levels of \$10 million to \$15 million would enable purchase of only 3.2 to 4.8 percent of all farmland.

Clearly, given what appear to be realistic levels of funding, the easement program by itself will not maintain Maryland's agricultural resource base. But the program's effect goes beyond those acres actually put under easement. Landowners, so far, have enrolled twice as much land in districts as they have offered to sell development rights on. In addition, for those who are enjoying differential assessment, the new development tax may serve as a significant deterrent to development. Finally, funding from the state PDR program and from the differential assessment penalty tax may provide incentive for additional counties to initiate complementary programs, such as agricultural zoning, which may significantly increase the amount of acreage protected.

IV. THE RELATIONSHIP BETWEEN STATE AND LOCAL PROGRAMS

State programs are important not only in themselves but also as they affect local programs. First, a state program may make local programs easier to enact and more effective. At one extreme, a program such as Oregon's may prescribe the type of program which local governments must undertake; at the other extreme, a formal state policy can cast a cloak of legitimacy about a local program which otherwise would have little justification if carried out only by a single local government.

Thus, a policy statement by the state legislature that agricultural land is a valuable natural economic resource which should be protected may be important. It can provide a point of reference and an hospitable policy environment for local programs. In doing so, a state policy can make it possible to demonstrate the consistency of a local program with state objectives. Adoption of a state program is an important political act which may strengthen the positions of local governments against various types of political and legal challenges.

Second, a state program generally requires or enables some local planning to take agricultural land explicitly into account. This can occur through the requirement to set up local planning bodies, such as the Agricultural Preservation Ad-

visory Boards required of participating counties by the Maryland program, or the offering of grants for planning, as is done in the Wisconsin and Oregon programs. Very often, once local people have the format for discussing the problem of protecting agricultural land and resources with which to measure and analyze their land base and develop plans, they will take effective action. It has been observed that the adoption of zoning ordinances in Wisconsin is attributable in large measure to the planning grant program as well as to the tax credit payments.¹⁴⁸

Third, even though a state program may fall far short of being a complete solution to the problem, it can provide a starting point which stimulates positive actions by local government. This can occur either as an intended part of the program or in a somewhat unpredictable manner. For example, the positive response of counties to the matching-funds provided by the Maryland districting-PDR program was not surprising. Less predictable was the reaction of farm leaders in Baltimore County who found that the prospect of selling easements was enough to enable them to accept the imposition of agricultural zoning.

Finally, in the absence of a state program, many local jurisdictions because of inertia, lack of leadership, or local political pressures will not undertake agricultural protection programs. A state program can induce or require them to take action to protect farmland.

FOOTNOTES-CHAPTER 10

1. American Law Institute, *A Model Land Development Code*, (Philadelphia, 1975) p. 252.

2. See *Final Report of the National Agricultural Lands Study* (1981).

3. It has been reported that several other states are considering issuing similar executive orders

4. Sections 51200-51295 Cal. Gov't Code.

5. Prime agricultural land is defined as: all land which qualifies for rating as Class I or Class II in the Soil Conservation Service Land Use Capability classifications; land which qualifies for rating 80 through 100 in the Storie Index Rating; land which supports livestock or is used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre; land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period not less than two hundred

dollars per acre per year; and land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars per acre for three of the previous five years. (Paraphrased from Section 51201.1 through 51201.5, Cal. Gov't Code).

6. Sect. 51230, Cal. Gov't Code.

7. Sect. 51283.1, Cal. Gov't Code.

8. Sect. 16140, Cal. Gov't Code.

9. A subvention of \$5 is also specified for prime land within 3 miles of a city of 15,000 or more in any county not qualifying for a payment of \$8 per acre as described above.

10. Gregory C. Gustafson and L. T. Wallace, "Differential Assessment as Land Use Policy: The California Case," *Journal of the American Institute of Planners*, Vol. 41, No. 6 (November 1975).

11. California State Board of Equalization (Assessment Standards Division, Department of Property Taxes), *Assessment Practices Survey: A Special Study of Agricultural Properties under California Land Conservation Act Contracts 1980*.

12. Personal communication, Steven P. Kraus, California Department of Conservation.

13. California State Board of Equalization, *op. cit.*, p. 80.

14. Proposition 13 provides that real property be taxed at one percent of the full 1975 property value, adjusted annually by a two percent inflation rate. Property is reassessed on sale.

15. Personal communication, Steven P. Kraus, California Department of Conservation, July 1980.

16. *Ibid.*

17. *Ibid.*

18. See Case Study No. 3 for more detail on experience with the Williamson Act in Stanislaus County.
19. Personal communication, Steven P. Kraus, September 1980.
20. Gregory C. Gustafson, "California's Use-Value Assessment Program: Participation and Performance through 1975-76," mimeo, n.d.
21. Personal communication, Steven P. Kraus, July 1980.
22. John C. Keene, et al., *Untaxing Open Space*, p. 96.
23. Personal communication, Steven P. Kraus, September 1980.
24. See Case Study No. 15 for a more complete analysis of this program.
25. 1956 Laws of Maryland, Ch. 9. The current differential assessment statute for farmland in Maryland is Md. Code Ann. Art. 81, Sec. 19.
26. Md. Code Ann., Agriculture, Sections 2-501 through 2-515.
27. Md. Code Ann., Agriculture, Section 2-501.
28. See also Craig A. Nielsen, "Preservation of Maryland Farming: A Current Assessment," *University of Baltimore Law Review*, Vol. 8, No. 3 (1979) pp. 429-460.
29. Interview with Alan R. Musselman, Executive Director of the Maryland Agricultural Land Preservation Foundation. March 19, 1980.
30. 1979 *Annual Report* of the Maryland Agricultural Land Preservation Foundation.
31. Howard County's easement purchase program is also discussed in Chapter 7.
32. See Chapter 7 for a discussion of this concept.
33. Interview with John J. Dillon, Jr., Environmental Planner, Baltimore County, September 1980.
34. Each county receives 1/23rd of the funds available.
35. See Case Study No. 17 for more complete analysis of this program. See also James A. Johnson, Wisconsin's Farmland Preservation Program in *Farmlands Preservation: The State of the Art*, Frederick Steiner and John Theilacker, eds. (Pullman, Wash.: Washington State University, 1980), pp. 103-116; Peter Amato (coordinator), *Farmland Preservation Planning: State of the Art, Wisconsin* (Madison, Wisc.: University of Wisconsin-Extension, 1978); Peter Amato, Richard Barrows, David Fodroczi, James Johnson, and Pamela Wiley, *Planning to Preserve Agricultural Land* (Madison, Wisc.: Dept. of Agriculture, Trade and Consumer Protection, 1978), and Richard A. Barrows, A.J. Klingelhoets, Thomas Krauskopf, and Doug Yanggen, *Mapping to Preserve Agricultural Land: Alternatives for Local Officials and Citizens* (Madison, Wisc.: Wisc. Dept. of Agriculture, Trade and Consumer Protection, 1980).
36. Wis. Stat. Ann., Ch. 91, Farmland Preservation.
37. The State of Michigan enacted a somewhat similar program in 1974 (Act. No. 116, Public Acts of 1974, Approved by Governor W.G. Milliken, May 23, 1974). Under the Michigan program, farmland owners may enter into a development rights agreement with the state for 10 or more years. The agreement may be renewed. In return, the owner is entitled to claim as a credit on his Michigan Income Tax the amount by which the property taxes on the farmland covered by the agreement exceed 7 percent of his household income. If the owner withdraws from the program before the terminal date of his original agreement, he must repay the total amount of all tax benefits with interest at 6 percent compounded. If he withdraws when the agreement has run its full period, he must pay back the last 7 years without interest. The Michigan program consists entirely of agreements between individual landowners and the state government. Credits paid under it do not depend upon local adoption of an agricultural preservation plan or an agricultural zoning ordinance, as do credits in the Wisconsin program.
38. In order to approve early cancellation of a contract, the local government must find that one or more of the following conditions exist:
 1. The agreement imposes continuing economic inviability causing hardships through the prevention of necessary improvements to the land. In this subdivision "economic inviability" means continued uneconomic operation because of the restrictions in the agreement and not merely the existence of uses of the land which would allow higher returns.
 2. Significant natural physical changes in the land which are generally irreversible and permanently affect the land.
 3. Surrounding conditions prohibit agricultural use.
39. Net household income consists of *net* farm income plus "other" income minus \$7,500.
40. The contracting landowner must pay back 2 years credit if local government does not act, and must pay back all credit if he chooses not to sign long term agreement.
41. A Rural County is one whose population density is less than 100 persons per square mile.
42. Wis. Stat. Ann. Sect. 91.51 to 91.79 (Supp. 1980).
43. Wis. Stat. Ann. Sect. 32.035 (Supp. 1980).
44. These counties acted in anticipation of state tax relief to come, based on the 1974 referendum which approved use value assessment of farmland (letter from James A. Johnson, Director, Wisconsin Farmland Preservation Program, August 20, 1980). Colombia enacted a conditional use agricultural zoning ordinance in 1973 and changed it to a large lot ordinance in 1978 to comply with the requirements of the state act.
45. Letter of August 20, 1980 from James A. Johnson, Director, Wisconsin Farmland Preservation Program.
46. "The Wisconsin approach to identifying 'important' farmlands is to begin with such productivity data, and then refine at the local level with other criteria that may be more important locally. For example, one of our better agricultural counties has only 20 percent of its land in Class I or III, yet identifies almost 90 percent of the land as "preservation area" because of the productive dairy farms and their importance to the local economy. We feel that it is unrealistic to use the national classification system alone to evaluate such local preservation efforts," James A. Johnson, *op. cit.*
47. Some tracts in agriculturally zoned areas were not eligible because the owner was not a state resident or the farm did not meet the minimum area or gross farm profits tests. For other tracts, household income was too high for credits under the schedule, homestead credits might have been higher, or the owner had not yet filed, was unaware of eligibility or filing requirements, or in a few cases was philosophically opposed to the program.
48. Data from Participation in the Wisconsin Farmland Preservation Program, Technical Report No. 5, p. 5.
49. *Ibid.*, p. 4.
50. Note that after the 20-year amortization period Maryland will not have to make any additional payments. This is in contrast to the annual tax credits and tax expenditures made by the three states which will continue indefinitely.
51. Robert G. Healy and John S. Rosenberg, *Land Use and the States*, second edition (Baltimore: Johns Hopkins, 1979, 2nd ed.) pp. 40-43.
52. Vt. Stat. Ann. tit. 10, Sections 6001-6091 (Supp. 1980).
53. Vt. Stat. Ann. tit. 10, Section 6086(a)1-10 (Supp. 1980).
54. Vt. Stat. Ann. Tit. 10, Section 6001 (15). In addition, if a tract includes other than prime agricultural soils, only the prime agricultural soils shall be affected by criteria relating specifically to such soils.
55. Vt. Stat. Ann. tit. 32, Section 10001-10 (Supp. 1980).
56. Healy and Rosenberg, *op. cit.*, n. 51, pp. 69-71.
57. Environmental Board, Act 250 Statistics, June 1970-June 1980.
58. Healy and Rosenberg, *op. cit.*, n. 51, p. 46.
59. Coughlin et al., *Saving the Garden*, pp. 227-231.
60. Findings of Fact, Conclusions of Law and Order, Application No. 5L0444. The Board found that the subdivision had not been planned to minimize the reduction of agricultural poten-

DATE: 6-14-95

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: Hayfield's Reclassification

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

HAYFIELDS - TABLE OF SOILS COMPOSITION IN THE AGRICULTURAL ZONE

Capability Class and Acreage

Soil Type	I	II	III	IV	VI	VII
HaA	~~21.7~~ 17.6	149.5	22.1			
HaB2						
HaC2						
Cu		10.7				
GnB		2.6				
GcB2		22.1				
GcC2			37.3			
GcD3					.4	
McD3					6.8	
MdE					5.0	
MhE					.3	
BaB					1.0	
Total	17.6	184.9	72.2		13.2	.3
Percent	6.1%	64.2%	25.1%	----	4.6%	----

J. Dillon

SOIL SURVEY

Baltimore County Maryland



UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
In cooperation with
MARYLAND AGRICULTURAL EXPERIMENT STATION

of borrow material or other fill, or they have had as much as two-thirds of the original profile removed by cutting or grading. The remaining 15 percent of the complex is Urban land, where the soil has been covered by more than 18 inches of fill, or the profile has been almost entirely or entirely cut away. The fill materials are mostly of local origin and generally are silty and micaceous. Streets, sidewalks, and buildings make up a large part of the complex.

Seasonal wetness and a high water table limit the suitability of this complex for building sites, septic tanks, and other residential and community uses. The soils and fill materials make a fairly good medium for lawn grasses, ornamental shrubs, and other plants that can tolerate some seasonal wetness. There is a hazard of frost heaving to some perennials. Suitability of soils in deeply filled or cut areas must be determined for each site. Capability unit and woodland subclass not assigned.

Hagerstown Series

The Hagerstown series consists of very deep, well-drained, nearly level to moderately sloping soils of the limestone valleys on the Piedmont Plateau. These soils formed in materials deeply weathered in place from fairly pure limestone and marble. The native vegetation is mixed hardwoods including black walnut, but few, if any, wooded areas remain.

In a representative profile the surface layer is reddish-brown silt loam about 9 inches thick. The upper part of the subsoil is yellowish-red sticky silty clay loam about six inches thick. The lower part of the subsoil, about 39 inches thick, is red clay that is plastic and very sticky. The underlying material, to a depth of about 80 inches, is massive, strong-brown clay loam streaked with red.

Hagerstown soils are fairly easy to work at a favorable moisture content. They generally are no more than slightly acid, have a high available moisture capacity, and a high natural content of plant nutrients. Permeability is moderate. These soils have no limitations to farming except for the erosion hazard in sloping areas. The only important limitation to most nonfarm uses is slope.

Representative profile of Hagerstown silt loam, 3 to 8 percent slopes, moderately eroded, in a cultivated area on the north side of Shawan Road, one-fourth mile west of its intersection with Interstate Route 83:

- Ap—0 to 9 inches, reddish-brown (5YR 4/4) silt loam; weak, medium, granular structure; friable, slightly sticky; many roots; some subangular quartz gravel; moderately alkaline; abrupt, smooth boundary.
- B1—9 to 15 inches, yellowish-red (5YR 4/6) silty clay loam; weak to moderate, fine, subangular blocky structure; firm, sticky and plastic; common roots; moderately alkaline; clear, wavy boundary.
- B21t—15 to 25 inches, red (2.5YR 4/6) clay; moderate, medium, subangular blocky structure; very firm, plastic and very sticky; few roots; faint clay films; neutral; gradual, wavy boundary.
- B22t—25 to 64 inches, red (2.5YR 4/8) clay; moderate, fine, subangular blocky structure; firm, plastic and very sticky; a few roots in upper part; distinct clay films; slightly acid; gradual, wavy boundary.
- C—54 to 80 inches, strong-brown (7.5YR 5/8) heavy clay loam, banded with red (2.5YR 5/8) in upper part; massive; firm, sticky and plastic; some weathered limestone fragments; medium to strongly acid.

In the A horizon color ranges from 10YR to 5YR in hue, from 3 to 5 in value, and from 1 to 4 in chroma. The lowest value and chroma are limited to undisturbed A1 horizons less than 6 inches thick.

In the B horizon, the hue ranges from 2.5YR to 7.5YR, the value is 4 or 5, and the chroma ranges from 4 to 8. The texture of the Bt horizon generally is clay or silty clay but is silty clay loam in places. The weighted average content of clay in the Bt horizon ranges from 45 to 60 percent.

In the C horizon the hue ranges from 10YR to 2.5YR, the value from 3 to 6, and the chroma from 4 to 8. This horizon is uniform in color in some areas and moderately or highly variegated in others.

The solum ranges from about 40 to 60 inches in thickness. Depth to bedrock (fig. 6) ranges from about 4 to 7 feet. Small amounts of cherty gravel are in the profile, and iron-manganese concretions and geodes are fairly common in the lower part of the B and the C horizon. There are some major outcroppings of hard limestone.

Hagerstown soils are similar to Christiana, Elloak, Sunnyside, and Montalto soils in color and drainage. Hagerstown soils are less acid and contain more plant nutrients than Christiana, Sunnyside, and Elloak soils. They formed in residuum from fairly pure limestone, whereas the Montalto soils formed in residuum from dark, basic igneous rocks and contain coarse fragments of those rocks. Hagerstown soils are more clayey and less sandy throughout than Sunnyside soils.

Hagerstown silt loam, 0 to 3 percent slopes (HoA).—This soil has a profile similar to that described as representative of the series except that the surface layer generally is thicker. Included in mapping are some areas that have some surface gravel and some spots where the surface layer has been washed away.

This soil can be used for most purposes if it is reasonably well managed. Capability unit I-1; woodland subclass 1c.

Hagerstown silt loam, 3 to 8 percent slopes, moderately eroded (HoB2).—This soil has the profile described as representative of the series. Included in mapping are a few severely eroded spots and some gravelly areas. The soil is well suited to most uses and has only moderate limitations because of slope and the hazard of further erosion. Capability unit IIc-1; woodland subclass 1c.

Hagerstown silt loam, 8 to 15 percent slopes, moderately eroded (HoC2).—This soil generally has a thinner surface layer than that in the profile described as representative of the series. Included in mapping are some spots that are severely eroded and some that have slopes of more than 15 percent. Also included are some gravelly areas and some outcroppings of hard rock that are shown on the soil map by a conventional symbol.

The hazard of further erosion is severe because of slope, but under good management that includes erosion-control practices, the soil can be used continuously for nearly all purposes. Capability unit IIIc-1; woodland subclass 1c.

Hatboro Series

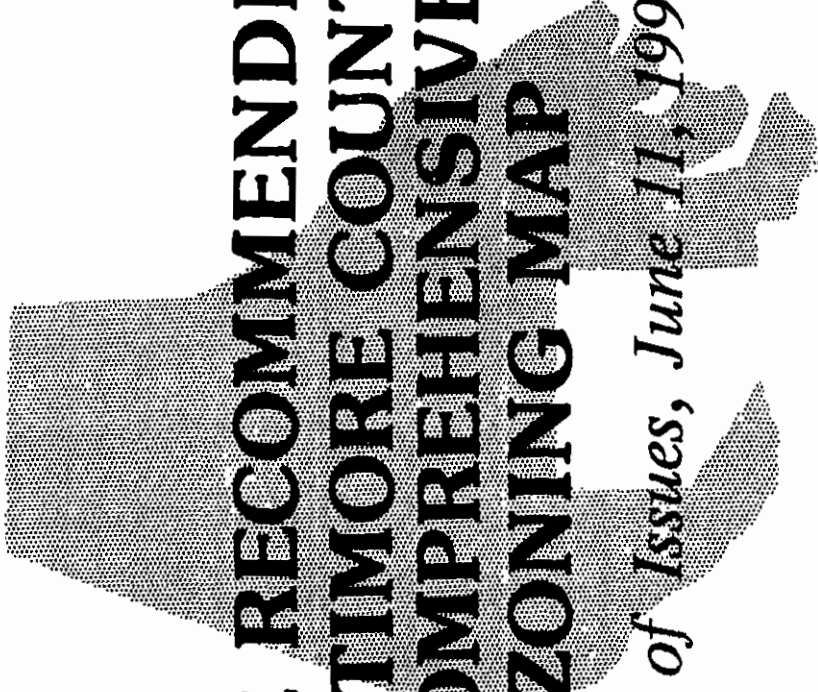
The Hatboro series consists of deep, poorly drained, nearly level soils on flood plains, mainly on the Piedmont Plateau. These soils extend along the major streams into the upper part of the Coastal Plain. The water table is at or near the surface for long periods, and the soils are subject to flooding at irregular intervals. The native vegetation is wetland oaks, maple, holly, and sweetgum.

In a representative profile the surface layer is black

silt loam
subsoil
mottled
soil, a
sticky
gray,
The
above
to silt
availa
easy to
genera
Plowin
age is
meabili
soils ar
Repr

TABLE 1.—Approximate acreage and proportionate extent of the soils—Continued

Soil	Acrea	Percent	Soil	Acrea	Percent
Elkton-Urban land complex.....	220	0.1	Legore very stony silt loam, 15 to 25 percent slopes.....	1,140	0.3
Elsinboro loam, 3 to 8 percent slopes.....	1,270	.3	Legore very stony silt loam, 25 to 45 percent slopes.....	1,290	.3
Elsinboro loam, 8 to 15 percent slopes, moderately eroded.....	450	.1	Legore silty clay loam, 8 to 15 percent slopes, severely eroded.....	750	.2
Fallsington sandy loam.....	600	.2	Legore silty clay loam, 15 to 25 percent slopes, severely eroded.....	600	.2
Fallsington loam.....	920	.2	Legore-Urban land complex, 0 to 8 percent slopes.....	3,280	.8
Fort Mott loamy sand, 0 to 5 percent slopes.....	570	.1	Legore-Urban land complex, 8 to 15 percent slopes.....	1,800	.5
Galestown loamy sand, 0 to 5 percent slopes.....	230	.1	Lenoir loam, 0 to 5 percent slopes.....	940	.2
Galestown loamy sand, 5 to 10 percent slopes.....	160	(1)	Lenoir silt loam, 0 to 5 percent slopes.....	2,140	.5
Glenelg loam, 3 to 8 percent slopes, moderately eroded.....	24,400	6.1	Lenoir silt loam, 5 to 12 percent slopes, moderately eroded.....	270	.1
Glenelg loam, 8 to 15 percent slopes, moderately eroded.....	17,850	4.6	Lenoir silty clay loam, 5 to 12 percent slopes, severely eroded.....	230	.1
Glenelg loam, 8 to 15 percent slopes, severely eroded.....	2,030	.5	Lenoir-Urban land complex, 0 to 5 percent slopes.....	740	.2
Glenelg loam, 15 to 25 percent slopes, moderately eroded.....	1,440	.4	Leonardtown silt loam.....	560	.1
Glenelg loam, 15 to 25 percent slopes, severely eroded.....	740	.2	Lindside silt loam.....	510	.1
Glenelg channery loam, 3 to 8 percent slopes, moderately eroded.....	2,070	.5	Loamy and clayey land, 0 to 5 percent slopes.....	3,460	.9
Glenelg channery loam, 8 to 15 percent slopes, moderately eroded.....	5,180	1.3	Loamy and clayey land, 5 to 15 percent slopes.....	6,570	1.7
Glenelg channery loam, 15 to 25 percent slopes, moderately eroded.....	1,740	.4	Loamy and clayey land, 15 to 40 percent slopes.....	590	.1
Glenelg channery loam, 15 to 25 percent slopes, severely eroded.....	1,120	.3	Made land.....	3,600	.9
Glenelg-Urban land complex, 0 to 8 percent slopes.....	3,210	.8	Manor loam, 3 to 8 percent slopes, moderately eroded.....	8,810	2.3
Glenelg-Urban land complex, 8 to 15 percent slopes.....	1,370	.3	Manor loam, 8 to 15 percent slopes, moderately eroded.....	20,000	5.2
Glenville silt loam, 0 to 3 percent slopes.....	1,900	.5	Manor loam, 8 to 15 percent slopes, severely eroded.....	3,360	.9
Glenville silt loam, 3 to 8 percent slopes.....	12,030	3.1	Manor loam, 15 to 25 percent slopes, moderately eroded.....	8,380	2.1
Glenville-Urban land complex, 0 to 8 percent slopes.....	390	.1	Manor loam, 15 to 25 percent slopes, severely eroded.....	6,830	1.7
Hagerstown silt loam, 0 to 3 percent slopes.....	280	.1	Manor channery loam, 3 to 8 percent slopes, moderately eroded.....	3,140	.8
Hagerstown silt loam, 3 to 8 percent slopes, moderately eroded.....	1,410	.4	Manor channery loam, 8 to 15 percent slopes, moderately eroded.....	12,270	3.1
Hagerstown silt loam, 8 to 15 percent slopes, moderately eroded.....	430	.1	Manor channery loam, 8 to 15 percent slopes, severely eroded.....	2,010	.5
Hatboro silt loam.....	4,160	1.1	Manor channery loam, 15 to 25 percent slopes, moderately eroded.....	11,700	3.0
Hollinger loam, 3 to 8 percent slopes, moderately eroded.....	360	.1	Manor channery loam, 15 to 25 percent slopes, severely eroded.....	8,300	2.1
Hollinger loam, 8 to 15 percent slopes, moderately eroded.....	500	.1	Manor soils, 25 to 50 percent slopes.....	16,310	4.2
Hollinger and Conestoga loams, 15 to 25 percent slopes, severely eroded.....	360	.1	Manor-Urban land complex, 15 to 25 percent slopes.....	350	.1
Hollinger and Conestoga very rocky loams, 3 to 15 percent slopes.....	550	.1	Manor and Glenelg very stony loams, 3 to 15 percent slopes.....	570	.1
Iuka silt loam.....	530	.1	Manor and Brandywine very stony loams, 15 to 25 percent slopes.....	1,000	.3
Joppa gravelly sandy loam, 2 to 5 percent slopes.....	960	.2	Manor and Brandywine very stony loams, 25 to 65 percent slopes.....	8,000	2.1
Joppa gravelly sandy loam, 5 to 10 percent slopes, moderately eroded.....	1,370	.3	Matapeake silt loam, 0 to 2 percent slopes.....	240	.1
Joppa gravelly sandy loam, 10 to 15 percent slopes, moderately eroded.....	490	.1	Matapeake silt loam, 2 to 5 percent slopes.....	670	.2
Joppa-Urban land complex, 5 to 15 percent slopes.....	1,510	.4	Matapeake silt loam, 5 to 12 percent slopes, moderately eroded.....	260	.2
Kelly silt loam, 3 to 8 percent slopes, moderately eroded.....	800	.2	Mattapex silt loam, 0 to 2 percent slopes.....	1,940	.5
Kelly silt loam, 8 to 15 percent slopes, moderately eroded.....	240	.1	Mattapex silt loam, 2 to 5 percent slopes.....	3,170	.8
Kelly very stony silt loam, 0 to 15 percent slopes.....	240	.1	Mattapex-Urban land complex, 0 to 5 percent slopes.....	3,740	1.0
Kelly-Urban land complex, 0 to 8 percent slopes.....	300	.1	Melvin silt loam.....	330	.1
Legore silt loam, 3 to 8 percent slopes, moderately eroded.....	1,170	.3	Melvin silt loam, local alluvium.....	1,210	.3
Legore silt loam, 8 to 15 percent slopes, moderately eroded.....	1,310	.3	Mine dumps and quarries.....	120	(1)
Legore silt loam, 15 to 25 percent slopes, moderately eroded.....	770	.2	Montalto silt loam, 3 to 8 percent slopes, moderately eroded.....	1,600	.4
Legore silt loam, 25 to 45 percent slopes.....	430	.1	Montalto silt loam, 8 to 15 percent slopes, moderately eroded.....	390	.1
Legore very stony silt loam, 3 to 15 percent slopes.....	1,650	.4	Mt. Airy channery loam, 3 to 8 percent slopes, moderately eroded.....	380	.1
			Mt. Airy channery loam, 8 to 15 percent slopes, moderately eroded.....	1,690	.4



THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues, June 11, 1992

A Report by the Baltimore County Planning Board
for Public Hearings
by the Baltimore County Council

PREFACE

This edition of the Log of Issues presents the final recommendations of the Baltimore County Planning Board on all of the requests for zoning classification change filed in the 1992 Comprehensive Zoning Map Process.

The Planning Board's preliminary report on these issues, adopted on March 5, 1992, was the subject of seven public hearings conducted in April. During May and early June, Board members participated in eight lengthy work sessions involving detailed discussions on individual zoning issues. One of the most difficult issues that generated extensive discussion among Board members was Issue #3-185. A Minority Report on Issue #3-185 may be found at the end of the Third District Issues.

This edition of the Log of Issues reflects the Board's deliberations and resultant recommendations to the County Council on each separate issue. The County Council has sole authority to determine the final zoning on each property. Council may retain the existing zoning, accept the recommendation of the Planning Board for a change of zoning, or may decide to apply any of the full range of zones permissible under the Baltimore County Zoning Regulations.

During the month of September, the Baltimore County Council will hold a series of public hearings, one in each Councilmanic District. This Log of Issues will be the basis for these public hearings. The County Council vote on each issue must occur before October 16, 1992.

Baltimore County Government
Planning Board



401 Bosley Avenue
Towson, MD 21204

887-3211

RESOLUTION

Recommending the 1992 Comprehensive Zoning Map

WHEREAS Section 26-123 of the Baltimore County Code, 1988, as amended, establishes a procedure for the comprehensive review and revision of the County Zoning Maps; and

WHEREAS 608 Issues pertaining to the Zoning Maps have been raised during the periods established in Section 26-123(e); and

WHEREAS on March 5, 1992, the County Planning Board approved a set of maps and accompanying Log of Issues to comprise a Preliminary Report by the Board for purposes of public hearing; and

WHEREAS the Planning Board conducted seven public hearings on the Preliminary Report after having given at least twenty days notice published in newspapers of general circulation in the County; and

WHEREAS diligent effort was made by the Office of Planning and Zoning to assure that written notice was sent to property owners as specified in Section 26-123(f); and

WHEREAS a Committee of the whole Planning Board conducted eight work sessions for further intensive review and deliberation on the Issues, and has made its recommendations to the Board;

NOW, THEREFORE, BE IT RESOLVED pursuant to County Code Section 26-123(d) that the Baltimore County Planning Board hereby adopts, as a Final Report of the Planning Board recommending comprehensive revisions to the zoning maps, the following three items, as amended in accordance with the actions approved by the Board on this date:

1. the report entitled "The Recommended Baltimore County Comprehensive Zoning Map, Log of Issues, June 11, 1992; and
2. the accompanying set of recommended zoning maps consisting of 829 sheets at a scale of 1" = 200'; and
3. the accompanying set of recommended zoning maps consisting of 20 sheets at a scale of 1" = 1000.

DULY ADOPTED BY VOTE OF THE BALTIMORE COUNTY PLANNING BOARD THIS 11TH DAY OF JUNE, 1992

Attest

David Fields

P. David Fields, Secretary

Harold G. Reid

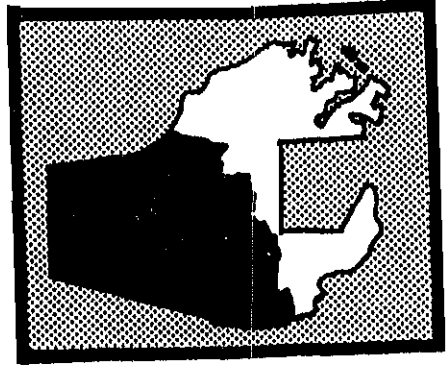
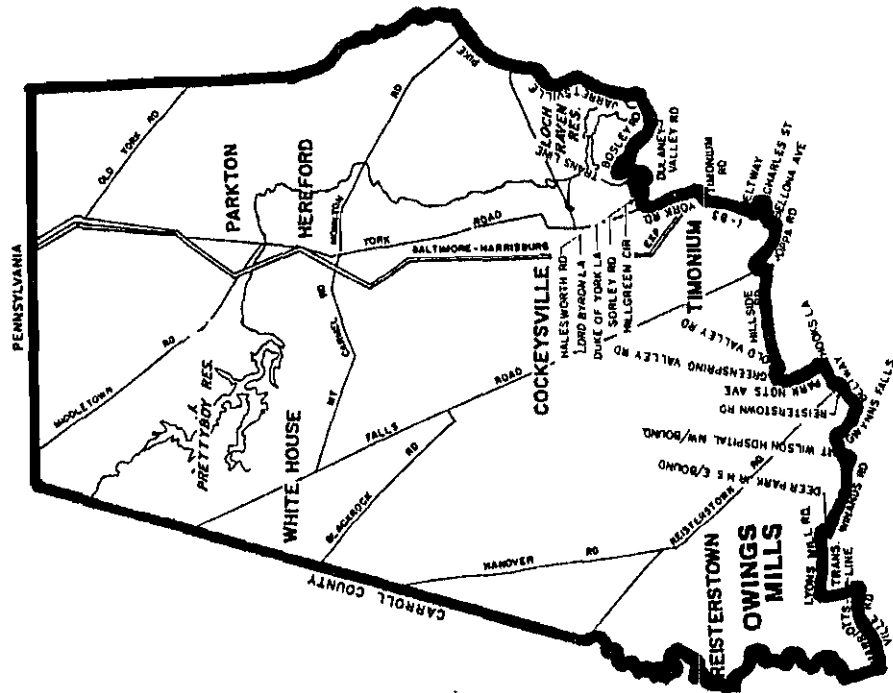
Harold G. Reid, Chairman

BALTIMORE COUNTY COUNCIL

THIRD COUNCILMANIC DISTRICT

1992

COMPREHENSIVE ZONING PROCESS



BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COMMENTS
3-176	Hathaway Community Association By Kenneth D Hines	Along NE Side I-795 SE Side Franklin Blvd and both Sides Nicodemus & Cherry Hill Rds	51.24	DR 2 37.59 DR 3.5 9.92 RO 2.80 RC 5 0.29 DR 5.5 0.64	DR 2 28.95 DR 5.5 0.03 DR 10.5 9.15 RC 5 0.29 RO 2.80 O-1 or SE 10.02	DR 2 37.59 DR 3.5 9.92 RO 2.80 RC 5 0.29 DR 5.5 0.64	Amended by petitioner 4/1/92. Withdrawn by petitioner 5/8/92.
3-177	Edward Personette By John Goutrun	1300' N of Winands Rd (4225 McDonogh Rd)	20.39	DR 3.5 20.39	DR 5.5 20.39	DR 5.5 20.39	Covenants pending.
3-178	Nicholas B Mangione By Joseph LaVerghetta	N Side Shawan Rd and I-83	471.00	RC 2 300.00 RC 4 171.00	RC 2 300.00 RC 5 171.00	RC 2 300.00 RC 4 171.00	
3-179	Carlyle N Montanye, Jr	Intersection of Prospect Ave & Waugh Ave (4500 Prospect Ave)	259.49	RC 2 56.75	RC 5 56.75	RC 2 56.75	
3-180	Dickie Howard Goodman By Robert DiCicco, Esq	2400' W of centerline of York Rd & Thornton Mill Rd & York Rd	68.59	RC 4 68.59	DR 10.5 or ML 68.59	RC 4 68.59	See Issues 3-003, 3-158
3-181	Michael Horner	NW Intersection of York Rd & Belfast Rd	8.00	RC 5 8.00	BL 8.00	RC 5 8.00	

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

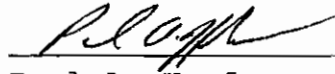
Post Office Box 396
Sparks, Maryland 21152

AFFIDAVIT

State of Maryland
Baltimore County,

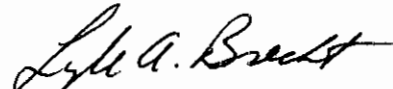
TO WIT:

I hereby swear under penalty of perjury that I am a currently
a appointed member of the Zoning Committee for the Greater Sparks-
Glencoe Community Council Inc.


Paul A. Hupfer

Attest:


Mrs. Wendy McIver
Secretary


Lyle Brecht
President

95 JUL 19 01 10 56
100

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

Post Office Box 396
Sparks, Maryland 21152

RESOLVED: That at the annual-Officers election meeting of the Greater Sparks-Glencoe Community Council Inc. it was decided by the community council that the responsibility for the review and action on all zoning matters be placed in the Zoning Committee. This committee consisting of the following members:

Mr. Paul Hupfer	Chairman
Mrs. Kathy McAllister	
Mr. George McCeney	
Mrs. Wendy McIver	
Mr. Willis Gore	
Mr. Lee Riley	

AS WITNESS OUR HANDS AND SEAL THIS 9 DAY OF JULY 1995

Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Lyle Brecht
Lyle Brecht
President

95 JUL 10 01 54 PM '95

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

Post Office Box 396
Sparks, Maryland 21152

Resolved: That the position of the Greater Sparks-Glencoe Community Council Inc. as adopted by the Zoning Committee and approved by the board of the GSGCC on the zoning matter known as:

1992- CZMP Issue 3-172
CR-95-138 Item #3 IV, 1994/1995 Toll House Inc.
a.k.a. Hayfields

is that:

The GSGCC is in opposition to the reclassification of RC~~4~~ ^{L9B} zoned property to RC~~5~~ as stated in the GSGCC 1992 CZMP handout, County Council Edition, September 8, 1992.

Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Lyle A Brecht
Lyle Brecht
President

91:6:10 01 700 96
1000 1000 1000

1992

C Z M P

THIRD COUNCILMANIC DISTRICT ISSUES:

3-009	3-046	3-149
3-010	3-094	3-158
3-011	3-104	3-172
3-012	3-111	3-178
3-013	3-126	3-180
3-014	3-128	3-181
3-040	3-131	3-184
3-041	3-132	3-185
3-044	3-135	3-194
3-045		3-196

Presented by:

The Greater Sparks Glencoe
Community Council

Post Office Box 396

Sparks, Maryland 21152



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GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

Post Office Box 396
Sparks, Maryland 21152

September 1992

BALTIMORE COUNTY COUNCIL
Old Courthouse - 2nd Floor
Towson, MD 21204

Dear Honorable Council Members and Staff:

The attached document, "1992 CZMP," includes the comments, opinions, and positions of the Greater Sparks-Glencoe Community Council (GSGCC) regarding the Comprehensive Zoning Map Process Issues in its area of the Third Councilmanic District.

GSGCC has addressed each Issue in a manner consistent with its Goals Statement and Baltimore County's most recently published zoning regulations, Master Plan, and Growth Management Guidelines. GSGCC believes that its review of each Issue has been comprehensive and objective, and that its recommendations are fair and reasonable.

GSGCC appreciates the opportunity to present this document with its analysis of the Issues to the County Council and hopes that this work will assist you in your decision making process.

Sincerely,

The Greater Sparks Glencoe Community Council,
GSGCC Zoning Committee, and
GSGCC CZMP Subcommittee

GREATER SPARKS GLENCOE COMMUNITY COUNCIL

Committed to the welfare of our community

The Goals of the GSGCC

To foster the preservation, welfare and advancement of Northern Baltimore County

To maintain the rural nature of the land within the confines of the association's area

To maintain the rural design and architecture of commercial buildings and retail establishments within the association's active area

To be an active participant in the zoning/re-zoning process for both residential and commercial properties within the association's area

To preserve areas, structures, and roads of historical interest for future generations

To ensure that the services provided by both public and/or private sources are adequate to fully meet the needs of the residents before additional development takes place and to ensure that the growth in the area is controlled to allow for the optimum maintenance of natural resources in a rural, residential setting



CZMP Issue: 3-003

Applicant: Dickee Howard Goodman

Acreage and existing zoning: 68.59 acres RC-4

Requested zoning and acreage: 68.59 acres DR 10.5 or ML

For CZMP Issue 3-003 discussion see write-up on CZMP Issue 3-180.

ZONING REQUESTS - OFFICE OF ZONING & PLANNING
CZMP Issues 3-009 through 3-045 & 3-184

The Greater Sparks-Glencoe Community Council believes that the proposed rezoning will foster preservation and uniform development of commercial properties in the rural areas, and the rezoning will also establish specific guidelines for all rural commercial development in the CR zone. GSGCC concurs with the Office of Planning and Zoning staff's and the Planning Board's recommendations on all the following Issues, except Issues 3-010 and 3-014 which GSGCC concurs with the OPZ staff recommendations only. A summary of these Issues follows:

CZMP ISSUE #	LOCATION	TOTAL ACRES	EXISTING ZONING	OPZ STAFF REQUESTED ZONING	PLANNING BOARD RECOMNDN
3-009	E. side York Rd. 1320' N. of Mt. Carmel	2.70	BL	BL-CR	BL-CR
3-010	N. & S. side Mt. Carmel Rd. E. of I-83	15.50	BR	BL-CR	1.50 BR, 14.00 BM-CR
3-011	E. side York Rd. & Gifford Rd. 400' off Mt. Carmel Rd.	1.62	BL	BL-CR	BL-CR
3-012	W. side York rd. N. of Mt. Carmel Rd. 17004 & 17006 York Rd.	0.90	BL	BL-CR	BL-CR
3-013	W. side York Rd. 800' N. of Mt. Carmel Rd.	1.10	BL	BL-CR	BL-CR

CZMP ISSUE #	LOCATION	TOTAL ACRES	EXISTING ZONING	OPZ STAFF REQUESTED ZONING	PLANNING BOARD RECOMNDN
3-014	E. side York Rd. near intersect. of Everett Rd. & York Rd. 16829 York Rd.	0.45	RO	RO-CR	BL-CR
3-040	E. side York Rd. S. of Everett Rd.	2.10	BL	BL-CR	BL-CR
3-041	E. side York Rd. N. of Piney Hill Rd.	1.06	BL	BL-CR	BL-CR
3-044	E. side York Rd. 100' N. Quaker Bottom Rd. 14821 York Rd.	0.80	BL	BL-CR	BL-CR
3-045	E. side York Rd. 500' N. Quaker Bottom Rd. 14833 York Rd.	1.60	BL	BL	BL
3-046	NW. corner of intersect. Ensor Mill Rd. & York Rd.	2.40	BR	BR-CR	BL-CR
3-184	Ensor Mill Rd.	43.00	RC-5	RC-2 & RC-4	32.00 RC-2, 11.00 RC-4

ZONING REQUESTS - PLANNING BOARD

ISSUE NO.	LOCATION	TOTAL ACRES	EXISTING ZONING	OPZ STAFF RECOMMEND ZONING	PLANNING BOARD REQUEST
3-185	Rural Area - Agri. Preserv. Areas	23,000	RC-4	RC-2 (see Issue 3- 187)	22,683 RC- 4, 317 RC- 2

The Greater Sparks-Glencoe Community Council supports the following OPZ staff and Planning Board 1992 CZMP Issue requests:

CZMP Issue 3-009, 3-010, 3-011, 3-012, 3-013, 3-014, 3-040, 3-041, 3-044, 3-045, 3-046, 3-184, 3-185.

CZMP Issue: 3-094

Applicant: John Elliot Mays - Kingsdene

Acreage and existing zoning: 0.60 acres RC-2

Requested zoning and acreage: 0.60 acres BL

The Greater Sparks-Glencoe Community Council SUPPORTS OPZ staff and Planning Board recommendations for 0.6 acres of BL-CR zoning for this property.

SITE DESCRIPTION

The site, 16435 York Road, is currently used as a nursery/garden center. It is improved by two buildings (used for sales, landscape design activities, office and storage located in the area currently zoned BL), three greenhouses, planting beds, gravel parking areas and a storm water retention pond. The requested zoning change does not include or provide for any modifications to the site.

SURROUNDING LAND USE & ZONING

Land use of neighboring properties is primarily farming related with some residential properties. The surrounding zoning is a mixture of RC-2, RC-4 and RC-5.

CONSISTENCY WITH MASTER PLAN

The primary issues include the following:

- o Request is in direct response to the CR overlay proposed (Issue 3-041) by OPZ Staff and Planning Board for the property.
- o The 0.60 acres requested is equal to the quantity of the property which will be rendered as restricted in buffer zones due to the CR overlay.

- o The CR overlay will provide restrictions on future building and site modifications which will keep the site consistent with the community's rural character.
- o The quantity of property associated with this zoning request (0.60 acres), is situated on the site, and the site restrictions imposed by the CR overlay will negate additional commercial utilization of the site beyond that currently existing.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The proposed zoning is in compliance with Growth Management Guidelines.

ENVIRONMENTAL IMPACT

This issue has no negative environmental impact either on or off site. The proposed zoning change should not create any environmentally harmful site modifications.

INFRASTRUCTURE & SERVICE IMPACTS

Traffic

This issue should have no impact on traffic since additional commercial activity should not occur on the site directly related to the zoning change.

Sewage & Water

This issue has no impact on sewer and water. It is outside of the metropolitan district boundaries URDL and is serviced by on-site well and septic. The proposed zoning change should not create any additional load on these systems.

Schools

This issue has no effect on schools in the area.

Issue 3-094

COMMUNITY IMPACTS

N/A.

ECONOMIC IMPACTS

N/A.

CONCLUSION

The primary issues related to this zoning request can be summarized as follows:

- o The CR overlay is beneficial to the community.
- o The requested zoning will not create any additional commercial activity in the community.
- o The requested zoning change is providing a fair and reasonable tradeoff for the property owner and the community.

Based upon this information, GSGCC supports the subject zoning issue.

CZMP Issue: 3-104

Applicant: Joseph L. Larson by Spellman, Larson & Assoc. Harford Joint Venture - Paul Katsafanas

Acreage and existing zoning: 0.90 acres RC-5

Requested zoning and acreage: 0.90 acres BM-CR

The Greater Sparks-Glencoe Community Council CONCURS with OPZ staff and Planning Board recommendations for leaving the present zoning in place.

SITE DESCRIPTION

Again, a request for zoning change for the rear of the property to allow parking for a large proposed retail-office complex.

SURROUNDING LAND USE & ZONING

The present zoning on this parcel is RC-5 as is the zoning along the residential Everett Road. The proposed zoning would permit commercial parking within a residential neighborhood.

CONSISTENCY WITH MASTER PLAN

The proposed zoning is not consistent with the Master Plan recommendations for proper buffers between commercial and residential properties. "Existing land uses which are in conflict or incompatible with surrounding uses should be eliminated or buffered to minimize adverse effects on the community" (p39).

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The zoning request is not consistent with the Guidelines recommendation to revise zoning regulations to include provisions for effective screening/buffering between commercial, office and manufacturing zones and adjacent residential zones (p8).

ENVIRONMENTAL IMPACT

N/A.

INFRASTRUCTURE & SERVICE IMPACTS

There is a poor sight line at the intersection of Everett and York Roads. This would be a dangerous place for vehicles to be entering and leaving a retail/office establishment.

COMMUNITY IMPACTS

Any community impacts are negative.

ECONOMIC IMPACTS

N/A.

CONCLUSION

GSGCC concurs with OPZ's and Planning Board's recommendations to leave this parcel zoned RC-5. Perhaps the builder should consider making the proposed building (17,000 sq. ft.) smaller so that all parts of this complex would fit properly on this parcel of land along York Road.

CZMP Issue: 3-111

Applicant: Donald Taylor

Acreage and existing zoning: 5.36 acres RC-5

Requested zoning and acreage: 5.36 acres RC-2

The Greater Sparks-Glencoe Community Council SUPPORTS OPZ staff and Planning Board recommendations for the proposed zoning request of 5.36 acres of RC-2 (see Issue 3-184).

SITE DESCRIPTION

15516 Ensor Mill Road, 300' from south property corner to Belfast Road.

SURROUNDING LAND USE & ZONING

The proposed zoning change is consistent with surrounding land use and zoning.

CONSISTENCY WITH MASTER PLAN

The zoning request is consistent with the Master Plan's intention to downzone RC-5 land that is inappropriate due the proximity of the land to a flood plain (see Issue 3-184).

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The zoning request is consistent with the growth management guidelines stated intent to use RC-2 zoning to preserve prime productive soils (p23).

ENVIRONMENTAL IMPACT

The proposed zoning has a positive environmental impact.

Issue 3-111

INFRASTRUCTURE & SERVICE IMPACTS

The proposed zoning will reduce residential density producing a positive impact on traffic and schools. The proposed zoning has no additional infrastructure or service impacts on sewage and water.

COMMUNITY IMPACTS

Any community impacts are positive.

ECONOMIC IMPACTS

Positive.

CONCLUSION

This request meets Master Plan and Growth Management Guidelines requirements and intent.

CZMP Issue: 3-126

Applicant: Gordon Zorn

Acreage and existing zoning: 1.85 acres RC-5

Requested zoning and acreage: 1.85 acres BL-CR

The Greater Sparks-Glencoe Community Council SUPPORTS OPZ staff and Planning Board recommendations for the proposed zoning request, with qualification that 0.75 acres remain zoned RC-5.

SITE DESCRIPTION

17119 York Road, Hereford

SURROUNDING LAND USE & ZONING

The proposed zoning is consistent with surrounding land use and zoning.

CONSISTENCY WITH MASTER PLAN

The proposed zoning is consistent with the Master Plan.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The proposed zoning is in compliance with Growth management Guidelines.

ENVIRONMENTAL IMPACT

N/A.

INFRASTRUCTURE & SERVICE IMPACTS

N/A.

Issue 3-126

COMMUNITY IMPACTS

N/A.

ECONOMIC IMPACTS

N/A.

CONCLUSION

GSGCC concurs with OPZ's and Planning Board's recommendations for 1.10 acres zoned BL-CR and 0.75 acres zoned RC-5. This combination of zoning straightens the back boundary of the property and keeps the boundary in a straight line with adjacent properties.

CZMP Issue: 3-128

Applicant: Gordon Zorn

Acreage and existing zoning: 2.00 acres RC-5

Requested zoning and acreage: 2.00 acres BM-CR

The Greater Sparks-Glencoe Community Council concurs with OPZ staff and Planning Board recommendations of RC-5 zoning for this property.

SITE DESCRIPTION

16924 York Road, Hereford

SURROUNDING LAND USE & ZONING

The proposed zoning is not consistent with surrounding land use and zoning.

CONSISTENCY WITH MASTER PLAN

N/A.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

N/A.

ENVIRONMENTAL IMPACT

N/A.

INFRASTRUCTURE & SERVICE IMPACTS

N/A.

COMMUNITY IMPACTS

N/A.

ECONOMIC IMPACTS

N/A.

CONCLUSION

GSGCC concurs with OPZ's and Planning Board's recommendations to leave this parcel zoned RC-5. There is no need for any additional land to be zoned commercial at this time in the Hereford CR district.

CZMP Issue: 3-131

Applicant: SECURITY MANAGEMENT CORPORATION

Acreage and existing zoning: 215 acres RC-4

Requested zoning and acreage: 215 acres DR-16 or DR-10.5 or DR-5.5 or DR-3.5

The Greater Sparks-Glencoe Community Council concurs with OPZ staff and Planning Board recommendations for leaving the present RC-4 zoning in place.

SITE DESCRIPTION

The Towson Nurseries Property located on the southeast corner of York Road and Phoenix Road comprises 215 acres of extensive steep slopes, floodplain, wetlands and watershed drainage to the Gunpowder River from the Quail Creek and a tributary. The site is presently approximately 80% forested with native Maryland trees and vegetation. The property is undeveloped with no roads or services presently available on-site. The property's eastern boundary abuts the Loch Raven Reservoir Management Area.

In 1980 and in 1984, the developer requested that the property be rezoned to allow high density residential use. In both previous cases the County refused to rezone the property from its present RC-4 classification.

SURROUNDING LAND USE & ZONING

On the northeastern boundary of the Towson Nurseries Property is a 100 acre parcel zoned RC-4, directly to the east is the Loch Raven Reservoir Management Area. On the southern boundary lies Hunters Run, a residential community zoned DR-3.5. On the western boundary lies Broadmead Community zoned DR-1 & DR-16 and York Road, and Phoenix Road, both narrow two lane roads. On the west side of York Road lies 113 acres of the Federal Land Bank of Baltimore zoned ML. On the northwest side of Phoenix Road lies the Loveton Farms residential community zoned DR-5.5 & DR-3.5.

CONSISTENCY WITH MASTER PLAN

The proposed zoning request is not consistent with the County's 1989-2000 Master Plan as adopted February 5, 1990. The zoning request is contrary to the purpose of RC-4 zoned land use to protect "groundwater reserves and surface water flows to the reservoirs and Chesapeake Bay" (p82) and applied to "large adjoining acreages which warrant long-term protection as irreplaceable resources" (p140).

If the site was rezoned to any DR zone, the Urban-Rural Residential Line (URDL) would need to be redrawn to extend sewer services beyond the existing outer limits of planned sewer service. The Master Plan states, "The ability to extend the URDL to include additional areas is dependent upon the capacity of the existing sewage system and the ability to fund improvements to the existing system or finance the cost of interceptors, pumping stations, or treatment plants" (p29).

The Master Plan also clearly states that the Hunt Valley/Timonium Urban Center "involves the use of existing infrastructure and its scheduled and feasible improvements. The concept does not anticipate, and should not be used to justify, any changes in the Urban-Rural Demarcation Line" (p104). The proposed development would not only require the extension of URDL, but also the extension of the Hunt Valley/Timonium Urban Center to include this parcel, neither of which is supported by the Master Plan.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The proposed rezoning is NOT CONSISTENT with the guidelines as follows:

- o Land Use Analysis: the guidelines state that "it is very clear that the county has more than enough residentially zoned land to meet this decade's demand for housing" (p.3).

o County-Wide Zoning Guidelines:

Structure: This property is within the rural zone. The policy states: "Only those zoning requests that maintain the urban-rural distinction as defines by the Urban-Rural Demarcation Line (URDL) should be granted" (p.6).

Transportation: "If the zoning request occurs in a transportation zone that is estimated to be at capacity or over capacity by 1995, and/or the request is within the travel shed of a "D", "E", or "F" level intersection, the request should be denied" (p.8). The property is located along York Road which is already "over capacity."

Schools: "Residential zoning requests that would increase densities in the elementary, middle, or high school districts that are over County capacity standards should not be granted" (p.8). These over capacity conditions apply in the school district serving the property.

Fiscal Impact: "Zoning requests should be reviewed for both their short and long term effects on the financial resources of the County" (p.10). Our financial analysis indicates that the proposed rezoning and development plan would cost the taxpayers of the County at the very least \$16 million (short term) through the year 2014 and possibly as much as \$70 million (long term), the difference has to do with whether in the first case one is dealing with net direct costs of additional public infrastructure or whether one includes the loss of the resource base.

o Urban Centers:

Hunt Valley-Timonium: "Zoning requests that would adversely impact adjacent residential areas should not be granted." This zoning proposal would change the whole nature and character of the surrounding community and adversely impact the adjacent residential areas.

o Resource Conservation Areas:

This property is currently zoned RC-4. The policy, stated in the Growth Management Guidelines, for resource conservation areas reads as follows: "Zoning conversions which would increase the development potential of land within this management area are inappropriate" (p.24).

Further the guidelines state: "Changes to [RC-2 and RC-4] zones which would permit additional residential density or increased commercial development should not be granted. It is especially important to avoid setting precedents that would lead to future upzoning" (p.24).

ENVIRONMENTAL IMPACT

There are many factors related to this site which are significant when considering the impact of the proposed zoning change and development of the property. These factors have environmental impacts, directly affect wildlife habitats and movements through the area, and cause dramatic changes to the character and visual aspects of the area. The impacts are related to site location and the following existing natural conditions and processes:

- o Geologic formations
- o Topography
- o Hydrology
- o Soils
- o Existing vegetation
- o Wildlife patches and corridors

Site Location

This property is located along a ridge which rises from the Western Run and Gunpowder River valleys. It has a primarily east/west orientation along this ridge. The site is directly adjacent to the Loch Raven Reservoir.

Geologic Formations

The site consists of Proterozoic formations with some areas of unconsolidated strata along the stream corridors. The formations include:

Baltimore Gneiss - a metamorphic rock formation consisting primarily of quartz based gneiss. It is of indeterminate depth and is relatively hard (H = 6-7).

Setters Formation Quartzite - a sedimentary rock formation which consists primarily of muscovite-microcline quartzite. Its thickness ranges up to 1,000 feet and it is relatively hard (H up to 7).

Setters Formation Aluminous Schist - a metamorphic rock formation consisting of garnet, biotite, muscovite, quartz and feldspar. Its thickness ranges up to 1,000 feet and it is relatively hard (H = 7).

The site contains two abandoned quartz quarries. The overburden in this area can be fairly thin, creating a situation where these rock formations would be encountered during the building process. In order to provide building foundations and other structural footings, significant quantities of this material would have to be removed. Due to the relative hardness of these materials, blasting may be required in many situations.

Topography

This site contains extensive steep and erodible slopes. Approximately half of the site has slopes exceeding 10%. Slopes along most of the property boundaries generally exceed 20%. The flattest areas of the site have slopes which exceed 5%. These slopes would require significant site modifications to provide for the type of development proposed for the site. These modifications would make it extremely difficult to provide erosion controls. It would also require the site to be significantly changed from its current topography, thus changing natural hydrologic processes and land elevations.

Site elevations range from 320 feet to 570 feet over distances as short as 800 feet. The highest elevations on the site create the top of an east/west running ridge line. This ridge line creates a physical and visual barrier between the highly developed areas of Cockeysville and Hunt Valley and the rural northern county. Any changes to this ridge line would have dramatic affects on the character of the region.

Hydrology

This site is located in the Gunpowder River watershed but also has a direct impact on the Western Run watershed due to its facings on York Road. Both of these water courses provide a majority of the water feeding the Loch Raven Reservoir.

The site contains several first, second and third order streams which directly feed the Gunpowder River. It also contains several wetland areas. This condition would require large portions of the property to be set aside as buffer areas. These streams also provide a direct conduit for the transport of sediment loads and pollutants directly into the reservoir. It is highly unlikely that normal protective measures will be adequate due to the combination of development intensity, topography and soils on the site.

The soils on the site are highly permeable which allows for rapid groundwater recharge. The introduction of large areas of impervious surfaces would dramatically change the ground water and stream recharge processes. Also, any increase of building density beyond RC-4 for this property would have adverse environmental impacts to the downstream wetlands construction near the Broadmead Retirement Community by the Maryland Department of Transportation State Highway Administration (see attached letter).

Soils

The soils on this site create significant restrictions on any site modifications without substantial risk of environmental damage. These soils also place significant engineering restrictions on the type of usage and development which could occur.

The site contains primarily Manor (Mbc2, Mbd3, McC2, McB2, Mcd2, MdE, MgC, MhD and MhE) and Glenelg (GcB2 and GcC2) series soils with small areas of Alluvial (Av) and Baile (BAA) series soils along the primary stream valleys. These soils are moderately to severely eroded with the hazard of further erosion being severe. Protective cover is required to prevent this erosion from occurring. This cover could not be maintained during or as a result of the development process.

These soils are not conducive to the development of storm water management ponds due to their high permeability and only fair to poor stability and compaction. This would create severe constraints on any storm water management system developed on the site. Since this is a major concern of a development of this magnitude, an inadequate or failed storm water management system could have serious environmental consequences.

These soils are also considered to produce moderate to severe limitations on the development of housing with basements and severe limitations on the development of streets and parking lots. The sites are not considered suitable for playgrounds or many other recreational uses.

Existing Vegetation

The site contains a mixed deciduous forest and is heavily forested (approximately 80%). The canopy trees consist primarily of mixed oaks, hickories, yellow-poplar, red maple and black walnut. The understory contains flowering dogwood, laurels and a wide variety of shrubs and wildflowers.

This type of forest is rich in wildlife since it provides diverse habitats and a variety and abundance of food sources. The mixed deciduous forest also creates strong visual images as it transitions through the seasons, contributing substantially to the character and rural nature of its community.

Wildlife Patches and Corridors

This site is teeming with wildlife and its connection with Loch Raven Reservoir is crucial to the movement of this wildlife through the area. The size of the site and its connecting forest areas provide suitable nesting sites for many species of birds. Many species of mammal are present on the site, ranging from the white-tailed deer to the red fox and the white footed mouse. Various reptiles as well as an abundance of insects and spiders are found on the site.

This site provides a vital wildlife corridor for the movement of wildlife along and through the Gunpowder River and Western Run valleys. It is part of a rather fragile network of wildlife patches and corridors in the area which has already been severely impacted.

The destruction of the habitats and vegetation on the site could have significant impact on the viability of many types of wildlife in the area. This could also work to exacerbate an already critical problem relating to the white-tailed deer population in the reservoir and adjacent areas created to a large extent by this type of development activity.

Creating additional residential density on this site conflicts with the Reservoir Watershed Management Agreement signed in 1984 by Baltimore City, the State of Maryland and Baltimore, Carroll and Howard Counties. This agreement reaffirms the County's Watershed Protection zoning (RC-4) on lands that are within 300 feet of any stream that flows directly or indirectly into the public reservoirs.

INFRASTRUCTURE & SERVICE IMPACTS

Traffic

Presently, all public roads serving this site are seriously over capacity. According to police records, 89 accidents occurred from 1987-1990 on the stretch of York Road between Shawan Road and Loveton Circle. These accidents resulted in 71 injuries and 6 fatalities. The State Highway Administration who is undertaking the task of studying improvements to York Road in the vicinity of the site, has no plans to begin construction of improvements until the year 2002 or beyond due to severe budget constraints.

Any necessary improvements to Phoenix Road and Papermill Road would be expensive and are not presently included in the County's five year capital budget plan.

Sewage & Water

The Back River Waste Water Treatment Plant is presently at or near full capacity. The additional \$400 million of budgeted improvements are designed to accommodate growth which is already planned without any major new development projects. In addition, the wastewater conveyance system comprised of six existing pumping stations and sewer pipes show signs of stress at this time according to the Bureau of Engineering, Department of Public Works.

Although public water supply in the area is presently adequate for existing use (8400 GPM's at 20psi) today, what impact the buildout of the Highlands Industrial Park, approved but not yet constructed, will have on water supply in the future has not been fully determined. It is not certain that there is enough supply to accommodate additional residential density without significant County costs for new supply lines. Any rezoning of this site would require very large, unplanned commitments of capital budget dollars to provide adequate sewage and water services to this site.

Schools

The County Council passed a moratorium on building permits in areas where schools are 20% over capacity. According to Mr. Kraft, Baltimore County School Planner, Sparks Elementary School is presently more than 50% over capacity.

Fire & Safety

According to Baltimore County Fire Chief Bannister, "any increase to higher density would greatly impact the Baltimore County Fire Department." Given the cut backs in the present budget, a greater burden would befall the department, jeopardizing the safety of the firemen and the public.

COMMUNITY IMPACTS

Any planned change of zoning density would have severe and negative impacts on the surrounding community since all available County services (schools, roads, sewage treatment, water supply, fire and police, public recreation facilities) are beyond the capacity of these services to accommodate any additional population influx.

ECONOMIC IMPACTS

Due to the necessity of very large public infrastructure improvements, any high density residential zoning would require, all potential economic impacts are highly negative and very large. All expenditures of money by the County would occur before any offsetting income from property taxes or income taxes would occur. Due to limited services available on-site and that this site is not part of a planned growth center such as White Marsh or Owings Mills, any zoning which allowed high density development would never pay for itself from potential income streams from the property.

CONCLUSION

The sale of specific density through a contract zoning mechanism as proposed by the developer of the Towson Nurseries Property would establish a precedent which would denigrate the intent of the County's Master Planning process and open the County up to legal challenges from the public, other property developers, and the State.

For economic, environmental protection, and the many other quality of life reasons, any zoning request which changes the Towson Nurseries Property RC-4 classification should not be approved. GSGCC supports the OPZ, Public Works, DEPRM, Community Development Department, and Planning Board recommendations to retain the RC-4 zone classification of this property.



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

PLEASE REPLY TO:
OFFICE OF DISTRICT ENGINEER
2323 WEST JOPPA ROAD
BROOKLANDVILLE, MARYLAND 21022

July 14, 1992

The Honorable C.A. Dutch Ruppertsberger, III
Baltimore County Council
Old Courthouse - 2nd Floor
Towson, MD 21204

Dear Councilman Ruppertsberger:

As part of the State Highway Administration's ongoing effort to keep you informed of new projects in your area, I would like to let you know that construction is about to begin to create a new wetlands adjacent to the Western Run floodplain off Route 45 at the Broadmead Retirement Community in Baltimore County.

The project involves clearing and grubbing, placing topsoil, constructing drainage structures, providing erosion and sediment control, wetland planning and other improvements along Western Run near the Broadmead Retirement Community.

The new wetlands will cover approximately 11 acres and will include a trail system with a wildflower meadow, berry bushes and a pedestrian bridge, all accessible to the senior community at Broadmead.

The \$433,000 project has been awarded to Interstate Seeding of Sykesville, Maryland. Work should be completed by early fall.

We appreciate your interest in this project. If you have any further questions, please feel free to contact me at (410) 321-3461.

Sincerely,

Charles R. Harrison

Charles R. Harrison
Metropolitan District Engineer

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
County Executive's Office



Roger B. Hayden
County Executive

400 Washington Avenue
Towson, Maryland 21204
887-2450

March 18, 1992

Mr. Paul Hupfer, President
Greater Sparks-Glencoe Community Council
Post Office Box 396
Sparks, Maryland 21152

Re: Colvista (Towson Nurseries) Zoning Request

Dear Mr. Hupfer:

This letter is in response to your request that I confirm my position, as expressed recently on a radio talk show, regarding the Colvista rezoning application.

As you are aware, as County Executive I have no direct authority regarding zoning in the County. All rezoning issues which are part of the Comprehensive Zoning Map Process, will be determined by the County Council who have sole responsibility in this matter. My personal opposition to the proposed zoning request is based upon a review undertaken by County agencies, who are almost unanimously opposed to the change. A copy of a letter from Mr. Merreen E. Kelly, County Administrative Officer, to G. Scott Barhight, Esquire, which summarizes the Administration's position is attached for your information.

I appreciate your interest in this matter and the concerns expressed by your association regarding the potential impacts of the proposed zoning change on the watershed, the forest cover, and the County's infrastructure, facilities and services.

Respectfully yours,

Roger B. Hayden
Roger B. Hayden
County Executive

RBH:pat

Enclosure

Baltimore County Government
Administrative Office



400 Washington Avenue
Towson, MD 21204

887-2460
Fax 887-5781

March 17, 1992

Mr. G. Scott Barhight
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue - Ste 500
Towson, Maryland 21204

Dear Scott,

At the end of your presentation on "Colvista" (Towson Nurseries) in the Executive Conference Room on February 7, 1992, I promised a quick review and response to your rezoning request from the County agencies represented at the meeting.

The agencies have now completed their review and in those cases where recommendations were made, they are unanimous in their opposition to the requested change of zoning on the subject property, at least for the foreseeable future.

As you can see from the attached correspondence, the Department of Public Works has identified severe sewer capacity and treatment plant constraints. Furthermore, they would not support any increase in development density prior to State funding being committed for improvements to York Road and the construction of the Thornton Mill interchange with I-83. The Department of Environmental Protection and Resource Management is also opposed to changing the RC 4 designation of this site at any time, citing both the Reservoir Watershed Management Agreement with adjacent jurisdictions and the need to retain those remaining forested tracts in the Hunt Valley Area.

A number of agencies point to the problems associated with the funding of adequate facilities and services. The Board of Education identified the potential increase in student population at all levels generated by the project, and the Department of Recreation & Parks, highlight recreation and open space deficits in the corridor. In addition, the Departments of Community Development, and Economic Development are looking for housing that is affordable, to assist potential employees of the Hunt Valley employment corridor.

G. Scott Barnhight
March 17, 1992
Page 2

The Offices of Budget and Finance have many serious concerns with the assumptions behind the fiscal calculations and indicate that the family income needed to purchase the proposed accommodations significantly exceeds the County average. In addition, they point to the potential impact on the older, inner County neighborhoods and the need to carefully evaluate the long term impact County-wide, of residential intensification outside the planned growth areas.

The Police Department points out their need for additional personnel, equipment and the operational costs associated with such a large scale development. The same would apply to the Fire Department.

Finally, the Office of Planning is of the opinion that the proposal would require an amendment to the County's Urban Rural Demarcation Line and would involve a major departure from both the County Master Plan and the recently adopted "Guidelines for the 1992 Comprehensive Zoning Map Process". Community participation in the review of a proposal of this magnitude was also stressed. To date, all community responses received by phone or in writing to the Administration, have been extremely negative.

In summary, I would like to thank you and your team for the extensive work which you have already put into supporting and explaining your submission. It was a most impressive presentation, which, however, we are unable to support.

I am sure you will receive every consideration at the Planning Board and before the County Council, who, as you know, have ultimate authority with respect to matters of zoning.

With best wishes.



Merreen E. Kelly
Administrative Officer

MEK:pat

Attachments

c: Roger B. Hayden, County Executive

CZMP Issue: 3-132

Applicant: Sparks State Bank By J. Howard & R. Hoffman Esq.

Acreage and existing zoning: 1.97 acres RC-5, 2.98 acres BL-CR

Requested zoning and acreage: 4.95 acres BL, Remove CR overlay

The Greater Sparks-Glencoe Community Council concurs with OPZ staff recommendation for the present zoning to be left intact, with no changes. It does not concur with the Planning Board's recommendation to remove the CR overlay on this property.

SITE DESCRIPTION

S.W. Corner York Road & Quaker Bottom #1 Rds. The site currently is improved by the Sparks Post Office building and the Sparks Bank building and is contained on the BL-CR 2.98 acre site. The BL-CR site is approximately 300 feet deep from the center line of York Road and fronts York Road running south from the Quaker Bottom #1 Road intersection.

The site also contains the parking lots to support both activities on the site. The buildings are in scale for the surrounding areas. The bank building is the larger of the two structures and has a little under 8000 sq.ft. of useable space. The bank has two drive up banking windows and a drive up automatic teller machine.

The RC-5 1.98 acres has a single family home currently on the site. The site fronts Quaker Bottom #1 Road and is approximately 300 feet from York Road. This site has approximately 275 feet of road frontage on Quaker Bottom #1 Road and is behind the Sparks State Bank property. A large portion of the property is over 12 to 18 feet above the bank property and York Road.

Site Proposal plan of August 1991: The original development plan proposed by the bank was to build a multi-story office building on the 1.98 acre parcel. The building would house some bank operations and a portion of the office building would be available for lease. The remainder of the property would be used for a septic drain field needed to support the original bank building and the new office building. A portion of the new site would also be used for parking. The bank also stated that the post office building, which the bank owns and is located on the 2.98 acre BL-CR property, would possibly need a building addition in order to maintain the Sparks Post Office at the existing site.

Site Proposal plan of Summer 1992: Revised plans called for a large addition to the existing bank building on the 2.98 acres BL-CR property. The rear property consisting of 1.97 acres of RC-5 would not be used for a building structure but may be needed for septic drain fields and parking. The concepts that were presented in talks depict a bank barn structure (a barn built into the side of a hill for multi-level entrance into the barn, Sparks Bank property is flat) similar to the building located at Glencoe Gardens.

The addition presented in architectural drawings and schematics would be of a glass and brick multi-story structure (almost four stories tall). The proposed building would be of a modern adaption of a barn structure design using multi-level angled roofs and varying multi-depth wall formats. The building would basically be a free standing structure and connected to the existing single story bank building with a large glass fronted office building lobby entrance area. The new structure and connecting lobby area would have over 12,000 sq. feet of space in addition to the existing 8000 sq. feet of space in the original bank structure. The addition would be for administrative areas while the original bank building will continue to be customer banking areas.

SURROUNDING LAND USE & ZONING

The area south of the bank property along York Road is RC-5 with single family homes. The Highlands Office Park, zoned ML, is located 1300 feet south of the bank site. The area north of the bank has small pockets of BL (antique stores, a small gas station, a country store, the Milton Inn restaurant [CZMP Issue 3-194]) intermixed with residences (RC-5/RC-4) including the Stoddard development. Several locations in this area are on the Baltimore County Landmarks Commission List. The area West of the site, on Quaker Bottom #1 Road, has the long time established (1870) community based around the Stephenson AME church. This area is residential in nature.

CONSISTENCY WITH MASTER PLAN

The primary inconsistencies of this zoning request with the Master Plan are as follows:

- o Expanding commercial development into residential communities.
- o Removal of the CR overlay used to ensure environmental design control
- o Septic System capability
- o Increased traffic
- o Increased impervious surfaces
- o "Stripping" along rural roads
- o Change in compatibility with rural character

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The proposed zoning request is not compliant with the Growth Management Guidelines. The Guidelines classification for this property is Rural Management Area-outside of URDL. The applicant has not demonstrated that all applicable environmental, health, zoning, and public work standards have been met.

ENVIRONMENTAL IMPACT

The BL-CR parcel has little elevation changes- and is relatively flat. The RC-5 parcel has a moderate elevation change (12-18 feet or more) across the parcel. The high point is about the middle of the road frontage on Quaker Bottom #1 Road. The property falls away from the road toward the rear of the property and toward the bank property.

There is a stream several hundred feet off the rear property line. A failure of the intended septic system location could have an impact on the near by stream.

A large portion of the BL-CR site is reported to be rocky and to have a shallow water table due to several spring heads located on it. The site is at the head of a small stream that runs north along the west side of York Road. This stream is known to overflow its banks during high precipitation events. An increase in impervious surface on the site could have an impact on the this stream. There is no SWM currently on the site. There is no significant vegetation on either parcel.

INFRASTRUCTURE & SERVICE IMPACTS

Traffic

The BL-CR site is now serviced by two entrances onto York Road. York Road (MD 45) in the area of the bank is a two lane rural road with a 45 MPH speed limit. The road section 200 feet south of the bank site has a restricted vertical sight distance.

The RC-5 site is serviced by the two lane (without shoulders) Quaker Bottom #1 Road which is a rural road with poor sight line distances.

The calculated generated traffic rate for the current in bank operation is 1536 trips (192 trips per 1000 sq.ft.). The bank's drive-in windows are calculated to produce 594 trips a day (2 @ 297 trips). An additional 2304 trips would be added with a 12,000 sq. ft. addition. Trip rated calculations are based upon the Traffic Engineering Department 1987 rate table. The post office is not included in these calculations.

The State Highways Administration is not planning improvements to this section of York Road, if at all, for a least ten years.

Parking for the current bank facility is calculated (BCZR 409.6) at 29.4 spaces for in-bank operations and 7 spaces for drive-in operations. An additional 39.4 spaces would be needed for the 12,000 sq.ft. addition. The Post Office parking requirements are not included in these calculations. An increase in impervious surface on the site will be needed to support the additional parking.

Sewage & Water

The BL-CR site is serviced by a private well and septic system. The existing bank building septic system has been reported to have problems in the past but is currently functional for the existing building size. The post office building septic system is reported to be functioning properly at this time.

The 1.98 acre RC-5 site was reported to have been surveyed for a septic perk site. The survey produced only one perk area useable on the site. This perk area is located at the rear of the property. The capacity of this single perk site to support an additional 12,000 sq. ft. of building, if used, needs future study. The location is several hundred feet away from the rear of the bank building. It is at grade or slightly up grade from the bank buildings. An injection pump system would be required.

Water supply is reported to be adequate for the current level of activity at the two buildings on the BL-CR location. An analysis of the capability to support the existing and possible future growth for water and sewer needs should be conducted by DEPM.

Schools

This issue has no effect on schools in the area.

COMMUNITY IMPACTS

Removal of the CR overlay without some other restrains in place will destroy the rural character of Sparks, damage the rural area character of nearby historical buildings and extend the commercial/industrial look north into the village of Sparks. Anything allowed under the BL zoning (any size building they can squeeze on the site) with indifference to the area can be constructed limiting community input.

ECONOMIC IMPACTS

N/A.

CONCLUSION

The plans that the GSGCC has reviewed for the addition to the existing bank facility is not in harmony with the rural Sparks community. The structure is oversized for the site and is commercial in appearance (the plans presented would be appropriate for Towson rather than the rural area of Sparks). The large scale bank building complex (20,000 sq. ft.) proposed by the bank would cause a major commercial structure in a rural area. This proposal would feed the request for additional commercial "stripping" along our rural roads. The purpose of the CR overlay is to protect the rural character of the rural areas outside of the URDL.

Removal of the CR overlay without some other restrains in place will destroy the rural character of Sparks, damage the rural area character of nearby historical buildings and extend the commercial/industrial look north into the village of Sparks. Anything allowed under the BL zoning (any size building they can squeeze on the site) with indifference to the area can be constructed limiting community input.

The GSGCC has attempted to work on this issue with Sparks Bank for over a year without resolve. The bank is a valued member of the community (which we want to keep in Sparks) but even this does not overcome the impending potential for permanent damage to the community by removal of the CR overlay or rezoning the adjacent property. The bank can exist and expand their non-customer contact administrative operations without the proposed addition. On an interim bases the bank could utilize the ample commercial office space that is available nearby (3/4 of a mile south of the bank) in a commercial business park.

The Greater Sparks-Glencoe Community Council requests that the present zoning on the property be retained for the benefit of the community.

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

Post Office Box 396
Sparks, Maryland 21152

August 20, 1992

Mr. Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21285-5517

Reference: Sparks Bank, CZMP Issue 3-132

Dear Rob:

It has been three months since our meeting concerning the Sparks Bank Comprehensive Zoning Map Process request. The meeting provided a forum for a positive discussion of the many issues concerning the banks request. At the meeting Mr. Moore indicated that the bank intended to revise the building and site plans. The GSGCC has been awaiting an opportunity to review and discuss the bank's new plans.

In the previous discussions the appearance of the bank building and the large scale of the building was considered a problem. It was indicated that the bank's architect had not achieved the building design and appearance that the board of directors of the bank desired. The ability to blend the bank building architecture and size with the rural historic town appearance could provide a positive factor in the banks' request. I have previously offered names of several architects that are known for their ability to blend new structure within historic setting. These names are attached for your information.

GSGCC believes that it is important to arrive at a mutually agreeable solution to the issue prior to the County Council hearing on September 14. This will require time to review plans, discuss issues and make any changes if required. If this is not allowed to occur, GSGCC will be not be in a position to concur with the bank proposal and will be forced to stand by its current position.

Please contact me or Mr. David Bowers as soon as possible so that we will be able to work together to the benefit of our community in the resolution of this issue.



Paul A. Hupfer
President

cc: Bradley Moore, Sparks Bank
C.A. Ruppertsburger, III

Architects

Jeffrey Lees
706 Dunkirk Road
Towson

Donald Kann
Kann & Ammon Inc.
519 Pratt St.
Baltimore

Richard Barton
Marshall Craft Associates Inc.
6112 York Road
Baltimore

Michart Trostel AIA
Bolton Hill

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

Post Office Box 396
Sparks, Maryland 21152

October 21, 1991

Mr. Bradley Moore
Sparks State Bank
14804 York Road
Sparks, Maryland 21152

Dear Mr. Moore

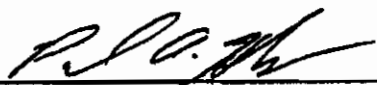
Greater Sparks Glencoe Community Council (GSGCC) has reviewed all of the issues presented at the meeting with the Sparks Bank on August 14, 1991. These issues are as follows:

- o Sparks Bank has a need to expand its facilities to accommodate recent and projected growth.
- o The septic system on the current site which services the bank is failing and a solution to the problem must be found.
- o The lease for the Post Office will lapse in the near future and the bank believes that the facility must be expanded to keep the Post Office at this location.

Sparks State Bank has proposed the purchase of the property behind the bank with its subsequent upzoning to BL as a solution to these problems. The bank would like to expand both facilities back toward this property and locate the septic system on this property. It was also stated that a new commercial office building for the bank could be located on the property at the current location of the residences (green house) on Quaker Bottom Road No. 1. The current BL zoned property along York Road is 300 feet in depth and the additional property if rezoned would add 275 feet in depth.

GSGCC stated at that time our opposition to any additional commercial zoning encroaching back from York Road into the RC zones. This is still our position. Mr. Whye, who represented the Sparks Quaker Bottom Community, also stated his communities opposition to this encroachment. Although GSGCC does oppose this commercial encroachment, we were at that time (and still are) willing to work with Sparks State Bank, in finding a solution to their problem, due to its close ties with and importance to the community at large.

At the meeting, GSGCC proposed utilizing the current bank property (which has the appropriate zoning in place) for facility expansion and the property behind the bank for water and septic purposes. GSGCC still believes this could be a mutually agreeable solution. In fact, this approach has been presented to representatives from departments within Baltimore County and has received favorable reception. Expansion needs of the Post Office were reviewed and the current site is capable of handling expansion. Based on this approach, or something along the same concept lines, GSGCC is willing to work with Sparks State Bank regarding implementation.



Paul A. Hupfer
President

CZMP Issue: 3-135

Applicant: Panther Branch Ltd. Partnership, Edward A. Halle, Jr. Esq.

Acreage and existing zoning: 1.40 acres BL-CR, 20.60 acres RC-5

Requested zoning and acreage: 1.40 acres BL-CR, 20.60 acres RC-5-CR

The Greater Sparks-Glencoe Community Council recommends that a golf driving range should be NOT be allowed at this location.

SITE DESCRIPTION

17106-17112 York Road, Hereford. Mr. Halle has requested a zoning change for his 20.60 acres zoned RC-5 so that he might build and operate a golf driving range with "target greens, practice greens and tees."

SURROUNDING LAND USE & ZONING

A golf driving range is not consistent with surrounding commercial land use in a rural village setting.

CONSISTENCY WITH MASTER PLAN

N/A.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

N/A.

ENVIRONMENTAL IMPACT

N/A.

INFRASTRUCTURE & SERVICE IMPACTS

N/A.

COMMUNITY IMPACTS

N/A.

ECONOMIC IMPACTS

N/A.

CONCLUSION

GSGCC believes that a golf driving range is not an appropriate use at this location.

CZMP Issue: 3-149

Applicant: Randolph & Yvonne Shelly

Acreage and existing zoning: 1.10 acres RC-5

Requested zoning and acreage: 1.10 acres RO

The Greater Sparks-Glencoe Community Council SUPPORTS OPZ staff and Planning Board recommendations to maintain the present RC-5 zoning for this property.

SITE DESCRIPTION

East side of York Road 650 feet north of Lower Glencoe Road.

SURROUNDING LAND USE & ZONING

All surrounding land is zoned RC-4 and RC-5 and used as residential properties. Houses are presently under construction behind the property. No commercial zoning (BL, BL-CR) is in the area. The site is outside of the URDL.

CONSISTENCY WITH MASTER PLAN

The proposed zoning is inconsistent with the Master Plan as the RO zoning is to essentially delineate and contain the commercial areas.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

This proposed zoning change would be contrary to the stated Growth Management Guidelines in that it would not reinforce the town and community center concept by establishing a separate commercial area, and the proposed change would not correct any deficiencies. A change to commercial zoning would promote strip zoning along rural roads and would be in compliance with the guidelines.

ENVIRONMENTAL IMPACT

Office use on this site would probably increase the demand on the water table and the loading on the existing septic field.

INFRASTRUCTURE & SERVICE IMPACTS

Traffic is already becoming a problem along York Road due to the increased traffic from Loveton Farms, Loveton Business Center, and the United Parcel Service trucking facility. There presently are no gas, water or sewer service for this site.

COMMUNITY IMPACTS

The proposed offices would be incompatible with the existing residential neighborhood area.

ECONOMIC IMPACTS

The Hereford town zone was expressly created to meet the need for commercial development in this area without the involvement of strip zoning on adjacent residential areas.

CONCLUSION

The proposed zoning would set a precedent and create a spot or strip zone, especially in conjunction with the proposed change across York Road (Issue #3-181).

It is also likely that should this change be granted, other adjacent properties up and down York Road, north of the Highlands Industrial Park to Hereford town center, would also try to be rezoned, increasing the length and even the depth of the strip.

The requested change is inconsistent with the legislative intent of RC-5 zone, in that the proposed change allows commercialization to creep into a residential zone.

CZMP Issue: 3-158

Applicant: Bosworth Properties

Acreage and existing zoning: 38 acres RC-4

Requested zoning and acreage: 38 acres DR-10.5 & DR-16

The Greater Sparks-Glencoe Community Council SUPPORTS OPZ staff and Planning Board recommendations for retaining the present zoning on this property.

SITE DESCRIPTION

300' from Thornton Mill Road and York Road intersection.

SURROUNDING LAND USE & ZONING

Neighboring properties are zoned RC-4 low-density residential, protected by Resource Conservation (Watershed) Zone, established by the Master Plan following the Chesapeake Bay Critical Area Program. This property is outside the URDL.

CONSISTENCY with MASTER PLAN

According to the Master Plan, the reason this area is designated resource conservation is "because the land includes area for watershed protection, forestry, wildlife and plant habitat, ground water protection, and unique natural areas. Any major change in existing use of these lands will alter their important functions and environmental value."

This property completely fails the test for rezoning set forth by the Master Plan because, it lies adjacent to 300 feet from any first or second order, or greater stream (Western Run) that flows directly or indirectly into a public reservoir (Loch Raven). More than thirty percent of this parcel of land has a slope of greater than twenty percent; it also lies next to the 100 year flood plain. According to the Master Plan, land located in areas such as this is "automatically designated natural protection areas or are classified as resource conservation areas under the Chesapeake Bay Critical Area Program."

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

According to the Growth Management Guidelines, "the lands of the RC-2 and RC-4 zones provide the 'critical mass' necessary to ensure the viability of agriculture in Baltimore County. The lands zoned RC-4 should not be changed...Furthermore, zoning should not result in premature or scattered land development."

ENVIRONMENTAL IMPACT

The environmental impact if the zoning is increased would be the loss of restrictions on limits of disturbance in the RC zone.

The removal of trees and top soil would increase the possibility for more flooding. The property is located in the Zone "C" Flood Plain. Low lying Thornton Mill Road, in the flood plain, has been known to flood easily in a storm or winter ice melting, and has done so in the past. Also, any increase of building density beyond RC-4 for this property would have adverse environmental impacts to the downstream wetlands construction near the Broadmead Retirement Community by the Maryland Department of Transportation State Highway Administration (see attached letter).

Because the Western Run Feeds into the Loch Raven Reservoir, an increase to higher density development could cause the run off from this area to contaminate the waters. This would have detrimental affect on living species in the waters and diminish the quality of the County's and the City of Baltimore's drinking water.

INFRASTRUCTURE & SERVICE IMPACTS

Traffic

One must travel over Western Run bridge on York Road to gain access to Thornton Mill Road. This bridge is very narrow and is already congested and heavily traveled. According to projected traffic information provided by the County, average daily trips to this property will increase 7,183 a day. Thornton Mill Road is a rural, narrow, winding, country road which will not withstand the influx of traffic. This road has been closed during high water events of the Western Run and access to the property is denied. This site is not located within an intersection zone.

The York Road corridor between McCormick and Phoenix Roads is a narrow, two-lane roadway. It is presently under a three-phase study by the State Highway Administration. Phase I is approximately 75% completed. There is no money in the budget for the next two phases, so the expectation of completing the three phases by the year 2002 is doubtful. This section of roadway is already over burdened by industrial and residential traffic present in the area. Any new or additional traffic would be overwhelming.

Sewage & Water

The Back River Waste Water Treatment Plant is presently at or near full capacity. The additional \$400 million of budgeted improvements are designed to accommodate growth which is already planned without any major new development projects. In addition, the wastewater conveyance system comprised of six existing pumping stations and sewer pipes show signs of stress at this time according to the Bureau of Engineering, Department of Public Works.

According to the OPZ, water is not planned to be brought down Thornton Mill Road. In the Master Plan, under Growth Management, it documented, "the need to improve roads, water and sewer lines, schools, police, and other public services for the County residents in three major growth areas, Perry Hall, White Marsh, and Owings Mills. The tax rate implications of these costs alone were sufficient reasons for curtailing suburban sprawl in other areas."

The Master Plan accommodates almost all of the expected population growth and necessary jobs and services inside the URDL. This property is outside of the URDL. The county's growth should be directed into these areas where it will be accommodated by the existing or planned major improvements to transportation and utility systems. This Thornton Mill area is not designated for any of these services.

Schools

The County Council passed a moratorium on building permits in areas where schools are 20% over capacity. According to Mr. Kraft, Baltimore County School Planner, Pot Springs Elementary School which would service this site is presently more than 20% over capacity. In the 92-93 school year, their kindergarten will be relocated to Padonia Elementary School.

Fire & Safety

According to Baltimore County Fire Chief Bannister, "any increase to higher density would greatly impact the Baltimore County Fire Department." Given the cut backs in the present budget, a greater burden would befall the department, jeopardizing the safety of the firemen and the public.

COMMUNITY IMPACTS

Any community impacts would be negative.

ECONOMIC IMPACTS

Due to the large requirement for public infrastructure improvements and additional services any economic impacts would be negative.

CONCLUSION

The requested zoning for this area will definitely cause a series of future unwanted changes in this area. The requested zoning is not consistent with Resource Conservation Zone established by the Master Plan. This area has not been designated as a growth area, but as a preservation for resource conservation land.

If this RC-4 is changed to a higher density zone, this may set a precedent when it comes to protecting the watersheds of the three regional impoundments of the Baltimore Metro Area and Deer Creek. This property was denied rezoning during the 1988 Comprehensive Zoning Map changes. We uphold the County Council's decision then and we concur with OPZ's and Planning Board's present recommendation to retain the present RC-4 zoning for this site.



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

PLEASE REPLY TO:
OFFICE OF DISTRICT ENGINEER
1331 WEST JOFFA ROAD
BROOKLANDVILLE, MARYLAND 21031

July 14, 1992

The Honorable C.A. Dutch Ruppertsberger, III
Baltimore County Council
Old Courthouse - 2nd Floor
Towson, MD 21204

Dear Councilman Ruppertsberger:

As part of the State Highway Administration's ongoing effort to keep you informed of new projects in your area, I would like to let you know that construction is about to begin to create a new wetlands adjacent to the Western Run floodplain off Route 45 at the Broadmead Retirement Community in Baltimore County.

The project involves clearing and grubbing, placing topsoil, constructing drainage structures, providing erosion and sediment control, wetland planning and other improvements along Western Run near the Broadmead Retirement Community.

The new wetlands will cover approximately 11 acres and will include a trail system with a wildflower meadow, berry bushes and a pedestrian bridge, all accessible to the senior community at Broadmead.

The \$433,000 project has been awarded to Interstate Seeding of Sykesville, Maryland. Work should be completed by early fall.

We appreciate your interest in this project. If you have any further questions, please feel free to contact me at (410) 321-3461.

Sincerely,

Charles R. Harrison

Charles R. Harrison
Metropolitan District Engineer

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

CZMP Issue: 3-172 (ADJACENT AREA ISSUE)

Applicant: Gr. Lodge Masons of Md, USA by Stuart Kaplow, Esq.

Acreage and existing zoning: 34.45 acres DR-1, 4.85 acres DR-2, 0.45 acres O-1, 38.38 acres RC-4

Requested zoning and acreage: 62.89 acres MLR, 15.24 acres RC-4

The Greater Sparks-Glance Community Council SUPPORTS Planning Board recommendation to retain the present RC-4 zoning for the 38.38 acres of this property.

This Issue acreage, 2800' along International Circle and the intersection with International Drive lies within the Masonic Home complex. The 38.38 acres of RC-4 land is located on the ridge overlooking the Western Run valley. The impact of a change is the loss of restrictions on the limits of disturbances in the RC zone.

The ridgeline of vegetation on the crest of the hill is a barrier to protect the valley. Its steep slopes help to maintain storm sediment. The removal of trees and top soil would increase the possibility of more flooding of the Western Run and could contaminate the waters of the Loch Raven Reservoir. This would have a detrimental affect on living species in the water and diminishing quality of the County's and the City's drinking water.

We fully support the Planning Board's recommendation to retain the RC-4 zone. In keeping the zoning as is, the watershed would be protected from the high density encroachment which would also impact the residents along Thornton Mill Road.

CZMP Issue: 3-178 (ADJACENT AREA ISSUE)

Applicant: Nicholas B. Mangione by Joseph LaVerghetta

Acreage and existing zoning: 300.00 acres RC-2, 171.00 acres RC-4

Requested zoning and acreage: 300.00 acres RC-2, 171.00 acres RC-5

The Greater Sparks-Glencoe Community Council CONCURS with the Valleys Planning Council, OPZ staff and Planning Board opposing the change of zoning for this property.

This Issue has been denied during each cycle since the 1982 Comprehensive Zoning Map Cycle. The request for RC-5 in this agricultural area N. of Shawan Road and I-83 is in conflict with the Master Plan and the Growth Management Guidelines of Baltimore County.

The site lies in the environmentally sensitive Cockeysville marble aquifer. Also, any increase of building density beyond RC-4 for this property would have adverse environmental impacts to the downstream wetlands construction near the Broadmead Retirement Community by the Maryland Department of Transportation State Highway Administration (see attached letter).

There is no water or sewage to support the increase in density.

The RC-4 zone is adequate density to support residential needs of the Shawan Valley.



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

PLEASE REPLY TO:
OFFICE OF DISTRICT ENGINEER
1333 WEST JOPPA ROAD
BROOKLANDVILLE, MARYLAND 21032

July 14, 1992

The Honorable C.A. Dutch Ruppertsberger, III
Baltimore County Council
Old Courthouse - 2nd Floor
Towson, MD 21204

Dear Councilman Ruppertsberger:

As part of the State Highway Administration's ongoing effort to keep you informed of new projects in your area, I would like to let you know that construction is about to begin to create a new wetlands adjacent to the Western Run floodplain off Route 45 at the Broadmead Retirement Community in Baltimore County.

The project involves clearing and grubbing, placing topsoil, constructing drainage structures, providing erosion and sediment control, wetland planning and other improvements along Western Run near the Broadmead Retirement Community.

The new wetlands will cover approximately 11 acres and will include a trail system with a wildflower meadow, berry bushes and a pedestrian bridge, all accessible to the senior community at Broadmead.

The \$433,000 project has been awarded to Interstate Seeding of Sykesville, Maryland. Work should be completed by early fall.

We appreciate your interest in this project. If you have any further questions, please feel free to contact me at (410) 321-3461.

Sincerely,

Charles R. Harrison

Charles R. Harrison
Metropolitan District Engineer

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

CZMP Issue: 3-180 & 3-003

Applicant: Dickee Howard Goodman

Acreage and existing zoning: 68.59 acres RC-4

Requested zoning and acreage: 68.59 acres DR 10.5 or ML

The Greater Sparks-Glencoe Community Council SUPPORTS OPZ staff and Planning Board recommendations to retain the present zoning for this property.

SITE DESCRIPTION

2400'W centerline of York Rd. @ Thornton Mill & York Rd.

SURROUNDING LAND USE & ZONING

All of the property is zoned low-density residential, protected by Resource Conservation-4 (Watershed) Zone, established by the Master Plan following the Chesapeake Bay Critical Area Program. This property is outside of the URDL.

CONSISTENCY WITH MASTER PLAN

According to Baltimore County's Master Plan, the reason this area is designated resource conservation is "because the land includes area for watershed protection, forestry, wildlife and plant habitat, ground water protection, and unique natural areas. Any major change in existing use of these lands will alter their important functions and environmental value". This property completely fails the test for rezoning set forth by the Master Plan because, it lies adjacent to the 300 feet from any first or second order, or greater stream (Western Run) that flows directly or indirectly into a public reservoir (Loch Raven).

More than thirty percent of this parcel of land has a slope of greater than twenty percent; it also lies adjacent to the 100 year flood plain. According to the Master Plan, land located in areas such as this is "automatically designated natural protector areas or are classified as resource conservation areas under the Chesapeake Bay Critical Area Program." According to this quote from the Master Plan, the property is located in the Zone "C" Flood Plain. Low lying Thornton Mill Road has been known to flood easily in a storm or winter ice melting, and has done so in the past.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

According to the Growth Management Program Proposed Guidelines, "the lands of the RC-2 and RC-4 zones provide the 'critical mass' necessary to ensure the viability of agriculture in Baltimore County. The lands zoned RC-4 should not be changed". "Furthermore, zoning should not result in premature or scattered land development."

ENVIRONMENTAL IMPACT

The environmental impact if the zoning is increased would be the loss of restrictions on limits of disturbance in the RC zone. The removal of trees and top soil would increase the possibility for more flooding. Because the Western Run Feeds into the Loch Raven Reservoir, an increase to higher density development could cause the run off from this area to contaminate the waters. This would have a detrimental impact on the existing stream habitat and diminish the quality of the drinking water.

Also, any increase of building density beyond RC-4 for this property would have adverse environmental impacts to the downstream wetlands construction near the Broadmead Retirement Community by the Maryland Department of Transportation State Highway Administration (see attached letter).

INFRASTRUCTURE & SERVICE IMPACTS

Traffic

One must travel over Western Run bridge on York Road to gain access to Thornton Mill Road. This bridge is very narrow and is already congested and heavily traveled. According to projected traffic information provided by the county, average daily trips to this property will increase 7,183 a day. Thornton Mill Road, which is in the flood plain, is a rural, narrow, winding, country road which will not withstand the influx of traffic. This road is known to flood and access to the property will be denied. This site is not located within an intersection zone.

The York Road corridor between McCormick and Phoenix Roads is a narrow, two-lane roadway. It is presently under a three-phase study by the State Highway Administration. Phase I is approximately 75% completed. There is no money in the budget for the next two phases, so the expectation of completion of the three phases in the year 2002 is doubtful. This section of roadway is already overburdened by industrial and residential traffic present in the area; any new or additional traffic would be overwhelming.

Sewage & Water

The Back River Waste Water Treatment Plant is presently at or near full capacity. The additional \$400 million of budgeted improvements are designed to accommodate growth which is already planned without any major new development projects. In addition, the wastewater conveyance system comprised of six existing pumping stations and sewer pipes show signs of stress at this time according to the Bureau of Engineering, Department of Public Works.

According to the OPZ, water is not planned to be brought down Thornton Mill Road. In the Master Plan, under Growth Management, it documented, "the need to improve roads, water and sewer lines, schools, police, and other public services for the county residents in three major growth areas, Perry Hall, White Marsh, and Owings Mills. The tax rate implications of these costs alone were sufficient reasons for curtailing suburban sprawl in other areas."

Schools

The County Council passed a moratorium on building permits in areas where schools are 20% over capacity. According to Mr. Kraft, Baltimore County School Planner, Pot Springs Elementary School, which would service this property, is presently more than 20% over capacity. In the 92-93 school year, their kindergarten will be relocated to Padonia.

Fire & Safety

According to Baltimore County Fire Chief Bannister, "any increase to higher density would greatly impact the Baltimore County fire department." Given the cut backs in the present budget, a greater burden would befall the department, jeopardizing the safety of the firemen and the public.

COMMUNITY IMPACTS

All community impacts would be negative. This property lies outside the URDL.

ECONOMIC IMPACTS

The proposed zoning will have a negative economic impact on unoccupied commercially zoned properties in the area. There are several already zoned commercial properties in the area. The areas in Loveton Center and the future Highlands Corporate Park (1.2 million sq. ft.) all have either immediate occupancy or have the proper zoning in place at the present. The Highlands Corporate Park has not started building construction nor does it have any tenants.

CONCLUSION

The recommended change for this area will definitely cause a series of future unwanted changes in this area. It is not consistent with Resource Conservation Zone established by the Master Plan. This area has not been designated as a growth area, but as a preservation for resource conservation land.

If this RC-4 is changed to a higher density zone, this may set a precedent when it comes to protecting the watersheds of the three regional impoundments of the Baltimore Metro Area and Deer Creek. This property was denied rezoning during the 1988 Comprehensive Zoning Map changes.

GSGCC supported the County Council's decision in 1988 and it concurs with OPZ's and Planning Board's present recommendations to retain the present zoning on this property without any changes.



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

PLEASE REPLY TO:
OFFICE OF DISTRICT ENGINEER
1333 WEST JOPPA ROAD
BROOKLANDVILLE, MARYLAND 21021

July 14, 1992

The Honorable C.A. Dutch Ruppertsberger, III
Baltimore County Council
Old Courthouse - 2nd Floor
Towson, MD 21204

Dear Councilman Ruppertsberger:

As part of the State Highway Administration's ongoing effort to keep you informed of new projects in your area, I would like to let you know that construction is about to begin to create a new wetlands adjacent to the Western Run floodplain off Route 45 at the Broadmead Retirement Community in Baltimore County.

The project involves clearing and grubbing, placing topsoil, constructing drainage structures, providing erosion and sediment control, wetland planning and other improvements along Western Run near the Broadmead Retirement Community.

The new wetlands will cover approximately 11 acres and will include a trail system with a wildflower meadow, berry bushes and a pedestrian bridge, all accessible to the senior community at Broadmead.

The \$433,000 project has been awarded to Interstate Seeding of Sykesville, Maryland. Work should be completed by early fall.

We appreciate your interest in this project. If you have any further questions, please feel free to contact me at (410) 321-3461.

Sincerely,

Charles R. Harrison

Charles R. Harrison
Metropolitan District Engineer

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

CZMP Issue: 3-181

Applicant: Michael Horner

Acreage and existing zoning: 8.00 acres RC-5

Requested zoning and acreage: 8.00 acres BL

The Greater Sparks-Glencoe Community Council SUPPORTS OPZ staff and Planning Board recommendations to retain the present zoning for this property.

SITE DESCRIPTION

NW intersection of York Road & Belfast Road. The existing zoning of RC-5 allows the building of single family dwellings. There was a similar request for the changing of RC-5 to BL during the 1988 Comprehensive Zoning Map process. This request was denied at that time.

SURROUNDING LAND USE & ZONING

The surrounding land use is RC-2 as well as RC-5. These RC zones were put into place in order to protect the agricultural area. There is no need to remove these 8.00 acres from RC classification. A portion of the property is in agricultural use (see related Issue 3-149).

CONSISTENCY WITH MASTER PLAN

The proposed zoning would create a strip commercial zone and is not in accordance with the Master Plan or CZMP Guidelines rural management zone (section 4.d.). There is an abundance of vacant commercially zoned property in the town of Hereford, and also in Loveton, and Highlands.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The proposed zoning would create a spot commercial zone (stripping) and is not in accordance with the Growth Management Program Proposed Guidelines. There is an abundance of vacant commercially zoned property in the town of Hereford, and also in Loveton, and Highlands.

ENVIRONMENTAL IMPACT

Any environmental impacts would be negative.

INFRASTRUCTURE & SERVICE IMPACTS

There would be a dramatic impact on the already congested intersection of York Rd. & Belfast Rd. A study by the Maryland Department of Transportation State Highway Administration slated for completion about 2002 (if funded) further supports that future commercial development would compound an already dangerous intersection and roadway.

There is no planned service for water and sewage. The site is outside the URDL.

COMMUNITY IMPACTS

Any impacts to the surrounding community would be negative.

ECONOMIC IMPACTS

The new homes across the road from this property are worth \$400,000 and up. A commercial zone would negatively impact the value of these homes.

CONCLUSION

This issue was denied in 1988 by the County Council and we uphold its 1988 decision denying the rezoning request. "The Agricultural Preservation Areas were defined and designated in the 1989 Master Plan in order to protect the County's agricultural industry and resource base." We feel that any change in the zoning of this parcel would set a precedent which could greatly jeopardize the nature of the RC zones in this area.

CZMP Issue: 3-184

Applicant: OPZ Staff

Acreage and existing zoning: 43 acres RC-5

Requested zoning and acreage: 11 acres RC-4 and 24 acres RC-2

The Greater Sparks-Glencoe Community Council SUPPORTS the OPZ staff and Planning Board proposed zoning recommendations for 32.00 acres RC-2 and 11.00 acres RC-4.

SITE DESCRIPTION

Ensor Mill Road.

SURROUNDING LAND USE & ZONING

The proposed zoning change is consistent with surrounding land use and zoning.

CONSISTENCY WITH MASTER PLAN

The zoning request is consistent with the Master Plan's intention to protect flood plains, streams, woods, and land that could be used for agriculture.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The zoning request is consistent with protecting the County's ground and water surface quality, forest resources and plant habitat" (p24).

ENVIRONMENTAL IMPACT

The proposed zoning has a positive environmental impact. The majority of the area is in a flood plain.

INFRASTRUCTURE & SERVICE IMPACTS

The proposed zoning will reduce residential density producing a positive impact on traffic and schools. The proposed zoning has no additional infrastructure or service impacts on sewage and water.

COMMUNITY IMPACTS

Any community impacts are positive.

ECONOMIC IMPACTS

Positive.

CONCLUSION

This Planning Board recommendation meets Master Plan and Growth Management Guidelines requirements and intent.

CZMP Issue: 3-185

Applicant: Planning Board Member

Acreage and existing zoning: 23,000 acres RC-4

Requested zoning and acreage: 23,000 acres RC-2

The Greater Sparks-Glencoe Community Council SUPPORTS the premise which prompted the Planning Board's proposed zoning request that RC-4 acreage is not adequately protecting the watershed.

SITE DESCRIPTION

Rural Area Agricultural Preservation Areas.

SURROUNDING LAND USE & ZONING

The proposed zoning change is consistent with surrounding land use and zoning.

CONSISTENCY WITH MASTER PLAN

The zoning request is consistent with the Master Plan's watershed protection objectives. Present RC-4 zoning is not providing adequate protection due to allowable density of housing on this land.

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The zoning request is consistent with "protecting the County's natural and agricultural resources" (p1).

ENVIRONMENTAL IMPACT

The proposed zoning has a positive environmental impact by providing further protection for streams, watersheds, water quality and quantity, and other natural resources.

INFRASTRUCTURE & SERVICE IMPACTS

The proposed zoning will reduce residential density producing a positive impact on traffic and schools. The proposed zoning has no additional infrastructure or service impacts on sewage and water.

COMMUNITY IMPACTS

Any community impacts are positive.

ECONOMIC IMPACTS

Positive.

CONCLUSION

This request meets Master Plan and Growth Management Guidelines requirements and intent. However, some due process issues must be addressed to equitably resolve this extremely important matter.

CZMP Issue: 3-194

Applicant: County Council Member

Acreage and existing zoning: 2.30 acres RC-4

Requested zoning and acreage: 2.30 acres BL-CR

The Greater Sparks-Glencoe Community Council SUPPORTS OPZ staff and Planning Board recommendations to maintain the present zoning for this property.

SITE DESCRIPTION

ES York Rd. 500' N of Quaker Bottom Rd. ("Milton Inn"). The BL section of the property, not in this request, currently is improved by the "Milton Inn" restaurant. The existing BL zoned property is located along York Road and has the restaurant and most of the parking areas. The rear of the property, this zoning request, has limited parking and the septic fields.

SURROUNDING LAND USE & ZONING

Residential areas are located on the north and south of the site. The site has RC-4 zoning surrounding it.

CONSISTENCY with MASTER PLAN

The primary Master Plan issues concern the following:

- o Expanding commercial development into and behind residents in a RC-4 area.
- o The request is not in compliance with Board of Appeals decision 88-151-SPHA and subsequent agreements.
- o Environmental impacts can not meet development setbacks standards
- o Increasing impervious surfaces

- o Traffic and parking problems
- o Change in compatibility with rural character
- o "Milton Inn" is a Baltimore County Land Mark List-Historic building

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The Guidelines classification for this site is Rural Management Area - outside of URDL.

ENVIRONMENTAL IMPACT

The property has a steep slope at the rear (58 feet elevation difference from front to rear of the property). A large portion of the site is rocky and has steep slopes. A small stream runs through the site.

INFRASTRUCTURE & SERVICE IMPACTS

Traffic

The site has parking problems some of which were addressed in the BOA case 88-151-SPHA. Traffic safety is a major concern of the community with this site.

Sewage & Water

The site has a unique septic system that uses a pump to serve the septic field located 46 feet above the restaurant and neighbors. The septic field is located on the RC-4 zoned area.

Schools

This issue has no effect on schools in the area.

COMMUNITY IMPACTS

N/A.

ECONOMIC IMPACTS

N/A.

CONCLUSION

The site has not met all applicable environmental, health, zoning, and public works standards. The excising BOA Order 88-151-SPHA and other agreement concerning the property should be left intact. This Order addressed the environmental and local residents' concerns. The request to change zoning, by the County Council, on the rear property of the Milton Inn is an error.

CZMP Issue: 3-196

Applicant: County Council Member

Acreage and existing zoning: 112.02 acres RC-4

Requested zoning and acreage: 112.02 acres RC-2 or RC-4

The Greater Sparks-Glencoe Community Council recommends that the County Council adopt the Board of Appeals Order of CR-92-399-XA dated August 12, 1992 (see attached document).

The Greater Sparks-Glencoe Community Council OPPOSES OPZ staff and Planning Board recommendations to change 68.50 Ac. to RC-2. Their recommendation predates the Board of Appeals approval of Oldfields' own request for "Out of Cycle" zoning for 30 acres of RC-2. GSGCC did not oppose the "Out of Cycle" as requested by the school and was informed that the 30 acres of RC-2 would fulfill the schools requirements.

SITE DESCRIPTION

N. side of Glencoe Rd 3000' NE of Gunpowder Falls (see attached documents).

SURROUNDING LAND USE & ZONING

N/A

CONSISTENCY with MASTER PLAN

The primary Master Plan issues include the following:

- o Special Interest Zoning
- o Nonconforming use in RC-4
- o Board of Appeals CR-92-399-XA
- o Environmentally sensitive area

COMPLIANCE WITH GROWTH MANAGEMENT GUIDELINES

The Guidelines classification is Rural Management Area-outside of URDL.

ENVIRONMENTAL IMPACT

The property adjoins the Gunpowder Falls River and is environmentally sensitive.

INFRASTRUCTURE & SERVICE IMPACTS

N/A.

COMMUNITY IMPACT

Increased school growth above the current levels would have a negative impact to the surrounding community. The access road (Glencoe Road) to the school is narrow and is serviced by a narrow temporary (since Hurricane Agnes) bridge.

ECONOMIC IMPACTS

N/A.

CONCLUSION

Rezoning 122 acres of land to RC-2 is not appropriate zoning for this property. Out-of-cycle zoning is requested to allow 30.52 acres to be designated RC-2 in the area of the school site. The Board of Appeals issued its Order on August 12, 1992. GSGCC recommends that the County Council adopt the Order by the Board of Appeals in CR-92-399-XA "out-of-cycle" request.

IN THE MATTER OF THE APPLICATION	*	BEFORE THE
OF <u>OLDFIELDS SCHOOL, INC.</u> FOR		
ZONING RECLASSIFICATION FROM	*	COUNTY BOARD OF APPEALS
R.C.-4 TO R.C.-2, SPECIAL EXCEPTION		
AND VARIANCES ON PROPERTY LOCATED	*	OF
ON THE NORTHEAST SIDE OF GLENCOE		
ROAD, 2730' NORTHEAST OF PENN	*	BALTIMORE COUNTY
CENTRAL RAILROAD (1500 GLENCOE		
ROAD); 10TH ELECTION DISTRICT	*	CASE NO. CR-92-399-XA
3RD COUNCILMANIC DISTRICT		(Out-of-Cycle)
* * * * *	*	* * * * *

O P I N I O N

This matter comes before the Board on Petition for Reclassification of a portion of the property known as the Oldfields School, Inc. from R.C.-4 to R.C.-2. In addition to the request for reclassification, there are requests for a special exception in order to have a private school in an R.C.-2 zone and variances to permit setbacks of zero feet to the zoning use boundary line in lieu of the required 35 feet for buildings 6, 10 and 11; and to permit a distance between existing buildings as close as 25 feet in lieu of the required 70 feet.

The total site consists of 194.7 acres of land zoned R.C.-4. The Petition requests reclassification of 30.52 acres of the site to R.C.-2. The purpose of this request is for a special exception in order to have a private school in an R.C.-2 zone. A private school is possible as a conforming use in an R.C.-2 zone upon an approved special exception, but a private school cannot exist in an R.C.-4 zone as a conforming use.

People's Counsel for Baltimore County appeared at the hearing and informed the Board that her office was not in opposition to the Reclassification Petition nor was it supporting the request. Thereafter, People's Counsel did not participate in the proceedings.

Robert A. Hoffman, Esquire, Counsel for the Petitioners, called four witnesses to testify for the Petitioner. The first witness called was Hawley Roger, the Headmaster at Oldfields School.

Mr. Roger testified to the establishment of the school, the size of the campus, the history of the school, and the reasons for the Petition. He further testified that there are plans to expand the building on the campus. The new construction would not be for an enlarged student body, but would eliminate three students to a room by enlarging the dormitories. In addition, new construction will allow all of the faculty, that now live off campus, to move on to the campus. In addition, Mr. Roger testified, by way of specific individual questions, that the use on this site does and will continue to conform to Baltimore County Zoning Regulation (BCZR) 502.1 which is the section that is required to be conformed to before this Board can grant a special exception.

Wes Guckert was called to testify. He was qualified as an expert traffic engineer. He testified as to the surrounding roads, the lack of impact that the requested special exception would have on the roads, and that if the exception was granted there would not be a tendency to create congestion in roads, streets or alleys.

Doug Kelso, the architect of the site, testified as to the reasons for the new construction. He explained the setbacks that were required of the buildings and the need for the requested variances. The requested variances are needed because the existing buildings do not conform to the existing setback requirements as they are today. Mr. Kelso informed the Board that if the requested

variances are not granted, the existing construction would have to be moved or torn down which would result in an undue hardship to the school.

George Gavrelis was the last witness called. He was qualified as an expert land and urban planner. He testified that the entire site was zoned R.C.-4 in 1976, and at the time of the rezoning of this site to R.C.-4 the entire school site became a nonconforming use. A mistake was made by the County Council when in 1988, they did not rezone the site to R.C.-2. This rezoning to R.C.-2 would then have allowed the school to apply for a special exception for the school on this site. If the special exception would have been granted, the school use would have been an allowable use for this site.

The next issue of the Petition that was testified to by Mr. Gavrelis was the issue of the special exception. He told the Board that the present County Master Plan for the years 1990-2000 has this site in an institutional use which it has been used as since 1876. When asked a series of questions about Section 502.1 of the BCZR, he stated that there would be no adverse effects created on any of the subsections of 502.1 and that the site would conform to the requirements of this special exception section.

On the issue of the requested variances, Mr. Gavrelis testified that the existing buildings cannot be moved and that any denial of the requested variances would create an undue hardship on the Petitioner. His testimony on the issue of the variances was essentially the same as the previous witnesses.

The Board after reviewing all of the evidence and testimony presented before this Board finds that the Petitioner has proved

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The Board after reviewing all of the evidence and testimony presented before this Board finds that the Petitioner has proved

that a mistake was made by the County Council when it allowed this site to be zoned R.C.-4 and that the proper zoning for the site should be R.C.-2.

The Board further finds that the Petitioner has met the burden that this use will not create any adverse effects in the area as defined by Section 502.1 of the BCZR.

The Board further finds that if the requested variances were denied, the Petitioner would suffer undue hardship and further, the requested variances do not destroy the spirit and intent of the law.

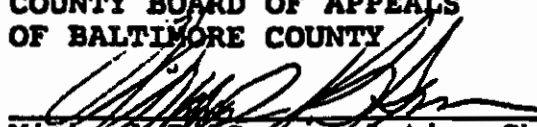
Therefore, the Board will issue an order granting the requested zoning reclassification, the special exception, and the requested variances as defined by the Petition and the plat that accompanied this out of cycle zoning reclassification petition.

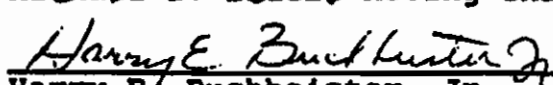
O R D E R

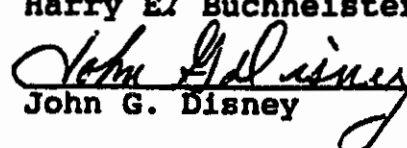
IT IS THEREFORE this 12th day of August, 1992 by the County Board of Appeals of Baltimore County ORDERED that the Out-of-Cycle Petition for Zoning Reclassification from R.C.-4 to R.C.-2, the special exception for a school in an R.C.-2 zone, and the various requested variances be and the same are hereby GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Michael B. Sader, Acting Chairman


Harry E. Buchheister, Jr.


John G. Disney

Zoning OK'd for Oldfields private school

By MICHAEL RUBY
Record correspondent

For the past 125 years, Oldfields School in Sparks has operated as a private educational institution on its 195-acre campus located on Glencoe Road. But since 1976, the boarding school has been in violation of local zoning regulations.

Thanks to a recent decision by the Baltimore County Board of Appeals, the educational institution may continue at its current location for as long as it wants without threat of a challenge to the property's zoning.

The three-member appeals panel on Aug. 12 granted a requested zoning change on the 30.5-acre "core campus" containing the Oldfields buildings to a category that permits educational institutions.

When the county placed newly-adopted rural zoning categories 16 years ago, Oldfields was given a watershed protection classification which did not permit schools. So under local zoning regulations, the educational facility was considered a non-conforming use that could not be rebuilt if destroyed by a fire and is restricted in the amount it can grow.

With the new classification and a special exception awarded by the board of appeals, the Oldfields School has become legitimized in the eyes of county zoning officials.

No increase in the school's approximately 180-student enrollment is expected as a result of the new zoning, according to officials for the institution. But extra housing for pupils and faculty is desperately needed and prompted the rezoning action.

A new two-story dormitory containing 10 two-girl rooms and three faculty apartments is proposed next to the existing McCulloch Commons structure on the campus. The additional rooms

will relieve cramped housing quarters and provide "adequate living facilities" needed to keep the enrollment at its current level, said attorney Robert A. Hoffman, a partner in the Venable, Baetjer & Howard law firm that represents the school.

"It is clear to Oldfields School that three-girl dorm rooms do not provide these adequate facilities," said Hoffman.

Also, three faculty members currently are housed off campus in rental homes, a situation that is unacceptable to Oldfields officials. "In order to keep these quality faculty members at Oldfields School, it is equally imperative that the new dorm structure be built to bring the three faculty families on campus," said Hoffman.

With the new zoning in hand, Oldfields officials are planning to start construction "as soon as possible," said the lawyer.

Because of the appeals board's order dated Aug. 12, school officials are expected to drop their request for legislation that would have permitted education facilities in the watershed protection zoning category, added Hoffman.

Oldfields also should drop its reclassification request in the ongoing comprehensive zoning maps process that culminates on Oct. 15 when the County Council affixes the property's zoning for the next four years. The Oldfields petition is one of 600 issues that will be decided by the seven-member legislative body that evening.

After environmental officials later said they would support rezoning a 21-acre portion of the property, Oldfields then tried a quicker route. By convincing county officials that the rezoning request was "in the public interest," it was then heard by the board of appeals as part of a separate process.

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD
SEL AIR, MD

210 ALLEGHENY AVENUE

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TOWSON, MARYLAND 21286-5517

(301) 823-4111

FAX (301) 821-0147

RICHARD M. VENABLE (1939-1901)
EDWIN G. BAETJER (1928-1949)
CHARLES HEN. HOWARD (1970-1948)

March 2, 1992

WRITER'S DIRECT NUMBER IS

ROBERT A. HOFFMAN

484-8162

Paul Hupfer, President
Greater Sparks Glencoe Council
P.O. Box 396
Sparks, Maryland 21152

Dear Paul:

The Oldfields School located on Glencoe Road within the Sparks/Glencoe community is desperately in need of providing an additional dormitory which would reduce or eliminate three-girl dormitory rooms and provide much needed faculty housing on campus. The dormitory rooms and faculty housing would be within one building, two stories high, and will contain 10, two-girl dormitory rooms and 3 faculty apartments. The location of the proposed building is shown on the attached plan and, as you can see, is essentially clustered with the existing core campus buildings and is of the similar height and scale.

Please note that Oldfields will not be increasing either its student body population or its faculty population with the construction of the new dorm. It is merely to alleviate an overcrowding situation among the students and to bring faculty members on the campus from adjacent off-site rental properties. The proposed new dormitory, we would submit, will have no impact on the neighborhood.

I am hopeful that the Sparks/Glencoe Council will continue to support the school in this very modest endeavor.

Yours truly,

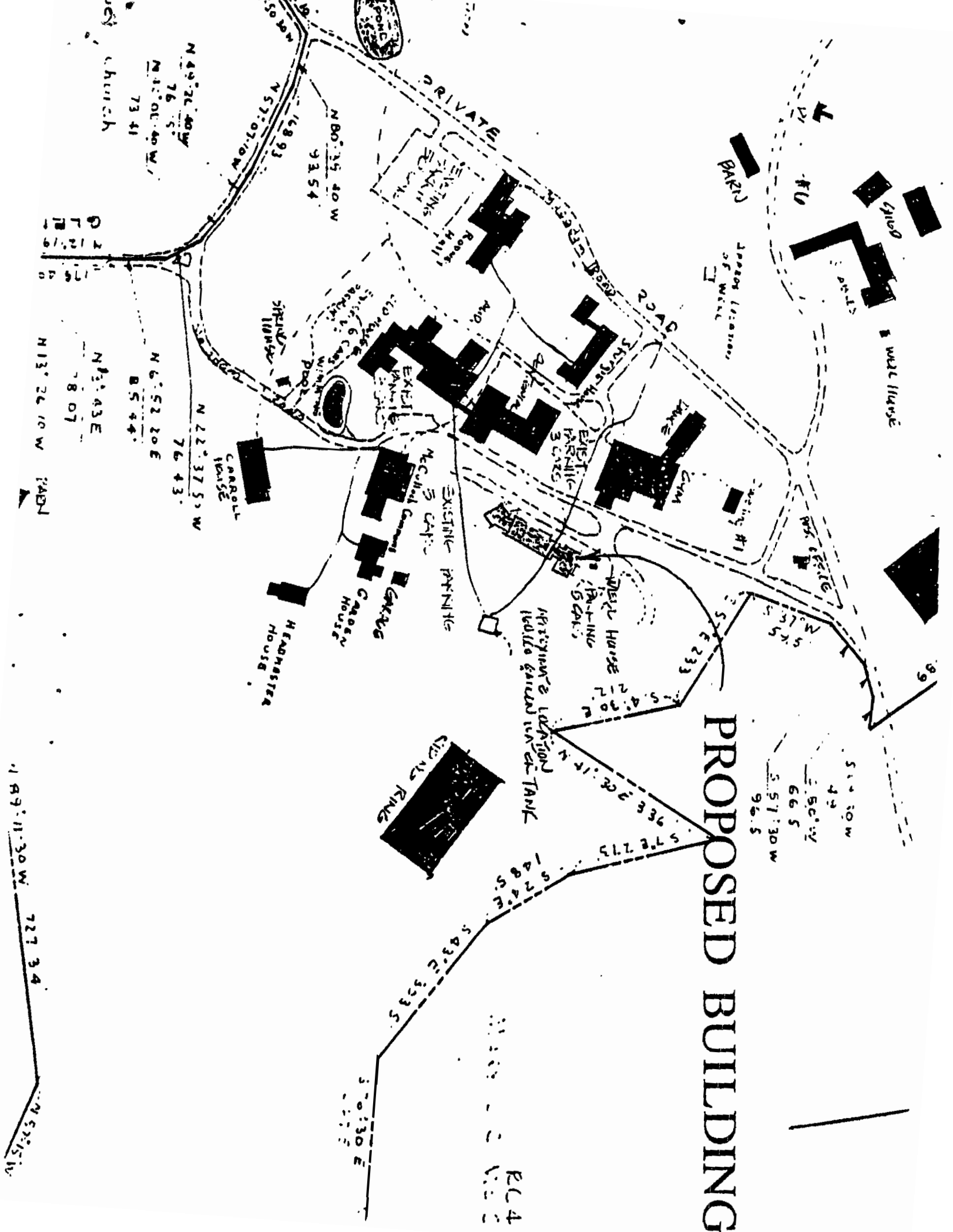


Robert A. Hoffman

RAH/tls

Enclosure

cc: Hawley Rogers, Headmaster
Thomas S. Spencer, Esquire



I. Advisory Group History and Planning Board Actions

March, 1991: Advisory group membership development; discussions began and continued through July.

September, 1991: Group reconvened on a biweekly basis. Two subcommittees were formed. DEPRM worked on zoning regulations with DEPRM and OPZ legislative staff and OPZ worked on design guidelines with design professionals advisory group.

November 21, 1991: Public Hearing report was prepared by DEPRM and presented by DEPRM to the Planning Board.

February 20, 1992: Final Report and 2 addendums were submitted to Planning Board (Addendums of January 29, 1992 and February 20, 1992). The November 21, 1991 Final Report was adopted as amended by the two addendums. The Board also approved an amendment that the County Executive appoint an agricultural policy commission to formulate specific proposals addressing farm preservation and equity issues.

March 3, 1992: The Final Report was submitted to the County Council.

March 5, 1992: The Final Report was submitted to the County Executive. Both the March 3rd and the March 5th letters of transmittal noted that the Planning Board also requested that an agricultural policy commission be convened to address agricultural issues.

April 2, 1993: The RC 4 guidelines pertinent to Bill 113-92 were submitted to the Planning Board for inclusion into the Comprehensive Manual of Development Policies.

II. County Council Action

April 28, 1992: A Public hearing on Bill 113-92 was held. DEPRM made the presentation.

June 1, 1992: Bill 113-92 was introduced.

June 15, 1992: Bill 113-92 received final reading and was passed as amended.

June 22, 1992: Bill 113-92 was enacted and made effective July 1, 1992.

PERSONAL DATA: WILLIAM F. KIRWIN, PRESIDENT

WILLIAM F. KIRWIN, INC.



Occupation: Consultant, Landscape Architect
Environmental Land Planner

Licensed: Maryland 1971, No. 8
West Virginia 1972, No. 78
Delaware 1976, No. 39

Education: B.S. Landscape Architecture, 1961, New York State College of
Environmental Science

B.S. Science, 1961, Syracuse University

Juris Doctor at Law, 1968, University of Baltimore

Post Graduate Courses in Public Administration
New York State Graduate School of Public Affairs Albany

Professional Associations:

1989 President, Maryland Chapter, American Society of
Landscape Architects

1990, 1991 Chairman, State Board of Registration for
Landscape Architects

Former Vice President, Maryland Association of Landscape
Architects

Former Member, Maryland Interprofessional Committee on the
Environment

Former Member, Landmark Preservation Commission,
Baltimore County

Former Member, Baltimore County Planning Board, Planning
Board designate Regional Planning Council, Former Chairman,
Baltimore County Planning Board



Guest Lecturer:

University of Maryland - Environmental Law
College of Notre Dame - Residential Landscape Architecture
Morgan State University - Professor for Design Studio Involving
Environmental Planning
Towson State University, Geography Department - Professor
of Introduction To Landscape Architecture and Human
Behavior in Urban Spaces
U.S. Representative, Guest Lecturer, International Symposium
On The Environment, Belfast, Ireland, June, 1986, Topic:
Conducting Environmental Impact Assessments, Including Water
Quality and Wildlife Habitat Structures
1975-1976 President's Committee to Develop Barrier Free
Standards for Handicapped for HUD

Member, American Society of Landscape Architects

Employment: 34 years, Land Planning/Landscape Architect
William F. Kirwin, Inc.

Firm's Responsibilities:

Large land planning projects in private and public sector. Vast experience in master planning and construction of parks for recreational use, college campus planning, hospital site planning, natural environmental planning, streetscape, malls, residential housing, commercial and industrial site work.

Special Expertise:

Skilled in communication technique through participation on boards and commission as chairman.

Conducted numerous public hearings on zoning, master planning and contemporary environmental issues, including the adoption of a county-wide Growth Management Plan, adequate facility legislation, developed criteria for adoption of Resource Conservation Zones, Baltimore County, to define those elements of development compatible with natural environments.

Recognized as an expert in landscape architecture/land planning has qualified and practiced before the Circuit Courts of Baltimore County Zoning and Zoning Appeals Board for Baltimore, Harford and Howard Counties.

CONCERNING HAYFIELDS

Prot. Ex. 4

I DO NOT WANT TO ADDRESS THE AESTHETICS OF THE WORTHINGTON VALLEY -- THE FACT THAT A SPORTING PHOTO OF THE AREA HANGS AT BWI TO LURE TOURISTS AND BUSINESSES TO MARYLAND -- OR THAT WE ARE A PRIVATELY MAINTAINED PUBLIC PARK ENJOYED BY HUNDREDS OF BIKERS, JOGGERS, FISHERMEN AND SUNDAY DRIVERS -- OR THE ECOLOGICAL IMPORTANCE OF BIODIVERSITY AND THE INTERDEPENDENCE OF ALL SPECIES, INCLUDING MAN -- OR THE HISTORICAL SIGNIFICANCE OF HAYFIELDS. I WILL LEAVE THOSE FACTS TO OTHERS.

I DO WANT TO ADDRESS A REVOLUTION IN FARMING OVER THE PAST 50 YEARS, PARTICULARLY IN THE PRODUCTION OF CORN, GRAINS, AND GRASSES, WHICH INFORMATION IS SIGNIFICANT IN A DECISION TO SAVE CROPLAND AT HAYFIELDS.

IN 1940, 239,543 ACRES WERE FARMED IN BALTIMORE COUNTY. IN 1992, THERE WERE 83,232 ACRES FARMED, AND ACCORDING TO REGRESSION ANALYSIS OR PROJECTED RATE OF DECREASE, THERE WILL BE 75,000 ACRES FARMED IN 1995 -- A LOSS OF 69% IN 55 YEARS. IN 1940 THERE WERE 3,822 FARMS IN BALTIMORE COUNTY; IN 1992 (AGAIN, ACCORDING TO THE USDC CENSUS OF AGRICULTURE, THERE WERE 840 -- THIS TIME DEFINED AS FARMS EARNING \$1,000 OR MORE, THUS NOT INCLUDING FARMETTES WITH PLEASURE HORSES -- 840, A DECREASE OF 75%.

THE ECONOMICS OF FARMING HAVE FORCED SOME OFF THE LAND AND, AS IN THE INDUSTRIAL REVOLUTION, MASS PRODUCTION FOR SOME REMAINING TO SURVIVE.

BOTH YIELDS AND PRICES HAVE INCREASED. IN 1940, AN AVERAGE 34 BUSHEL OF CORN PER ACRE SOLD FOR 68¢ EACH, OR \$23.12 PER ACRE. IN 1992, THE AVERAGE YIELD OF 123 BUSHES PER ACRE SOLD FOR \$2.25 A BUSHEL FOR AN INCOME OF \$276.75 AN ACRE -- A 12-FOLD INCREASE. SIMILARLY, WHEAT SOLD FOR 78¢ A BUSHEL IN 1940, THE AVERAGE YIELD BEING 19 BUSHEL PER ACRE FOR A GROSS OF \$14.82 EACH, COMPARED TO 65 BUSHEL AN ACRE SELLING FOR \$3.15 EACH, A GROSS OF \$204.75 OR A 14-FOLD INCREASE BY 1992.

SOME EXPENSES HAVE INCREASED ONLY 10 TIMES: GAS 10¢ TO \$1.17; FARM LABOR \$1,000 TO \$2,000 A YEAR PLUS HOUSING TO \$10,000 TO \$20,000 PLUS HOUSING. THE SIGNIFICANT INCREASE HAS BEEN IN MACHINERY. ACCORDING TO A JOHN DEERE DEALER, A TOP-OF-THE-LINE TRACTOR IN 1940 SOLD FOR \$1,000 TO \$2,000; A TOP-OF-THE-LINE JOHN DEERE SOLD FOR \$60,000 IN 1992 -- AN INCREASE FAR OUTDISTANCING ANY INCREASE IN INCOME. A SELF-PROPELLED COMBINE (WHICH DID NOT EXIST IN 1940) SOLD FOR \$5,500 IN 1955 AND NOW SELLS FOR \$150,000 OR MORE.

THE RESULT WE ALL KNOW IN THIS AREA IS THAT A FARM OF ONE HUNDRED OR SEVERAL HUNDRED ACRES THAT COULD SUPPORT ITSELF AND LABOR IN 1940 CAN CARRY A CATTLE OR HORSE OPERATION NOW BUT NOT THE MACHINERY TO DO CROP TILLAGE AND HARVESTING. THOSE WHO HAVE CHOSEN TO INVEST IN THE MACHINERY CANNOT ALSO INVEST IN ENOUGH LAND TO PROFIT, AND NEED TO LEASE AT LEAST 1,000 ACRES.

I HAVE HEARD THAT MR. MANGIONE SAYS HIS FARM OPERATION BRINGS IN A PITTANCE, AND INDEED THAT IS TRUE, LAND LEASING AT \$60 AN ACRE OF THE \$204 YIELD ON WHEAT, WHICH INCOME MUST ALSO COVER MACHINERY, GAS, LABOR AND REPAIRS. BUT IF YOU EXTEND THE FIGURES OF PINTS PER BUSHEL, AND CUPS PER PINT AND LOAF, MR. MANGIONE'S APPROXIMATELY 200 ACRES IN TILLAGE YIELD 554,666 LOAVES OF BREAD OR, AT \$1.50 PER LOAF, \$831,999 OF BASIC FOOD. MORE GENEROUS FIGURES THAN MINE CLAIMED BY THE OKLAHOMA WHEAT COMMISSION GIVE A VALUE OF \$1,365,000 TO HAYFIELDS' PRODUCE IN THE FOOD STORE. OF THIS, THE FARMER RECEIVES 5¢ A LOAF.

MY MAIN POINT IS TO ILLUSTRATE THE RATE OF FARMLAND DECLINE -- AND REASONS BEHIND THE NEED FOR LEASABLE RICH FARMLAND TO TILL MAN'S BASIC FOODS (WHEAT, BARLEY, OATS, AND CORN) UPON ESTABLISHING THIS FARM'S PRODUCTIVE VALUE. NOTE: THE LAND EASIEST TO FARM IS THE EASIEST TO DEVELOP.

FURTHER REASONS TO SAVE FARMLAND INCLUDE THE FACT THAT THERE IS A GLOBAL FOOD SHORTAGE. AMERICAN EXPORTS HELP ALLEVIATE THIS SHORTAGE, AND BENEFIT OUR BALANCE OF PAYMENTS, A NATIONAL ISSUE. ALSO, THESE FARMERS SUPPORT OTHER INDUSTRIES THROUGH PURCHASES AND FINANCE. HAY AND WHEAT STRAW PRODUCED ARE NEEDED BY THE HORSE INDUSTRY, ONE OF MARYLAND'S FOREMOST.

LASTLY, HAYFIELDS IN PARTICULAR HOLDS, AS BOOKEND, A VALLEY DESIGNATED AGRICULTURAL. THE ISSUE HERE IS PRIVATE RIGHTS VERSUS PUBLIC GOOD. THERE IS NO FAMILY NEED TO MAXIMIZE EQUITY FOR THE COLLEGE EDUCATION OR INSOLVENT WIDOW.

I WONDER WHEN OUR 50-YEAR TREND OF FARMLAND DEPLETION WILL MEET THE CURVE OF EXCESS. SHOULD WE LOOK TO FRANCE IN 1789 WHEN BREAD PRICES ROSE AND THE INNER CITIES LED A REVOLT?

HAVING WORKED WITH MARY MANGIONE FOR THE OPERA, I KNOW HER TO BE A CAPABLE LADY. I BEG THE FAMILY TO LOOK TO BALTIMORE'S WALTERS, WYE FARM, LADEW, OR LONGWOOD GARDENS AND WINTERTHUR, AND CONSIDER APPLYING THEIR CONSIDERABLE SKILLS AND FINANCIAL RESOURCES TO A TRUE MONUMENT TO THE FAMILY NAME OR AT LEAST TO RECOGNIZE THE GEM THEY HAVE AND SAVE THIS NEEDED FARMLAND.



THE GRAPH COLOUR LIBRARY—FPG

Prot. Ex. 5

Suburban Dream

After New York City stretches clear into Pennsylvania. Strip malls, traffic, fear
me. How can we bring civility back to suburban life? **BY JERRY ADLER**

Paved Paradise

The 'new urbanists' are going back to the future to take the edge off edge cities. They want to bring small-town charm to blighted metropolitan landscapes.



JOHN HUMBLE

VIEWED FROM THE AIR, THERE'S NO APPARENT REASON why a city like Phoenix, Ariz., already the seventh largest in the nation, couldn't keep growing forever. Four times a year, a pilot from Landiscor, an aerial-surveying company, flies over the city at 20,000 feet, snapping pictures to be assembled into vast photographic maps. They show the white boxes of downtown, the graceful loop of the freeways as they intersect and sort themselves out by compass point, and the gleaming roofs of suburbia stretching to the horizon in nested curves of roads, streets, drives and lanes. The pictures from the end of March show 5,000 more houses than the ones taken three months earlier. Houses squeeze through the gap between two Indian reservations and follow the highways into the desert, which they are consuming at an acre an hour. Excluding federal land, the only thing standing in the way of Phoenix's swallowing the rest of the state, says

Porches, gables and picket fences—all brand new at Kentlands

WONDERFUL TOWN

Some people consider such communities too cute, but cuteness is the glue that holds them together at five units an acre

Michael Fifield, director of the Joint Urban Design Program of Arizona State University, is Tucson.

Unless, that is, you subscribe to the view of former mayor Terry Goddard, that Phoenix is approaching the marginal disutility of suburban sprawl. This is the point at which each new subdivision

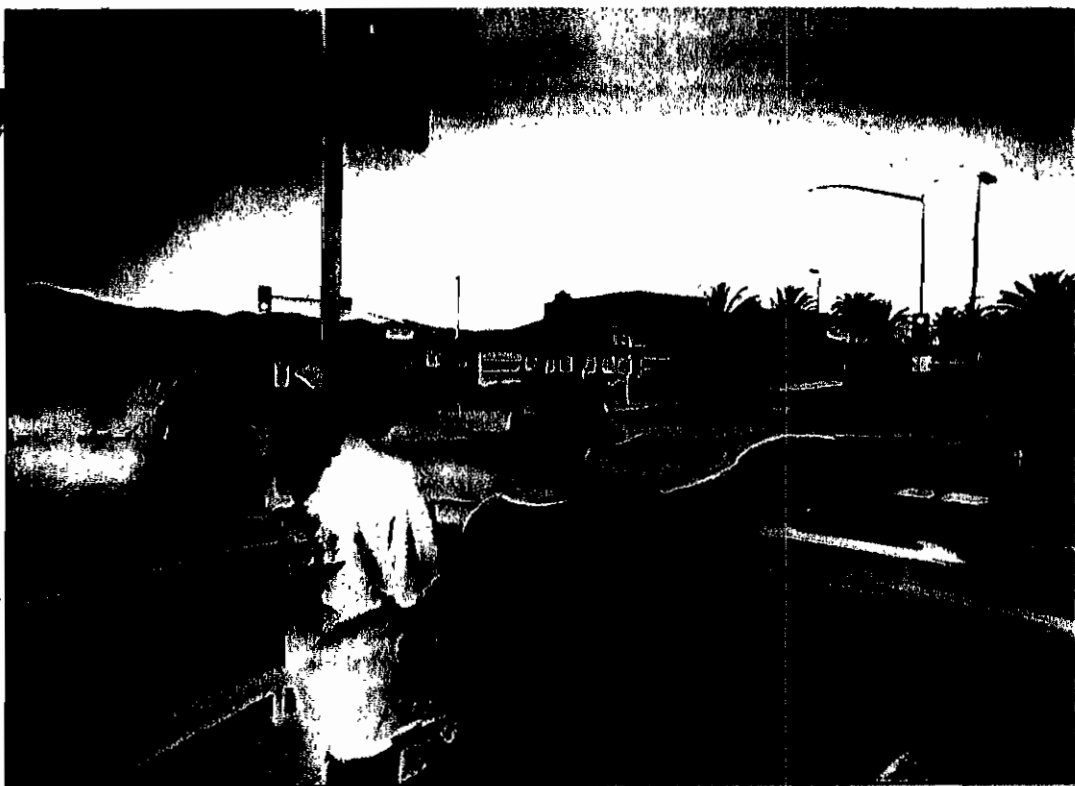
subtracts more from the quality of life than the new inhabitants will contribute to the economy by buying wind chimes, mesquite logs and Navajo-motif throw rugs. Many other places in the country are coming round to this view. Most suburbs are exploding in size without even the compensation of economic growth; the Cleveland metropolitan area expanded by a third between 1970 and 1990 even as its population declined. Over roughly the same period, California's population increased by 40 percent while the total of vehicle-miles driven doubled. Maintaining a fleet of cars to navigate among the housing tracts, commercial strips and office complexes of the American landscape now takes 18 percent of the average family budget.

As anyone who reads the fiction in *The New Yorker* knows, Americans mostly live in banal places with the souls of shopping malls, affording nowhere to mingle except traffic jams, nowhere to walk except in the health club. By itself, this hasn't been a reason to stop building suburbs. But economic unsustainability may carry more weight. A conference on "Alternatives to Sprawl" at the Brookings Institution this year was electrified by a report from the Bank of America endorsing the formerly elitist view that sprawl in California has created "enormous social, environmental and economic costs, which until now have been hidden, ignored, or quietly borne by society . . . Businesses suffer from higher costs, a loss in worker productivity, and underutilized investments in older communities." "You can't keep spreading out," says Mike Burton, executive director of Portland, Ore.'s metropolitan government, Metro. "The cost to make roads and sewers gets to the point where it doesn't work."

THE CHALLENGE IS TO DEVISE AN ALTERNATIVE TO SPRAWL, where people can envision their children playing in the streets. It must not evoke "the city," an alien place where by definition middle-class Americans refuse to live. So a growing corps of visionaries, of which the best-known are Miami-based architects Andres Duany and his wife and partner, Elizabeth Plater-Zyberk, are looking to an even older model—the "village," defined as a cluster of houses around a central place that is the focus of civic life. Under the banner of "new urbanism," they have promulgated some surprisingly simple and obvious rules for building better suburbs, described in detail on the following pages. They can be roughly summarized in these three principles:

■ **Density:** A typical modern suburb may have one to two dwelling units per acre, and is laid out entirely for the convenience of the automobile. The new urbanism strives for five or six units per acre, including a mix of housing types: detached houses, row houses, apartments, "granny flats" tucked away above the garages. In theory—and the new urbanism still exists mostly in theory—the village would extend no more than a quarter-mile from the center to the edge and include a transit stop and a place to buy a quart of milk and a newspaper (actually, probably, a decaf latte and a copy of *The Kenyon Review*, but the point is the same).

■ **Civic space:** Suburbs—except for the streets—consist of almost exclusively private space, much of it devoted to the single most useless form of plant life in all botany, the ornamental lawn. A suburb is a place that's two-thirds grass but with nowhere for kids



JOHN HUMBLE

Kids waiting to cross a multilane road in Temecula, Calif.

NO STREET OF DREAMS

The 'civic center' of many suburbs, designed for the convenience of the car, is a strip mall along a six-lane highway

to play ball, except in the streets. Communities need parks and outdoor public spaces in which people can gather and interact.

■ **Mandatory design codes:** Obviously, no one with a choice in the matter would want to look out his window at a 7-Eleven. New urbanist practitioners impose elaborate design and zoning controls intended to create harmonious streetscapes. The results can be intensely cute and not to the taste of people unaccustomed to seeing dormers, gables and porticoes on every building. But cuteness is the glue that holds neighborhoods together at five units per acre.

Like most visionary architectural schemes, this idea has sold more books than houses. Its principles were known to planners early in the century, when such charming communities as Scarsdale, N.Y., Mariemont, Ohio, and Lake Forest, Ill., were built. But they were forgotten in the postwar rush to build suburbs on the same principles of efficiency that had been employed in constructing army bases. Their first new application came a decade ago, when Duany and Plater-Zyberk drew up plans for a small resort town on the Florida panhandle, called Seaside. Seaside—with its cozy, narrow streets, its jumble of pastel homes with mandatory front porches—is probably the most influential resort community since Versailles. Prince Charles noted it approvingly in his BBC special on architecture. Since then other "neotraditional" developments have been built in places as far-flung as suburban Maryland (Kentlands, also planned by Duany and Plater-Zyberk) and the outskirts of Sacramento, Calif. (Laguna West, planned by Peter Calthorpe of San Francisco). But the real test of this idea will come in about a year, when the Disney Co. opens its first planned community ever, Celebration, Fla., on a 5,000-acre swath of land near Disney World. After considering a typical subdivision built around a golf course, the company opted for a plan which vice president Wing Chao described as "traditional little-town America." Celebration will either validate the new ur-

banism with the imprimatur of Disney—"safe for middle-class consumption"—or prove the point of its critics, that it's a plot to lure unwitting citizens into living in theme parks.

You can look at Phoenix as a pretty good example of what the new urbanism is up against. It is among the five fastest-growing metropolises in the country, and few places are as relentlessly suburban in character. It has a downtown so exiguous that a pedestrian outside its biggest office building at 9 on a weekday morning is a phenomenon as singular as a cow in Times Square. Meanwhile the new subdivisions race each other toward the mountains. Del Webb Corp., a major national developer, recently won approval over heated opposition for a 5,600-acre project in New River, 30 miles

north of downtown and at least 10 miles beyond the outer edge of existing development. The environment, which to developers used to just be the stuff they knocked down to make room for houses, is now a cherished selling point. There is a catch, according to Frances Emma Barwood, a city council member who represents most of the sparsely populated northeast quadrant of Phoenix: "The people who bought houses in Phase One [of a popular development] were told they'd be surrounded by beautiful lush deserts, but instead they're surrounded by Phases Two and Three."



MARK LAWRENCE

'Seaside' planner
American city planning went to hell during World War II, says Andres Duany, the architect who, with his wife and partner, Elizabeth Plater-Zyberk, designed the neotraditionalist town of Seaside, Fla. "Any town-planning text prior to 1935," he says, "has references to social issues, to technical issues, to esthetic issues." But after the war, specialists and bean counters took over. It was as if America had suffered a stroke: "We lost language, we lost the ability to think complexly." As a result, "the suburbs we have are cartoons of planning."

is to "run against the market, instead of with it." Banks are reluctant to lend to such "infill" projects because they have no assurance the houses will sell. A prime engine of Phoenix's growth apparently consists of middle-aged couples fleeing California. This is a market, Gleason notes, heavily driven by "security," the polite term for "fear." "Fear of crime is a great motivator for development," says Joe Verdoorn, a Phoenix planner. "Everybody wants to be on the far side of the freeway."

So the new subdivisions go up behind ocher-colored stucco walls

LEFT BEHIND IN THIS RUSH TO embrace nature are thousands of 1960s-era ranch houses that are too old, small and unfashionable to attract middle-class buyers, and as a result are turning into that new American phenomenon, the suburban slum. This may be the fate of an area called Maryvale, which like all west-side suburbs suffers from the competitive disadvantage that commuters must drive into the sun both ways. Interspersed among the houses are large tracts of vacant land, dreary commercial strips and a mall, once the cynosure of a thriving neighborhood, now dark and empty. "For the same money that Del Webb is spending in New River, I'll bet they could buy up most of this area and rebuild it," Goddard says. "What is the imperative that says we have to go to a beautiful rural area when we have all this land a few miles from downtown? We're destroying ourselves in shorter and shorter cycles."

The imperative, as Goddard well knows, is "the market." To build in an existing neighborhood, says Jack Gleason, a senior vice president at Del Webb,

In California, old farms are sprouting more houses than crops

DON'T FENCE ME IN

To run with the market is to develop virgin land farther out, not to rebuild dying communities closer to the city

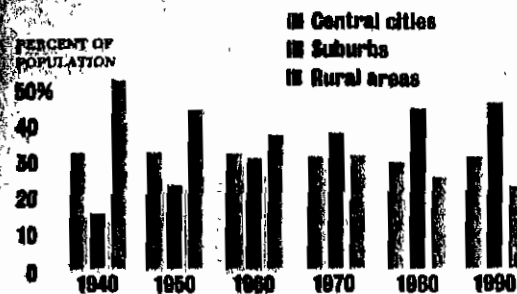
six feet high, with guards and gates between the public roads and the inner sanctum of residential streets. Other kinds of barriers defend something nearly as dear to suburbanites as their own skins, property values. Homeowners are isolated by design from apartments, shops, public squares or anything else that might attract people with less money or of a different race. Deed restrictions and community associations see to it that no one will ever bring down the tone of the neighborhood by turning his living room into a beauty parlor. Success for a development lies in freezing for eternity the social and economic class of the original purchasers.

No wonder they're so sterile—sterility is designed into them! Anything else is a threat to the steady appreciation of resale value homeowners take as a basic economic right. You drive down the wide, curving streets of Terravita, in north Scottsdale, whose sales slogan is "The Harmony of Land and Life," and the only signs of "Life" are the saguaro cactuses, which accrue at the rate of about an inch a year. The houses themselves are magnificent monuments to family life: thoughtfully designed, carefully constructed, with master bath suites the size of the Oval Office, but the face they turn to the street is the blank brown plane of a three-car garage.



Population Distribution

Since 1970, there have been more people in U. S. suburbs than in central cities or rural areas.



SOURCE: BUREAU OF THE CENSUS

The Expanding Metro

Phoenix has sprawled almost

1994

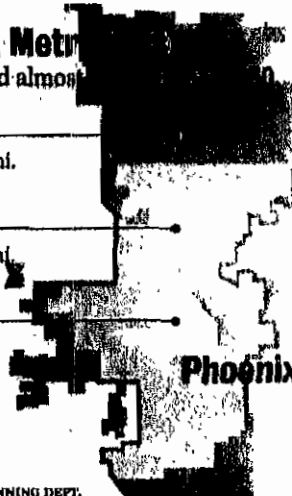
Area of city: 449.8 sq. mi.
Population: 1,052,000

1970

Area of city: 247.9 sq. mi.
Population: 584,000

1950

Area of city: 17.1 sq. mi.
Population: 107,000



SOURCE: CITY OF PHOENIX PLANNING DEPT.

TO EVEN THINK OF CHANGING THIS CULTURE IS AN ENORMOUS task. It runs counter to the dominant ideology of free-market economics, which in its reductive fashion holds that developers by definition are building what people want to buy. "There is this strange conceit among architects," says Peter Gordon, a professor of economics at the University of Southern California, "that people ought to live in what they design. If you look at how people really want to live in this country, suburbanization is not the problem, it is the solution." And for that matter, Oscar Newman, a celebrated New York-based urban planner, describes the new urbanism as "a retrogressive sentimentality." American families typically live in a neighborhood for three to five years, forming communities based not on common birthplace but on interest: young singles, families with children, "active adults." Who among us, Newman asks, really wants to re-create the social ambience of an 18th-century village? He thinks the suburbs need more exclusivity, gates and barriers where none exist already, recognizing that most of us are going to live among strangers for most of our lives.

On the other hand, people can buy only what's for sale. The housing market is notoriously conservative and conformist, if for no other reason than that most people expect to sell their houses someday. Perhaps more people would choose to live in urban villages if they were exposed to them. "If you ask people if they want 'density,' they will always say no," says Peter Katz, author of "The New Urbanism." "But if you ask if they want restaurants and schools and other things close to where they live, they say yes." But you couldn't build a village in most places in the country even if you wanted to. Suburban sprawl is built into the zoning codes of most communities and the lending policies of virtually every bank.

JOHN HUMBLE

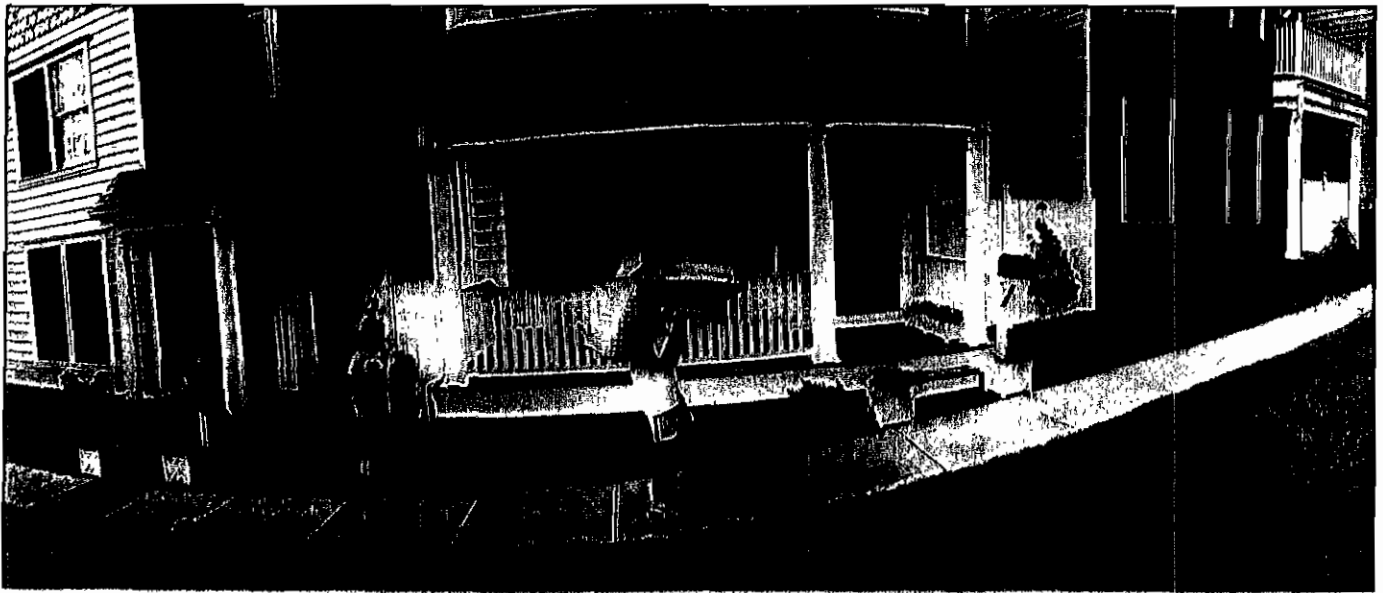
For new villages to become a reality, they will have to get past a phalanx of planning boards and bank officers, whose first principle is, "Nobody ever lost his job for following the code."

We are, nevertheless, on the verge of a great opportunity. Americans moved to the suburbs for the best of motives—to give their children better schools, cleaner air, a place to ride their bicycles without getting their tires caught in the trolley tracks. Suburbs should team with life, with humanity in all its diversity (or as much diversity as you can find within one standard deviation of the median family income)—with people walking, running, biking, rocking. But their design has promoted instead the ideals of privacy and exclusivity: the clapboard-sided ranch house, evocative of empty plains; the brick colonial, hinting at descent from the Virginia aristocracy. We can continue the trend of the last 40 years, which Gopal Ahluwalia, director of research for the National Association of Homebuilders, complacently describes as bigger houses, with more amenities, situated farther from the workplace. Or we can go down a different path, which probably will begin with the kind of humble observation a visitor made at a subdivision near Phoenix recently. Like most new developments, this one aimed to conserve water for important uses—namely the golf course—by landscaping the houses with gravel and cactus rather than lawns. As the visitor paced the lot with a puzzled look, it suddenly dawned on him that the desire for an acre of land is not an unvarying constituent of human nature. "Gee," he remarked wonderingly to a saleswoman, "if it's all gravel, you don't really need that much of it, do you?"

With MAGGIE MALONE and PATRICK ROGERS in New York, NINA ARCHER BIDDLE in Memphis, SPENCER REISS in Miami, JEANNE GORDON in Los Angeles, PAUL KANDELL in San Francisco and DANIEL GLICK in Washington

15 Ways to Fix the Suburbs

Most of us actually know what we want in a neighborhood—we just don't know how to get it, because developers have been building the wrong thing for 50 years. Here's how to get our communities back on track.



Moving day at Kentlands, the neotraditional suburb in Maryland where houses are close to the street and to each other

JOHN HUMBLE

FOR DECADES, ANTON NELESSON OF RUTGERS University has been using the tools of science to pursue that most elusive and subjective quality, happiness. When a developer comes into a community, humbly seeking permission to re-create ancient Pompeii on the site of an old Go Kart track, the town's planners commission Neleson to survey the populace and determine if that's what they'd actually like there. Using photographs, models and questionnaires, Neleson has surveyed people all over the country, and these are some of the things he's found:

■ "Everybody will call for a green open space in the middle—that's automatic. They will put the major community buildings around the plaza, then group the houses on relatively narrow streets. Ninety-nine percent don't want streets that are more than

two lanes wide. At the edges of the village they leave open space."

■ "With two working spouses, [smaller lots] make a lot more sense. You don't want to mow that big lawn."

■ "People have a fundamental, psychological, spiritual response to nature. If you show them recently built multi-family housing or office parks, they go negative. A small, traditional neighborhood is what people want. They don't know how to get it."

Well, of course they don't: most of them haven't even seen a "small, traditional neighborhood" in years, if ever. But they instinctively choose it anyway. The premise of the new urbanism is that people can have the kinds of neighborhoods they say they like. Architects know how to design them, developers can build them, banks can make money on them. All it takes is a measure of political will to overcome the inertia of 50 years of doing things the wrong way . . . and the application of a few simple rules. ■



Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

March 6, 1995

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Documented Site Plan -
Toll House, Inc. (a.k.a. "Hayfields")
(Case No. CR-95-138)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in a special meeting on March 2, 1995 to constitute the Board's report recommending denial of the Petition and the amended documented site plan in Case No. CR-95-138.

A handwritten signature of Pat Keller in dark ink, written over a horizontal line.

Pat Keller

PK/TD/mjm
TOLL.HAY/PZONE/TXTMJM

Enclosure

cc: G. Scott Barhight
Arnold Jablon
Peter Max Zimmerman

95 MAR -7 PM 2:47



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

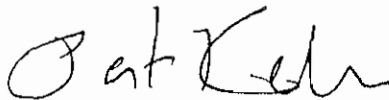
TO: Members of the Baltimore DATE: February 23, 1995
 County Planning Board

FROM: Pat Keller, Director
 Office of Planning and Zoning

SUBJECT: AMENDED SITE PLAN/CASE NO. CR-95-138
 TOLL HOUSE, INC. (a.k.a. HAYFIELDS)

This Petition for Reclassification was initially submitted as part of Cycle III. On January 19, 1995, the Planning Board voted to recommend retention of the existing zoning.

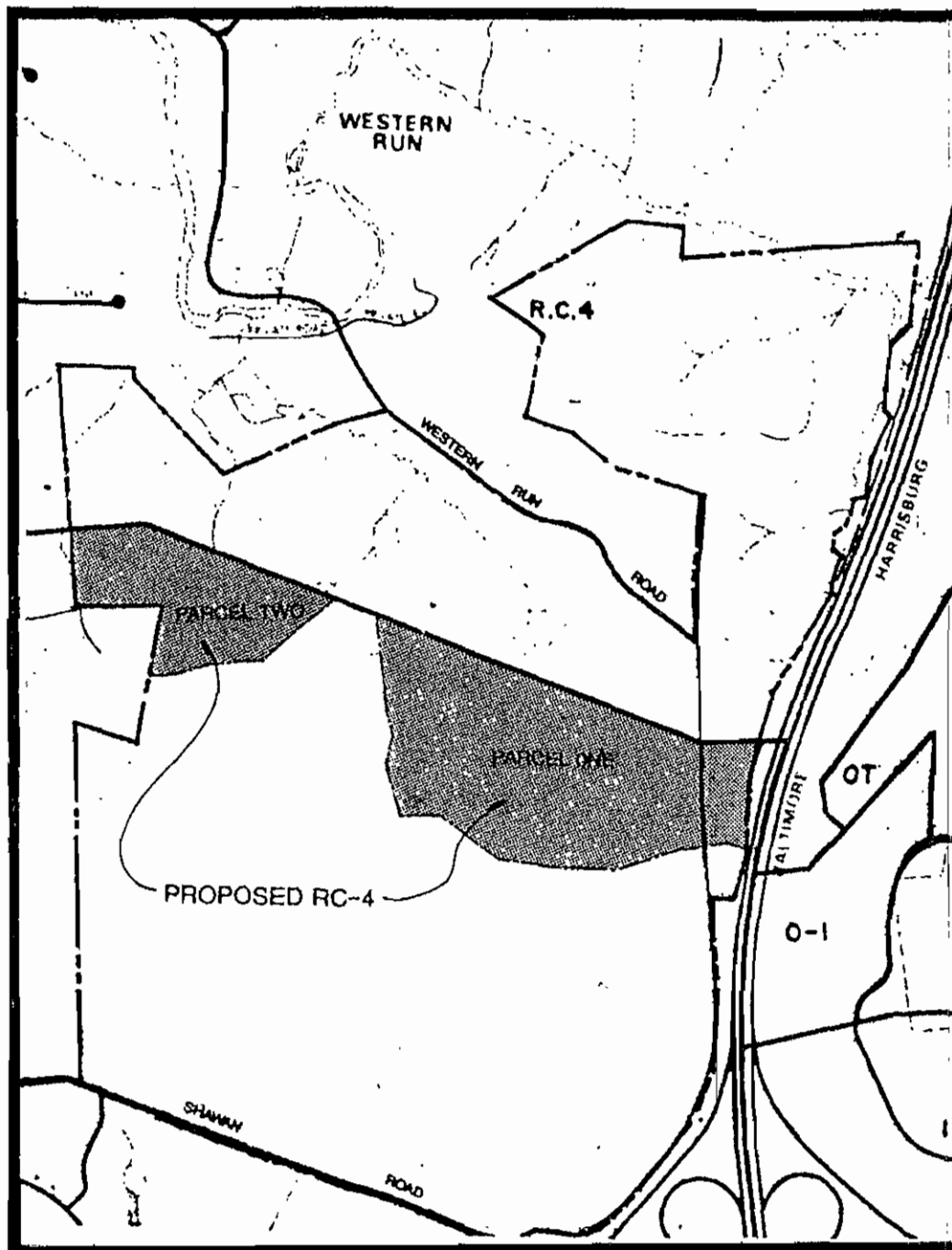
On January 24th, an amended documented site plan was filed with the Baltimore County Board of Appeals pursuant to Section 2-356(m) of the Baltimore County Code. Based upon the analysis of the plan, the staff offers the attached revised recommendations.



Pat Keller

PK/TD/mjm
TOLLHSE/PZONE/TXTMJM

Attachment



ITEM NUMBER
Location of Property Under Petition

Scale: 1"= 1000'

PETITIONER:

Toll House, Inc.

REQUESTED ACTION:

Reclassification of 68.9 acres of R.C. 2 zoned land to R.C. 4

EXISTING ZONING:

R.C. 2

LOCATION:

North side of Shawan Road, west of Western Run Road (301 Western Run Road, also known as "Hayfields")

AREA OF SITE:

Total Gross Site - 474.4 acres
R.C. 2 Area - 295.9 acres
R.C. 4 Area - 178.5 acres

Proposed rezoning to R.C. 4 involves 68.9 acres of land currently zoned R.C. 2.

ZONING OF ADJACENT PROPERTY/USE:

North: R.C. 4 Large Tract - Rural - Residential
South: R.C. 4 - Rural-Residential
East: R.C. 2 - O-1, O.T., M.L.-I.M. - Interstate Highway and Office
West: R.C. 2 Large Tract - Rural Residential and Agricultural

SITE DESCRIPTION:

The subject site is improved with the historic Hayfields mansion, associated outbuildings and active agricultural fields.

According to the petitioner's Environmental Impact Study "...approximately 300 acres [of the site] are currently tilled. The remainder of the property is not tilled due to the presence of buildings and other structures, wet areas, steep slopes, and other environmental features." The southern portion of the site contains three intermittent tributaries to Oregon Branch, and the Western Run traverses the northeastern corner of the property.

PROPERTIES IN THE VICINITY:

The site is bordered to the north by unimproved property; to the south by large tract, rural-residential development; to the east by I-83 and various office uses; and generally by agricultural uses to the west.

WATER AND SEWERAGE:

The applicant's property is located within a "no planned water and sewer service" area, and is designated W-7, S-7 according to the Master Water and Sewer Plan. Since public water and sewer are not available to the site, private utilities would have to be provided.

ZONING HISTORY:

1976- As a result of a larger issue which established the R.C. zones in Baltimore County, the subject property was reclassified to R.C. 4 and R.C. 5 (see Issue No. 3-088).

1980- Former owner requested D.R. zoning and as a consequence of that action the R.C. 5 portion of the site was reclassified to R.C. 2 (see Issue No. 3-044).

1984- Existing zoning retained by the County Council (see Issue No. 3-176).

1988- Existing zoning retained by the County Council (see Issue No. 3-308).

1992- Existing zoning retained by the County Council (see Issue No. 3-178).

While attempts have been made to rezone the property in each subsequent comprehensive zoning process since 1980 (1984, 1988 and 1992), the County Council has explicitly and consistently retained the zoning that has been in place since 1980.

DOCUMENTED SITE PLAN:

Section 2.356(L)(1) of the Baltimore County Code requires that documentation include, in addition to several other requirements, elevation drawings and information regarding exterior materials of all proposed structures and all existing structures to be retained. The applicant has not provided this required information.

In addition, it is important to note that while a golf course is shown on the documented site plan, it is not part of the subject reclassification petition. A separate petition to approve the golf course as a Special Exception has been filed with the Zoning Commissioner.

Under the current zoning of the property, the potential exists to develop 40 residential lots, six on the R.C. 2 land, and the remainder in the R.C. 4 area. The overall plan proposes 50 lots, four in the R.C. 2 and 46 in the R.C. 4. The plan contains an area enlargement which depicts typical residential lotting and building envelopes. Information regarding height and area standards, on-site private utilities, parking, landscaping, and architectural restrictions is noted on the plan.

CONSISTENCY WITH THE MASTER PLAN:

It is clearly understood that the Master Plan is a "guide" to decision-making on land use matters. Because the Petition for the Hayfields property requests a piecemeal change to the comprehensive zoning plan which has been reiterated by the County Council since 1980, it is important to examine the Master Plan 1989-2000 for policy guidance on such a change.

The proposed development would be directly and inescapably contrary to the Master Plan's goals and policies with respect to historic preservation, scenic view and corridor preservation and agricultural preservation.

Historic Preservation

The Master Plan policy (p. 43) regarding historic preservation states that the County "should improve and expand its programs to preserve and maintain historically or architecturally significant districts as well as individual structures and their immediate surroundings."

From this historic preservation perspective, the proposed changes in zoning and use of Hayfields are not justifiable because of the uniqueness of this particular site. The historic structures remaining on the site have been placed on the Baltimore County Landmarks List (the Hayfields main house and six of its outbuildings). These structures have intrinsic value from their association both with the farm's important owners and with Civil War events. The historic value of the listed structures is enhanced by their setting on the farm, and vice versa. The preeminent historic significance of the Hayfields property, however, derives not merely from those structures but also at least as importantly from its productivity and use as a farm.

Two aspects of this historic use are particularly important, as summarized in item 8 on the Maryland Historical Trust's Inventory form (copy attached). Early in the 19th century, Hayfields' founder, Col. Nicholas Merryman Bosley, extensively regraded and restored the fields from their ruined, gullied condition to an exemplary level of productivity, for which work the Maryland Agricultural Society's award was presented to him by none other than the Marquis de Lafayette. Later in the century, Hayfields was the center of pioneering work by John

Merryman (of Civil War notoriety) on the introduction of Hereford cattle to America. Further documentation on these activities has been provided by the Landmarks Preservation Commission in its Appendix to this report.

As important as the Hayfields farm is in itself, it derives additional importance as part of the Western Run - Belfast Road Historic District (a component of the National Register of Historic Places). In its prominent location at the southwestern entrance to the district, Hayfields distinctively embodies the purposes for which the District was established - recognition and protection of rural, agricultural character. The Hayfields property, as a farm, merits the utmost protection against non-agricultural intrusion much more than other farms in the County because it is the site of improvements, usage and events with documented local and Statewide historic importance. Its preservation is consistent both with the Master Plan's policies on agriculture and historic preservation and with the purposes of the R.C. 2 zone.

If there is any error in the placement of the zoning boundaries on the Hayfields farm, it would unquestionably be, for historic preservation reasons, that too little of this landmark farm is currently protected by R.C. 2 zoning.

Scenic View and Corridor Preservation

One of the goals of the scenic route program adopted in the Master Plan (see p. 144) is the preservation of visual character that makes Baltimore County distinctive. The Hayfields property borders three scenic routes. It is located at a "gateway" which abruptly and dramatically marks the transition from the high-density urban character of contemporary Hunt Valley into the sweeping agricultural perspectives of a much earlier, rural Baltimore County. As such, this property plays a singularly crucial role in maintaining the image of that rural landscape and sharply defining its perimeter against the urban landscape.

Western Run Road, I-83 and Shawan Road are all scenic routes. There are expansive views offering broad vistas across the site, focused views directed toward the historic structures, and views which are more enclosed by the topography along Western Run Road. The Northern Sector Development Policy Plan also identifies a significant view along Western Run Road.

The topography and slope aspects of this site make it visually prominent. Landscaping or screening of the project could not mitigate the impact of development on the scenic importance of this property.

The proposed development is not consistent with the goals of the Master Plan in terms of the recognition of the distinctive visual elements which make Baltimore County so desirable to

residents and attractive to visitors. The Master Plan indicates that "...these quality-of-life components should not only be identified but should also be integrated into the County's ongoing development in a positive way that enhances and protects them as a legacy for posterity." Even an "open space" use such as a golf course would be inconsistent with the visibly agricultural character of this legacy.

Agricultural Preservation

The Master Plan states that agriculture and the agricultural industry needs to be promoted as an essential component of the County's heritage and economic health. The agriculture economy is an industry in Baltimore County that generates millions in revenue annually. This industry is also dependent upon the land as its resource. The Master Plan also indicates the following: "Agriculture remains the fundamental economic activity in the Northern Sector. It is a Master Plan priority to retain and support agriculture as an important industry in the County, which will also result in maintaining and protecting the rural character of [Baltimore County]."

The adopted Land Use Plan for the Northern Sector shows that the Hayfields property is located within an "Agricultural Preservation Area." The Annotated Legend section of the Master Plan indicates the following regarding this designation:

Agricultural Protection

Land in agricultural use is not only the chief component of Baltimore County's refreshing rural landscape but is also the basis for a major part of County economic activity. The future economic viability of agriculture depends on the availability of land that is both inherently productive and substantially free from intrusions by incompatible suburban uses. This category on the map consists principally of land zoned R.C. 2, but also encompasses most of the R.C. 4 acreages. It is an area in which resource based and resource conserving uses (agriculture, forestry and the like) should have clear preference over all other uses. Proposals for other kinds of uses, including nonfarm residential, should prove there will be no immediate or cumulative adverse effects on the primary resource preservation purposes of the area. Those purposes include protecting groundwater reserves and surface water flows to the reservoirs and Chesapeake Bay, as well as conserving historic rural landscapes and the soil's natural productive capability.

Clearly, re-zoning portions of this property and the conversion of the Hayfields farm into residential lots would be inconsistent with the Master Plan goal of Agricultural Preservation.

CONSISTENCY WITH PURPOSES OF R.C. ZONING

In 1975, the County Council found legislatively that "continuing development in the critical watersheds of [the metropolitan] water-supply sources is causing increased pollution and sedimentation...", and the Council therefore enacted the R.C. 4 zoning "to provide for the protection of the water supplies..." (B.C.Z.R. Sec. 1A03.1). With their new performance standards and lower density, the R.C. 4 regulations were more stringent than the zoning previously in effect on the land bordering the reservoirs, but R.C. 4 nevertheless allows very much higher overall density of development (approx. 1 dwelling per 3 acres) than R.C. 2 (approx. 1 dwelling per 50 acres).

Re-classifying even part of Hayfields' R.C. 2 acreage would thus allow more development than could be done under the current zoning. If the Petition was requesting a change from R.C. 5 or D.R. zoning, R.C. 4 could be more appropriate, but it is difficult to see how the Western Run watershed would be better protected by a zoning change that would allow more development than is currently permitted. In its actual effect, this would be counter-productive for resource protection, and contrary to the Master Plan.

COMMENTS BY LANDMARKS PRESERVATION COMMISSION

The proposed development of the Hayfields farm was discussed by the Commission in its meeting on February 9, 1995, at which time the following interim position was adopted:

As mandated by the Baltimore County Code, Section 26, the Baltimore County Landmarks Preservation Commission is to preserve the historical integrity of Baltimore County through its continual efforts to protect architectural sites.

One of the most significant and currently most threatened buildings in the County is the farm called "Hayfields" located at the entrance to the Greenspring Valley on Shawan Road. The history of this site and of the Merryman family is so extensive that it would fill volumes. Part of the information may be found in the records and files of the Commission and much more at the Baltimore County Historical Society (BCHS) and the Maryland Historical Society. Attached to this memo is an unpublished interview conducted by Ruth B. Mascari, Chairman and a copy of an old survey from BCHS.

For the purpose of this note, let it be said that the significance of this site lies in several areas - associative, architectural, singular natural beauty, but most importantly in the broad pattern of local history of agriculture. Because a major portion of the County's past springs from its agriculture and, indeed, even continues today, the agrarian importance

of this farm places it as the premier agri-history landmark of Baltimore County. Farming and all of the accessory activities which attend to it are and have been so intrinsically interwoven in the birth, the growth and the life of "Hayfields" that it is physically and psychologically impossible to separate its farming history from the main house, the out buildings, the grounds, and landscaping or the setting.

Any alteration or deviation from this original intent, either on the land or in or around the built environment would be a violation of the spirit and the intent of the Baltimore County Code, the Master Plan and the nomination of "Hayfields" as a listed Baltimore County Landmark.

The LPC's policy was approved as an interim measure pending an on-site inspection by the members, which was conducted with the cooperation of the Petitioner on February 20, 1995. The Commission's chairperson will be available at the Planning Board's meeting on the subject, and the Commission has invited the Petitioner to its next regular meeting (March 9th) for further discussion.

A comprehensive documentation of the historic importance of Hayfields as a landmark, working farm was submitted by the Commission and is included as an Appendix to this report.

CONCLUSIONS AND RECOMMENDATION:

The Petition for reclassification of 68.9 acres of the historic Hayfields farm is unnecessary and unwarranted. It would be contrary to the long-established comprehensive zoning plan of the property, especially as the rationale for that plan is elucidated by the policy guidance which the County Council has adopted in various mutually-reinforcing parts of the Master Plan 1989-2000. The reclassification would also be contrary to the basic purposes of the R.C. 2 and R.C. 4 zoning classifications.

Therefore, based upon the information provided and analysis conducted it is recommended that the requested reclassification be DENIED.

REVCR95.138/PZONE/CYCLE

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
☐ PREHISTORIC	☐ ARCHEOLOGY-PREHISTORIC	☐ COMMUNITY PLANNING	☐ LANDSCAPE ARCHITECTURE	☐ RELIGION
☐ 1400-1499	☐ ARCHEOLOGY-HISTORIC	☐ CONSERVATION	☒ LAW	☐ SCIENCE
☐ 1500-1599	☒ AGRICULTURE	☐ ECONOMICS	☐ LITERATURE	☐ SCULPTURE
☐ 1600-1699	☒ ARCHITECTURE	☐ EDUCATION	☐ MILITARY	☐ SOCIAL/HUMANITARIAN
☐ 1700-1799	☐ ART	☐ ENGINEERING	☐ MUSIC	☐ THEATER
☒ 1800-1899	☐ COMMERCE	☐ EXPLORATION/SETTLEMENT	☐ PHILOSOPHY	☐ TRANSPORTATION
☐ 1900-	☐ COMMUNICATIONS	☐ INDUSTRY	☒ POLITICS/GOVERNMENT	☐ OTHER (SPECIFY)
		☐ INVENTION		

that:

SPECIFIC DATES C. 1808 - 1810

BUILDER/ARCHITECT Unknown, possibly N.M. Bosley

STATEMENT OF SIGNIFICANCE

Hayfields is an excellent stone house with rich associations in the history of agriculture. The large house and its first generation of farm buildings were put up between 1805 and 1808 by Colonel Nicholas Merryman Bosley. Some of the estate had been William Bosley's property before but the Colonel purchased other tracts, particularly the Nailor farm, in 1811. These farmlands had been worked in colonial times and Bosley found everything in ruin and the fields much gullied, as was recorded in the American Farmer of December 24, 1824.

The name Hayfields reflects Bosley's emphasis on raising Timothy Hay -- the main Maryland forage crop before alfalfa came into use -- and in addition to feeding his own stock, he had cash sales of \$6,500 worth of timothy in a good year. The trustees of the Maryland Agricultural Society visited Hayfields on October 15, 1823, and wrote up a report. They found the grass-growing operation perhaps the best in Maryland, but reported that the colonel had not yet started to build a herd of blooded cattle. The next year, Hayfields won first place in the Agricultural Society's contest for the "premium farm." At the annual cattle show ceremonies when the winners were honored, Bosley was awarded a silver tankard from the hands of the Marquis de Lafayette, who was officially there on his triumphal tour of the United States as "the Nation's Guest." All writers of the time state that the entire program for restoring the fertility of Hayfields had been devised by Bosley himself. Much limestone had been quarried on the property and burned into lime and spread on the depleted fields, mixed with manure.

"Declivities the most precipitous, and Ravines the most forbidding, have been subjected and over run by his dreadnaught plows," wrote the visitor of 1823. A neighbor, Alexander Nisbet, in 1824, wrote about the change wrought by Bosley on the former Nailor farm. A writer in the American Farmer had stated a few weeks before that all of the progress had been made since the spring of 1812.

Sidney's 1850 county map shows John Merryman as owner of Hayfields, having inherited it from his uncle Colonel Bosley. Merryman added "of Hayfields" to his name. He is credited with bringing the first Hereford cattle to Maryland in 1852 (a date also published as 1856), having purchased stock from Messrs. A. and H. Bowen of Watertown, N.Y., and from William H. Sothan of Owego, N.Y. By 1859, Merryman had developed cattle worth transporting to agricultural fairs in Saint Louis and New York, and his first great bull was Galatpa. Following the Civil War, he began to import stock from breeders in Herfordshire itself. In 1876, he exhibited at the Centennial Exhibition in Philadelphia. The Merryman specimens began to command high prices after about twenty years of breeding and substituting various prize bulls at the head of the herd. Some of the animals were purchased to start new herds in Illinois.

CONTINUE ON SEPARATE SHEET IF NECESSARY

John Merryman of Hayfields was involved in some public events at the outbreak of the Civil War, and as a 1st Lieutenant in the Baltimore County Horse Guards, he executed Governor Hicks' order to burn the Northern Central Railroad bridges between Cockeysville and Parkton as a measure to prevent northern troops from being brought to Baltimore and provoking further riot (April, 1861). Subsequently, Merryman was arrested under a Federal charge of treason and was confined in Fort McHenry by General Cadwallader in spite of a writ of habeas corpus issued by Chief Justice Taney. Taney cited the general and President Lincoln with contempt in his opinion, Ex Parte Merryman, but Federal authorities ignored the order and left Merryman locked up in the fort for several weeks. He was later released and never brought to trial. He died in 1881 and was buried at Sherwood Episcopal Church, Cockeysville. His son, E. Gittings Merryman took over management of the farm. The 1911 and 1918 tax ledgers show 444 acres charged to N.B. Merryman.

The main house stood empty for practically thirty years. In 1939, the late General John Franklin bought the estate from his Merryman-cousins. The General was associated for several decades with the United States Lines and became chairman of the board. He and his wife began a refurbishing program and added a number of dormer windows to the house. The farm was managed by Nicholas B. Merryman of the original family and continued to produce polled Hereford cattle until a few months ago; (1977). General farming is still carried on by Mr. Merryman.

Source: Baltimore County Landmarks Preservation Commission/ Maryland Historical Trust, Inventory Form for State Historic Sites Survey, No. BA-94, Hayfields; Prepared by John W. McGrain, Towson, Md., 1977

VOL. 5 p. 248
AMERICAN FARMER.

[October 24, 1823.]

THE FARMER.

BALTIMORE, FRIDAY, OCTOBER 24, 1823.

MARYLAND AGRICULTURAL SOCIETY.

Last Monthly Session of the Trustees.

The trustees of this institution assembled on Wednesday the 15th inst. at HAYFIELDS, the residence of Col. N. M. Bosley. The weather was very fine and after talking over the affairs of the Society, they rambled over the farm, which is divided into fields of Indian corn, small grain, just seeded on summer fallow, artificial meadows, and pasture.

One of the trustees has been good enough to hand us the following rough sketch of their observations—made, we have no doubt impartially, and somewhat after the manner of the examining committees appointed by the agricultural societies in the Eastern States, to make excursions of review over the farms of their members.

"THE INDIAN CORN, promises a fine crop for the appearance of the land which, notwithstanding the indefatigable pains of the owner, is still very stony—we were sorry to see that Col. B. had sustained a heavy loss by the entire destruction of his corn fodder—both tops and blades by frost. This is a blow which that enemy occasionally inflicts by stolen marches, on the most wary commander. In this case fine weather like a flag of truce, seemed the harbinger of peace, but General Frost stole on Col. Bosley as a thief, in the night, and scathed every thing in his route like a desolating fire.—There is no provender for any stock superior to the tops and blades of Indian corn when well cured—an old Farmer present, whose word is authority, observed that for milk cows, nothing is preferable to corn tops.

"GRAIN ON FALLOW—This consists of Rye, which Col. B. prefers to Wheat for a general crop, and as a protector of young grass—against Oats he sets his face, as the greatest of exhausters, drawing the land like blister plasters, except that they draw out the good humors of the soil and leave the bad behind.—We were gratified and instructed by the complete farmer-like manner in which this important operation had been performed.—The land had been well broken at a proper season, and put in the best condition to receive the grain and grass seeds. The owner had well done his part—may a beneficent Providence consummate his labors with a plentiful harvest.

"GRASSES, CLOVER AND TIMOTHY.—These valuable grasses, especially the latter, are obviously the great staples of Hayfields.—To this, he has for some years given his chief attention, and the result is a gratifying evidence of what may be done in a few years, with the roughest land, by

the energies of an individual, under the guidance of good judgment. Hills high and steep, declivities the most precipitous, and ravines the most forbidding, have been subjected and overrun by his dread-nought ploughs, until, on spots which lately presented the aspect of poverty and barrenness, heavy swarths of timothy now fall before every sweep of the scythe—as a grass farm, for its size and original condition, perhaps none in Maryland equals Col. Bosley's, and to his credit be it said, it is the work of his own hands, or rather of his own head—we saw on his books accounts of sales of timothy in one year, amounting to upwards of \$6,500, but that article then sold as high as \$30 per ton—LIMESTONE, quarried and burned on the land, appears to have been the magic wand by which this enterprising cultivator has changed the face of his estate; and caused the roughest hills to rival the smoothest vallies in verdure. The course of his culture is generally Indian corn, with lime, at the rate of 100 bushels to the acre to be followed the next fall for rye and timothy, which are sowed about the 10th of September, to be finished before the equinox. The effect of the lime is prodigious as is obvious from the aftermath of clover and timothy at this time.

"DOMESTIC ANIMALS—Totally neglected, except for his own table, the best eaten, and the worst left for breeders. The tail ends of all breeds without the good points of any—the Colonel seems to have been laying the foundation of all good farming, clearing off stone, and putting the land in good heart, with the maxim in his mind's eye, "one thing at a time." He intends now to turn his attention to his stables, his cow yard, his sheep fold and his piggery, and experience will soon teach him that it costs less to keep good animals beautiful in all their points and profitable in all their qualities, than to keep bad ones, unseemly to the eye, and unthrifty in constitution—in short, any thing but what they should be.

He means to commence the improvement of his stock, by some purchases from General Ridgely, of one or two beautiful Bergami heifers, &c. Choice cattle and hogs, would appear to be the spontaneous growth of a fine grass farm; and an overflowing dairy, its most interesting appendage, especially where watered by lime stone springs cool and copious—when the Colonel has provided a better race of milkers, he will, we predict, no longer monopolise the honors of Hayfields. The dairy will yield its trophies to other and fairer hands, judging from the bounteous repast which awaited us on returning from our excursion; but which, on account of its great variety and exceeding elegance, we resolved it would not be good policy to praise in public while each gave the best practical "proof" of his admiration.

Such is the report we received; of its impartiality there can be no question. The trustees adjourned in the evening to hold their next monthly session at Bloomsbury, the residence of H. V. Somerville, Esq.

CANTON RACES—FIRST DAY.

The first purse of \$250 was taken yesterday by Gen. Winn's mare *Vanity*—she ran against Mr. Howard's filly, *Miranda*. *Vanity* took the lead and kept it throughout the heat. This was the first trial of *Miranda*, and when called for the second heat she was withdrawn.

SECOND DAY.—Col. Johnson's horse Washington, and Gen. Winn's horse Childers, contended for the purse of \$500—both heats were won with great ease by Washington.

[Baltimore Prices same as last week.]

PUBLISHED BY J. S. SKINNER.

(AF, October 24, 1823; 5:248)

HAYFIELDS--Obbt. of John Merryman of Hayfields
Baltimore County Union, Nov. 19, 1881.

Death of John Merryman, of Hayfields.

Hon. John Merryman, whose illness was heretofore announced in these columns, died at his residence, Hayfields, about two miles northwest of Cockeysville, on Tuesday morning last. He had been in delicate health for a considerable time and suffered from a combination of diseases, and his death was not unexpected.

John Merryman sprang from an old Maryland family, his ancestors having come from near Monkton, in Herefordshire, England, to this State, before 1850. The immediate ancestors of the deceased settled on the Gunpowder and called their new home Monkton, and which bears that name to the present day. They acquired many thousands of land both east and west of the Gunpowder, and early in the eighteenth century located upon the farm now called "Hereford," after the old county from whence they came. The remains of a John Merryman and Sally Rogers, his wife, the great-grandfather and great-grandmother of the deceased—both dying in 1777—are in the family graveyard upon the same farm. The grandfather of the deceased, also named John Merryman, and whose wife as well as his mother was named Sally Rogers. John Merryman (the grandfather) left four children, John, Sally Rogers, Elizabeth and Nicholas Rogers, the latter being the father of the subject of this sketch, John Merryman, of Hayfields, who has been an active citizen for the past thirty years. He was born on the Hereford farm, on August 9, 1824. His mother's name was Ann Maria Gott.

In 1839, having had but limited means of education, he entered the hardware store of Richard Morris, in Baltimore. In the winter of 1841 he accepted a situation tendered him by his maternal uncle, Samuel N. Gott, in his counting-room at Guayama, Porto Rico, West Indies. He returned home in July, 1842, and was induced to remain and take charge of several farms belonging to his uncle, John Merryman. In 1843 he settled at Hayfields, and the next year married Ann Louise, daughter of the late Elijah Dooley Gittings. They have had ten children, nine of whom survive.

In 1848 he was selected by the vestry of Sherwood congregation, Cockeysville, as their delegate to the diocesan convention, and has been their only representative at the convention of the church since that period. He has been the register of the congregation and parish since 1845. In 1849 he became an active member of the State Agricultural Society, in 1852 its vice president, and in 1857 its president. The same year he was elected County Commissioner of Baltimore county, and was selected by his associates as their president. Successful agricultural fairs were held under his administration in Baltimore in 1858, in Frederick in 1859 and in Baltimore in 1860.

In the early part of the late war Mr. Merryman was a Lieutenant of the Baltimore County Horse Guard, commanded by Capt. Ridgely, of Hampton. During the excitement in April, 1861, Lieut. Merryman, under orders from his superior officers, burned several bridges on the line of the Northern Central railroad to prevent the passage of Federal troops through Baltimore. Shortly thereafter he was arrested on a charge of treason and confined in Fort Mifflin. After remaining in the Fort some time he was released on bail but was never brought to trial.

In 1870 Mr. Merryman was elected Treasurer of the State of Maryland, and assisted materially in the pushing forward of the Baltimore and Potomac railroad. He was a member of the House of Delegates in 1874. Some little time after its reorganization in 1879 he again became president of the Maryland State Agricultural and Mechanical Association, and that year it held a very successful fair at Pimlico. In January, 1880, he was elected president of the United States Agricultural Society.

In 1858 Mr. Merryman introduced Hereford cattle upon the Hayfields estate, and has most successfully bred them since. He has owned nearly 500, breeding most of them. To-day 100 bulls bred by him are at the head of herds of cattle in Indiana, Illinois, Iowa, Minnesota, Nebraska, Wyoming, Colorado, Kansas, and Texas. Twice he imported directly from England, his last being a bull and a heifer, selected in person while visiting Herefordshire in 1878. In 1865 Mr. Merryman established the house of John Merryman & Co., in Baltimore, manufacturers and dealers in fertilizers. The business has yearly increased. Their shipments last year to the South exceeded 15,000 tons. In return for their shipments they received cotton, amounting to from 8,000 to 12,000 bales yearly, which is sold directly to the spinners in Baltimore, thus contributing largely to the trade of the city and the general prosperity of the State.

In every public enterprise Mr. Merryman took a warm interest and an active part, and he has done much good by his intelligence, liberality and energy. As a man he was frank, genial, cordial, friendly, generous, correct and unselfish; as a public official attentive and conscientious in the discharge of every duty; as a friend and relation unbounded in his love and gentleness. His memory will long be revered by all who knew him.

His remains were interred at Sherwood church, Cockeysville, Thursday afternoon, and the funeral

PERSONAL INTERVIEW

NICHOLAS BOSLEY MERRYMAN OF J.

Mr. Merryman (born 1912) is a direct descendent of the Merryman family who built and the historic site known as "Hayfields"¹. Mr Merryman was born in the stone "cottage" to the west of the main house. That cottage is older than the main house having been built of field stone which was more accessible to early settlers for building materials than hewn stone.

The following are highlights from the interview with Mr. Merryman who is a delightful, cordial individual with a vast knowledge of the site, having been the Hayfields farm manager from 1939-1978.

- ◀ *Terraces - inside stone garden wall; orangerie is lower, filled in for swimming pool; possible one of only three sets of terraces left in Baltimore County (other Hampton Mansion and the Weisburg Inn).*
- ◀ *Grandfather - John of HF - Capt of Horse Guards - southern sympathizer; treasurer of State; married Sarah Howard Love; the John Merryman of the landmark Chief Justice Taney opinion "Ex Parte Merryman."*
- ◀ *As John was seized from his bed at 2:00AM by Union soldiers - we have record that a private home in Baltimore County was in fact invaded by the Union army in a border state.*
- ◀ *Great grandfather - Col. Nicholas Bosley Merryman; received tankard from the Marquis de Lafayette, 1824; awarded for superior farm and ground breaking farming techniques. Tankard, Sheffield silver made in England in safety deposit box.*
- ◀ *Mr. Merryman feels that Lafayette may have been on the property.*
- ◀ *General Bradford T. Johnson - headquartered in the main house in Civil War.*
- ◀ *Personalities he remembers in the house: Benny Goodman, the Duke and Duchess of Windsor, Gittings Merryman, Vice President Spiro*

¹the name "Hayfields" was given to the farm because of the exceptional quality and quantity of hay which was sown and reaped from its abundant fields. The hay was known to grow higher than any found in the region. This extraordinary growth is attributed to superior soils, available water and excellent farming practices.

Agnew, Dale Anderson, Arthur Godefry, President Eisenhower among many others.

- ✓ *Owner General Franklin himself was in charge of all water transportation WWI, WWII; President of US Lines.*
- ✓ *No evidence of native American life or camps.*
- ✓ *Agriculture:*

Through 1970s, the yields were increasing 3 fold; fertility of soil increasing; use of hybrid seeds;

Raised beef cattle - feed with grain from the farm.

"Battle Block", "Woodrow" 1940s-50s comparable to the best Maryland horse of the period.(eg "Broad-Brush")

PS Winston Mixer - brought in from Penn State -notable sire.

Raised prize winning "Simmentals" swiss breed of sheep.

BS shop to supply farm across the road where HV Inn now stands.

Race horse "TWIX" winningest mare in Maryland horse racing history to today.

John of HF imported and raised first registered Suffolk sheep in US; Later raised prize Chester White hogs.

NBM planted the "Avenue of Locusts" because he liked them and because they added vital nitrogen to the soil.

The granary and its setting is crucial in the inherent agricultural design of the site in that it was purposefully created to approximate the English country farm layout where the hay wagons pulled in from the fields into the curve of the lane in front of the granary.

Baltimore County Government
Landmarks Preservation Commission

APPENDIX



401 Bosley Avenue
Towson, MD 21204

(410) 887-3495
Fax (410) 887-5862

February 9, 1995

TO: County Planning Board
FROM: Landmarks Preservation Commission
SUBJECT: Zoning Reclassification - "Hayfields"

Attached for the record and for the Planning Board's use in making recommendations to the County Board of Appeals are copies of some of the many documents which testify to the extraordinary historic importance of the Hayfields farm.

The Commission wishes to acknowledge the following institutions for making their resources available:

The Baltimore County Historical Society
The Baltimore County Public Library
The Enoch Pratt Public Library
The Gettysburg National Military Park
Goucher College
Johns Hopkins University
The Maryland Historical Society

TD/mjm
ZONING.HAY/PZONE/TXTMJM





History Trails

Baltimore County Historical Society

Location:
Agriculture Building
9811 Van Buren Lane

Mail Address:
Box 81
Cockeysville, Md. 21030

Editors: JOHN W. McGRAIN and WILLIAM HOLLIFIELD

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NO. 2



THE GREAT HEREFORD BULL—SIR BENJAMIN.



THE PRIZE HEREFORD OX.

John Merryman of Hayfields sent these drawings, which he called "electrotypes," to the Maryland Farmer in 1877 to illustrate Sir Benjamin, the ancestor of his herd, as well as a typical Hereford ox. They were published in the issue of January, 1878, pages 14 and 15 of Volume 15, along with Merryman's article in support of Hereford cattle.

Hayfields History

by Nicholas Bosley Merryman

Hayfields, located near Cockeysville on the northwest quadrant of the Shawan Cloverleaf of 1-83, was originally a part of the tracts *Nicholson's Manor* and *Taylor's Discovery*. It was assembled in the early 1800's by Col. Nicholas Merryman Bosley from purchases made from William Bosley of Joseph, John Naylor, Zachariah Doughady, and John S. Gittings and totalled approximately 560 acres. The soil is Hagerstown and Manor loam with an underlying limestone base. Bluegrass grows naturally and thrives on this land. Colonel Bosley was his own builder and architect and the main house took ten years to build with the expert help of his slaves. He drew the plans for his house with his cane in the sand.

The census of 1798 shows just one house on the property, a single-room fieldstone house with dirt floor and immense fireplace. Col. Bosley enlarged this house with a three-story addition, also of fieldstone and he lived in this comfortable cottage while the main house was being erected. The other numerous structures were built in two periods. The first and oldest buildings were built of fieldstone picked up off the farm and comprise the cottage, smoke house, ice house, servant quarters (later called bachelors' quarters), and the main cattle barn. The brick stable with two lofts was also built in the first period.

Colonel Bosley must have run short of fieldstone because a quarry was opened just south of the garden and the second period buildings were all built of stone from this quarry. This stone is an impure form of the famed Cockeysville white marble which was used to construct the Washington Monument and the famous white marble steps of Baltimore row homes. The second group of buildings consist of the main dwelling, gas house, slave quarters, wagon shed and granary, sheep fold, lower horse barn and wagon shed, small stable and coach shed, and the spring house. The garden is enclosed by a six-foot high stone wall built from this quarried stone.

All of these structures are exceptionally well built — to last for generations. The stone walls are two feet thick as are the partitions in most of the buildings. Timber used was cut from trees on the place and the main center beams in the main house, the slave quarters, and the brick stable extending the length of these buildings were cut from a single giant tree. The Main house and slave quarters have full cellars while the cottage, bachelor quarters, and, surprisingly, the wagon shed have part cellars. In those days, cellars were tremendously important to store and keep produce for winter use. The gardens were valued even more highly and all kinds of fruits and vegetables were raised and excess stored. Even a small orangery was located in the garden.

Colonel Nicholas Merryman Bosley (1774-1847) was the son of Elijah Bosley, a large landowner, and Elizabeth Merryman Bosley, a daughter of Nicholas Merryman of Bacon Hall near the

own of Hereford. Colonel Bosley fought in the War of 1812 serving in the 6th Baltimore County Calvary. He was an early firm believer in the use of burnt lime and crop rotation. His rotation was corn, wheat, oats, or rye; followed by clover and timothy hay. Hayfields derived its name because of the prodigious crops of hay produced. Shoulder-high fields of hay were reported but people were shorter in those days.

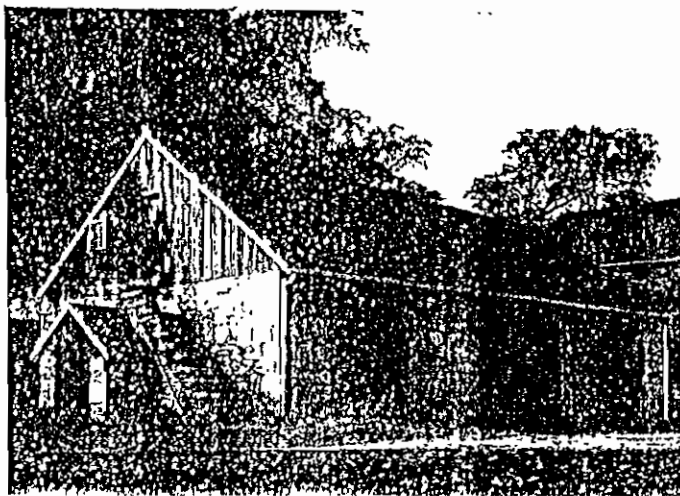
Agriculture was an extremely important business then and a contest for the best cultivated farm was held. A committee of prominent farmers was appointed, they selected Hayfields as the winner. A silver tankard was awarded by the Maryland Agricultural Society in November 1824 to Colonel N. M. Bosley for the "Best Cultivated Farm." The tankard was presented by the Marquis de Lafayette. The Revolutionary War hero was then on his triumphant tour of the United States and was himself extremely interested in agriculture. In selecting Bosley for this prestigious award the committee made this additional comment, "Colonel Bosley should select his best stock to use as breeders. At present he uses his best stock for his own table."

A triangular, two-acre parcel of land located where Interstate 83 crosses Shawan Road was claimed by several adjoining property owners but none could get a clear title. Finally, it was decided that if someone would build a much needed blacksmith shop on the land he would then receive a clear title. The following day, Colonel Bosley took his slaves down there and built a blacksmith shop which pleased everybody. He was an avid foxhunter and it is said that after an especially exhilarating hunt, he rode his hunter up the front marble steps into the main hall of his house and asked for refreshment.

Colonel Bosley and his wife, Eleanor Addison Smith Bosley had no issue and he entailed Hayfields to his close relative John Merryman (1824-1881). John was born at Hereford Farm, the son of Nicholas Rogers and Anna Marie Gott Merryman. Nicholas R. Merryman had served with Colonel Bosley in the War of 1812 and they were close friends as well as relatives. He was also the younger half-brother of Eleanor Addison Bosley. Upon inheriting Hayfields John then became known as John Merryman of Hayfields. In 1844, he married Anne Lousia Gittings, a great-niece of Colonel Bosley.

John soon set about rectifying the livestock situation. He retained his best stock for breeders and traveled widely to purchase superior breeding animals. He imported some of the first registered Herefords from England and also imported Suffolk sheep some of which he gave to Druid Hill park. Merryman was fortunate in bringing to this country one of the most famous Hereford bulls, named *Sir Richard 2nd*. *Sir Richard 2nd* is one of the four bulls who have had the most influence on the present day Hereford breed. In those days, Herefords were dual purpose cattle being noted for their milk and butter as well as for their beef.

John of Hayfields was an excellent farmer and was president of the Maryland State Agricultural Society for many years. In 1859 the Annual Show was held in Frederick and the Hayfields livestock were walked there for that event. There were classes for Herefords and a Hereford cow was entered in a class for milk cows. A horse was entered in the Trial of Speed contest. He was instrumental in starting the Maryland Agricultural College in 1858 and served on



The wagon shed and granary is 60 feet wide and has a second-story loft where grain and beans were threshed with flails before the coming of farm machinery

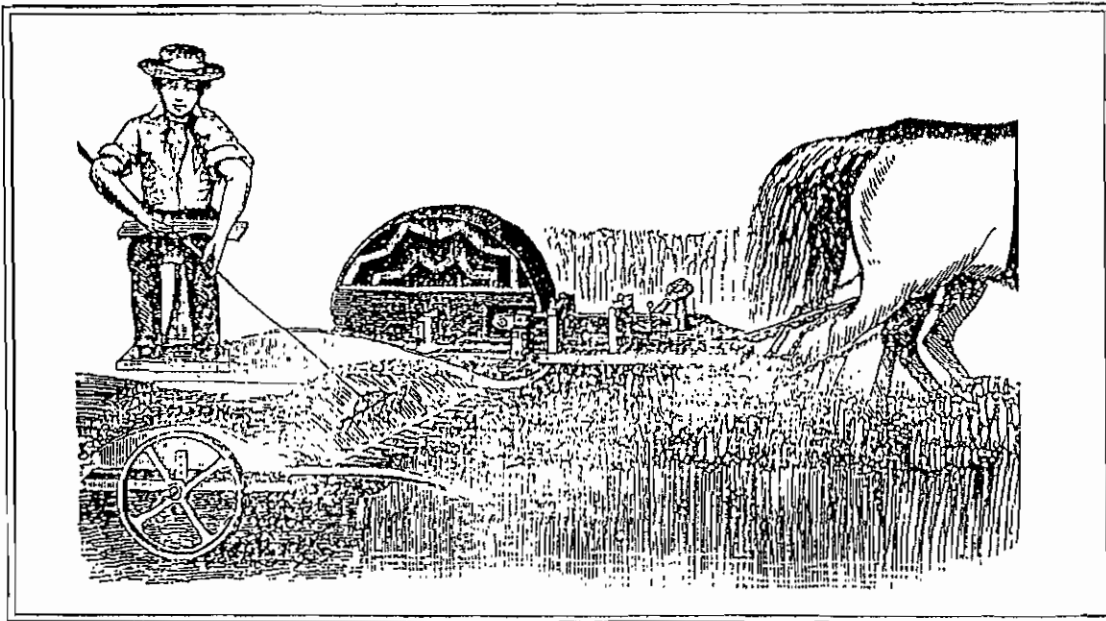
its first Board of Regents. The college was formed to educate the sons of Maryland farmers in the latest agricultural practices. This college is now the University of Maryland at College Park. John served as treasurer of Maryland and was also in the fertilizer business in Baltimore trading fertilizer for cotton which he then sold to local cotton mills.

During the Civil War — an exceedingly trying period for Marylanders — Merryman's sympathies were with the South. In 1860, he was a first lieutenant in the Baltimore County Horse Guards. Soon after the Baltimore Riots of April 19, 1861, the services of the Horse Guards were offered to the State and they were being used to keep peace. A section of them were stationed at Hayfields.

Northern troops were camped at Cockeysville until ordered to proceed to Washington. Mayor Brown and other Baltimore leaders were able to persuade President Lincoln not to send troops through the city for fear of further bloodshed. The Northern troops, mostly Pennsylvanians, returned to their home state. More soldiers were assembling at the Pennsylvania Line, including General Sherman's regiment. Marylanders were very concerned that northern troops would again be sent through Baltimore on their way to Washington, and Merryman was given orders to burn the railway bridges between Cockeysville and the state line. He did burn the most important bridge, the one at Parkton crossing the Gunpowder.

On May 25, 1861, he was routed from his bed, arrested and confined to Ft. McHenry. His lawyers petitioned for a writ of *habeas corpus* from Chief Justice Roger Brooke Taney, who issued the writ immediately. Taney then wrote a legal masterpiece defending the rights of civilians versus those of the military known as *Ex Parte Merryman*, a decision often referred to in legal cases to this day. The charges against Merryman were discovered to be unfounded and he was later discharged from prison, not without spending some exceedingly uneasy moments, however. He did get

An
Agricultural History
of
BALTIMORE COUNTY, MARYLAND



John W. McGrain

1990

1879, described the C.A. Gambrill Patapsco Mill-A in the First District of Baltimore County, noting:

The wheat stored in the Patapsco mill warehouse is bought from the farmers of the surrounding country as they choose to bring it in. The firm buys about 900,000 bushels of wheat a year for the two mills They have a larger number of burrs (45) than any mill in the United States since the Minneapolis fire ²⁰

In the preface to G.M. Hopkins' 1877 atlas of this county, there is an attempt to characterize each of the thirteen election districts that then existed. Unfortunately, as in the case of the Second District, most of the entries state something like: "The surface is rolling and the soil fertile; large and well cultivated farms are numerous." In the Fourth District, the lands of the descendants of some early Worthington Valley settlers yielded "immense crops". But in the Fifth District, "The land in some sections is very productive, in other sections poor. Wheat, corn, oats, and rye are raised extensively, and the land yields a very fair average. The water is pure. Limestone is very abundant; some of the largest quarries are found in this district, which fully supply the increasing demand for lime as a fertilizer throughout this and adjoining districts."

In the Sixth District, the land around Middletown was "very productive," and in the district generally, "Wheat, corn, and oats are grown in great abundance in some portions ... and great taste is displayed by many of the farmers in the arrangement of their dwellings and outbuildings." In District Seven, the "land is productive of fine crops and is kept in a high state of cultivation. Wheat, corn, and oats are raised in abundance. In some portions of the district, the breeding of cattle is extensively carried on, and the dairyman find a ready market in Baltimore City for milk and cream, the sale of which is very remunerative to many living in the vicinity of Parkton. Springs are numerous and cannot be surpassed."

The Eighth District report was more social than agricultural, but it was noted, "Lovington, the home of Capt. Thomas Love, is a fine estate, comprising about 600 acres, and about evenly divided by the York Turnpike, the 16th mile-stone being on the property. Capt. Love was the pioneer in the cream and milk business, when railroad transportation was first utilized, having established his dairy nearly 40 years ago, during the whole of which period, in more than one instance, he has supplied the same customer. The dairy consists of about 60 cows; one of the best results is the manure that, by proper application, has brought the farm into the highest state of fertility. The wheat and oat crop the present season being second to none in the District." At Hayfields, the "premium farm" of 1824 and then the estate of John Merryman, the

main product was Hereford stock, which had taken prizes at the Centennial Cattle Show of 1876.

The surface was "rolling and beautifully diversified" in the Ninth District, while the Tenth District was "productive of fine crops of wheat, corn, oats, and hay." The upper part of District Eleven was "remarkably well watered." District Twelve, since the days of the atlas split into the present Districts 12, 14, and 15, was the trucking zone: "The land in some portions ... is very rich, and by carefully working is made to yield very productive crops. Gardening is carried on to a very good extent. Grain growing is not very extensive, as the lands are divided into small places ranging from 10 to 70 acres, and are more suitable for trucking than farming." In District Thirteen, around the southwest fringe of Baltimore City, the soil was "well cultivated, market gardening being extensively carried on."²¹

Only the Seventh and Eighth Districts were cited as dairy regions in the atlas account. Yet as early as 1820, John Gowan, who was suing the Reisterstown Turnpike Company, gathered data to prove that a wagon-load of butter hauled from Reisterstown²² could scarcely turn a profit after passing through four toll gates.

With small operators keeping one-cow dairies in Baltimore back streets, the country producer had built-in competition within the city itself down to the turn of this century.

Around Perry Hall, 13 miles out the Belair Road, the population in the space of a generation had changed from mainly old settler families to mostly Irish and German immigrants, as demonstrated by the family names on Sidney's 1850 map and in the atlas of 1877. The thrifty German small-holders concentrated on "Stoop Crops (those that required bending over or crawling along the ground to harvest), mostly carrots, beans, leek, celery, parsley, and other vegetables that did not require much space" Some growers rented stalls inside Belair Market while others used spaces outside, selling from trestle tables in back of their wagons. On Saturdays, the growers would not reach home until midnight. Wagon-loads of kale grown by L.G. Quinlin and Van²³ Brandt Rittenhouse were reported in the Towson papers of 1895.²³ Late in the last century, greenhouses for growing cut flowers developed in the area. Some of the Twelfth District market gardeners listed their holdings in the²⁴ atlas patron pages, some working as few as seven or eight acres.²⁴

As noted in the atlas, Hayfields was still a well kept farm, belonging then to John Merryman, who had inherited the place from his uncle, Colonel N.M. Bosley. In 1856, Merryman had purchased some of the first registered Hereford beef cattle from A. and H. Bowen of Watertown, New York, and in 1859 bought other animals from William H. Sothan of Owego, including the bull Calatpa, which he transported to fairs in New York and St. Louis before the Civil

War. In 1862, Calatpa was replaced by Curley, a bull originally imported by Colonel Lloyd of the Eastern Shore. Merryman imported the 2,800-pound Sir Richard II and other stock from John Henry Arkwright of Leominster and Daniel Pearce of Herefordshire in 1871, traded him for Compton Ladd from Maine, and four years later acquired Canadian from the herd of Frederick William Stone of Guelph, Ontario. A bull named Illinois was placed at the head of the herd, then replaced by Prince of Wye, purchased in 1878 from Thomas Duckham, Member of Parliament from Herefordshire. Sheep bought in England and imported by Merryman started the once famous flock in Druid Hill Park.²⁵

At Sudbrook in District 3, James McHenry, as related in his obituary, "was greatly attached to rural life, and as a country gentlemen was a model in promoting all the interests of the farmer. He had a passion for blooded stock of all kinds, and at one time possessed the finest herd of Jerseys and Devons in Maryland, of whose merits very substantial proofs still remain in numerous prizes taken at the great state shows."²⁶

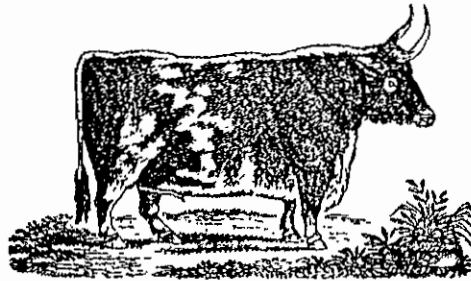
Dr. Patterson of Lochearn in 1884 sold five head of his Frisian cattle to Messrs. Hemingway and Wolf of Jackson, Mississippi.²⁷ The Valley Stock Farm near Oakleigh Station on the M. & P. Railroad east of Towson is described at great length in the papers of 1894.²⁸

An exotic crop that aroused interest for a time was the silkworm, and of course mulberry trees to feed the worms. The boom reached its peak in the 1830s, but true believers kept trying to rival the French and Japanese down to the Civil War. An ad in the American of January 18, 1839, offered a "building 5 to 7 miles out from the city, 54 x 42, well calculated for a cocoonery with horse power and machinery already erected." Someone from North View, Baltimore County, who signed himself "T", wrote to Country Gentlemen in 1857, reporting that he had grown Chinese Sugar Cane, planted in May and harvested in August; Mr. T. crushed the cane in a cider mill.²⁹ During the Civil War, it was necessary to grow sorghum as a substitute for Southern sugar, and in late 1864, the State's farm magazine reported:

Three mills have been erected in the upper part of the county, which will be worked to full capacity, as there has been much cane planted, and it has grown well. Alexis G. Green has erected machinery in the 5th District, James L.³⁰ Gemmill in the 6th, and Thomas Matthews in the 7th.

But in those times, alfalfa, or lucerne as it was called in 1800, was seldom cultivated in this county; in 1867, the landscape architect, J. Wilkinson, noted only one acre of it in the county and commented on the "hay making, or rather, the hay destroying

STOCK



Cattle!

WILL BE SOLD AT

PUBLIC AUCTION,

At 2 o'clock, on

MONDAY, 7th inst.,

(IF FAIR, OR ON THE FIRST FAIR DAY.)

AT COCKEYSVILLE,

(15 miles from Baltimore, on the Susquehanna Rail Road.)

22 HEAD OF STOCK CATTLE

Young and of good size, and
SUITABLE FOR OXEN.

TERMS OF SALE—A CREDIT FOR SIX MONTHS,
WITHOUT INTEREST.

March 1st, 1842.

Printed by Sherwood & Co. at the North West Corner of Baltimore and Gay streets

PREMIUM LIST

OF

First Annual Fair

OF THE

AGRICULTURAL SOCIETY

OF

BALTIMORE COUNTY,

TO BE HELD ON ITS GROUNDS,

TIMONIUM, MARYLAND,

Tuesday, Wednesday, Thursday, Friday,

September 9th, 10th, 11th. & 12th,

1879.

F. A. HANZSCHKE, STEAM BOOK & JOB PRINTER,
180 W. Baltimore St., Baltimore.

PREMIUM LIST OF THE **FIRST ANNUAL FAIR** OF THE *Agricultural Society of Baltimore & Co.*

In every department, except in the trials of speed, as noted, competition is open to all, and the agriculturists, horticulturists, stock breeders, manufacturers, &c., of our sister counties are cordially invited to exhibit their stock, products and wares.

CLASS A.—Cattle.

SHORT-HORNS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3 yrs	4 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 1 and 2 years	4 00	Best Heifer, between 1 and 2 years	4 00
2d best do.	3 00	2d best do.	3 00
Best Bull, under 1 year	1 00	Best Heifer, under 1 year	1 00

DEVONS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3 yrs	4 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 1 and 2 years	4 00	Best Heifer, between 1 and 2 years	4 00
2d best do.	3 00	2d best do.	3 00
Best Bull, under 1 year	1 00	Best Heifer, under 1 year	1 00

JERSEYS—(Herd Register).

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3 yrs	4 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 1 and 2 years	4 00	Best Heifer, between 1 and 2 years	4 00
2d best do.	3 00	2d best do.	3 00
Best Bull, under 1 year	1 00	Best Heifer, under 1 year	1 00

JERSEYS, (Not Registered), ALDERNEYS AND GUERNSEYS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3 yrs	4 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 1 and 2 years	4 00	Best Heifer, between 1 and 2 years	4 00
2d best do.	3 00	2d best do.	3 00
Best Bull, under 1 year	1 00	Best Heifer, under 1 year	1 00

AYRSHIRES.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3 yrs	4 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 1 and 2 years	4 00	Best Heifer, between 1 and 2 years	4 00
2d best do.	3 00	2d best do.	3 00
Best Bull, under 1 year	1 00	Best Heifer, under 1 year	1 00

HEREFORDS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3 yrs	4 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 1 and 2 years	4 00	Best Heifer, between 1 and 2 years	4 00
2d best do.	3 00	2d best do.	3 00
Best Bull, under 1 year	1 00	Best Heifer, under 1 year	1 00

HOLSTEINS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3 yrs	4 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 1 and 2 years	4 00	Best Heifer, between 1 and 2 years	4 00
2d best do.	3 00	2d best do.	3 00
Best Bull, under 1 year	1 00	Best Heifer, under 1 year	1 00

NATIVES OR GRADES.

Best Bull, 3 years old or over	\$6 00	Best Heifer, between 1 and 2 years	\$2 00
2d best do.	3 00	2d best do.	1 00
Best Bull, between 2 and 3 yrs	4 00	Best Cow Calf, under 1 year	1 00
2d best do.	2 00		

HERD PRIZES.

For the best herd of one bull and five cows or heifers, all over one year old, the property of the exhibitor during the six months previous to the exhibition, of Short-Horns, Devons, Herefords, Ayrshires, Holsteins, Jerseys (registered), and of Jerseys (not registered), or Alderneys, or Guernseys, each.....\$15 00

Sept. 23, 1957

A Relic Of Lafayette

By ROBERT G. BREEN

ON the second of his seven visits to Baltimore while on his grandly triumphant tour of the United States in 1824, the Marquis de Lafayette came expressly to attend an agricultural show. Called the Annual Farmers Festival and Cattle Show, it was held on the Frederick road, about four miles from the city.

An enthusiastic farmer himself, Lafayette personally distributed the prizes for the best in classes of the various exhibits.

To Col. Nicholas Merryman, Bosley, General Lafayette presented a handsome silver one-quart tankard, an award for having the best cultivated farm.

Tankard Is Engraved

The tankard is engraved at the rim with the words, "By the hand of Lafayette from the Md. Ag. Soc. 'best cultivated farm' to Col. N. M. Bosley, November 1824."

Beneath the inscription, on the side of the tankard was engraved a scene of a two horse drawn hay wagon. Two men with pitch forks are loading the hay.

From the hall marks on the tankard it appears to have been made in 1805-6 by T. Robins, a London silversmith.

The tankard will go on display

Wednesday evening at the Maryland Historical Society, 201 West Monument street, when an elaborate display of Lafayette memorabilia is opened to commemorate the two-hundredth anniversary of the General's birth.

The tankard has been loaned for the occasion by Mr. and Mrs. Nicholas Bosley Merryman, Jr., of Hayfields, the Baltimore county farm at Sparks which had been singled out for the honor in 1824.

Lives On Same Farm

Mr. Merryman is the great-grand nephew of Colonel Bosley and still lives on the same farm.

Down the years, Hayfields has managed to uphold what is now its historic reputation for excellence. Today, the farm supports a prize-winning herd of Hereford dairy cattle.

The herd was one of the first imported in this country, and the first in Maryland from England, prior to 1844, by John Merryman, the great grandfather of Nicholas Bosley Merryman. It was great-grandfather John who also imported one of the first flock of Suffolk sheep into the United States about 1860.

The Lafayette exhibition, which will also include portraits, papers of the General, letters and items associated with his American tour of 1824-25, will be opened at 8:30 P.M., Wednesday by M. Pierre Boyer, an attaché of the French Embassy, Washington.



Mr. and Mrs. Nicholas Bosley Merryman, of Hayfields Farm, Sparks, shown with the silver pitcher presented to Hayfields for being the "best farm," in 1824 by Lafayette. The desk shown was another gift of Lafayette to Joseph Townsend, of Baltimore, for aid he gave to French soldiers during the Revolution. The objects are part of an exhibit at the Maryland Historical Society marking the two hundredth anniversary of Lafayette's birth.



DOMESTIC WOODROW 244th

5750462 (860942)

Champion Sale Bull at the 50th Anniversary National Polled Hereford Show, Kansas City, Mo., 1950. Domestic Woodrow 244th was the top selling bull and was purchased by Hayfields Farm at \$7,000. Bred by R. A. Halbert, Sonora, Texas this wide, thick, deep, good headed, heavy quartered bull was a member of the First Prize Group of Two Bulls and Three Bulls at that biggest and best of all Polled Hereford Shows.

At Hayfields, one of the oldest Hereford breeding establishments in the U. S., the 244th will be mated to daughters of the famous Battle Block and the results of these matings should be outstanding. We will have a limited number of top heifers carrying the service of the 244th available as well as other breeding cattle and invite you to visit us and inspect this bull and the rest of our herd.

HAYFIELDS FARM

COCKEYSVILLE, MD.

GEN. JOHN M. FRANKLIN
Owner

N. B. MERRYMAN
Manager

1952-1953



BATTLE BLOCK 3182660

Dropped July 11, 1940 sired by Battle Mischief 7th and out of Pioneer Belle 6th, this bull placed second in his class of 21 summer yearlings at the 1941 Chicago International. He was the highest selling bull at the Southern National Hereford Show at Clarksville, Tenn. being purchased there by Hayfields Farm. He is half brother to Miss Engle Domino 50th, Ch. Female Denver 1941, Battle Spartan 16th, Ch. Bull Denver 1942, Battle Domino 32d first Denver 1944 and Battle Domino 5th 2d Denver 1939 and sire of 3 Ch. and 2 Res. Ch. Females at the 1941-45 Natl. Polled Hereford Shows.

As of May 15, 1947, Battle Block has sired over 200 calves which have been sold into 12 states and the Territory of Hawaii. In the 1944 Maryland Sale six of his get averaged \$475. and included the first 5 heifer calves sired by him. In the 1945 Maryland Sale his sons and daughters averaged \$640. In the 1946 Maryland Sale, his get averaged \$1187. and included the Champion Bull. Steers sired by Battle Block have been Grand Champion at Brunswick, N. J., Champion Hereford at Hagerstown and McDonough and 2d in open class and 2d open Trio at the Balto. Livestock Show.

Some of his more prominent sons are serving as herd sires in the herds of Mrs. Mona Hind Holmes, Honolulu, Hawaii; Mile Away Farms, Southern Pines, N. C.; Preston Farms, Lusby, Md.; Keechland Farms, Popes Creek, Md.; Causen Manor Farms, Bel Alton, Md.; Bay View Farms, Bishop, Md.; Palmetto Hereford Farms, Calhoun Falls, S. C.; and S.B. Stanley, Kears Falls, Maine.

HAYFIELDS FARM

COCKEYSVILLE, MARYLAND

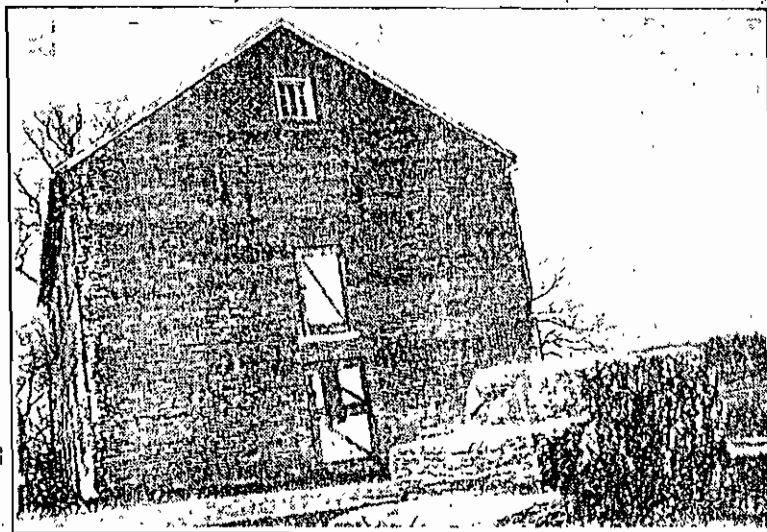
GEN. J. M. FRANKLIN, Owner

N. B. MERRYMAN, Manager

1952-1953

Hayfields: North County News April 1991

The Glory That Once Was



The brick stable, with mounting block in front, circa 1800.

One of the most noted estates in the area is known as "Hayfields". Through the efforts and generosity of the Baltimore County Historical Society Editor, Mr. John W. McGrain, we learn the following:

Bordered on the south by Shawan Road and on the east by Western Run Road, this large tract of land, consisting of approximately 560 acres, was assembled in the early 1800's by Col. Nicholas Merryman Bosley from purchases made from William Bosley of Joseph, John Naylor, Zachariah Doughady and John S. Gittings.

The records of 1798 show just one house on the property, a single-room fieldstone house with dirt floor and immense fireplace. Col. Bosley enlarged this house with a three-story addition, also of fieldstone, and he lived in this comfortable cottage while the main house was being built.

The numerous other structures were built in two periods. The first and oldest buildings were built of fieldstone picked up on the farm

and comprise the cottage, smoke house, ice house, servant quarters (later called bachelor quarters), and the main cattle barn. Also built in that first period was the brick stable.

Col. Bosley evidently ran out of fieldstone because a quarry was opened just south of the garden and the second period buildings were all built of stone from the quarry. This group consisted of the main dwelling, slave quarters, wagon shed and granary, small stable, coach shed and the spring house. The garden is surrounded by a six-foot



Outbuildings have been allowed to deteriorate.

stone wall of this stone!

Col. Nicholas Merryman Bosley (1774-1847) was the son of Elijah Bosley, a large landowner, and Elizabeth Merryman Bosley, a daughter of Nicholas Merryman of Bacon Hall near the town of Hereford. Col. Bosley fought in the War of 1812 with the 6th Baltimore County Cavalry.

Agriculture was an extremely important business and a committee of prominent farmers awarded a silver tankard to "Hayfields" and to Col. N.M. Bosley for the "Best Cultivated Farm". This tankard was presented by the Marquis de Lafayette while he, the Marquis, was on tour of the United States.

Col. Bosley and his wife, Eleanor Addison Smith Bosley, had no children and they decided (undoubtedly to be sure that "Hayfields" was kept in the family) to promise to will the property to the first son born to Nicholas Rogers Merryman and Anna Marie Gott Merryman upon the condition that the son be named John.

Thus John Merryman (1824-1881) was born at "Hayfields" and became known as "John Merryman of Hayfields". In 1844, he married Anne Louisa Gittings, a grand-niece of Col. Bosley. John Merryman died in 1881 and ownership of "Hayfields" passed to his oldest son, Nicholas Bosley Merryman (1852-1921), who did not claim his inheritance immediately, allowing his mother and brothers to live there until 1904.

Upon his death in 1921, "Hayfields" passed to his children with a life interest to his wife, Sarah. When she died in

Hall High School instead of shipping them to Parkville High School. "It is exactly what I expected. I was familiar with (PAC) Agricultural Action Committee, election reform, working with Workman's Compensation, legislation dealing with Workman's Compensation, election reform, Political Action Committee (PAC) limitations lobbyist

HAYFIELDS from p. 9

1923, her eldest son assumed management of the farm where the major enterprise was the grazing and fattening of Hereford steers.

In September, 1939, "Hayfields" was purchased by John Merryman Franklin, the son of Laura Merryman Franklin, the youngest daughter of John of "Hayfields".

John Franklin's first project was to completely overhaul the main house to which he added an entire new back and wing. The cost of this operation was greater than the price paid for the whole estate.

After that, the brick stable was converted into a broodmare barn, the former slave quarters were restored into a house for the farm manager with an office. The bachelor quarters were converted into a horseman's house and all the farm buildings were restored and pointed up while the main barn was in such poor condition that it had to be torn down.

John M. Franklin was president of the United States Lines and under his leadership the liner "United States" was built. The ship set, and still holds, the trans-Atlantic speed record.

During World War Two, Mr. Franklin rose to the rank of Major General and served as head of the water division of the Army Transport Corps. General Franklin died in 1975, bequeathing "Hayfields" to his wife, who sold the estate in 1978 to The Hammerman Organization who, in turn, sold it to Mr. Nicholas Mangeone.

Due to Mr. Mangeone's inability to circumvent zoning rules and regulations, the whole beautiful estate is being allowed to deteriorate!

Author's Note: In the February issue of the North County News, the name of the eldest daughter of Mr. & Mrs. E. Gittings Merryman was given as "Josephine". Her proper name was Louisa. We regret the error!



These stone steps lead to the garret above the fieldstone wagon shed.



The bachelor quarters are in rack and ruin, sorely in need of major overhaul.



The main farmhouse, built from stone quarried on the farm.

HAYFIELDS

Balto. Co. - Springington Valley

Built about 1800

Hayfields was built by Col. Nicholas Merryman Bosley, and is still in the family, the present owners being Maj. Gen. John Merryman Franklin, and Mrs. Franklin. One of Baltimore Counties oldest families.

One of the few Baltimore County estates that have remained in the same family since the eighteenth century.

Legend says that Col. Bosley designed the main house, without help of an architect, by tracing the outlines of the building in the soil with the tip of his cane.

Limestone for the structure was quarried on the place by slaves, who next were put to the task of building the house. The 550 acres surrounding Hayfields were regarded as the best cultivated farm in Maryland by Lafayette, who presented a silver tankard to Col. Bosley for that reason.

~~XXXXXXXXXX~~ On this same land Bosley's grandnephew, John Merryman later bred some of the first Hereford cattle in the U.S., a tradition that is carried on today by General Franklin.

The outstanding fireplace at Hayfields is in the music room. It is made of black Italian marble with matching pilasters. Above it hangs a copy of a portrait of Col. Bosley by Cully.

~~The living room and dining room are also~~

October 3, 1931.

"HAYFIELDS", ONE OF COUNTY'S MOST FAMOUS
ANCESTRAL HOMESTEADS, BUILT IN 1808.

Estate Overlooking Worthington Valley Founded By
Nicholas Merryman Bosley—Was Once Abode
Of John Merryman Of Hayfields.

Sitting on a high knoll overlooking the Worthington Valley, surrounded by large oak, maple, spruce and birch trees and a wilderness of shrubbery of all kinds, and approached by a long, winding driveway, which breaks off from the Western Run road a stone's throw to the North of the Shawan road, and is shaded to its full length by rows of old locusts, is famous "Hayfields", the ancestral home of Colonel Nicholas Merryman Bosley and later the root tree of the famous John Merryman of Hayfields.

It is difficult to adequately describe Hayfields—impossible, really, to make mere words tell its beauties. For it has an aristocratic atmosphere, an unapproachable pomp and genteel reserve that wholly escapes or defies our limited terms. One must visit Hayfields and feel it to get any satisfying conception of the place. One doesn't have to be informed by records or report that real people lived there. Hayfields tells you that with every stone and stick of its makeup.

The Hayfields homestead was begun by Colonel Nicholas Merryman Bosley in 1805 and was finished and ready for occupancy in 1808. The whole establishment is said to have been set up from plans drawn by Colonel Bosley himself, and included a great house, overseer's house, slave quarters, blacksmith shop, horse barn, cattle barn, large granary, wagon sheds, barracks, two or three spring houses, ten acres of lawns and gardens comprising three terraces on the South slope and surrounded by a stone wall and the whole set in a model farm of about five hundred acres.

The mansion—as well as all other buildings, except one big brick barn—is built of fine old limestone, with

11 walls, including partitions, two feet thick. It is of the early nineteenth century colonial design, with the main portion facing the South and rising two stories and attic over a deep and dry cellar, and a two-story wing extending North on a line with the West wall of the main structure and having a width of about half its length. The front is approached by a short flight of stone steps which lead to an uncovered stone platform, while a frame porch extends the depth of the East end of the house and a two-story frame porch runs along the rear of the main house from the East end to the angle of the ell formed by the North wing. Two extremely wide chimneys rise at each end of

the main house, telling of great fireplaces within.

Inside, the house is divided into more than twenty rooms. Those on the first floor are spacious and open off a wide central hall which runs the depth of the home. As was customary in those days, the ceilings of all rooms on the first and second floors are very high, the doors are wide and the blue shuttered windows long, with deep sills.

To the West of the mansion is the two-story overseer's house; a trim structure of stone and now occupied by Mrs. Betty Merryman Kemp. One wouldn't ask a more comfortable looking or attractive home.

On to the West of this is the two-story main slave house of eight rooms. This structure is built of stone also, and in the kitchen is a wooden post, about the circumference of a telegraph pole, running from the floor to the low ceiling, which tradition says is the old slave whipping post. There is another stone slave house to the North, almost back of the overseer's house. It is also two stories in height, but not so long as the main slave quarters.

Further on to the West are the barns, grain barracks, shops and horse stable. All except one barn, are built of stone, with very thick walls. An interesting feature of the whole place is the substantial appearance of all buildings. From great house to slave quarters and spring houses all are constructed of stone and all, but the spring houses, of course, are provided with large, dry cellars.

The mansion is surrounded by about ten acres of lawns and gardens, shaded by great trees and studded with shrubbery, which are shut in from the farm land by a thick stone wall about chest high. Directly in front of the house the lawn was originally terraced to a formal garden on the South slope of the high hill on which the mansion stands, commanding a view of the valley from its front stoop that holds one in a sort of spell. Colonel Bosley selected the site for Hayfields with the eye of an artist.

The Merrymans have been identified with Baltimore County since 1682, when Captain Charles Merryman, second son of John Merryman, of Virginia, came up from the South and purchased land here. Charles

became identified with St. Paul's parish in the County, was made captain of militia in 1696 and died at his Baltimore County home in 1725. John, second son of Charles, afterward known as John Merryman of Clover Hill, made his home in what is now a part of Baltimore City, on a short road then known as Merryman's Lane and now known as University Parkway, and died there in 1719. In addition to land which he received from his father, John Merryman of Clover Hill, in 1724, purchased from Thomas Broad 102 acres near Herring Run, in the County. This tract he reconveyed to Broad in 1733, and on the same date Broad transferred the land to John Merryman, Jr., who established himself there and later became known as John Merryman of Hereford. John of Hereford died and was buried on Hereford Farm in 1777, leaving the place to his son John. This second John of Hereford had a son Nicholas Rogers Merryman, who married Anne Maria Gott, and their son John, with his wife, Ann Louisa Gittings Merryman, inherited the estate of his great uncle, Colonel Nicholas Merryman Bosley, and became John Merryman of Hayfields. In 1896, on the death of Anne Louisa Gott Merryman, the estate passed to Nicholas Bosley Merryman and has remained in the Merryman family to this day.

From the beginning Hayfields has been regarded as one of the model farms of the country. In 1824, when Lafayette paid his second visit to America, he presented a prize of a beautiful tankard of old English silver to Colonel Bosley for having the best cultivated farm, and the trophy is still in the possession of the family.

The first Hereford cattle brought to this country were imported by John Merryman of Hayfields in 1852, and a great many of the Western herds were founded by him. He also brought the original sheep for the flock in Druid Hill Park.

Space forbids an adequate review of the life of John Merryman of Hayfields, who was one of the most prominent and active Marylanders of his day, and became a National figure in 1861, when he was arrested for treason and imprisoned in Fort McHenry by General Cadwallader in defiance of a writ of habeas corpus issued by Chief Justice Taney of the Supreme Court of the United States. John of Hayfields was born August 9, 1824, and died November 15, 1881.

French Foreign Service

M. Boyer will deliver an address, "Lafayette, Friend of America." M. Boyer, a native of Toulouse, has served in the French foreign service since 1949 and last year was a delegate to the Brussels Conference for the European Market.

Also on display will be one of two silver goblets which Lafayette had Samuel Kirk, the Baltimore silversmith, make. The goblets, suitably engraved, were presented by Lafayette to David Williamson, who had entertained the distinguished guest at his estate Lexington, near Baltimore.

The goblet has been loaned by Samuel Kirk & Son. The other goblet has been loaned by Kirk's for a Lafayette exhibit in Cincinnati.

For his first visit to Baltimore in the year 1824, Lafayette was feted with a great reception, replete with flowered arches, pretty girls strewing flowers in his path, sumptuous banquets, a glittering ball, a great military review and tearful reunions with comrades de guerre.

Presented His Own

It was at this time that Lafayette impetuously presented his own snuff box, engraved with his initials, to Anne Maria Eve Pechin, the younger daughter of his friend, Col. William Pechin, one of the committee of welcome. Colonel Pechin, of French descent, was the first publisher of the old Baltimore American.

The snuff box has been loaned by his great great granddaughter, Miss Julia Pechin Ingle.

A permanent possession of the Historical Society is the elaborate Eighteenth Century, bombe mahogany desk, given to Joseph Townsend of Baltimore by Lafayette in 1824. The desk, beautifully made with serpentine interior drawers and curved exterior drawers, contains three secret compartments. It was given in token of Mr. Townsend's help to the wounded French soldiers at the Battle of Brandywine. The desk was presented to the society by Dr. George Dobbin Brown.

The display will be set up in the double Empire parlors of the society, once the town house of Enoch Pratt. The parlors are held by the Metropolitan Museum of Art and the Smithsonian Institute, to be the finest of their kind in the United States.

"HAYFIELDS," ONE OF OUR MOST FAMOUS ANCESTRAL HOMES, BUILT IN 1808

Sitting on a high knoll overlooking the Worthington Valley, surrounded by large oak, maple, spruce and birch trees and a wilderness of shrubbery of all kinds, and approached by a long, winding driveway which breaks off from the Western Run, Road, a stone's throw to the North of the Shawan Road, and is shaded for its full length by rows of old locusts is famous "Hayfields," the ancestral home of Colonel Nicholas Merryman Bosley and later the roof tree of the famous John Merryman, of Hayfields.

March 5, 1948
It is difficult to adequately describe Hayfields — impossible, really, to make mere words tell its beauties. For it has an artistic atmosphere, an unapproachable pomp and genteel reserve that wholly escapes or defies our limited terms. One must

acres.
The mansion—as well as all other buildings, except one big brick barn—is built of fine old limestone, with all walls, including partitions, two feet thick. It is of the early nineteenth century colonial design, with the main portion facing the South and rising two stories and attic over a deep and dry cellar, and a two-story wing extending North on a line with the West wall of the main structure and having a width of about half its length. The front is approached by a short flight of stone steps which lead to an uncovered stone platform, while a frame porch extends the depth of the East end of the house and a two-story frame porch runs along the rear of the main house from the East end to the angle of the ell formed by the North wing. Two extremely wide chimneys rise at each end of the main house, telling of great fireplaces within.

Inside, the house is divided into more than twenty rooms. Those on the first floor are spacious and open or a wide center hall which runs the depth of the home. As was customary in those days, the ceilings of all rooms on the first and second floors are very high, the doors are wide and the blue shuttered windows long, with deep sills.

To the West of the mansion is the two-story overseer's house, a trim structure of stone and now occupied by Mrs. Betty Merryman Kemp. One wouldn't ask a more comfortable looking or attractive home.

On to the West of this is the two-story main slave house of eight rooms. This structure is built of stone also, and in the kitchen is a wooden post about the circumference of a telegraph pole, running from the floor to the low ceiling, which tradition says is the old slave whipping post. There is another stone slave house to the North, almost back of the overseer's house. It is also two stories in height, but not so long as the main slave quarters.

Further on to the West are the barns, grain barracks, shops and horse stable. All except one barn are built of stone, with very thick walls. An interesting feature of the whole place is the substantial appearance of all buildings. From great house to the slave quarters and spring houses all are constructed of stone and all but the spring houses, of course, are provided with large dry cellars.

The mansion is surrounded by about ten acres of lawns and gardens, shaded by great trees and studded with shrubbery, which are shut in from the farm land by a thick stone wall about one and a half miles. Directly in front of the house the lawn was originally terraced to a formal garden on the South slope of the high hill on which the mansion stands, commanding a view of the valley from its front stoop that holds one in a sort of spell. Colonel Bosley selected the site for Hayfields with the eye of an artist.

The Merrymans have been identified with Baltimore County since 1632, when Captain Charles Merryman, second son of John Merryman of Virginia, came up from the South and purchased land here. Charles became identified with St. Paul's parish in the County, was made captain of militia in 1696 and died at his Baltimore County home in 1725. John, second son of Charles, afterward known as John Merryman of Clover Hill, made his home in what is now a part of Baltimore City, on a short road then known as Merryman's Lane, and now known as Universal Parkway, and died there in 1749. In addition to land which he received from his father, John Merryman of Clover Hill, in 1724, purchased from Thomas Broad 102 acres near Herring Run, in the County. This tract he reconveyed to Broad in 1738, and on the same date Broad transferred the land to John Merryman, Jr., who established himself there and later became known as John Merryman of Hereford. John of Hereford died and was buried on Hereford Farm, in 1777, leaving the place to his son John. This second John of Hereford had a son, Nicholas Rogers Merryman, who married Anne Marie Golt, and their son John, with

his wife, Ann Louise Gittings Merryman, inherited the estate of his great uncle, Colonel Nicholas Bosley Merryman and has remained in the Merryman family to this day.

From the beginning Hayfields has been regarded as one of the model farms of the country. In 1824, when Lafayette paid his second visit to America, he presented a prize of a beautiful tankard of old English silver to Colonel Bosley for having the best cultivated farm, and the trophy is still in the possession of the family.

The first Hereford cattle brought to this country were imported by John Merryman of Hayfields in 1852, and a great many of the Western herds were founded by him. He also bought the original sheep for the flock in Druid Hill Park.

HAYFIELDS

B.C.H.S. Jan Oct 21, 1961

Mr. John Merryman was born at Hereford Farm. In 1841 he went to Porto Rico. In 1847 at the death of his Uncle Nicholas Merryman Bosley he returned to Balto. County and took charge of HAYFIELDS, which he inherited from his Uncle. During the Civil War his interests and sympathy were with the Southern cause. After the first bloodshed of the War in Balto. he burned the bridge at Parkton to prevent the Union Soldiers from reaching Baltimore. For this activity he was arrested and imprisoned at Fort McHenry. On Petition, Chief Justice Rodger B. Taney issued a Writ of Habeas Corpus directed to General Cadwalder to produce the defendant Merryman for a hearing, but he was not released. General Cadwalder was then cited for contempt of Court, which proceedings were also ignored by Cadwalder on the ground that he had been instructed by President Lincoln to disobey the Writ. The Venerable Chief Justice afterwards wrote his celebrated opinion of the Writ of Habeas Corpus, which is regarded as a legal masterpiece. Mr. Merryman was given a signed copy of this document which was cherished by him with profound pride.

One of his sons E. Gittings, married Emily McLane and their son Louis McLane Merryman was owner of Gerar Farm.

HAYFIELDS FARM - Presently owned and operated by Mr. & Mrs. John Franklin. Mrs. Franklin is a life member of Baltimore County Historical Society.

*Information supplied by the late
Miss Mary Mitchell*

Notes made by Mrs. John Franklin

*Hayfields - 20 acres
Home of Col. Nicholas
Merryman Bosley - Built by
Road Labor from Breeding made in
road by Col. Bosley 1808
Had no children - Left property
with great niece his sister - He died
London, England - John Merryman
Oldest son Nicholas Bosley Merryman
Capt. R.
Gen. Lafayette - Tankard from Mid. Prov. Society
First Maryland cattle - first white indigo*

8C HAYFIELDS

COLONEL NICHOLAS MERRYMAN BOSLEY, BUILDER, 1810, AWARDED SILVER TANKARD "BY THE HAND OF LAFAYETTE" FOR BEST CULTIVATED MARYLAND FARM, 1824. ALSO HOME OF JOHN MERRYMAN, EARLY IMPORTER, 1848, OF REGISTERED CATTLE, STILL, 1967, BRED HERE. HIS IMPRISONMENT, 1861, LED TO CHIEF JUSTICE TANEY'S MASTERFUL "EX-PARTE MERRYMAN".

Northwest corner of Shawan and Western Run Roads.

Erected by MHS in 1967

From Roadside Markers

EMILY H. FRANKLIN
OWNER

N. B. MERRYMAN
GENERAL MANAGER

HAYFIELDS FARM
THOROUGHBREDS AND SIMMENTALS
COCKEYSVILLE, MARYLAND 21030
(301) 666-2388

9-1-1975

Hayfields is a part of the tract originally known as Nicholson's Manor and from that part of Nicholson's Manor that belonged to Roger Boyce. Col. Nicholas Merryman Bosley, son of Elijah Bosley and Elizabeth Merryman Bosley of Manor Glen, served in the War of 1812. He assembled Hayfields from land that he acquired in the early 1800 's from Wm. Bosley of J., John Naylor and W John S. Gittings. Col. Bosley built the Main Residence with the help of his slave labor from stone quarried on the farm. This stone is a form of the famous Cockeysville marble and building the house is said to have required ten years. Col. Bosley also built the other quarried stone buildings consisting of the slave quarter, the wagon shed and granary, the cattle barns, and the stone wall enclosing the garden. I am not sure who built the field stone house, where I live, the bachelor quarters, or the brick stable but know that they were built earlier.

Col. Bosley was a very good farmer and improved the land substantially by utilizing such farming practices as the use of burnt lime, applications of manure and rotation of crops, especially the soil building ones. The farm was noted for its tremendous yields of timothy and clover hay, hence its name Hayfi. In 1824, Col. Bosley was presented a silver tankard "By the Hand of Lafayette for the Best Cultivated Farm on behalf of the Maryland Agricultural Society". Col. Bosley was a prime mover in the building of Sherwood Church in 1835. He, Nicholas Rogers Merryman of Hereford and Christopher Love of Loveton served on the First Vestry of Sherwood Church.

Col. Bosley married Eleanor Addison Smith, daughter of Sarah Rogers by her first husband John Addison Smith. They had no issue. Sarah Rogers Smith later married John Merryman of Calvert Street and their son, Nicholas

JIMLY H. FRANKLIN
OWNER

N. B. MERRYMAN
GENERAL MANAGER

HAYFIELDS FARM
THOROUGHBREDS AND SIMMENTALS
COCKEYSVILLE, MARYLAND 21030
(301) 666-2388

Rogers Merryman of Hereford , who served in the War of 1812 , was the father of John Merryman , who inherited Hayfields in 1847 and was thereafter known as John Merryman of Hayfields.

John Merryman of Hayfields is best remembered for his activities during the Civil War. He was a Southern Sympathizer and was highly concerned about the Baltimore Riots which occurred when Northern troops marched thru Baltimore on their way to protect Washington. Quite a number of citizens were killed and wounded when the first Northern troops marched thru Baltimore.

John Merryman reasoned that such riots could be prevented if troops did not pass thru Baltimore. He , therefore , took some men and burnt down one of the railroad bridges near ^{PARKTON} Cockeysville thus causing the Northern troops to march across country to Washington. John Merryman was arrested for this activity and placed in jail at Fort McHenry. He was supposed to have been hung for treason. However, Chief Justice Roger Brooke Tanney wrote a masterful treatise on this case and the First Writ of Habeas Corpus in this country ~~spared Merrymans life~~ was issued sparing Merrymans life.

After the Civil War , John Merryman was active in politics and agriculture. He served as Treasurer of the State of Md. ; was a member of the first board of regents of the Maryland Agricultural College (later the U. of Md) and imported some of the first Registered Hereford Cattle and Suffolk Sheep to the U. S. Descendants of one of John Merrymans imported bulls are still grazing on Hayfields.

"HISTORIC HAYFIELDS": MARYLAND HUNT COUNTRY ELEGANCE

The Twelfth Decorators' Show House

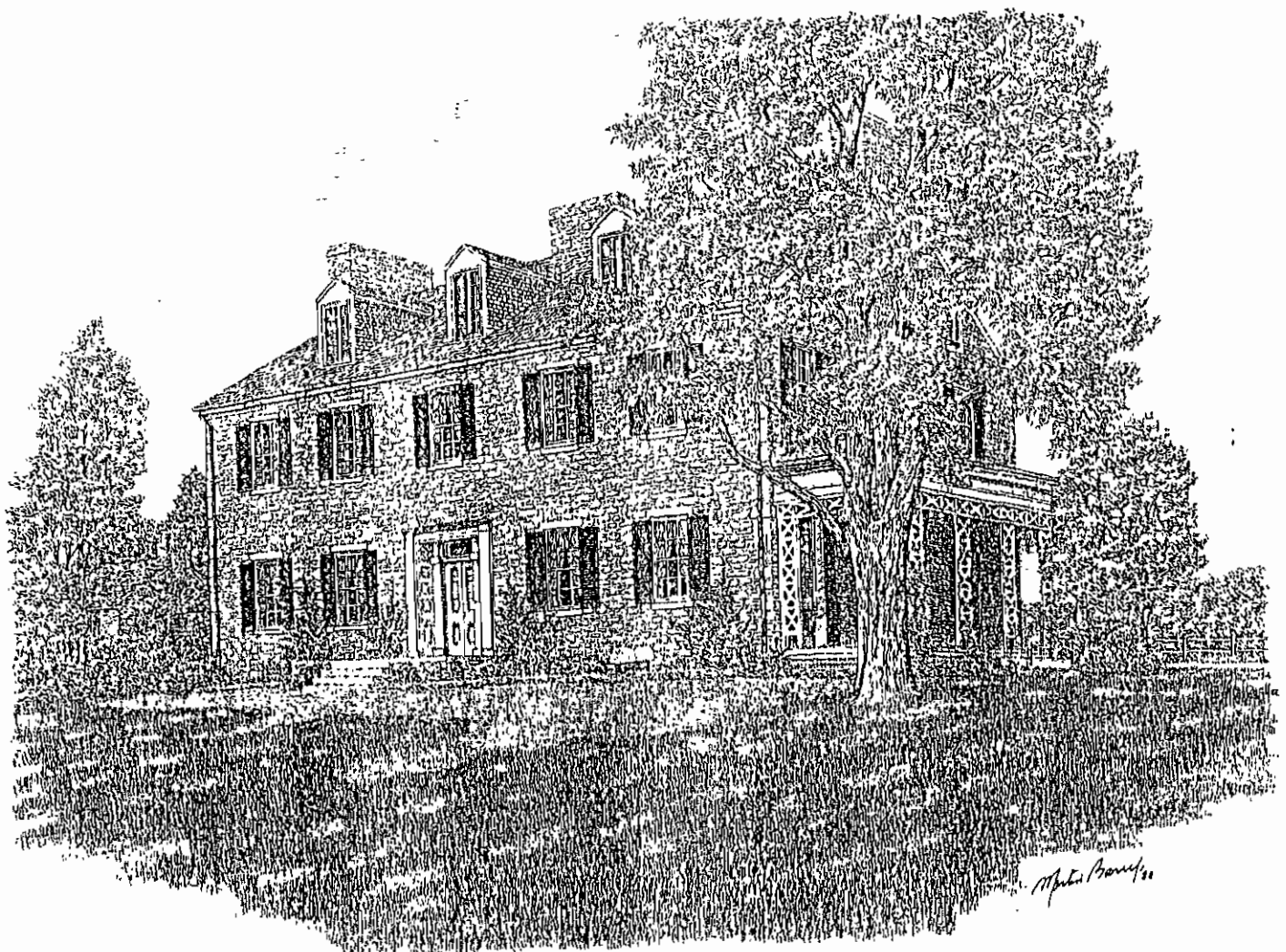
Would it be a dream to do? Or would you consider it a nightmare? Whether it's the daunting prospect of an entirely empty house waiting to be transformed into a liveable home, or an already furnished room that lacks sparkle and personality, the perfect solution may be waiting for you at "Historic Hayfields" in Cockeysville, the 1988 Decorators'

Show House presented by the Baltimore Symphony Associates to benefit the Baltimore Symphony Orchestra.

Professional interior designers are making over each area of the mansion into their unique versions of "home." Walk through the rooms and study the results. Viewing the fresh seating

arrangements, intricately composed tablescapes, or mirrored walls may provide valuable aids for banishing your own residential "nightmares."

Begin in the main stairhall, being transformed by Russell Slouck and Dennis Deutsch of Gatehouse Interiors. Using tones of gold and amber, the designers are



creating an area in the neo-Classical style popular in the Federal Period when Hayfields was constructed between 1805 and 1808. Colonel Nicholas Merryman Bosley would have appreciated the designers' "View From the Stairs," an exciting mural depicting his mansion in its exquisite setting in Worthington Valley.

The dark panelling and rather formal atmosphere of the library would also make the Colonel feel comfortable. Furnishing the room as a rather masculine study, Gary Lawrik and Sara Lawrance provide a fitting place for the owner to manage his estate.

Award-winning designer Marilyn Poling, whose dining room at last year's Show House was featured as one of the country's ten best Show House rooms in *House Beautiful*, will create a sleek and sophisticated treatment for the large living room of "Hayfields." Choosing to do the room in "relaxed French Regency" style, she will incorporate eclectic accents. Spicy peach will be a major color in this understated design, but look also for touches of dusty rose, warm taupe, and lavender.

Dine with the pleasant music of tinkling water in the background in Dan Huber's elegantly furnished formal dining room. The miniature garden in the large bay window is a backdrop for the English Regency antique table and chairs placed on a custom area rug covering the polished floors. A quiet shade of dark teal is used for the wallpaper, while contemporary accent pieces lighten the mood of the room.

The veranda overlooking the namesake fields of the mansion will be a setting for casual conversation or private outdoor dining, made more beautiful with furnishings in a "bouquet of nature's colors," according to designer Mitchell Solberg of Casual Furniture Gallery. Farther along on the tour, practicality yields to the romantic and the elegant when Christina Haire brings her design expertise to the bath/dressing room at the head of the main staircase. A white Victorian wicker settee invites lingering in this pastel

haven. Butterflies and flowers on the wallpaper bring a warm springtime feeling indoors. Luxurious touches of Battenburg lace and white linen and an antique French gilt chandelier all add their charm to this gracious retreat.

Highlighting the long association of "Hayfields" with fine thoroughbreds and traditions of the hunt, Jeannine Feeney presents a sitting room and bath with strongly masculine touches of leather, wood, and marble. Riding trophies and ribbons are proudly displayed against a color scheme featuring magenta with black and white.

Stanley Kroiz of Studio House bases his color scheme on the beautiful flamestitch pattern in the draperies of the master bedroom. Combining shades of peach, amethyst, and gray, the flamestitch is united with a second fabric in a mottled peach. Antiques of different periods are joined in harmony in this sophisticated room.

Farther along on the second floor, Danielle Fleischer has created a corner bath of quiet elegance and opulence by transforming a tiny closet into a lighted and mirrored display case, and building a mini-library of custom shelves. The master and mistress of the house will have every reason to linger in "La Salle de Bains."

Showing what can be achieved in a small third-floor room, Roberta Lockwood of Designed Interiors is using greens and peaches in an area used for crafts and sewing. Proceeding into a boy's bedroom called "Far Vistas" by designer Dot Gomeringer, the visitor will find a color scheme reflecting a youthful occupant in a practical combining of blues, greens, and sand, with accents of copper, gold, and silver. Bleached wood furniture creates an interesting new look here. For a change of pace, return to Victorian times with Jo Rand of Dannemann's. Her nursery is a room "filled with sweet dreams of innocence." In an area primarily planned for the infant who will use the ornate brass crib accented with lace, the antique toys scattered in profusion on the floor are evidence that siblings often keep the baby com-

pany. The main fabric in the room features a muted green stripe against a white background, a fresh approach to nursery decor.

Professional interior designers are making over each area of the mansion into their unique versions of "home." Walk through the rooms and study the results. Viewing the fresh seating arrangements, intricately composed tablescapes, or mirrored walls may provide valuable aids for banishing your own residential "nightmares."

Returning to the first floor, the visitor will enter a working sculpture studio, not far from the kitchen and main hub of activity, featuring in-progress and completed bronze works of Guilford resident Priscilla Buxton. At intervals when the Show House is open, Miss Buxton will demonstrate the techniques of her art here. A former ballerina with the Washington Ballet, she specializes in representational figures of classical ballet performers, as well as of babies and children.

Easily reached via Highway I-83, "Historic Hayfields" is prominently positioned within its setting of 650 acres near Shawan Road and Western Run Turnpike, not far from Oregon Ridge. A well-marked lane leads to free parking on the grounds, with easy access to all the special features of this magnificent Show House. Plan to enjoy a delicious meal in the "Hunt Country Inn," a cozily decorated dining room created within the stone walls of the original carriage house. Nearby is the "Garden Greenery"—just the place to purchase the special blooming spring plants needed for your house and yard. The extensive "Tally Ho Boutique" occupies the entire lower level of "Hayfields" and can be visited both after touring the house and at other convenient times. Purchase of a ticket is not necessary to enter the shop.

continued

DISCOVERY SERIES

"This is what all concerts should be like. People were laughing and chortling and having an awfully good time."

The Baltimore Sun

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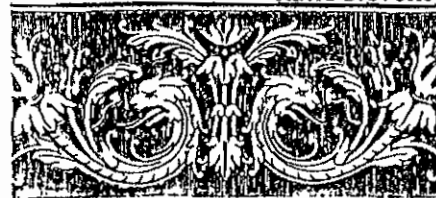
SHOW HOUSE continued from page 43

Unique craft items and gifts appropriate for Mother's Day and Secretary's Day are available in profusion. A special area has been set aside for foods of all descriptions, including snacks and dessert sauces. Profits from all purchases will benefit the Baltimore Symphony.

Mr. and Mrs. Nicholas Mangione have generously permitted the volunteers of the Baltimore Symphony Associates, led by Chairmen Maureen Eliason and Pat Garland, to use "Historic Hayfields" as the Twelfth Annual Decorators' Show House. Design Chairman Cele Mitchell and her committee have assembled the talented designers whose work is displayed in 32 areas of the interior, as well as in the landscaped gardens. Whether you come for practical idea-gathering to fuel do-it-yourself projects, or to make a critical assessment of the various styles of the many fine designers donating their time and efforts, you won't want to miss "Historic Hayfields."

The Show House will be open every day from April 17 to May 15. Hours are: Monday through Friday, 10 am to 3 pm; Tuesday, 10 am to 8 pm; Saturday and Sunday 1 pm to 5 pm. Children under 10 years, including infants, cannot be admitted. Advance purchase tickets are available until April 16 for \$6 from the Meyerhoff ticket office or by mail. Make checks payable to Symphony Decorators' Show House, and mail with a stamped, self-addressed envelope to Mrs. Harry S. Stevens, 12 Overhill Road, Baltimore, Maryland 21210. Tickets purchased at the door are \$8. Tickets for groups of 25 or more are \$5. The House is also available for private parties and tours when it is not open to the public; call Tere Oleksik, 329-6758, for reservations. Directions: North on I-83 to Shawan Road West (Exit 20). Take the first right turn onto Western Run Turnpike, and proceed 1/4 mile to the Show House entrance.

Katie Stevens



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Welcome to Hayfields

The Baltimore County Historical Society

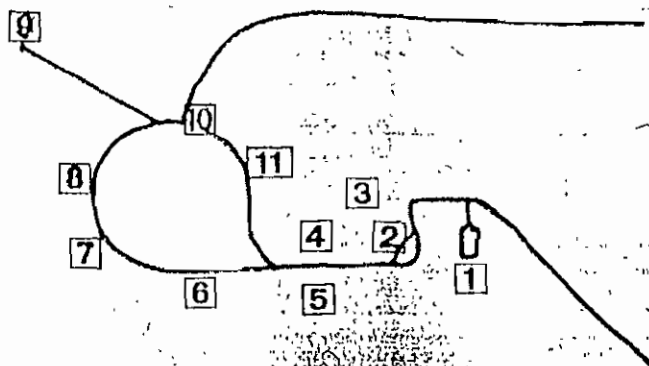
Nicholas B. Merryman, speaker

Three o'clock, South Lawn

Hayfields, near Cockeysville, is composed of parts of Nicholson's Manor and Taylor's Discovery. Consisting of 500 acres, it was assembled in the early 1800's by Colonel Nicholas Merryman Bosley. The original buildings were built of fieldstone and comprise the Cottage, the Bachelors' Quarters, and the Main Barns. The Stable is made of brick and contains two lofts. The Main House is built of quarried stone as are the Slave Quarters, the Granary, the lower Wagon Shed, and some of the smaller dependencies. This stone was quarried on the farm itself and the buildings erected with slave labor. There is a two-acre garden also fenced with quarried stone.

In 1824, a silver tankard was presented to Col. Bosley by the hand of General LaFayette on behalf of the Maryland Agricultural Society for the "Best Cultivated Farm." Having no issue, Col. Bosley bequeathed the farm to his close relative, John Merryman of Hayfields. An outstanding farmer, John Merryman imported some of the first registered Hereford cattle and Suffolk sheep to this country.

Today, approximately 50 acres comprising the buildings and courtyard are available for sale. In keeping with one of its missions to establish a Farm Museum, the Baltimore County Historical Society invites you to inspect this property and consider its potential for displaying its collection of farm equipment, for housing the historical and genealogical library, and for exhibiting Baltimore County historical artifacts.



① MAIN HOUSE—Completed prior to 1820, the Main House took ten years to build with slave labor. Virgin timber from the farm supplied the main beams which run the entire length of the mansion. Although having three floors, household help lived above the kitchen wing. The original entrance with driveway was on the south side of the house.

② GAS HOUSE—Originally a stone building (now a small garage), the Gas House held a gas tank from which fumes under pressure supplied the Main House lights.

③ SMOKE HOUSE—An early building on the property, and a dependency of the Cottage, the Smoke House was built prior to the Main House.

④ COTTAGE—The original farm dwelling, the Cottage was already built when Colonel Bosley acquired the property in 1811. The earliest structure was west of the front door, one room with a sleeping loft above. Bosley enlarged the Cottage, adding the center hall, stairs, and two stories to the right of the front door. He lived here until the Main House was completed.

⑤ GARDEN/ORANGERIE—A stone wall fences two and one half acres of terraced gardens. Below the swimming pool is the approximate site of the farm's orangerie or 'lemon pit' as it was sometimes called. South of the Garden, in the front field, was the Quarry, source of all quarried stone for all buildings. The Blacksmith's Shop and Forge were where I-83 and Shawan Road are today.

⑥ SLAVE QUARTERS—Originally this building consisted of three separate apartments, each having an upstairs, while the basement ran the length of the building. Later used as the farm's office and tenant house, the south entrance to one apartment has a geographical marker set into the stone steps. Rings in the steps at each end of the building were used with ropes as pulleys to lower and raise casks, etc. stored in the basement.

⑦ GRANARY—Above the tool shed runs a large loft for grain. Although conceivably used as a carriage house, more likely the sheds held loaded hay wagons waiting for better weather. A unique architectural feature is the outside stone steps accessing the granary above. A full cellar was also used for storage.

⑧ BRICK STABLE—Consisting of seven box stalls and a tack room on the lower level, the building also has two large lofts—one for hay, the other for flailing grains. Speculation suggests that most of the brick was ballast from Baltimore-bound ships. As with most of the other buildings, massive virgin timbers run the length of this building also.

⑨ MAIN BARN—The original barn complex featured a massive fieldstone barn connected by flanking stone-walled walkways from two smaller quarried stone barns on either side. Remodeled in the 1940's, most of this complex burned in 1982.

⑩ CARRIAGE HOUSE—Now a garage and storage shed for farm machinery, the original building housed fancy farm carriages and cabriolets. Further down the hill near the pond is the Spring House, surrounded with its own stone wall. The farm's Ice House, filled in during the 1940's, was northeast between the Carriage House and the Bachelors' Quarters.

⑪ BACHELORS' QUARTERS—Originally built primarily for house servants, the building became later known as the Bachelors' Quarters. Built after the Cottage, the building was standing by the 1820's, having its own cellar, main floor, sleeping floor, and attic.

The farm houses are currently occupied and are NOT OPEN to the public. Please respect their privacy.

Hayfields To Be Show House

By Walter F. Herman

Hayfields, one of Baltimore County's oldest estates, has been selected as the 12th annual Baltimore Symphony Decorators' Show House.

Located in Hunt Valley off Western Run Road Turnpike, just north of Shawan Road, the 600-acre estate dates from 1808 and offers 30 rooms for decorators to dress up for the spring fund-raising event.

The proceeds from the Show House are used by the Baltimore Symphony Associates for the benefit of the Baltimore Symphony.

The 1988 event will be held from April 17 through May 15, according to George Brown of Severna Park, who is handling publicity for the Show House.

Nancy Young, a Cross Keys resident, is chairwoman of the Decorator Show House Committee.

Hayfields was built by Col. Nicholas Merryman Bosley between 1805 and 1810.

"The mansion has been vacant for the past six years, but it is in

very good condition," Brown said.

The Bosley family kept ownership of Hayfields until it was sold in 1979 to J. H. (Bud) Hammerman II.

The estate was purchased recently by developer Nicholas Mangione.

The land has continued to be used through the recent changes in ownership as a working farm, and even new members of the Merryman family have been growing corn on the fields.

Young said the committee has lined up 27 decorators to turn the mansion into a real Show House.

They will take possession on March 5, and the work should be completed by the week of April 11, when the media will be allowed to tour.

The annual evening preview party is scheduled for Saturday, April 16.

This Hunt Valley location will be the farthest the Baltimore Symphony Associates have ventured from the city for the event.

Among previous Show Houses in the Green Spring Valley, were

Laural, Gramercy and Zemblyn Perches; the present Roland Park Country School house in Roland Park, and several mansions on Greenway in Guilford.

In previous years the Show House event has raised as much as \$100,000 profit.

The decorators will return the house to the owner in better condition than when they took over, and major changes, such as kitchens and baths, often are left intact.

The gardens and pool area are being restored at Hayfields, Brown said, and all will be in readiness for the expected crowds this spring.

To get to Hayfields take Shawan Road west from I-83 to north on Western Run and follow signs to the 600 acre estate.

The hours for the Show House will be 10 a.m. to 3 p.m. weekdays, except Tuesdays, from 10 a.m. to 8 p.m.

On weekends, the public may attend from 1 to 5 p.m.

Admission will be \$8 at the door, \$6 if tickets are bought in advance of the opening.

The Merryman Property

Editor: This map shows Oregon Ridge Park and the Merryman property, which were discussed on your Opinion • Commentary page Jan. 3.

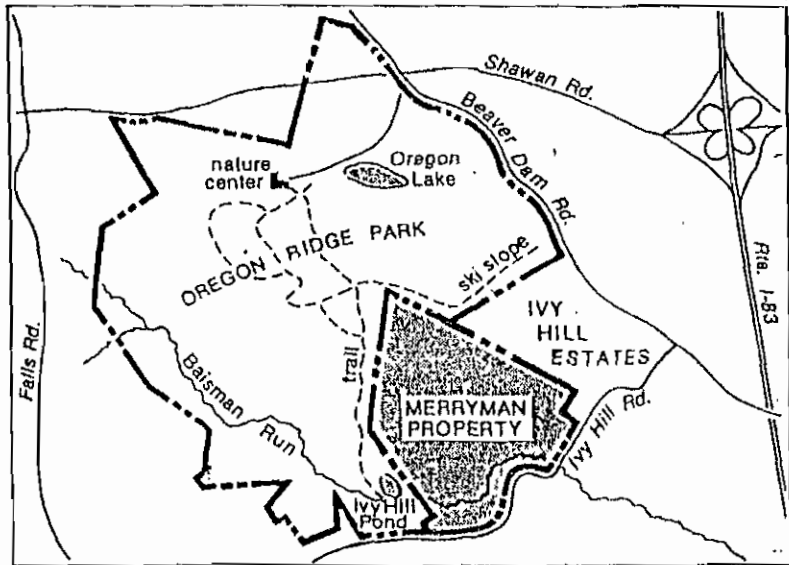
The issue is whether the 177-acre Merryman property is going to be developed for luxury housing or acquired by Baltimore County for addition to the park.

Last year, Baltimore County unsuccessfully bid \$900,000 for the Merryman property. Because of limited funds, the county is reluctant to pursue the matter further, either by offering the developer a higher price or by allowing a jury to determine the price through condemnation proceedings.

It is easy to foresee what impact the development of the Merryman property would have on the adjacent park. Ivy Hill Estates is a similar project now nearly completed. It has the kind of subdivision roads and large houses that would stretch from the top of the ski slope to the bluff overlooking Ivy Hill Pond and Balsman Run. If the Merryman land were developed.

It is also easy to see what the Merryman property would look like if it were acquired for park use. All one has to do is follow one of the trails starting at the park's nature center, then imagine similar trails extending throughout the wooded ridge-top, slopes and ravines of the Merryman land.

Oregon Ridge Park is of regional importance, and accordingly deserves regional support. I believe that there are many people — not



just from Baltimore County but throughout the Baltimore region — who are willing to contribute money to help Baltimore County buy the Merryman property for park use. Already the Coalition to Preserve Oregon Ridge Inc. has received pledges from individuals and local businesses totalling more than \$200,000. This large sum is likely to grow as more people become aware of what is at stake.

Moreover, this private fund can be added to \$900,000 in state Program Open Space money that is available to Baltimore County for purchase of the Merryman property. The opportunity to use state funds and large private contributions may in turn persuade the

county to allocate some of its own money, if necessary, toward buying the Merryman land.

Meanwhile, the developer is moving ahead. He is scheduled to submit his subdivision plan for final approval at a public meeting of the County Review Group on Jan. 26.

While his plans are being reviewed for conformance with county regulations, the county government (with financial help from all friends of the park) should take this last opportunity to buy the Merryman property for addition to Oregon Ridge Park, as recommended in the county master plan.

Baltimore.

Alan Fisher.

HAYFIELDS

The main house was built around 1800 by Colonel Nicholas Merryman Bosley using limestone quarried on the place. Tastefully restored and furnished with beautiful antiques by the present owners, Haysfields has never passed out of the family. The fieldstone gardeners house, slave quarters, ice house, smoke house, and carriage barn were built some 75 years earlier. Handsome stable built of red ballast brick. When Lafayette visited Maryland in 1825, he presented Colonel Bosley with a silver tankard for having the best cultivated farm in the state. Owners: Major General and Mrs. John Merryman Franklin.

Mr. John Merryman of Hayfields

Mr. John Merryman, of Hayfields, having given so much of his interest and love to the Church, and contributing so bountifully toward the improvements, did not live to see the work completed. His funeral was the first to be conducted after the completion of this beautiful new church - Sherwood Parish.

John Merryman of Hayfields, was one of the outstanding figures in the history of Sherwood Parish. He was for many years Register of the Vestry, and an ardent supporter of all that concerned the Parish's welfare. He was born at Hereford Farm, Baltimore County, on the 9th of August 1824, the son of Nicholas R. Merryman and Anne (Gott) Merryman. The Merryman family were of English extraction, the first of which emigrated from Herefordshire, about the year of 1650. In 1662 James Merryman, a member of Lloyd's first Commissions, assigned his certificate for five hundred acres of land to John Browne. This is the first transfer found in Maryland under that name. In the administration of James Calhoun, then Mayor of Baltimore, John Merryman, the grandfather of the subject, was president of the Second Branch of the City Council, at which time Hercules Courtney was president of the First Branch. It was through the efforts of these men that the General Assembly passed the Act for the incorporation of Baltimore City.

In 1839 John Merryman entered the hardware business in Baltimore, but two years later went to Guayamas, Porto Rico, where he engaged in business with some of his maternal relatives, in which place he resided for several years. In 1847, at the death of his Uncle, Nicholas Merryman Bosley, he returned to Maryland and took charge of "Hayfields", of which he was now proprietor.

During the Civil War, John Merryman's interests and sympathies were with the Southern cause. After the first bloodshed of that bitter struggle had taken place on the streets of Baltimore in April, 1861, he burned ^a ~~the~~ bridge south of Parkton, Baltimore County, to prevent a Pennsylvania Regiment from reaching Baltimore, by means of the Northern Central Railroad. For this activity, he was arrested on May 25th, and imprisoned at Fort Mchenry, by troops under the command of General Caldwell. On petition, Chief Justice Roger

Roger B. Taney issued a Writ of Habeas Corpus directed to General Caldwell to produce the defendant Merryman for a hearing, but he was not released. General Caldwell was then cited for contempt of Court, which proceeding was also ignored by Caldwell on the ground that he had been instructed by President Lincoln to disobey the Writ. The venerable Chief Justice, afterward wrote his celebrated opinion on the Writ of Habeas Corpus, which is regarded as a legal masterpiece. Mr. Merryman was given a signed copy of this document, which was cherished by him with profound pride.

He was for many years a member of the Whig party, upon the dissolution of which he became affiliated with the Democratic party, an active member of which he remained until his death. He served his County as President of the Board of County Commissioners and as a member of the House of Delegates and the State, as Treasurer. He was greatly interested in scientific farming and belonged to many agricultural organizations, among which were the Maryland Agricultural Society, the United States Agricultural Society, president of the National Agricultural Association and one of the trustees of the Maryland Agricultural College.

In his home he entertained with the lavish hospitality which has since been associated with the name of "Hayfields", and even though his home was filled with guests on Sunday, this did not affect his attendance to the services of the Church, his guests were told that everyone was expected to go to Church, and the result was that his family and friends filled nearly one side of the Church building. His Church, "Sherwood" came next to his family in his daily life, his love and devotion for both could not be surpassed.

John Merryman was survived by his wife, Ann Louisa, whom he married in 1844. She was the only daughter of Elijah Gittings and Ann Lux Cockey. They had ten children: Ann Gott, Elizabeth, (married Lieut. Com. Charles H. Black) David Buchanan (married Elizabeth Montague), John, unmarried; E. Gittings (married Emily McLane), Louie (married James S. Nussear, Jr.) William, unmarried; N. Bosley (married Willie Norton McGlesky), James (married Isabelle

Brown), Laura (married Philip A.S. Franklin)

Mr. E. Gittings Merryman succeeded his father as Register of Sherwood, in which capacity he served until his death in 1913. He lived and farmed his beautiful estate "Gerar" within sight of his boyhood home "Hayfields". He was for many years a director of the National Bank of Cockeysville. His son, Louis McLane Merryman was elected to the vestry on his death,

Ref: "One hundredth Anniversary of Sherwood Church
Cockeysville, Baltimore County, Maryland
1830 - 1930

by

Rev. Guy Edison Kagey, Rector

"HAYFIELDS" near Worthington Valley, built by

Colonel Nicholas Merryman Bosley in 1808

Sitting on a high knoll overlooking the Worthington Valley; surrounded by large oak, maple, spruce and birch trees and a wilderness of shrubbery of all kinds, and approached by a long, winding driveway, which breaks off from the Western Run road a stone's throw to the North of the Shawan road, and is shaded for its full length by rows of old locusts, is famous "Hayfields", the ancestral home of Colonel Nicholas Merryman Bosley and later the roof tree of the famous John Merryman of Hayfields.

It is difficult to adequately describe Hayfields - impossible, really, to make mere words tell its beauties. For it has an aristocratic atmosphere, and unapproachable pomp and genteel reserve that wholly escapes or defies our limited terms. One must visit Hayfields and feel it to get any satisfying conception of the place. One doesn't have to be informed by records or report that real people lived there, Hayfields tells you that with every stone and stick of its makeup.

The Hayfields homestead was begun by Colonel Nicholas Merryman Bosley in 1805 and was finished and ready for occupancy in 1808. The whole establishment is said to have been set up from plans drawn by Colonel Bosley himself, and included a great house, overseer's house, slave quarters, blacksmith shop, horse barn, cattle barn, large granary, wagon sheds, barracks, two or three spring houses, ten acres of lawns and gardens, comprising three terraces on the South slope and surrounded by a stone wall and the whole set in a model farm of about five hundred acres.

On to the West of this is the two-story main slave house of eight rooms. This structure is built of stone also, and in the kitchen is a wooden post, about the circumference of a telegraph pole, running from the floor to the low ceiling, which tradition says is the old slave whipping post. There is another stone slave house to the North, almost back of the overseer's house. It is also two stories in height, but not so long as the main slave quarters.

Further on the West are the barns, grain barracks, shops and horse stable. All except one barn, are built of stone, with very thick walls. An interesting feature of all the place is the substantial appearance of the buildings. From great house to slave quarters and spring houses all are constructed of stone and all, but the spring houses, of course, are provided with large, dry cellars.

The mansion is of the early nineteenth century colonial design, with the main portion facing the South and rising two stories and attic over a deep and dry cellar, and a two-story wing extending North on a line with the West wall of the main structure and having a width of about half its length. The front is approached by a short flight of stone steps which lead to an uncovered stone platform, while a frame porch extends the depth of the East end of the house and a two-story frame porch runs along the rear of the main house from the East end to the angle of the ell formed by the North wing. Two extremely wide chimneys rise at each end of the main house, telling of great fire-places within.

Inside, the house is divided into more than twenty rooms. Those on the first floor are spacious and open off a wide central hall which runs the depth of the house. It was customary in those days, the ceilings of all rooms on the first and second floors are very high, the doors are wide and the blue shuttered windows long, with deep sills.

To the West of the mansion is the two-story overseer's house; a trim structure of stone and now occupied by Mrs. Betty Merryman Kemp.

The Merryman's have been identified with Baltimore County since 1682, when Captain Charles Merryman, second son of John Merryman, of Virginia, came up from the South and purchased land here. Charles became identified with St. Paul's parish in the County, was made captain of militia in 1696 and died at his Baltimore County home in

883
7/64

Hayfields, continued

1725. John, second son of Charles, afterward known as John Merryman of Clover Hill made his home in what is now a part of Baltimore City, on a short road then known as Merryman's Lane, and now known as University Parkway, and died there in 1749. In addition to land which he received from his father, John Merryman of Clover Hill, in 1724, purchased from Thomas Broad 102 acres near Herring Run, in the County. This tract he reconveyed to Broad in 1738, and on the same date Broad transferred the land to John Merryman, Jr., who established himself there, and later became known as John Merryman of Hareford. John of Hareford died and was buried on Hareford Farm in 1777, leaving the place to his son John. This second John of Hareford had a son Nicholas Rogers Merryman, who married Anne Maria Gott, and their son John, with his wife, Ann Louisa Gittings Merryman, inherited the estate of his great uncle, Colonel Nicholas Merryman Bosley, and became John Merryman of Hayfields. In 1806, on the death of Anne Louisa Gott Merryman, the estate passed to Nicholas Bosley Merryman and has remained in the Merryman family to this day.

From the beginning Hayfields has been regarded as one of the model farms of the country. In 1824, when Lafayette paid his second visit to America, he presented a prize of a beautiful tankard of old English silver to Colonel Bosley for having the best cultivated farm, and the trophy is still in the possession of the family.

The first Hareford cattle brought to this country were imported by John Merryman of Hayfields in 1852, and a great many of the Western herds were founded by him. He also brought the original sheep for the flock in Druid Hill Park.

Space forbids an adequate review of the life of John Merryman of Hayfields, who was one of the most prominent and active Marylanders of his day, and became a National figure in 1861, when he was arrested for treason and imprisoned in Fort McHenry by General Cadwallader in defiance of a writ of habeas corpus issued by Chief Justice Taney of the Supreme Court of the United States.

John of Hayfields was born August 9, 1824, and died November 15, 1881.

Excerpts taken from article written by
Mr. W. W. Williams of the Jeffersonian
October 3, 1931.

HAYFIELDS

About eight miles northwest of Towson and two miles from the Gunpowder, situated on a knoll in the beautiful Worthington Valley, surrounded by large oak, maple, spruce and birch trees, is "Hayfields", the ancestral home of Col. Nicholas Merryman Bosley. "Hayfields" was built by hand labor from plans drawn by Colonel Bosley in the sand with his cane, and today the plan is considered ideal - door opposite window, or window opposite window. About ten acres of lawn and the garden, comprising three terraces, are surrounded by a stone wall. The estate contains about five hundred acres and is equipped with its own blacksmith shop, wagon sheds large barns and barracks for storing the crops for which the place is noted.

Colonel Bosley was of English descent and having no children left the place to his great-nephew and his wife's great neice, John Merryman and Anne Louisa Gittings, for their lives, and at their deaths to their oldest son (that old English law of primo-geniture). Nicholas Bosley Merryman inherited the place in 1896 upon the death of his mother.

When Lafayette, in 1824, paid his second visit to this country, he presented a prize for the best cultivated farm in the state. this prize, a beautiful tankard of old English silver, was awarded to Colonel Bosley, and is in the possession of the family. The farm land is unusually beautiful, with rolling green pasture fields and running water. An interesting feature of this place is the substantial appearance of all the buildings. From tenant house to slave quarters, they are provided with large dry cellars. The first Hereford cattle brought to this country were imported from England by John Merryman in 1852 and a great many of the western herds were founded by him. He also brought the ~~origin~~ original sheep for the flocks in Druid Hill Park. No chickens except Indian game, the fighting variety, have ever been raised on the place.

The buildings are all of fine limestone, and all walls, including partitions, are two feet in thickness. The main house required three years in building and was completed in 1808. "Hayfields" still remains in the family of the descendants of its builder, Col. Nicholas Merryman Bosley.

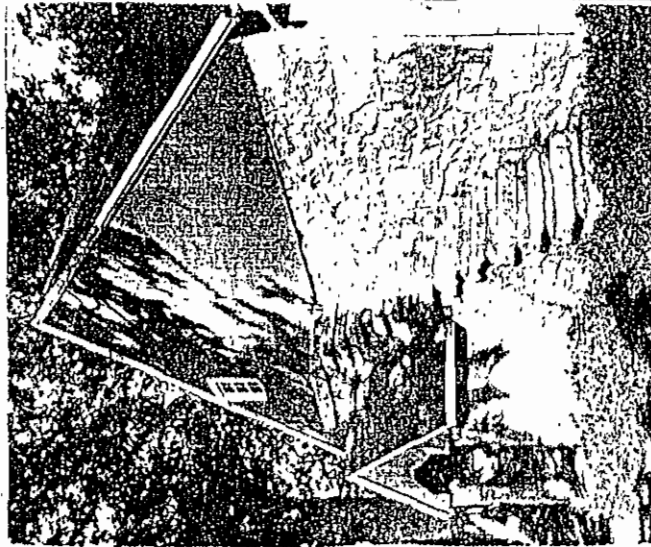
C. Verplanck

Hayfields

Hayfields known as one of the best farms in Baltimore county and situated on a hill near Cockeysville is the ancestral home of Col. Nicholas Merryman Bosley. It was built by hand labor and completed in the year 1808. In 1824 Col Bosley was presented a silver cup by Lafayette for the best cultivated farm in Maryland. The house is still in possession of the family. It is surrounded by ten acres of ground comprising lawn and gardens three terraces surrounded by a stone wall. On the place which consists of over four hundred acres are the original slave quarters and what was the blacksmith shop.

Col. Bosley had no children, so he left Hayfields to his great nephew John Merryman, and his wife's great niece Ann Louise Gittings. John Merryman in 1852 imported the first Hereford cattle from England, and it is said that a great many of the western herds were founded by him. Here also were raised Indian Game Cocks of the fighting variety, and one of the sporting events of Baltimore county in the early days was to attend a cock fight.

Hayfields: 162 Years in One Family

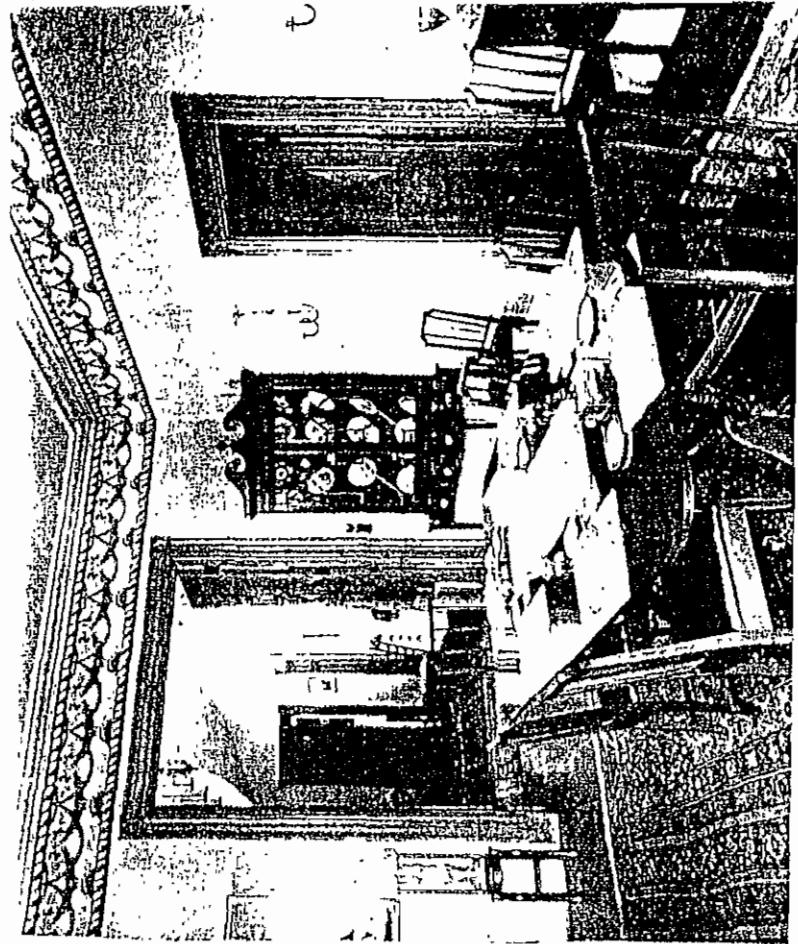


Granary is known for its unusual outside stone steps. Other dependencies on the estate are of stone with the exception of one brick barn.

CITED as "worthy of careful preservation" by the Historic American Buildings Survey of the Department of the Interior, the mansion house of Hayfields, Farm, Worthington Valley estate of General and Mrs. John Merryman Franklin, is also a home of great charm and comfort.

As one of the few, Baltimore county houses which have remained in the same family since the Eighteenth Century, Hayfields is steeped in history which enhances and enriches its natural beauty. General Franklin, chairman of the board of the United States Lines, and his wife divide their time between a New York apartment, a winter home in Florida and this fieldstone house designed, it is said, by the original owner, Nicholas Merryman Bosley.

Starting in 1800, slaves labored for eight years to complete the house, Mrs. Franklin relates, using stone from local quarries. The walls of Hayfields and its dependencies are 15 inches thick, and there is only one steel beam in the house: the rest are oak. Except for dormer windows which the Franklins added, the exterior of the house remains as it was when

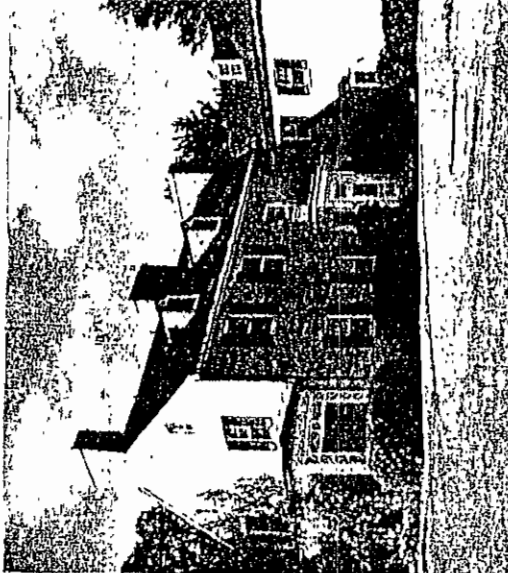


Dining room is typical of the graciousness of the Cockeysville home of General and Merryman Franklin. General Franklin is chairman of the board of the United States Lines. The over-all atmosphere is homely rather than nautical.

There is a Frank Voss painting of Mrs. Franklin, who rode to hounds until just a few years ago, astride one of the Hayfields thoroughbreds, over the beautifully carved wood mantel. Even Mrs. Franklin's needlepoint pieces reflect her interest in horses and birds. She is a seasoned traveler and able photographer.

PORTRAITS by Sir Thomas Lawrence and John Hoppner are outstanding features of the living room, which is furnished with family pieces against a restful background of cream, green and gold. In the dining room with its wallpaper frieze and sconces copied from Williamsburg there are more antiques from the Merryman family, including a serpentine-front sideboard and corner cabinet, which contribute to this gracious setting.

Although she was born in New York, Mrs. Franklin's forebears, the Hammonds, settled in Maryland, so she feels "quite at home in this part of the world." She by slave labor.



Hayfields Farm, which has been in General Franklin's family since the Eighteenth Century, was built of local stone by slave labor.

Hammerman firm buys Hayfields

By MONTE L. TRAMMER

Towson Bureau of The Sun

A corporation associated with I. H. (Bud) Hammerman, a wealthy developer and mortgage banker, has bought a tract of land in the Oregon Ridge area of Baltimore county that is under consideration for county historic landmark status.

The land is also adjacent to the site of a proposed \$5 million county outdoor concert facility.

The 474-acre site purchased is that of

the historic Hayfields Farm. It was bought by Hayfields, Inc., a subsidiary of The Hammerman Organization, in a transaction settled Monday.

James E. Offutt, president of Hayfields, Inc., and an attorney for The Hammerman Organization, would not reveal the purchase price, but said that the sales agreement allowed Mrs. John Merryman Franklin, the former owner, to continue living on the property for a maximum of 10 years.

Mr. Offutt said that the property, located north of Shawan road and west of Interstate 83, near Hunt Valley, would be maintained as a farm. He said there were no plans to develop it.

Mr. Offutt said that the transaction occurred because of the organization's need to re-invest funds.

The Hayfields site, on which the Baltimore County Council is considering conferring historic landmark status, was the subject of a landmarks preservation hearing April 25.

It includes a mansion built in 1810 by Col. Nicholas Merryman Bosley, a pioneer in soil conservation, according to data gathered by the Landmarks Preservation Commission. Several other buildings are on the property and the Hammerman Organization has asked for clarification of which are to be considered historic.

Landmark status requires that any substantive changes to the exterior of a structure take place in consultation with the commission.

The county administration intends to spend \$5 million to build an outdoor concert facility at Oregon Ridge, located across Shawan road south of Hayfields.

Some area residents are concerned that the proposed county project could spur commercial and residential development in what now is a largely agricultural community.

They fear that a performing arts center will lead to road-widening and extension of public water and sewer service, factors that can lead to increased development.

The county administration said those changes will not occur.

B. Merryman Kemp, owner of a 17-acre tract south of Shawan road between Hayfields and Oregon Ridge, said that he was approached about two months ago by a real estate agent claiming to represent the Hammerman Organization.

He said that the man, whose name he

Sec HAYFIELDS, C3, Col. 1

Firm buys Hayfields Farm

HAYFIELD, from C1

did not recall, asked to examine the property and talked about buying it for \$5,000 an acre.

"It can be bought, but not for \$5,000 an acre. I laughed in his face," Mr. Kemp said.

Mr. Kemp said that the agent also made "some ridiculous offer" to another nearby landowner.

The Hayfields purchase price is rumored to be \$5,000 an acre.

Mr. Hammerman was charged with federal tax law violations stemming from the probe of former Vice President Spiro T. Agnew, for whom he admitted being a "bagman."

Mr. Hammerman pleaded guilty to the tax charges as part of a plea bargain but was sentenced to an 18-month jail term. The charges were dropped last June after Mr. Hammerman's lawyer argued successfully on appeal that the plea bargain under which his client pleaded guilty did not stipulate that a jail term would be involved.

Hayfields buyer wants to build \$500,000 homes

By Robert A. Eriandson
Baltimore County Bureau of The Sun

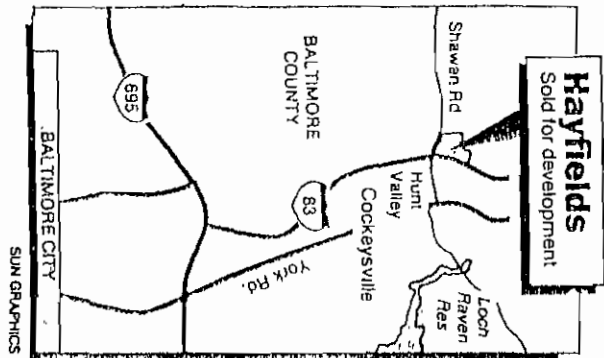
Hayfields, a historic 474-acre farm at Shawan Road and Interstate 83, has been sold to developer Nicholas G. Mangione, who has approached the new Baltimore County executive and other officials about the possibility of changing its agricultural zoning to permit residential development.

I. H. "Bud" Hammerman, who sold the property to Mr. Mangione last week, failed in 1980 and 1984 to obtain the rezoning that would have allowed him to build 1,600 homes at Hayfields.

Mr. Mangione, who is the developer of several projects in Baltimore County and a golf course in Howard County, approached Dennis F. Rasmussen, the county executive, Tuesday about his proposal to build houses on the Hayfields land that he said would cost \$500,000 or more apiece.

However, Baltimore County planners and the councilman for the district said yesterday they would oppose any change in the current zoning of Hayfields.

Councilman Charles A. "Dutch" Ruppersberger III, D-3rd, whose approval would be required for zoning changes there, said he wanted to retain the rural character of the farm.



See HAYFIELDS, 3D, Col. 1

HAYFIELDS, from 1D

not talked to Mr. Mangione and would listen to any proposals, "but based on my experience of growth management, I'm not in favor of piercing the RC [rural conservation] zoning." Much of the tract now is zoned to allow one new house per 50 acres.

Mr. Hammerman said yesterday that he closed the deal with Mr. Mangione last week after several months of negotiations as part of his continuing dissolution of the Hammerman Organization, his family real estate development firm. Mr. Hammerman, 66, who now lives in retirement in Palm Beach, Fla., refused to disclose the sale price for Hayfields. The transaction has not yet been recorded in county land records.

Mr. Mangione could not be reached for comment. One of his sons, John Mangione, who is in the family firm, was asked for details and said, "You'll have to get it from the horse's mouth... from my father."

Mr. Hammerman said he believed Mr. Mangione "bought it for a long hold," possibly to live in the historic farmhouse.

Mr. Rasmussen said Mr. Mangione sought a meeting to outline his various projects in the county and then brought up his purchase of Hayfields. "He is interested in doing something with it, hopefully to develop it with exclusive homes, half a million dollars and up," the county executive said.

Mr. Rasmussen said he told the developer he was in no position to commit his assistance and reminded Mr. Mangione of Councilman Ruppersberger's public opposition to additional development in rural areas.

"I told him the councilman's position is a major factor," the executive said. "Mr. Ruppersberger has strong feelings and he is echoing the feelings of the people in the area." Mr. Rasmussen said he also reminded the developer of the continuing opposition of the "Valley communities" to further development, "and I respect that."

Richard Buck, president of the Valleys Planning Council, said Hayfields is a "key property in our Magi-not Line... I think all the owners of the tract have known our feelings."

Mr. Buck continued, "We know something will happen there some day, but we would want it to fit into the plan for the Valleys."

Judith H. Baer, executive director of the private Historic Preservation Trust, and former executive director of the Valleys Planning Council, said she met for two hours with Mr. Mangione. "He asked for a meeting to discuss his options on preservation, and I gave him the materials we have," Ms. Baer said.

Since 1980, the County Council has maintained Hayfields in two restrictive zoning categories: 300 acres of RC2, agricultural protection, which permits one house on a 50-acre lot; and 174 acres of RC4, which allows low-density residential development under stringent watershed protection restrictions.

Norman E. Gerber, the county planning director, said Mr. Mangione met with him last week to ask what his options were for Hayfields and mentioned a type of development that would be impossible under its present rural-conservation zoning. "He is trying to decide whether to seek rezoning or a change in the zoning law," Mr. Gerber said.

Mr. Rasmussen said there was a place in Baltimore County for such expensive houses as proposed, but that he and Mr. Mangione also discussed the need for additional "affordable housing."

"I have great faith that Mr. Mangione will do the right thing," Ms. Baer said. "I would like to see it left as a working farm and, ideally, I'd like to see Baltimore County buy it to use as an educational farm for children."

Historic Houses - "Hayfields", Baltimore Co.

Noted Farm To Compete In Eastern Cattle Show

Early in 1934 Col. Nicholas Merriman Bosley was presented a silver tankard from the Maryland Agricultural Society by General Lafayette for having the best cultivated farm in Maryland. That farm was Hayfields, in the Worthington Valley, where the tradition of excellence in farming and cattle raising has been carried on ever since.

It was at Hayfield, too, that the Hereford cattle-raising tradition in Maryland began with the importation of cattle from Herefordshire, England, early in the 1800's.

Herefords have been raised at Hayfields ever since and the top animals of the show herd will be shown November 10 when the Eastern National Livestock Show opens at Timonium.

27 States Represented
Farmers and cattlemen from 27 states stretching across the nation from New England to California will compete in the Eastern National.

More than 2,000 entries have been received this year and, as

usual, the cattle will be coming from some of the nation's best dairy farms. Many of the farms have been owned for more than a century by the same families. Others are recently purchased sites new to the cattle-raising industry.

The majority of the exhibitors are farm owners from Maryland and the East coast where the dairy and beef cattle business has risen to new efficiency and importance to the economy.

Bring High Prices
Cattle raised in Maryland consistently take some of the highest prices at the annual auction during the Eastern National because of their general excellence of breed.

Among the many outstanding Maryland farms which will be represented in the Eastern National are Hayfields; Hi-Ho Farm in Phoenix, Md., with its 200-year-old stone farm house, and Wakefield Valley Stock Farm in the fertile Wakefield Valley of Carroll county.

Typical of the farms from out-

of-state which will be represented at the livestock show is Pinehurst Farm, of Denver, Col., which will send ten show animals to the Eastern, and See-No-Further-Farm, of Jutland, N.J., which will show four animals of championship stock.

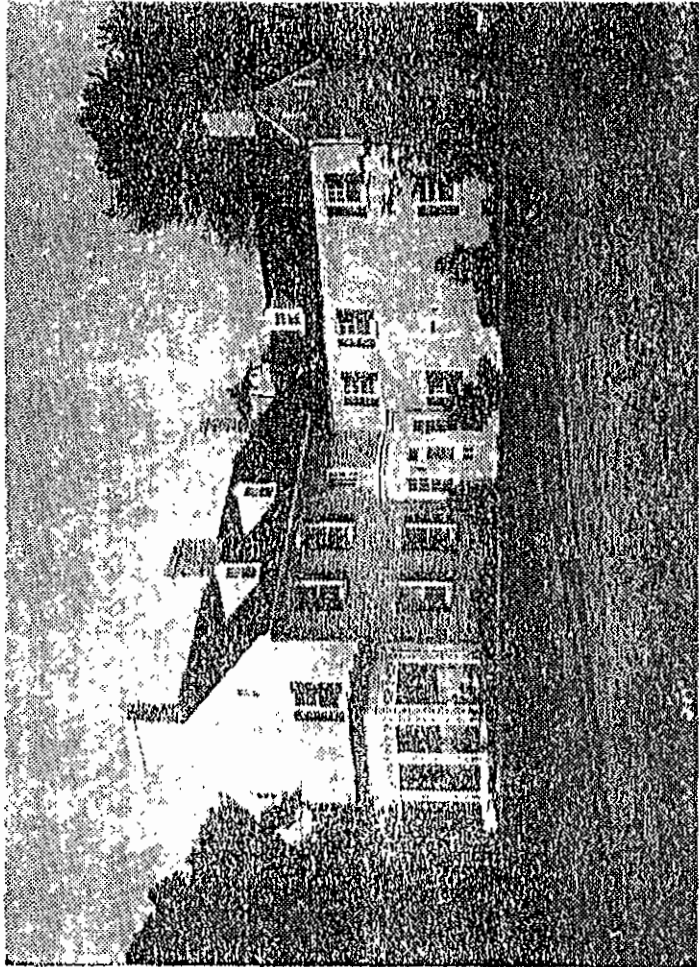
Remains In Same Family
Located 8 miles northwest of Towson, Hayfields is one of the few Baltimore county estates which have remained in the same family since the Eighteenth Century.

It is owned by John Merryman Franklin, a collateral descendant of Col. Nicholas Merryman Bosley, who drew the plans for the farm.

Mr. Franklin expanded the farm from its original 75 acres to its present 650 acres and re-stored the original stone buildings. The farm is managed by Nicholas B. Merryman, who will show eight head of prize Herefords at the Eastern National.

THE FAMILY SECTION Sat. Sun. Km. 2, 1936

BA



HISTORIC HAYFIELDS—Located in the Worthington Valley 8 miles northwest of Towson, Hayfields has been the home of the Maryland Hereford tradition for a century and a half. Some of its top show animals will go on exhibition at the Eastern National Livestock Show.

Hayfields Acquires New Owner

Baltimore Sun about 1934?

HAYFIELDS, one of the few Baltimore county estates which have remained in the same family since the eighteenth century, and which lies about eight miles northwest of Towson in the Worthington Valley, has just been sold at private sale to John Merryman Franklin, son of the late Philip A. S. Franklin, of New York, and nephew of the late Nicholas Bosley Merryman who occupied his ancestral acres until his death in 1921.

Through Mr. Franklin's purchase this 475-acre farm and the fine old stone house, whose building consumed the ten years between 1798 and 1806, thus continues in possession of a col-

lateral descendant of Col. Nicholas Merryman Bosley under whose tenure Hayfields was developed into the best cultivated farm in the State.

Plans In The Sand
Family tradition has it that Colonel Bosley drew the plans for the house in the sand with his cane. Whether or not they ever were transferred to a less ephemeral medium tradition fails to add, but in any event the old mansion represents the nice sense of balance and the close attention to the principles of cross ventilation which were characteristic of the best architecture of the young republic.

Built of stone, with stone partitions

and a particularly attractive doorway which seems to symbolize the hospitable welcome which always has been extended to visitors to Hayfields, the house was erected by slave labor. The walls are unusually thick and the entire structure has the substantial quality of buildings which are expected to serve not one but many generations. All of the other buildings on the place are of the same stone, with the exception of a brick stable, and all have the same thick walls.

Care On Farm

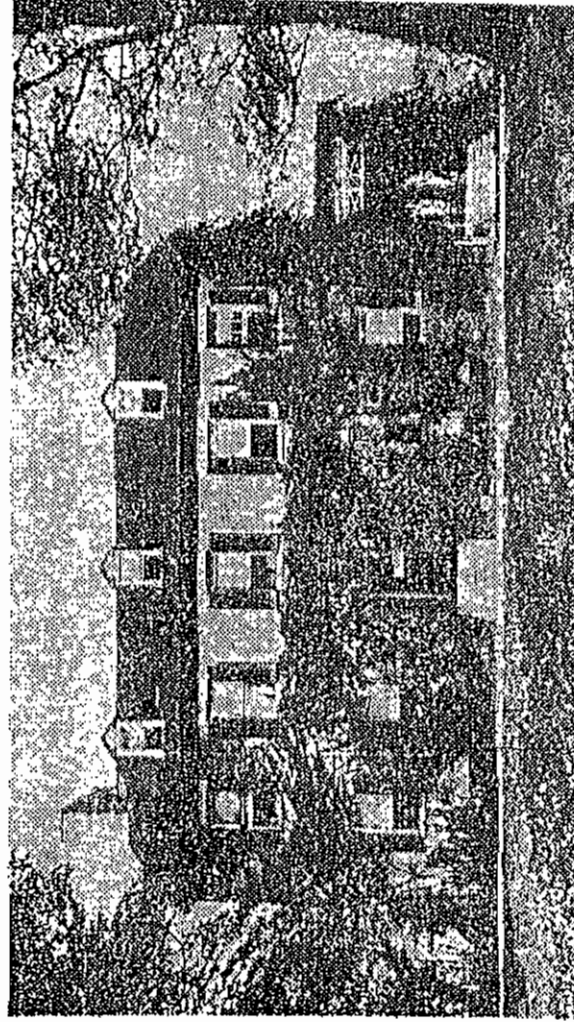
The care Colonel Bosley took to provide himself with durable build-

ings was reflected in the thoroughness with which he developed his farm. What fruit his efforts bore is attested by a silver tankard presented to him by Lafayette during the French general's 1824 visit to this country, as a prize for the best cultivated farm in the State. The tankard today is a cherished heirloom in the Merryman family.

Colonel Bosley had no children at his death. Hayfields descended to his great nephew, John Merryman, and the latter's wife, Louisa Gittings Merryman, after whose deaths it was bequeathed to their eldest son, then unborn. John Merryman faithfully continued his uncle's policy on the land. In 1852 he imported Hereford cattle from England and from this herd came some of the first Hereford cattle in the United States. Sheep he purchased in England started the flock in Druid Hill Park. Due to his Southern sympathy he was arrested early in the Civil War and imprisoned at Fort McHenry from which he was released under habeas corpus by Roger Brooke Taney, then chief justice of the United States.

The Next Owner

Nicholas Bosley Merryman, son of John Merryman and great-nephew of Colonel Bosley, next inherited the place. Mr. Merryman, who was treasurer of Baltimore county for many years, held numerous other public offices in the same community and never was defeated in an election. Mr. Franklin, whose mother was Mr. Merryman's sister, acquired the place from his estate.



"Hayfields," from "The Chesapeake Bay Country," by Swenson Earle

MEMORANDUM

Save/Rev on RC-4

TO: Rural Residential Advisory Group

FROM: G. Scott Barhight, Jr.

DATE: September 30, 1991

RE: R.C. Zones
Baltimore County Farm Bureau and Gaylord Brooks Realty
Company Proposal

Subsequent to the release of the Office of Planning and Zoning ("OPZ") discussion paper dated July 26, 1991 regarding proposed changes to R.C. 2, 4, and 5 zones, representatives of the Baltimore County Farm Bureau and Gaylord Brooks Realty Company met to discuss their mutual concerns. In response to the OPZ discussion paper, and in light of the many months of work by the Rural Residential Advisory Group, we thought it wise to provide a written proposal for review and response. Please accept this memorandum as the joint proposal of the Baltimore County Farm Bureau and Gaylord Brooks Realty Company with regard to potential changes in the R.C. zones.

In formulating this proposal, we considered many potentially competing interests. The primary goals of this proposal are as follows:

• Create long term protection of vast majority of R.C. 2 and R.C. 4 land at no cost to Baltimore County.

✓ • No net increase in density.

• Provide greater equity to underwrite farm business operations.

• Reduce the size and cost of infrastructure needed to accommodate developed areas.

Environmental sensitivity.

Creation of jobs and larger tax base.

This memorandum assumes that the existing legislation regarding R.C. 2, R.C. 4 and R.C. 5 zones will remain as is with only those changes suggested below. The proposed changes in each zone will be presented through a brief outline followed by discussion.

R.C. 2

1 Add voluntary development option based on 80/20 resource conservation development concept.

2 80/20 concept would require 80 percent of land to be placed in environmental or agricultural preservation program and permit 20 percent of the remaining land to be available for development.

3 Development employing the voluntary 80/20 concept increases density to 5 per 100 (1 in 20).

4 80/20 development option is exclusive of "deed lots" or "kiddie lots."

5 Permit well and septic for the residential developed parcels to be provided in the 20 percent portion placed in the agricultural or environmental preservation program.

6 Delete any minimum or maximum lot size requirements.

Existing R.C. 2 legislation does not provide adequate equity for all farmers. Farmers utilizing the agricultural preservation programs or who borrow against the value of their land do not receive adequate financial compensation. The 80/20 development concept will increase equity for farmers while preserving, at a minimum, 80 percent of the R.C. 2 zoned lands.

The 80/20 development concept should be a voluntary development option. Due to the grandfathering of certain "deed lots" or the beneficial use of "kiddie lots" pursuant to the Maryland Agricultural Preservation Program, the development option may not be chosen by all farmers. The development option is not intended to permit an increase in density if "deed lots" or "kiddie lots" are developed. If the 80/20 concept is chosen, the density will be limited to 5 per 100 (1 in 20).

R.C. 4

1. Add voluntary development option based on 70/30 resource conservation development concept.
2. The 70/30 concept would require that 70 percent of all R.C. 4 lands be placed in an agricultural or environmental preservation program when developed. Thirty percent of the remaining land would be available for development.
3. Development employing the voluntary 70/30 concept would be based upon a density factor of .2 (one unit for every five acres).
4. Development not employing the voluntary 70/30 concept would be based upon a density factor of .12 (12 units per hundred acres).
5. Since many R.C. 2 and R.C. 4 properties abut, the legislation should permit density transfers across R.C. 2 and R.C. 4 boundaries on adjacent properties.
6. Delete all prime and productive soil requirements.
7. Delete any minimum or maximum lot size requirements.
8. Permit well and septic for the residential developed parcels to be provided in the 70 percent portion placed in the agricultural or environmental preservation program.
9. Delete minimum diametrical requirements.
10. Reforestation per recent state program.

Bill 134-89 ("Prime and Productive Soils" bill) and its one year extension (Bill No. 223-90) have served to destroy the equity which farmers and other land owners enjoyed in the R.C. 4 zones. This proposal reestablishes the lost equity while guaranteeing preservation of at least 70 percent of all lands zoned R.C. 4. Complicated prime and productive soil analysis will be made unnecessary by the 70 percent preservation requirement.

R.C. 5

1. Amend R.C. 5 legislation to require development utilizing a 40/60 development concept.
2. 40/60 concept would require that 40 percent of land mass be identified as a "conservancy area." Development would only be permitted to occur in 60 percent of the land zoned R.C. 5.

3. Permit density at a .5 density factor (one unit for each two acres).
4. Delete any minimum or maximum lot size requirements.
5. Permit well and septic ^{40%} for the residential developed parcels to be provided in the ~~40~~ percent portion placed in the ~~agricultural or environmental preservation program.~~
conservancy area

The conservancy area would not be placed in an agricultural or environmental easement. The conservancy area would include open space, natural features and other amenities.

The 40 percent conservancy requirement will ensure preservation of open space and other natural features. The .5 density provides for a net reduction in density across the R.C. 2, 4 and 5 zones.

GENERAL COMMENTS

A comprehensive manual of development policies for rural/resource conservation development will need to be created to provide for design guidance utilizing the 80/20, 70/30 and 40/60 concepts. Consideration should also be given to requiring clustering of R.C. 2 residential development which occurs under the current R.C. 2 legislation. Permitting "community systems" will not be required as long as septic areas are permitted to be clustered in the preservation and conservancy areas.

The preservation areas (those portions of the R.C. 2 and R.C. 4 zoned properties which have been placed in an agricultural or environmental preservation program) will hopefully continue to be farmed or otherwise remain in their natural states. Encouraging the use of the 80/20 concept in the R.C. 2 zones and requiring development in the R.C. 4 zones to proceed under the 70/30 concept will insure that the vast majority of the rural lands of Baltimore County will be preserved in perpetuity through a program that is essentially cost free to the state and local government.

Concerns regarding the impact of amendments to the R.C. zones on existing projects can be addressed through grandfathering provisions in legislation or the use of "grace periods" made known to the general public. Baltimore County has been openly discussing amendments to the R.C. zones for a considerable length of time. If adequate grandfathering provisions are incorporated in the legislation, then all existing projects should be able to be fully protected.

This proposal is a rural conservation development program. It is intended to insure the continued viability of farming in Baltimore County, preserve the vast majority of our rural lands from residential development, yet provide fair equity to farmers and other land owners. The details of site

development will need to be worked out through a development policy manual for rural development. However, given the proposed changes, an overall net reduction in density will occur which still strikes a balance among the many interests at issue.

The Baltimore County Farm Bureau and Gaylord Brooks Realty Company appreciate the opportunity to present this proposal. We look forward to receiving your comments and discussing any alternatives. Thank you for your kind attention.

RURAL RESIDENTIAL ADVISORY MEETING

SEPTEMBER 30, 1991

FARM BUREAU - GAYLORD BROOKS REALTY PROPOSAL
WITH HIGHLIGHTED COMMENTS

Attendees:	Scott Barhight	Wally Lippincott
	Robin Beers	Jennifer Macek
	Doug Behr	Joseph S. Matricciani
	James Dieter	Richard W. McQuaid
	Jack Dillon	Dick Moore
	P. David Fields	Peter Nierenberg
	Dorothy Foos	Don Outen
	Ray Heil	Ellwood Sinsky
	Harry Hess	Steve Smith
	Paul Hupfer	Karen Stuebing
	Oscar Keys	Steve Weber
	Gail LeCompte	Phil Worrall
	Michele LeFaivre	

INTRODUCTION BY DAVID FIELDS:

Councilman Ruppertsberger is prepared to take some action soon to resolve these issues. This group has the opportunity to overcome the large differences of opinion to come up with a proposal. If the group cannot, the Council will have to take its own action.

PREFACE:

PRIMARY GOALS OF THE PROPOSAL:

Create long-term protection of vast majority of R.C. 2 and R.C. 4 land at no cost to Baltimore County.

No net increase in density.

Provide greater equity to underwrite farm business operations.

Reduce the size and cost of infrastructure needed to accommodate developed areas.

Environmental sensitivity.

Creation of jobs and larger tax base.

SPECIFIC RECOMMENDATIONS BY ZONE:

R.C. 4 - WATERSHED PROTECTION

PROPOSAL: Add voluntary development option based on 70/30 resource conservation development concept.

PROPOSAL: The 70/30 concept would require that 70% of all R.C. 4 lands be placed in an agricultural or environmental preservation program when developed. Thirty percent of the remaining land would be available for development.

COMMENT: The preservation will be in perpetuity.

PROPOSAL: Development employing the voluntary 70/30 concept would be based upon a density factor of .2 (one unit for every five acres).

COMMENT: Flexibility to cluster lots of any size within the 30%, no minimum or maximum lot size.

PROPOSAL: Development not employing the voluntary 70/30 concept would be based upon a density factor of .12 (12 units per hundred acres).

(No discussion.)

PROPOSAL: Since many R.C. 2 and R.C. 4 properties abut, the legislation should permit density transfers across R.C. 2 and R.C. 4 boundaries on adjacent properties.

COMMENT: This is for properties within the same holdings. The advantage is to reduce the need for long roads, stays out of steep slopes and environmentally sensitive areas.

PROPOSAL: Delete all prime productive (p & p) soil requirements.

COMMENTS: Use p & p as a performance criteria and take out of zoning. Put it into something like the Comprehensive Manual for Development Policies (CMDP).

Will the p & p be used to determine the developable area?

The p & p would go into determining the 70:30?

Example of Wesley Chapel Project if used p & p, would require the scattering of lots, from a resource protection standpoint, it is better to cluster on the p & p.

Would this proposal advocate moving the 25% steep slope development regulation to the CMDP?

Where would the development occur on lands with 95% p & p soils?

PROPOSAL: Delete any minimum or maximum lot size requirements.

(No discussion.)

PROPOSAL: Permit well and septic for the residential developed parcels to be provided in the 70% portion placed in the agricultural or environmental preservation program.

COMMENTS: If can use the 70% for private individual systems, how is the 70% protected?

The recommendation is that there should be flexibility to allow this in certain cases.

Concern raised about the legal issues that would arise from such an arrangement as proposed here.

Response that ownership could be in a homeowners' association.

PROPOSAL: Delete minimum diametrical requirements.

COMMENT: Concern that 300' necessary to protect wells. Concerns with the loading of groundwater with septic recharge.

PROPOSAL: Reforestation per recent state program.

R.C. 5 - RESOURCE RESIDENTIAL

PREFACE: Proposal is by Gaylord Brooks Realty and does not represent the Farm Bureau's position.

PROPOSAL: Amend R.C. 5 legislation to require development utilizing a 40/60 development concept.

PROPOSAL: 40/60 concept would require that 40% of land mass be identified as a "conservancy area." Development would only be permitted to occur in 60% of the land zoned R.C. 5.

COMMENT: Not required to put this conservancy area into a permanent easement. This will provide for the preservation of open space.

PROPOSAL: Permit density at a .5 density factor (one unit for each two acres).

COMMENT: Does this result in no net increase?

PROPOSAL: Delete any minimum or maximum lot size requirements.

PROPOSAL: Permit well and septic for the residential developed parcels to be provided in the 40% portion placed in the conservancy area.

COMMENT: Clustering is not new. In Kingsville, can cluster on a one-acre minimum lot.

R.C. 2 - AGRICULTURAL PRESERVATION

PROPOSAL: Add voluntary development option based on 80/20 resource conservation development concept.

COMMENTS: Shifted to the 80/20, because the larger lot size increases the value of the lot.

There should be locational criteria to protect those farms already in the agricultural program.

Some farm operations can co-exist in busier areas than other operations.

This is a voluntary option and may not be chosen by all farmers.

PROPOSAL: 80/20 concept would require 80% of land to be placed in environmental or agricultural preservation program and permit 20% of the remaining land to be available for development.

COMMENT: The Maryland Agricultural Easement Program is currently dried up. This proposal gives 80% in permanent easement with no cost to the government.

PROPOSAL: Development employing the voluntary 80/20 concept increases density to 5 per 100 (1 in 20).

COMMENTS: There is a distinction between density and subdivision in the R.C. 2. It has been okay to have several residents. Would 0.02 be the underlying density and that is it?

This proposal permits tenant lots also.

Do not, however, want to add extra density from kiddie lots and multiple parcels.

How do you bring the whole farm into the proposal?

PROPOSAL: 80/20 development option is exclusive of "deed lots" or "kiddie lots."

COMMENT: If take the 80/20 option, there are to be no kiddie lots even if you enter into some other easement program.

PROPOSAL: Permit well and septic for the residential developed parcels to be provided in the 80% portion placed in the agricultural or environmental preservation program.

COMMENT: Concerns with this concept. How do you farm land with well pipes sticking up?

HAYFIELDS--Obit. of John Merryman of Hayfields
Baltimore County Union, Nov. 19, 1881.

Obit. of John Merryman, of Hayfields.

Hon. John Merryman, whose illness was heretofore announced in these columns, died at his residence, Hayfields, about two miles northwest of Cockeysville, on Tuesday morning last. He had been in delicate health for a considerable time and suffered from a combination of diseases, and his death was not unexpected.

John Merryman sprang from an old Maryland family, his ancestors having come from near Monkton, in Herefordshire, England, to this State, before 1650. The immediate ancestors of the deceased settled on the Gunpowder and called their new home Monkton, and which bears that name to the present day. They acquired many thousand acres of land both east and west of the Gunpowder, and early in the eighteenth century located upon the farm now called "Hereford," after the old county from whence they came. The remains of a John Merryman and Sally Rogers, his wife, the great-grandfather and great-grandmother of the deceased—both dying in 1777—are in the family graveyard upon the same farm. The grandfather of the deceased, also named John Merryman, and whose wife as well as his mother was named Sally Rogers. John Merryman (the grandfather) left four children, John, Sally Rogers, Elizabeth and Nicholas Rogers, the latter being the father of the subject of this sketch, John Merryman, of Hayfields, who has been an active citizen for the past thirty years. He was born on the Hereford farm, on August 9, 1824. His mother's name was Ann Maria Gott.

In 1839, having had but limited means of education, he entered the hardware store of Richard Morris, in Baltimore. In the winter of 1841 he accepted a situation tendered him by his maternal uncle, Samuel N. Gott, in his counting-room at Guayama, Porto Rico, West Indies. He returned home in July, 1842, and was induced to remain and take charge of several farms belonging to his uncle, John Merryman. In 1843 he settled at Hayfields, and the next year married Ann Louise, daughter of the late Elijah Bosley Gittings. They have had ten children, nine of whom survive.

In 1848 he was selected by the vestry of Sherwood congregation, Cockeysville, as their delegate to the diocesan convention, and has been their only representative at the convention of the church since that period. He has been the register of the congregation and parish since 1845. In 1849 he became an active member of the State Agricultural Society, in 1852 its vice president, and in 1857 its president. The same year he was elected County Commissioner of Baltimore county, and was selected by his associates as their president. Successful agricultural fairs were held under his administration in Baltimore in 1858, in Frederick in 1859 and in Baltimore in 1860.

In the early part of the late war Mr. Merryman was a Lieutenant of the Baltimore County Horse Guard, commanded by Capt. Ridgely, of Hampden. During the excitement in April, 1861, Lieut. Merryman, under orders from his superior officers, burned several bridges on the line of the Northern Central railroad to prevent the passage of Federal troops through Baltimore. Shortly thereafter he was arrested on a charge of treason and confined in Fort Mifflin. After remaining in the Fort some time he was released on bail but was never brought to trial.

In 1870 Mr. Merryman was elected Treasurer of the State of Maryland, and assisted materially in the pushing forward of the Baltimore and Potomac railroad. He was a member of the House of Delegates in 1874. Some little time after its reorganization in 1879 he again became president of the Maryland State Agricultural and Mechanical Association, and that year it held a very successful fair at Pimlico. In January, 1880, he was elected president of the United States Agricultural Society.

In 1856 Mr. Merryman introduced Hereford cattle upon the Hayfields estate, and has most successfully bred them since. He has owned nearly 500, breeding most of them. To-day 100 bulls bred by him are at the head of herds of cattle in Indiana, Illinois, Iowa, Minnesota, Nebraska, Wyoming, Colorado, Kansas, and Texas. Twice he imported directly from England, his last being a bull and a heifer, selected in person while visiting Herefordshire in 1878. In 1865 Mr. Merryman established the house of John Merryman & Co., in Baltimore, manufacturers and dealers in fertilizers. The business has yearly increased. Their shipments last year to the South exceeded 15,000 tons. In return for their shipments they received cotton, amounting to from 8,000 to 12,000 bales yearly, which is sold directly to the spinners in Baltimore, thus contributing largely to the trade of the city and the general prosperity of the State.

In every public enterprise Mr. Merryman took a warm interest and an active part, and he has done much good by his intelligence, liberality and energy. As a man he was frank, genial, cordial, friendly, generous, correct and unselfish; as a public official attentive and conscientious in the discharge of every duty; as a friend and relation unbounded in his love and gentleness. His memory will long be revered by all who knew him.

His remains were interred at Sherwood church, Cockeysville, Thursday afternoon, and the funeral

VOL. 5, p. 248

AMERICAN FARMER.

[October 24, 1823.]

THE FARMER.

BALTIMORE, FRIDAY, OCTOBER 24, 1823.

MARYLAND AGRICULTURAL SOCIETY.

Last Monthly Session of the Trustees.

The trustees of this institution assembled on Wednesday the 15th inst. at HAYFIELDS, the residence of Col. N. M. Bosley. The weather was very fine and after talking over the affairs of the Society, they rambled over the farm, which is divided into fields of Indian corn, small grain, just seeded on summer fallow, artificial meadows, and pasture.

One of the trustees has been good enough to hand us the following rough sketch of their observations—made, we have no doubt impartially, and somewhat after the manner of the examining committees appointed by the agricultural societies in the Eastern States, to make excursions of review over the farms of their members.

"THE INDIAN CORN, promises a fine crop for the appearance of the land which, notwithstanding the indefatigable pains of the owner, is still very stony—we were sorry to see that Col. B. had sustained a heavy loss by the entire destruction of his corn fodder—both tops and blades by frost. This is a blow which that enemy occasionally inflicts by *stolen marches*, on the most wary commander. In this case fine weather like a flag of truce, seemed the harbinger of peace, but General Frost stole on Col. Bosley as a thief, in the night, and scathed every thing in his route like a desolating fire.—There is no provender for any stock superior to the tops and blades of Indian corn when well cured—an old Farmer present, whose word is authority, observed that for *milk cows*, nothing is preferable to *corn tops*.

"GRAIN ON FALLOW—This consists of Rye, which Col. B. prefers to Wheat for a general crop, and as a protector of young grass—against Oats he sets his face, as the greatest of exhausters, drawing the land like blister plasters, except that they draw out the good humours of the soil and leave the bad behind.—We were gratified and instructed by the complete farmer-like manner in which this important operation had been performed.—The land had been well broken at a proper season, and put in the best condition to receive the grain and grass seeds. The owner had well done his part—may a beneficent Providence consummate his labors with a plentiful harvest.

"GRASSES, CLOVER and TIMOTHY.—These valuable grasses, especially the latter, are obviously the great staples of Hayfields.—To this, he has for some years given his chief attention, and the result is a gratifying evidence of what may be done in a few years, with the roughest land, by

the energies of an individual, under the guidance of good judgment. Hills high and steep, declivities the most precipitous, and ravines the most forbidding, have been subjected and overrun by his dread-nought ploughs, until, on spots which lately presented the aspect of poverty and barrenness, heavy swaths of timothy now fall before every sweep of the scythe—as a *grass farm*, for its size and original condition, perhaps none in Maryland equals Col. Bosley's, and to his credit be it said, it is the work of his own hands, or rather of his own head—we saw on his books accounts of sales of timothy in one year, amounting to upwards of \$6,500, but that article then sold as high as \$30 per ton—LIMESTONE, quarried and burned on the land, appears to have been the magic wand by which this enterprising cultivator has changed the face of his estate; and caused the roughest hills to rival the smoothest vallies in verdure. The course of his culture is generally Indian corn, with lime, at the rate of 100 bushels to the acre, to be followed the next fall for rye and timothy, which are sowed about the 10th of September, to be finished before the equinox. The effect of the lime is prodigious as is obvious from the aftermath of clover and timothy at this time.

"DOMESTIC ANIMALS—Totally neglected, except for his own table, the best eaten, and the worst left for breeders. The tail ends of all breeds without the good points of any—the Colonel seems to have been laying the foundation of all good farming, clearing off stone, and putting the land in good heart, with the maxim in his mind's eye, "one thing at a time." He intends now to turn his attention to his stables, his cow yard, his sheep fold and his piggery, and experience will soon teach him that it costs less to keep good animals beautiful in all their points and profitable in all their qualities, than to keep bad ones, unseemly to the eye, and unthrifty in constitution.—In short, any thing but what they should be.—He means to commence the improvement of his stock, by some purchases from General Ridgely, of one or two beautiful Bergami Heifers, &c. Choice cattle and hogs, would appear to be the spontaneous growth of a fine grass farm; and an overflowing dairy, its most interesting appendage, especially where watered by lime stone springs cool and copious—when the Colonel has provided a better race of milkers, he will, we predict, no longer monopolise the honors of Hayfields. The dairy will yield its trophies to other and fairer hands, judging from the bounteous repast which awaited us on returning from our excursion; but which, on account of its great variety and exceeding elegance, we resolved it would not be good policy to praise in public while each gave the best practical "proof" of his admiration.

Such is the report we received; of its impartiality there can be no question. The trustees adjourned in the evening to hold their next monthly session at Bloomsbury, the residence of H. V. Somerville, Esq.

CANTON RACES—FIRST DAY.

The first purse of \$350 was taken yesterday by Gen. Winn's mare *Vanity*—she ran against Mr. Howard's filly, *Miranda*. *Vanity* took the lead and kept it throughout the heat. This was the first trial of *Miranda*, and when called for the second heat she was withdrawn.

SECOND DAY.—Col. Johnson's horse Washington, and Gen. Winn's horse Childers, contended for the purse of \$500—both heats were won with great ease by Washington.

Baltimore Prices same as last week.

PUBLISHED BY J. S. SKINNER.

(AF, October 24, 1823; 5:248)

John Merryman of Hayfields was involved in some public events at the outbreak of the Civil War, and as a 1st Lieutenant in the Baltimore County Horse Guards, he executed Governor Hicks' order to burn the Northern Central Railroad bridges between Cockeysville and Parkton as a measure to prevent northern troops from being brought to Baltimore and provoking further riot (April, 1861). Subsequently, Merryman was arrested under a Federal charge of treason and was confined in Fort McHenry by General Cadwallader in spite of a writ of habeas corpus issued by Chief Justice Taney. Taney cited the general and President Lincoln with contempt in his opinion, Ex Parte Merryman, but Federal authorities ignored the order and left Merryman locked up in the fort for several weeks. He was later released and never brought to trial. He died in 1881 and was buried at Sherwood Episcopal Church, Cockeysville. His son, E. Gittings Merryman took over management of the farm. The 1911 and 1918 tax ledgers show 444 acres charged to N.B. Merryman.

The main house stood empty for practically thirty years. In 1939, the late General John Franklin bought the estate from his Merryman cousins. The General was associated for several decades with the United States Lines and became chairman of the board. He and his wife began a refurbishing program and added a number of dormer windows to the house. The farm was managed by Nicholas B. Merryman of the original family and continued to produce polled Hereford cattle until a few months ago (1977). General farming is still carried on by Mr. Merryman.

Source: Baltimore County Landmarks Preservation Commission/ Maryland Historical Trust, Inventory Form for State Historic Sites Survey, No. BA-94, Hayfields; Prepared by John W. McGrain, Towson, Md., 1977

HISTORY

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
☐ PREHISTORIC	☐ ARCHEOLOGY-PREHISTORIC	☐ COMMUNITY PLANNING	☐ LANDSCAPE ARCHITECTURE	☐ RELIGION
☐ 1400-1499	☐ ARCHEOLOGY-HISTORIC	☐ CONSERVATION	☒ LAW	☐ SCIENCE
☐ 1500-1599	☒ AGRICULTURE	☐ ECONOMICS	☐ LITERATURE	☐ SCULPTURE
☐ 1600-1699	☒ ARCHITECTURE	☐ EDUCATION	☐ MILITARY	☐ SOCIAL/HUMANITARIAN
☐ 1700-1799	☐ ART	☐ ENGINEERING	☐ MUSIC	☐ THEATER
☒ 1800-1899	☐ COMMERCE	☐ EXPLORATION/SETTLEMENT	☐ PHILOSOPHY	☐ TRANSPORTATION
☐ 1900-	☐ COMMUNICATIONS	☐ INDUSTRY	☒ POLITICS/GOVERNMENT	☐ OTHER (SPECIFY)
		☐ INVENTION		

that

SPECIFIC DATES C. 1808 - 1810

BUILDER/ARCHITECT Unknown, possibly N.M. Bosley

STATEMENT OF SIGNIFICANCE

Hayfields is an excellent stone house with rich associations in the history of agriculture. The large house and its first generation of farm buildings were put up between 1805 and 1808 by Colonel Nicholas Merryman Bosley. Some of the estate had been William Bosley's property before but the Colonel purchased other tracts, particularly the Nailor farm, in 1811. These farmlands had been worked in colonial times and Bosley found everything in ruin and the fields much gullied, as was recorded in the American Farmer of December 24, 1824.

The name Hayfields reflects Bosley's emphasis on raising Timothy Hay -- the main Maryland Forage crop before alfalfa came into use -- and in addition to feeding his own stock, he had cash sales of \$6,500 worth of timothy in a good year. The trustees of the Maryland Agricultural Society visited Hayfields on October 15, 1823, and wrote up a report. They found the grass-growing operation perhaps the best in Maryland, but reported that the colanel had nat yet started to build a herd of blooded cattle. The next year, Hayfields won first place in the Agricultural Society's contest for the "premium farm." At the annual cattle show ceremonies when the winners were honored, Bosley was awarded a silver tankard from the hands of the Marquis de Lafayette, who was officially there on his triumphal tour of the United States as "the Nation's Guest." All writers of the time state that the entire program for restoring the fertility of Hayfields had been devised by Bosley himself. Much limestone had been quarried on the property and burned into lime and spread on the depleted fields, mixed with manure.

"Declivities the most precipitous, and Ravines the most forbidding, have been subjected and over run by his dreadnaught plows," wrote the visitor of 1823. A neighbor, Alexander Nisbet, in 1824, wrote about the change wrought by Bosley on the former Nailor farm. A writer in the American Farmer had stated a few weeks before that all of the progress had been made since the spring of 1812.

Sidney's 1850 county map shows John Merryman as owner of Hayfields, having inherited it from his uncle Colonel Bosley. Merryman added "of Hoyfields" to his name. He is credited with bringing the first Hereford cattle to Maryland in 1852 (a date also published as 1856), having purchased stock from Messrs. A. and H. Bowen of Watertown, N.Y., and from William H. Sothan of Owego, N.Y. By 1859, Merryman had developed cattle worth transporting to agricultural foirs in Saint Louis and New York, and his first great bull was Calapa. Following the Civil War, he began to import stock from breeders in Herfordshire itself. In 1876, he exhibited at the Centennial Exhibition in Philadelphia. The Merryman specimens began to command high prices after about twenty years of breeding and substituting various prize bulls at the head of the herd. Some of the animals were purchased to start new herds in Illinois.

CONTINUE ON SEPARATE SHEET IF NECESSARY

PERSONAL INTERVIEW

NICHOLAS BOSLEY MERRYMAN OF J.

Mr. Merryman (born 1912) is a direct descendent of the Merryman family who built and the historic site known as "Hayfields"¹. Mr Merryman was born in the stone "cottage" to the west of the main house. That cottage is older than the main house having been built of field stone which was more accessible to early settlers for building materials than hewn stone.

The following are highlights from the interview with Mr. Merryman who is a delightful, cordial individual with a vast knowledge of the site, having been the Hayfields farm manager from 1939-1978.

- ✦ Terraces - inside stone garden wall; orangerie is lower, filled in for swimming pool; possible one of only three sets of terraces left in Baltimore County (other Hampton Mansion and the Weisburg Inn).
- ✦ Grandfather - John of HF - Capt of Horse Guards - southern sympathizer; treasurer of State; married Sarah Howard Love; the John Merryman of the landmark Chief Justice Taney opinion "Ex Parte Merryman."
- ✦ As John was seized from his bed at 2:00AM by Union soldiers - we have record that a private home in Baltimore County was in fact invaded by the Union army in a border state.
- ✦ Great grandfather - Col. Nicholas Bosley Merryman; received tankard from the Marquis de Lafayette, 1824; awarded for superior farm and ground breaking farming techniques. Tankard, Sheffield silver made in England in safety deposit box.
- ✦ Mr. Merryman feels that Lafayette may have been on the property.
- ✦ General Bradford T. Johnson - headquartered in the main house in Civil War.
- ✦ Personalities he remembers in the house: Benny Goodman, the Duke and Duchess of Windsor, Gittings Merryman, Vice President Spiro

¹the name "Hayfields" was given to the farm because of the exceptional quality and quantity of hay which was sown and reaped from its abundant fields. The hay was known to grow higher than any found in the region. This extraordinary growth is attributed to superior soils, available water and excellent farming practices.

Agnew, Dale Anderson, Arthur Godefry, President Eisenhower among many others.

- ◀ *Owner General Franklin himself was in charge of all water transportation WWI, WWII; President of US Lines.*
- ◀ *No evidence of native American life or camps.*
- ◀ *Agriculture:*

Through 1970s, the yields were increasing 3 fold; fertility of soil increasing; use of hybrid seeds;

Raised beef cattle - feed with grain from the farm.

"Battle Block", "Woodrow" 1940s-50s comparable to the best Maryland horse of the period.(eg "Broad-Brush")

PS Winston Mixer - brought in from Penn State -notable sire.

Raised prize winning "Simmentals" swiss breed of sheep.

BS shop to supply farm across the road where HV Inn now stands.

Race horse "TWIX" winningest mare in Maryland horse racing history to today.

John of HF imported and raised first registered Suffolk sheep in US; Later raised prize Chester White hogs.

NBM planted the "Avenue of Locusts" because he liked them and because they added vital nitrogen to the soil.

The granary and its setting is crucial in the inherent agricultural design of the site in that it was purposefully created to approximate the English country farm layout where the hay wagons pulled in from the fields into the curve of the lane in front of the granary.

Baltimore County Government
Landmarks Preservation Commission

APPENDIX



401 Bosley Avenue
Towson, MD 21204

(410) 887-3495
Fax (410) 887-5862

February 9, 1995

TO: County Planning Board
FROM: Landmarks Preservation Commission
SUBJECT: Zoning Reclassification - "Hayfields"

Attached for the record and for the Planning Board's use in making recommendations to the County Board of Appeals are copies of some of the many documents which testify to the extraordinary historic importance of the Hayfields farm.

The Commission wishes to acknowledge the following institutions for making their resources available:

The Baltimore County Historical Society
The Baltimore County Public Library
The Enoch Pratt Public Library
The Gettysburg National Military Park
Goucher College
Johns Hopkins University
The Maryland Historical Society

TD/mjm
ZONING.HAY/PZONE/TXTMJM





History Trails

Baltimore County Historical Society

Location:
Agriculture Building
9811 Van Buren Lane

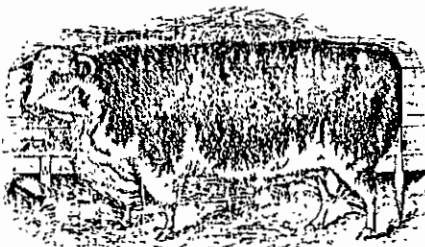
Mail Address:
Box 81
Cockeysville, Md. 21030

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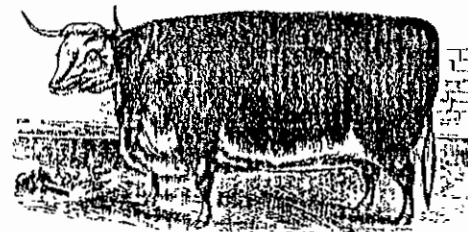
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NO. 2



THE GREAT HEREFORD BULL—SIR BENJAMIN.



THE PRIZE HEREFORD OX.

John Merryman of Hayfields sent these drawings, which he called "electrotypes," to the Maryland Farmer in 1877 to illustrate Sir Benjamin, the ancestor of his herd, as well as a typical Hereford ox. They were published in the issue of January, 1878, pages 14 and 15 of Volume 15, along with Merryman's article in support of Hereford cattle.

Hayfields History

by Nicholas Bosley Merryman

Hayfields, located near Cockeysville on the northwest quadrant of the Shawan Cloverleaf of 1-83, was originally a part of the tracts *Nicholsons Manor* and *Taylor's Discovery*. It was assembled in the early 1800's by Col. Nicholas Merryman Bosley from purchases made from William Bosley of Joseph, John Naylor, Zachariah Doughady, and John S. Gittings and totalled approximately 560 acres. The soil is Hagerstown and Manor loam with an underlying limestone base. Bluegrass grows naturally and thrives on this land. Colonel Bosley was his own builder and architect and the main house took ten years to build with the expert help of his slaves. He drew the plans for his house with his cane in the sand.

The census of 1798 shows just one house on the property, a single-room fieldstone house with dirt floor and immense fireplace. Col. Bosley enlarged this house with a three-story addition, also of fieldstone and he lived in this comfortable cottage while the main house was being erected. The other numerous structures were built in two periods. The first and oldest buildings were built of fieldstone picked up off the farm and comprise the cottage, smoke house, ice house, servant quarters (later called bachelors' quarters), and the main cattle barn. The brick stable with two lofts was also built in the first period.

Colonel Bosley must have run short of fieldstone because a quarry was opened just south of the garden and the second period buildings were all built of stone from this quarry. This stone is an impure form of the famed Cockeysville white marble which was used to construct the Washington Monument and the famous white marble steps of Baltimore row homes. The second group of buildings consist of the main dwelling, gas house, slave quarters, wagon shed and granary, sheep fold, lower horse barn and wagon shed, small stable and coach shed, and the spring house. The garden is enclosed by a six-foot high stone wall built from this quarried stone.

All of these structures are exceptionally well built — to last for generations. The stone walls are two feet thick as are the partitions in most of the buildings. Timber used was cut from trees on the place and the main center beams in the main house, the slave quarters, and the brick stable extending the length of these buildings were cut from a single giant tree. The Main house and slave quarters have full cellars while the cottage, bachelor quarters, and, surprisingly, the wagon shed have part cellars. In those days, cellars were tremendously important to store and keep produce for winter use. The gardens were valued even more highly and all kinds of fruits and vegetables were raised and excess stored. Even a small orangery was located in the garden.

Colonel Nicholas Merryman Bosley (1774-1847) was the son of Elijah Bosley, a large landowner, and Elizabeth Merryman Bosley, a daughter of Nicholas Merryman of Bacon Hall near the

town of Hereford. Colonel Bosley fought in the War of 1812 serving in the 6th Baltimore County Calvary. He was an early firm believer in the use of burnt lime and crop rotation. His rotation was corn, wheat, oats, or rye; followed by clover and timothy hay. Hayfields derived its name because of the prodigious crops of hay produced. Shoulder-high fields of hay were reported but people were shorter in those days.

Agriculture was an extremely important business then and a contest for the best cultivated farm was held. A committee of prominent farmers was appointed, they selected Hayfields as the winner. A silver tankard was awarded by the Maryland Agricultural Society in November 1824 to Colonel N. M. Bosley for the "Best Cultivated Farm." The tankard was presented by the Marquis de Lafayette. The Revolutionary War hero was then on his triumphant tour of the United States and was himself extremely interested in agriculture. In selecting Bosley for this prestigious award the committee made this additional comment, "Colonel Bosley should select his best stock to use as breeders. At present he uses his best stock for his own table."

A triangular, two-acre parcel of land located where Interstate 83 crosses Shawan Road was claimed by several adjoining property owners but none could get a clear title. Finally, it was decided that if someone would build a much needed blacksmith shop on the land he would then receive a clear title. The following day, Colonel Bosley took his slaves down there and built a blacksmith shop which pleased everybody. He was an avid foxhunter and it is said that after an especially exhilarating hunt, he rode his hunter up the front marble steps into the main hall of his house and asked for refreshment.

Colonel Bosley and his wife, Eleanor Addison Smith Bosley had no issue and he entailed Hayfields to his close relative John Merryman (1824-1881). John was born at Hereford Farm, the son of Nicholas Rogers and Anna Marie Gott Merryman. Nicholas R. Merryman had served with Colonel Bosley in the War of 1812 and they were close friends as well as relatives. He was also the younger half-brother of Eleanor Addison Bosley. Upon inheriting Hayfields John then became known as John Merryman of Hayfields. In 1844, he married Anne Lousia Gittings, a great-niece of Colonel Bosley.

John soon set about rectifying the livestock situation. He retained his best stock for breeders and traveled widely to purchase superior breeding animals. He imported some of the first registered Herefords from England and also imported Suffolk sheep some of which he gave to Druid Hill park. Merryman was fortunate in bringing to this country one of the most famous Hereford bulls, named *Sir Richard 2nd*. *Sir Richard 2nd* is one of the four bulls who have had the most influence on the present day Hereford breed. In those days, Herefords were dual purpose cattle being noted for their milk and butter as well as for their beef.

John of Hayfields was an excellent farmer and was president of the Maryland State Agricultural Society for many years. In 1859 the Annual Show was held in Frederick and the Hayfields livestock were walked there for that event. There were classes for Herefords and a Hereford cow was entered in a class for milk cows. A horse was entered in the Trial of Speed contest. He was instrumental in starting the Maryland Agricultural College in 1858 and served on



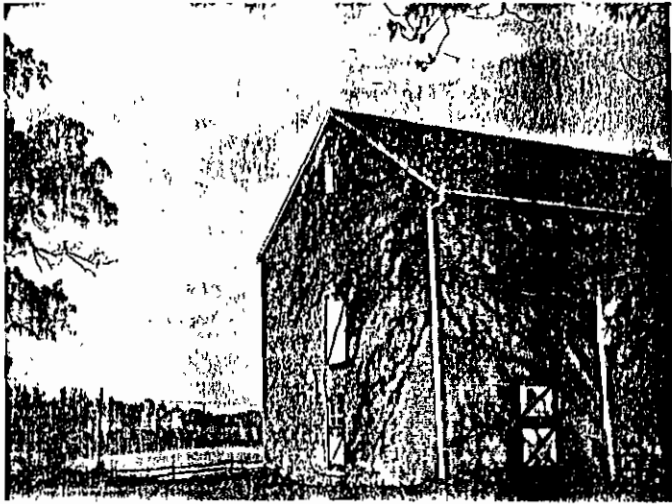
The wagon shed and granary is 60 feet wide and has a second-story loft where grain and beans were threshed with flails before the coming of farm machinery.

its first Board of Regents. The college was formed to educate the sons of Maryland farmers in the latest agricultural practices. This college is now the University of Maryland at College Park. John served as treasurer of Maryland and was also in the fertilizer business in Baltimore trading fertilizer for cotton which he then sold to local cotton mills.

During the Civil War — an exceedingly trying period for Marylanders — Merryman's sympathies were with the South. In 1860, he was a first lieutenant in the Baltimore County Horse Guards. Soon after the Baltimore Riots of April 19, 1861, the services of the Horse Guards were offered to the State and they were being used to keep peace. A section of them were stationed at Hayfields.

Northern troops were camped at Cockeysville until ordered to proceed to Washington. Mayor Brown and other Baltimore leaders were able to persuade President Lincoln not to send troops through the city for fear of further bloodshed. The Northern troops, mostly Pennsylvanians, returned to their home state. More soldiers were assembling at the Pennsylvania Line, including General Sherman's regiment. Marylanders were very concerned that northern troops would again be sent through Baltimore on their way to Washington, and Merryman was given orders to burn the railway bridges between Cockeysville and the state line. He did burn the most important bridge, the one at Parkton crossing the Gunpowder.

On May 25, 1861, he was routed from his bed, arrested and confined to Ft. McHenry. His lawyers petitioned for a writ of *habeas corpus* from Chief Justice Rober Brooke Taney, who issued the writ immediately. Taney then wrote a legal masterpiece defending the rights of civilians versus those of the military known as *Ex Parte Merryman*, a decision often referred to in legal cases to this day. The charges against Merryman were discovered to be unfounded and he was later discharged from prison, not without spending some exceedingly uneasy moments, however. He did get



The Hayfields hunter and brood mare barn. Measured drawings were made by the Historic American Buildings Survey of the Works Progress Administration in the 1930s.

along well with his captors and won enough money from them playing poker to keep Hayfields running smoothly in his absence.

J. Thomas Scharf in his *History of Baltimore City and County* refers to Hayfields "as a Princely Place, the stock and grazing farm of John Merryman." A premier herd of Herefords and a flock of Suffolk sheep were maintained and breeding stock was sold throughout the country. A dairy barn plus a dairyman's house were built on the back place. Three frame hay barracks were built, one on the Western Run Road, a second on Shawan Road, and the third west of the main and lower barns. Timothy and Clover hays were extremely profitable crops, and wagon loads of hay and straw were sold in Baltimore. Rye whiskey was made in Cockeysville and rye was another money crop as were wheat and oats. John being in the fertilizer business also helped improve the crop yields at Hayfields.

John and Anne Louisa had ELEVEN children. There was an Orangery located just south of the present swimming pool which supplied citrus. A ram pumped water from the spring house located fairly near and just above the present pond to a large storage tank in the third floor of the main house. The overflow passed by gravity to a second storage tank in the third floor of the cottage and that overflow furnished water to the slave quarters and horse watering trough. The main house also had a coal-fired furnace, gas lights, and an immense bathroom.

John Merryman died in 1881 and ownership in Hayfields passed to his oldest son, N. Bosley Merryman (1852-1921), according to Colonel Bosley's will. N. Bosley did not claim his inheritance immediately, allowing his mother and brothers to live there until 1903-1904. He was a politician serving the county as clerk of the court and then county treasurer until his death in 1921.

Never defeated in an election, he was extremely popular, noted for his hospitality. He rented the property but kept a few Herefords, trotting horses, Jersey cows, and some pigs. His wife

was Sarah Wilmlinton Norton McClesky from Savannah, Georgia, who was a young girl when Sherman marched through Georgia, an experience she never forgot. They had five children. Bosley loved game chickens and some famous mains were fought at Hayfields during his tenure. He built the large chicken house located west of the cottage.

A law had been passed restricting the number of generations in which a holding can be entailed, so the oldest son, my father John Merryman, did not inherit Hayfields according to Colonel Bosley's wishes. Upon the death of N. Bosley Merryman in 1921, Hayfields passed to his children with a life interest to his wife Sarah. When she died in 1923, her oldest son assumed management of the farm. The major enterprise was the grazing and fattening of Hereford steers. This was a profitable business until the depression years of the 1930s. I well remember my father purchasing 100 head of 400-pound steer calves at 10 cents per pound, roughing them through the winter on hay and corn stover, grazing them on pasture the following summer, fattening them on corn and clover hay and then selling them weighing around 1100 pounds, for less than he paid for them a year earlier.

Those of you who weathered the depression will fully appreciate the difficulties of that trying period.

In September 1939, John Merryman Franklin purchased the farm from the Merryman heirs. He was the son of Laura Merryman Franklin and had been born at Hayfields. She was the youngest child of John of Hayfields. The *Sun* ran an article on the sale the headlines of which read, "Hayfields acquires a new owner." It is interesting to note that when the Confederate general, Bradley T. Johnson, made his raid through Maryland in 1864, he made his headquarters at Hayfields. Johnson was going to destroy the Ashland Iron Works owned by the Small and Franklin families. John of Hayfields interceded, and the town and iron works were spared.

In 1939, I applied for the position as farm manager and was accepted. This was a commission that I coveted above all others and had prepared myself to do best. We both agreed to restore all the buildings possible, to stock the place with Hereford cattle, and to bring the farm back to its position of former prominence.

The first project was to convert the brick stable into a hunter and broodmare barn. Seven roomy box stalls, a tack room, and a walkway through the stable were installed on the ground level and the old outside shed roofs were eliminated. Both lofts were redone.

The second project was to restore the slave quarters and convert it into an assistant manager's house plus a farm office. All of the stone buildings were repointed, good for another hundred years.

The third project was the restoration of the wagon shed and granary, which was accomplished with very few changes.

The fourth project was restoring the bachelor quarters and converting it into a horseman's house.

The cottage was being enlarged and the section over the original stone house was raised providing two extra bedrooms and bath and a steam heating system installed.

By far, the biggest challenge was converting the lower barns into an efficient beef cattle complex. The massive barn was in sad repair and had to be torn down. The stones were used to erect two



The Hayfields mansion was opened to the Baltimore County Historical Society for a tour on October 21, 1984, a day when the temperature reached 80 degrees. View of south facade.

60 by 40-foot barns on each wing. A walkway and feeding shed connected the two barns with a silo in the middle of the 120-foot walkway. I called upon the expertise of my former buildings professor at the University of Maryland to help design these barns, and for many years they were a model for beef barns in the state.

The farm was stocked with Herefords purchased from Turner Ranch, Sulpher, Oklahoma, owned by Governor Roy Turner and one of the best breeding establishments in the U.S. at that time. Surprisingly enough, some of the Herefords were descendants of Sir Richard 2nd Chester White hogs and Percheron horses were also added. The front fields were planted with a crop rotation of corn, small grain, timothy, and clover, and the back place plus the hillier fields were put into pasture. During the war years tremendous amounts of beef and pork were produced and large yields of tomatoes were raised to supply our troops and allies. Renovating pastures was a major undertaking which was accomplished by new varieties such as ladino clover and brome grass, liming, fertilization primarily with superphosphate and regular mowing plus rotational grazing.

Soil conservation was always of major importance at Hayfields and the best soil conservation practices were adhered to. Live-stock watering devices were installed and many grassed waterways were planted and maintained. Trees were planted on the steepest slopes and a pond was built. In April 1970, the first no-till demonstration was held at Hayfields.

Hayfields was an early breeder of Polled Herefords (a naturally hornless breed developed in this country) and eventually sold the horned Hereford herd in its entirety to Arthur Godfrey of Leesburg, Virginia. In 1970, when the first Simmentals were being imported into the country, Hayfields became part owner of the first Simmental bull used in the east. Artificial insemination was becoming more important and this practice was heavily used at the farm. Crossing Simmentals on Polled Herefords was an exceptionally fine cross and many outstanding cattle were produced.

John M. Franklin was president of the United States Lines and under his leadership the liner *United States* was built. This ship set and still holds the trans-Atlantic speed record. During World War Two he rose to the rank of Major General and served as head of the water division of the Army Transport Corps. General Franklin died in 1975, bequeathing Hayfields to his wife, who sold the estate in 1978 to The Hammerman Organization.

For accounts of the post-tobacco soil restoration work at Hayfields and the prize of 1824, see *American Farmer*, 5 (October 24, 1823): 248, and 6 (December 24, 1824): 313, Baltimore publications available at the Enoch Pratt Free Library and the Maryland Historical Society.

Back River Frozen Up. — The upper end of Back River, from the bridge to to Northeast Creek, is completely frozen over the ice one and a half inches thick. There are no ducks in the river; the ice have driven them out into the bay where they are feeding.

— *Maryland Journal*, November 29, 1879.

Hussey's Grain Reaper will be exhibited on the Alms House Farm at Calverton THIS (Monday) MORNING, (weather permitting) cutting a field of wheat. Go out Franklin or Calverton road to the first turnpike gate, and then turn into the Alms House Farm through the entrance gate on the road leading to the Alms House.

— *American*, July 13, 1846.

County Court. — A case was taken up, the parties to which were Jesse Hoshall v. Jacob Wilhelm, being an action for damages for an alleged assault and battery. The outline of the case is as follows: The trustees of the M.E. Church at Scrabbletown, somewhere near the Pennsylvania line, in Baltimore county, had deemed it is proper to close the gallery in consequence of some improper conduct therein on preceeding occasions; at the time of the alleged assault, plaintiff entered the church and was proceeding into the gallery, when he was forbidden by defendant, and upon persisting, defendant took him by the collar and pulled him back. The case is in progress. A novelty occurred at the outset of the case, each of the jurors on the panel being tried on his *voir dire*, a thing without precedent in this State, we believe in a civil suit. For plaintiff, Nelson, Buchanan and C.H. Pennington; for defendant, Preston and Walsh.

— *Sun*, December 14, 1849, p. 2.

Rossville, 15th District — The strawberry festival held by the Ladies Aid Society of Zion Lutheran Church was a success, considering the weather. The money will be used to pay for the church chimes.

The hay crop will be short and some farmers are plowing down their grass and putting in crop corn.

Orem's School held a strawberry festival that was a decided success. Miss S. Pielert is the principal and Miss Mary E. Seling assistant.

— *The Union*, Towson, June 5, 1909

An
Agricultural History
of
BALTIMORE COUNTY, MARYLAND



John W. McGrain

1990

1879, described the C.A. Gambrill Patapsco Mill-A in the First District of Baltimore County, noting:

The wheat stored in the Patapsco mill warehouse is bought from the farmers of the surrounding country as they choose to bring it in. The firm buys about 900,000 bushels of wheat a year for the two mills They have a larger number of burrs (45) than any mill in the United States since the Minneapolis fire ²⁰

In the preface to G.M. Hopkins' 1877 atlas of this county, there is an attempt to characterize each of the thirteen election districts that then existed. Unfortunately, as in the case of the Second District, most of the entries state something like: "The surface is rolling and the soil fertile; large and well cultivated farms are numerous." In the Fourth District, the lands of the descendants of some early Worthington Valley settlers yielded "immense crops". But in the Fifth District, "The land in some sections is very productive, in other sections poor. Wheat, corn, oats, and rye are raised extensively, and the land yields a very fair average. The water is pure. Limestone is very abundant; some of the largest quarries are found in this district, which fully supply the increasing demand for lime as a fertilizer throughout this and adjoining districts."

In the Sixth District, the land around Middletown was "very productive," and in the district generally, "Wheat, corn, and oats are grown in great abundance in some portions ... and great taste is displayed by many of the farmers in the arrangement of their dwellings and outbuildings." In District Seven, the "land is productive of fine crops and is kept in a high state of cultivation. Wheat, corn, and oats are raised in abundance. In some portions of the district, the breeding of cattle is extensively carried on, and the dairyman find a ready market in Baltimore City for milk and cream, the sale of which is very remunerative to many living in the vicinity of Parkton. Springs are numerous and cannot be surpassed."

The Eighth District report was more social than agricultural, but it was noted, "Lovington, the home of Capt. Thomas Love, is a fine estate, comprising about 600 acres, and about evenly divided by the York Turnpike, the 16th mile-stone being on the property. Capt. Love was the pioneer in the cream and milk business, when railroad transportation was first utilized, having established his dairy nearly 40 years ago, during the whole of which period, in more than one instance, he has supplied the same customer. The dairy consists of about 60 cows; one of the best results is the manure that, by proper application, has brought the farm into the highest state of fertility. The wheat and oat crop the present season being second to none in the District." At Hayfields, the "premium farm" of 1824 and then the estate of John Merryman, the

STOCK



Cattle!

WILL BE SOLD AT

PUBLIC AUCTION,

At 2 o'clock, on

MONDAY, 7th inst.,

(IF FAIR, OR ON THE FIRST FAIR DAY,)

AT COCKEYSVILLE,

(15 miles from Baltimore, on the Susquehanna Rail Road,)

22 HEAD OF STOCK CATTLE

Young and of good size, and

SUITABLE FOR OXEN.

TERMS OF SALE--A CREDIT FOR SIX MONTHS,
WITHOUT INTEREST.

March 1st, 1842.

Printed by Sherwood & Co. at the North West Corner of Baltimore and Gay streets.

PREMIUM LIST
OF
First Annual Fair

OF THE

AGRICULTURAL SOCIETY
OF
BALTIMORE COUNTY,

TO BE HELD ON ITS GROUNDS,

TIMONIUM, MARYLAND,

Tuesday, Wednesday, Thursday, Friday,

September 9th, 10th, 11th. & 12th,

1879.

F. A. HANZSCHE, STEAM BOOK & JOB PRINTER,
100 W. Baltimore St., Baltimore.

JERSEYS, (Not Registered), ALDERNEYS AND GUERNSEYS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$8 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3	4 00
2d best do.	4 00	years old.	do.
Best Bull, between 1 and 2	3 00	2d best do.	2 00
years	3 00	Best Heifer, between 1 and 2 yrs	2 00
2d best do.	1 00	2d best do.	1 00
Best Bull, under 1 year	1 00	Best Heifer Calf, under 1 year	1 00

AYRSHIRES.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3	4 00
2d best do.	4 00	years old.	do.
Best Bull, between 1 and 2	3 00	2d best do.	2 00
years	3 00	Best Heifer, between 1 and 2 yrs	2 00
2d best do.	1 00	2d best do.	1 00
Best Bull, under 1 year	1 00	Best Heifer Calf, under 1 year	1 00

HEREFORDS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3	4 00
2d best do.	4 00	years old.	do.
Best Bull, between 1 and 2	3 00	2d best do.	2 00
years	3 00	Best Heifer, between 1 and 2 yrs	2 00
2d best do.	1 00	2d best do.	1 00
Best Bull, under 1 year	1 00	Best Heifer Calf, under 1 year	1 00

HOLSTEINS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$8 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3	4 00
2d best do.	4 00	years old.	do.
Best Bull, between 1 and 2	3 00	2d best do.	2 00
years	3 00	Best Heifer, between 1 and 2 yrs	2 00
2d best do.	1 00	2d best do.	1 00
Best Bull, under 1 year	1 00	Best Heifer Calf, under 1 year	1 00

NATIVES OR GRADES.

Best Cow, 3 years old or over	\$5 00	Best Heifer, between 1 and 2	\$2 00
2d best do.	3 00	years old.	do.
Best Heifer, between 2 and 3	4 00	2d best do.	1 00
years old.	4 00	Best Cow Calf, under 1 year	1 00
2d best do.	2 00		

HERD PRIZES.

For the best herd of one bull and five cows or heifers, all over one year old, the property of the exhibitor during the six months previous to the exhibition, of Short-Horns, Devons, Herefords, Ayrshires, Holsteins, Jerseys (registered), and of Jerseys (not registered), or Alderneys, or Guernseys, each.....\$15 00

PREMIUM LIST OF THE FIRST ANNUAL FAIR OF THE Agricultural Society of Baltimore & Co.

In every department, except in the trials of speed, as noted, competition is open to all, and the agriculturists, horticulturists, stock breeders, manufacturers, &c., of our sister counties are cordially invited to exhibit their stock, products and wares.

CLASS A.—Cattle.

SHORT-HORNS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3	4 00
2d best do.	4 00	years old.	do.
Best Bull, between 1 and 2	3 00	2d best do.	2 00
years	3 00	Best Heifer, between 1 and 2 yrs	2 00
2d best do.	1 00	2d best do.	1 00
Best Bull, under 1 year	1 00	Best Heifer Calf, under 1 year	1 00

DEVONS.

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3	4 00
2d best do.	4 00	years old.	do.
Best Bull, between 1 and 2	3 00	2d best do.	2 00
years	3 00	Best Heifer, between 1 and 2 yrs	2 00
2d best do.	1 00	2d best do.	1 00
Best Bull, under 1 year	1 00	Best Heifer Calf, under 1 year	1 00

JERSEYS—(Herd Register).

Best Bull, 3 years old or over	\$8 00	Best Cow, 3 years old or over	\$6 00
2d best do.	4 00	2d best do.	4 00
Best Bull, between 2 and 3 yrs	6 00	Best Heifer, between 2 and 3	4 00
2d best do.	4 00	years old.	do.
Best Bull, between 1 and 2	3 00	2d best do.	2 00
years	3 00	Best Heifer, between 1 and 2 yrs	2 00
2d best do.	1 00	2d best do.	1 00
Best Bull, under 1 year	1 00	Best Heifer Calf, under 1 year	1 00

SIGNIFICANCE

PERIOD		AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW				
☐ PREHISTORIC	☐ ARCHEOLOGY-PREHISTORIC	☐ COMMUNITY PLANNING	☐ LANDSCAPE ARCHITECTURE	☐ RELIGION		
☐ 1400-1499	☐ ARCHEOLOGY-HISTORIC	☐ CONSERVATION	☒ LAW	☐ SCIENCE		
☐ 1500-1599	☒ AGRICULTURE	☐ ECONOMICS	☐ LITERATURE	☐ SCULPTURE		
☐ 1600-1699	☒ ARCHITECTURE	☐ EDUCATION	☐ MILITARY	☐ SOCIAL/HUMANITARIAN		
☐ 1700-1799	☐ ART	☐ ENGINEERING	☐ MUSIC	☐ THEATER		
☒ 1800-1899	☐ COMMERCE	☐ EXPLORATION/SETTLEMENT	☐ PHILOSOPHY	☐ TRANSPORTATION		
☐ 1900-	☐ COMMUNICATIONS	☐ INDUSTRY	☒ POLITICS/GOVERNMENT	☐ OTHER (SPECIFY)		
		☐ INVENTION				

SPECIFIC DATES C. 1808 - 1810

BUILDER/ARCHITECT Unknown, possibly N.M. Bosley

STATEMENT OF SIGNIFICANCE

Hayfields is an excellent stone house with rich associations in the history of agriculture. The large house and its first generation of farm buildings were put up between 1805 and 1808 by Colonel Nicholas Merryman Bosley. Some of the estate had been William Bosley's property before, but the Colonel purchased other tracts, particularly the Nailor farm, in 1811. These farmlands had been worked in colonial times and Bosley found everything in ruin and the fields much gullied, as was recorded in the American Farmer of December 24, 1824.

The name Hayfields reflects Bosley's emphasis on raising Timothy Hay -- the main Maryland Forage crop before alfalfa came into use -- and in addition to feeding his own stock, he had cash sales of \$6,500 worth of timothy in a good year. The trustees of the Maryland Agricultural Society visited Hayfields on October 15, 1823, and wrote up a report. They found the grass-growing operation perhaps the best in Maryland, but reported that the colonel had not yet started to build a herd of blooded cattle. The next year, Hayfields won first place in the Agricultural Society's contest for the "premium farm." At the annual cattle show ceremonies when the winners were honored, Bosley was awarded a silver tankard from the hands of the Marquis de Lafayette, who was officially there on his triumphal tour of the United States as "the Nation's Guest." All writers of the time state that the entire program for restoring the fertility of Hayfields had been devised by Bosley himself. Much limestone had been quarried on the property and burned into lime and spread on the depleted fields, mixed with manure.

"... Declivities the most precipitous, and Ravines the most forbidding, have been subjected and over run by his dreadnaught plows," wrote the visitor of 1823. A neighbor, Alexander Nisbet, in 1824, wrote about the change wrought by Bosley on the former Nailor farm. A writer in the American Farmer had stated a few weeks before that all of the progress had been made since the spring of 1812.

Sidney's 1850 county map shows John Merryman as owner of Hayfields, having inherited it from his uncle Colonel Bosley. Merryman added "of Hayfields" to his name. He is credited with bringing the first Hereford cattle to Maryland in 1852 (a date also published as 1856), having purchased stock from Messrs. A. and H. Bowen of Watertown, N.Y., and from William H. Sothan of Owego, N.Y. By 1859, Merryman had developed cattle worth transporting to agricultural fairs in Saint Louis and New York, and his first great bull was Calatpa. Following the Civil War, he began to import stock from breeders in Herfordshire itself. In 1876, he exhibited at the Centennial Exhibition in Philadelphia. The Merryman specimens began to command high prices after about twenty years of breeding and substituting various prize bulls at the head of the herd. Some of the animals were purchased to start new herds in Illinois.

CONTINUE ON SEPARATE SHEET IF NECESSARY

John Merryman of Hayfields was involved in some public events at the outbreak of the Civil War, and as a 1st Lieutenant in the Baltimore County Horse Guards, he executed Governor Hicks' order to burn the Northern Central Railroad bridges between Cockeysville and Parkton as a measure to prevent northern troops from being brought to Baltimore and provoking further riot (April, 1861). Subsequently, Merryman was arrested under a Federal charge of treason and was confined in Fort McHenry by General Codwaller in spite of a writ of habeas corpus issued by Chief Justice Taney. Taney cited the general and President Lincoln with contempt in his opinion, Ex Parte Merryman, but Federal authorities ignored the order and left Merryman locked up in the fort for several weeks. He was later released and never brought to trial. He died in 1881 and was buried at Sherwood Episcopal Church, Cockeysville. His son, E. Gittings Merryman took over management of the farm. The 1911 and 1918 tax ledgers show 444 acres charged to N.B. Merryman.

The main house stood empty for practically thirty years. In 1939, the late General John Franklin bought the estate from his Merryman cousins. The General was associated for several decades with the United States Lines and became chairman of the board. He and his wife began a refurbishing program and added a number of dormer windows to the house. The farm was managed by Nicholas B. Merryman of the original family and continued to produce polled Hereford cattle until a few months ago (1977). General farming is still carried on by Mr. Merryman.

Sept. 23, 1957

A Relic Of Lafayette

By ROBERT G. BREEN

ON the second of his seven visits to Baltimore while on his grandly triumphant tour of the United States in 1824-25, the Marquis de Lafayette came expressly to attend an agricultural show. Called the Annual Farmers Festival and Cattle Show, it was held on the Frederick road, about four miles from the city.

An enthusiastic farmer himself, Lafayette personally distributed the prizes for the best in classes of the various exhibits.

To Col. Nicholas Merryman Bosley, General Lafayette presented a handsome silver one-guinea tankard, an award for having the best cultivated farm.

Tankard Is Engraved

The tankard is engraved at the rim with the words, "By the hand of Lafayette from the Md. Ag. Soc. 'best cultivated farm' to Col. N. M. Bosley, November 1824."

Beneath the inscription, on the side of the tankard was engraved a scene of a two horse drawn hay wagon. Two men with pitch forks are loading the hay.

From the ball marks on the tankard it appears to have been made in 1805-6 by T. Robins, a London silversmith.

The tankard will go on display

Wednesday evening at the Maryland Historical Society, 201 West Monument street, when an elaborate display of Lafayette memorabilia is opened to commemorate the two-hundredth anniversary of the General's birth.

The tankard has been loaned, for the occasion by Mr. and Mrs. Nicholas Bosley Merryman, Jr., of Hayfields, the Baltimore county farm at Sparks which had been singled out for the honor in 1824.

Lives On Same Farm

Mr. Merryman is the great grand nephew of Colonel Bosley and still lives on the same farm.

Down the years, Hayfields has managed to uphold what is now its historic reputation for excellence. Today, the farm supports a prize-winning herd of Hereford dairy cattle.

The herd was one of the first imported in this country, and the first in Maryland from England, prior to 1844, by John Merryman, the great grandfather of Nicholas Bosley Merryman. It was great grandfather John who also imported one of the first flock of Suffolk sheep into the United States about 1850.

The Lafayette exhibition, which will also include portraits, papers of the General, letters and items associated with his American tour of 1824-25, will be opened at 8:30 P.M., Wednesday by M. Pierre Boyer, an attaché of the French Embassy, Washington.



Mr. and Mrs. Nicholas Bosley Merryman, of Hayfields Farm, Sparks, shown with the silver pitcher presented to Hayfields for being the "best farm," in 1824 by Lafayette. The desk shown was another gift of Lafayette to Joseph Townsend of Baltimore, for aid he gave to French soldiers during the Revolution. The objects are part of an exhibit at the Maryland Historical Society marking the two hundredth anniversary of Lafayette's birth.



DOMESTIC WOODROW 244th

3750462 (360942)

Champion Sale Bull at the 50th Anniversary National Polled Hereford Show, Kansas City, Mo., 1950. Domestic Woodrow 244th was the top selling bull and was purchased by Hayfields Farm at \$7,000. Bred by R. A. Halbert, Sonora, Texas this wide, thick, deep, good headed, heavy quartered bull was a member of the First Prize Group of Two Bulls and Three Bulls at that biggest and best of all Polled Hereford Shows.

At Hayfields, one of the oldest Hereford breeding establishments in the U. S., the 244th will be mated to daughters of the famous, Battle Block and the results of these matings should be outstanding. We will have a limited number of top heifers carrying the service of the 244th available as well as other breeding cattle and invite you to visit us and inspect this bull and the rest of our herd.

HAYFIELDS FARM

COCKEYSVILLE, MD.

GEN. JOHN M. FRANKLIN
Owner

N. E. MERRYMAN
Manager

1952-1953



BATTLE BLOCK 3182660

Dropped July 11, 1940 sired by Battle Mischief 7th and out of Pioneer Belle 6th, this bull placed second in his class of 27 summer yearlings at the 1941 Chicago International. He was the highest selling bull at the Southern National Hereford Show at Clarksville, Tenn. being purchased there by Hayfields Farm. He is half brother to Miss Engle Domino 30th, Ch. Female Denver 1941, Battle Sparrow 16th, Ch. Bull Denver 1942, Battle Domino 32d first Denver 1944 and Battle Domino 5th 2d Denver 1939 and sire of 3 Ch. and 2 Res. Ch. Females at the 1941-45 Natl. Polled Hereford Shows.

As of May 15, 1947, Battle Block has sired over 200 calves which have been sold into 12 states and the Territory of Hawaii. In the 1944 Maryland Sale six of his get averaged \$475. and included the first 5 heifer calves sired by him. In the 1945 Maryland Sale his sons and daughters averaged \$640. In the 1946 Maryland Sale, his get averaged \$1187. and included the Champion Bull. Steers sired by Battle Block have been Grand Champion at Brunswick, N. J., Champion Hereford at Hagerstown and McDonough and 2d in open class and 2d open Trio at the Balto. Livestock Show.

Some of his more prominent sons are serving as herd sires in the herds of Mrs. Mona Hind Holmes, Honolulu, Hawaii; Mile Away Farms, Southern Pines, N. C.; Preston Farms, Lusk, Md.; Keeseland Farms, Popes Creek, Md.; Causein Manor Farms, Bel Alton, Md.; Bay View Farms, Bishop, Md.; Palmetto Hereford Farms, Calhoun Falls, S. C.; and S.B. Stanley, Kezar Falls, Maine.

HAYFIELDS FARM

COCKEYSVILLE, MARYLAND

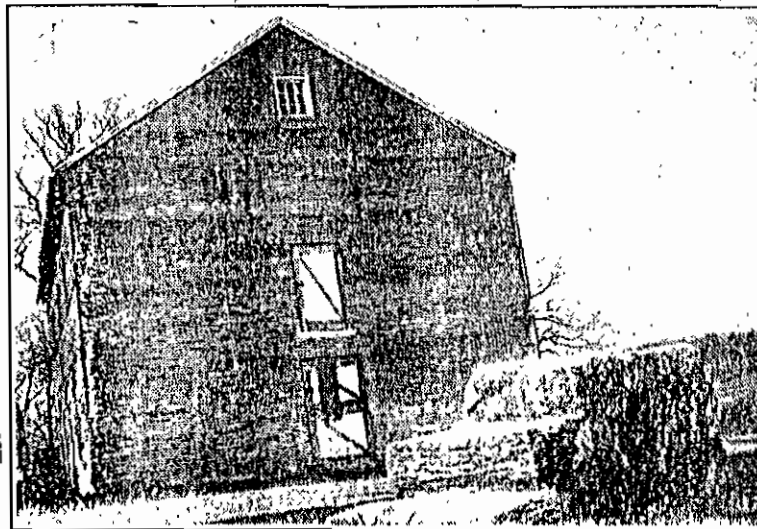
GEN. J. M. FRANKLIN, Owner

N. E. MERRYMAN, Manager

1952-1953

Hayfields: North County News April 1991

The Glory That Once Was



The brick stable, with mounting block in front, circa 1800.

One of the most noted estates in the area is known as "Hayfields". Through the efforts and generosity of the Baltimore County Historical Society Editor, Mr. John W. McGrain, we learn the following:

Bordered on the south by Shawan Road and on the east by Western Run Road, this large tract of land, consisting of approximately 560 acres, was assembled in the early 1800's by Col. Nicholas Merryman Bosley from purchases made from William Bosley of Joseph, John Naylor, Zachariah Doughady and John S. Gittings.

The records of 1798 show just one house on the property, a single-room fieldstone house with dirt floor and immense fireplace. Col. Bosley enlarged this house with a three-story addition, also of fieldstone, and he lived in this comfortable cottage while the main house was being built.

The numerous other structures were built in two periods. The first and oldest buildings were built of fieldstone picked up on the farm

and comprise the cottage, smoke house, ice house, servant quarters (later called bachelor quarters), and the main cattlebarn. Also built in that first period was the brick stable.

Col. Bosley evidently ran out of fieldstone because a quarry was opened just south of the garden and the second period buildings were all built of stone from the quarry. This group consisted of the main dwelling, slave quarters, wagon shed and granary, small stable, coach shed and the spring house. The garden is surrounded by a six-foot



Outbuildings have been allowed to deteriorate.

stone wall of this stone!

Col. Nicholas Merryman Bosley (1774-1847) was the son of Elijah Bosley, a large landowner, and Elizabeth Merryman Bosley, a daughter of Nicholas Merryman of Bacon Hall near the town of Hereford. Col. Bosley fought in the War of 1812 with the 6th Baltimore County Cavalry.

Agriculture was an extremely important business and a committee of prominent farmers awarded a silver tankard to "Hayfields" and to Col. N.M. Bosley for the "Best Cultivated Farm". This tankard was presented by the Marquis de Lafayette while he, the Marquis, was on tour of the United States.

Col. Bosley and his wife, Eleanor Addison Smith Bosley, had no children and they decided (undoubtedly to be sure that "Hayfields" was kept in the family) to promise to will the property to the first son born to Nicholas Rogers Merryman and Anna Marie Gott Merryman upon the condition that the son be named John.

Thus John Merryman (1824-1881) was born at "Hayfields" and became known as "John Merryman of Hayfields". In 1844, he married Anne Louisa Gittings, a grand-niece of Col. Bosley. John Merryman died in 1881 and ownership of "Hayfields" passed to his oldest son, Nicholas Bosley Merryman (1852-1921), who did not claim his inheritance immediately, allowing his mother and brothers to live there until 1904.

Upon his death in 1921, "Hayfields" passed to his children with a life interest to his wife, Sarah. When she died in

HAYFIELDS cont. p. 24

Hall High School instead of shipping them to Parkville High School. "It is exactly what I expected. I was familiar with (PAC) limitations lobbyist Political Action Committee sation, election reform, Po- ing with Workman's Comp- co-sponsored legislation deal-



HAYFIELDS from p. 9

1923, her eldest son assumed management of the farm where the major enterprise was the grazing and fattening of Hereford steers.

In September, 1939, "Hayfields" was purchased by John Merryman Franklin, the son of Laura Merryman Franklin, the youngest daughter of John of "Hayfields"!

John Franklin's first project was to completely overhaul the main house to which he added an entire new back and wing. The cost of this operation was greater than the price paid for the whole estate.

After that, the brick stable was converted into a broodmare barn, the former slave quarters were restored into a house for the farm manager with an office. The bachelor quarters were converted into a horseman's house and all the farm buildings were restored and pointed up while the main barn was in such poor condition that it had to be torn down.

John M. Franklin was president of the United States Lines and under his leadership the liner "United States" was built. The ship set, and still holds, the trans-Atlantic speed record.

During World War Two, Mr. Franklin rose to the rank of Major General and served as head of the water division of the Army Transport Corps. General Franklin died in 1975, bequeathing "Hayfields" to his wife, who sold the estate in 1978 to The Hammerman Organization who, in turn, sold it to Mr. Nicholas Mangeone.

Due to Mr. Mangeone's inability to circumvent zoning rules and regulations, the whole beautiful estate is being allowed to deteriorate!

Author's Note: In the February issue of the North County News, the name of the eldest daughter of Mr. & Mrs. E. Gittings Merryman was given as "Josephine". Her proper name was Louisa. We regret the error!



These stone steps lead to the garret above the fieldstone wagon shed.



The bachelor quarters are in rack and ruin, sorely in need of major overhaul.



The main farmhouse, built from stone quarried on the farm.

Washington Valley

One of the few Baltimore County estates that have remained in the same family since the Eighteenth Century.

Limestone for the structure was hauled on the place by slaves, who next were put to the task of building the house. The 550 acres surrounding Hayfields were regarded as the best cultivated farm in Maryland by Lafayette, who presented a silver tankard to Col. Bosley for that reason.

The outstanding fireplace at Hayfield's is in the music room. It is made of black Italian marble with matching pilasters. Above it hangs a copy of a portrait of Col. Fosley by Sully.

"The living are abundant and the things are good and many."

October 3, 1931.

"HAYFIELDS", ONE OF COUNTY'S MOST FAMOUS ANCESTRAL HOMESTEADS, BUILT IN 1808.

Estate Overlooking Worthington Valley Founded By
Nicholas Merryman Bosley—Was Once Abode
Of John Merryman Of Hayfields.

Sitting on a high knoll overlooking the Worthington Valley, surrounded by large oak, maple, spruce and birch trees and a wilderness of shrubbery of all kinds, and approached by a long, winding driveway, which breaks off from the Western Run road a stone's throw to the North of the Shawan road, and is shaded for its full length by rows of old locusts, is famous "Hayfields", the ancestral home of Colonel Nicholas Merryman Bosley and later the roof tree of the famous John Merryman of Hayfields.

It is difficult to adequately describe Hayfields—impossible, really, to make mere words tell its beauties. For it has an aristocratic atmosphere, an unapproachable pomp and genteel reserve that wholly escapes or defies our limited terms. One must visit Hayfields and feel it to get any satisfying conception of the place. One doesn't have to be informed by records or report that real people lived there, Hayfields tells you that with every stone and stick of its makeup.

The Hayfields homestead was begun by Colonel Nicholas Merryman Bosley in 1805 and was finished and ready for occupancy in 1808. The whole establishment is said to have been set up from plans drawn by Colonel Bosley himself, and included a great house, overseer's house, slave quarters, blacksmith shop, horse barn, cattle barn, large granary, wagon sheds, barns, two or three spring houses, ten acres of lawns and gardens, comprising three terraces on the South slope and surrounded by a stone wall and the whole set in a model farm of about five hundred acres.

The mansion—as well as all other buildings, except one big brick barn—is built of fine old limestone, with

11 walls, including partitions, two feet thick. It is of the early nineteenth century colonial design, with the main portion facing the South and rising two stories and attic over a deep and dry cellar, and a two-story wing extending North on a line with the West wall of the main structure and having a width of about half its length. The front is approached by a short flight of stone steps which lead to an uncovered stone platform, while a frame porch extends the depth of the East end of the house and a two-story frame porch runs along the rear of the main house from the East end to the angle of the ell formed by the North wing. Two extremely wide chimneys rise at each end of

the main house, telling of great fireplaces within.

Inside, the house is divided into more than twenty rooms. Those on the first floor are spacious and open off a wide central hall which runs the depth of the home. As was customary in those days, the ceilings of all rooms on the first and second floors are very high, the doors are wide and the blue shuttered windows long, with deep sills.

To the West of the mansion is the two-story overseer's house; a trim structure of stone and now occupied by Mrs. Betty Merryman Kemp. One wouldn't ask a more comfortable looking or attractive home.

On to the West of this is the two-story main slave house of eight rooms. This structure is built of stone also, and in the kitchen is a wooden post, about the circumference of a telegraph pole, running from the floor to the low ceiling, which tradition says is the old slave whipping post. There is another stone slave house to the North, almost back of the overseer's house. It is also two stories in height, but not so long as the main slave quarters.

Further on to the West are the barns, grain harracks, shops and horse stable. All, except one barn, are built of stone, with very thick walls. An interesting feature of the whole place is the substantial appearance of all buildings. From great house to slave quarters and spring houses all are constructed of stone and all, but the spring houses, of course, are provided with large, dry cellars.

The mansion is surrounded by about ten acres of lawns and gardens, shaded by great trees and studded with shrubbery, which are shut in from the farm land by a thick stone wall about chest high. Directly in front of the house the lawn was originally terraced to a formal garden on the South slope of the high hill on which the mansion stands, commanding a view of the valley from its front stoop that holds one in a sort of spell. Colonel Bosley selected the site for Hayfields with the eye of an artist.

The Merrymans have been identified with Baltimore County since 1682, when Captain Charles Merryman, second son of John Merryman, of Virginia, came up from the South and purchased land here. Charles

became identified with St. Paul's parish in the County, was made captain of militia in 1696 and died at his Baltimore County home in 1725. John, second son of Charles, afterward known as John Merryman of Clover Hill, made his home in what is now a part of Baltimore City, on a short road then known as Merryman's lane, and now known as University Parkway, and died there in 1749. In addition to land which he received from his father, John Merryman of Clover Hill, in 1724, purchased from Thomas Broad 102 acres near Herring Run, in the County. This tract he reconveyed to Broad in 1738, and on the same date Broad transferred the land to John Merryman, Jr., who established himself there and later became known as John Merryman of Hereford. John of Hereford died and was buried on Hereford Farm in 1777, leaving the place to his son John. This second John of Hereford had a son Nicholas Rogers Merryman, who married Anne Maria Gott, and their son John, with his wife, Ann Louisa Gittings Merryman, inherited the estate of his great uncle, Colonel Nicholas Merryman Bosley, and became John Merryman of Hayfields. In 1806, on the death of Anne Louisa Gott Merryman, the estate passed to Nicholas Bosley Merryman and has remained in the Merryman family to this day.

From the beginning Hayfields has been regarded as one of the model farms of the country. In 1824, when Latayette paid his second visit to America, he presented a prize of a beautiful tankard of old English silver to Colonel Bosley for having the best cultivated farm, and the trophy is still in the possession of the family.

The first Hereford cattle brought to this country were imported by John Merryman of Hayfields in 1852, and a great many of the Western herds were founded by him. He also brought the original sheep for the flock in Druid Hill Park.

Spain forbids an adequate review of the life of John Merryman of Hayfields, who was one of the most prominent and active Marylanders of his day, and became a National figure in 1861, when he was arrested for treason and imprisoned in Fort McHenry by General Cadwallader in defiance of a writ of habeas corpus issued by Chief Justice Taney of the Supreme Court of the United States. John of Hayfields was born August 9, 1824, and died November 16, 1881.

French Foreign Service

M. Boyer will deliver an address, "Lafayette, Friend of America." M. Boyer, a native of Toulouse, has served in the French foreign service since 1949 and last year was a delegate to the Brussels Conference for the European Market.

Also on display will be one of two silver goblets which Lafayette had Samuel Kirk, the Baltimore silversmith, make. The goblets, suitably engraved, were presented by Lafayette to David Williamsdn, who had entertained the distinguished guest at his estate Lexington, near Baltimore.

The goblet has been loaned by Samuel Kirk & Son. The other goblet has been loaned by Kirk's for a Lafayette exhibit in Cincinnati.

For his first visit to Baltimore in the year 1824, Lafayette was feted with a great reception, replete with flowered arches, pretty girls strewing flowers in his path, sumptuous banquets, a glittering ball, a great military review and tearful reunions with comrades de guerre.

Presented His Own

It was at this time that Lafayette impetuously presented his own snuff box, engraved with his initials, to Anne Maria Eve Pechin, the younger daughter of his friend, Col. William Pechin, one of the committee of welcome. Colonel Pechin, of French descent, was the first publisher of the old *Baltimore American*.

The snuff box has been loaned by his great great granddaughter, Miss Julia Pechin Ingle.

A permanent possession of the Historical Society is the elaborate Eighteenth Century, bombe mahogany desk, given to Joseph Townsend of Baltimore by Lafayette in 1824. The desk, beautifully made with serpentine interior drawers and curved exterior drawers, contains three secret compartments. It was given in token of Mr. Townsend's help to the wounded French soldiers at the Battle of Brandywine. The desk was presented to the society by Dr. George Dobbin Brown.

The display will be set up in the double Empire parlors of the society, once the town house of Enoch Pratt. The parlors are held by the Metropolitan Museum of Art and the Smithsonian Institute, to be the finest of their kind in the United States.

"HAYFIELDS," ONE OF OUR MOST FAMOUS ANCESTRAL HOMES, BUILT IN 1808

Sitting on a high knoll overlooking the Worthington Valley, surrounded by large oak, maple, spruce and birch trees and a wilderness of shrubbery of all kinds, and approached by a long, winding driveway which breaks off from the Western Run Road, a stone's throw to the North of the Shawan Road, and is shaded for its full length by rows of old locusts is famous "Hayfields," the ancestral home of Colonel Nicholas Merryman Bosley and later the roof tree of the famous John Merryman, of Hayfields.

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The mansion—as well as all other buildings, except one big brick barn—is built of fine old limestone, with all walls, including partitions, two feet thick. It is of the early nineteenth century colonial design, with the main portion facing the South and rising two stories and attic over a deep and dry cellar, and a two-story wing extending North on a line with the West wall of the main structure and having a width of about half its length. The front is approached by a short flight of stone steps which lead to an uncovered stone platform, while a frame porch extends the depth of the East end of the house and a two-story frame porch runs along the rear of the main house from the East end to the angle of the ell formed by the North wing. Two extremely wide chimneys rise at each end of the main house, telling of great fireplaces within.

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The mansion is surrounded by about ten acres of lawns and gardens, shaded by great trees and studded with shrubbery, which are shut in from the farm land by a thick stone wall about ^{thirty}feet high. Directly in front of the house the lawn was originally terraced to a formal garden on the South slope of the high hill on which the mansion stands, commanding a view of the valley from its front stoop that holds one in a sort of spell. Colonel Bosley selected the site for Hayfields with the eye of an artist.

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his wife, Ann Louise Gittings Merryman, inherited the estate of his great uncle, Colonel Nicholas Bosley Merryman and has remained in the Merryman family to this day.

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HAYFIELDS

B.C.H.S. Jan Oct 21, 1961

Mr. John Merryman was born at Hereford Farm. In 1841 he went to Porto Rico. In 1847 at the death of his Uncle Nicholas Merryman Bosley he returned to Balto. County and took charge of HAYFIELDS, which he inherited from his Uncle. During the Civil War his interests and sympathy were with the Southern cause. After the first bloodshed of the War in Balto. he burned the bridge at Parkton to prevent the Union Soldiers from reaching Baltimore. For this activity he was arrested and imprisoned at Fort McHenry. On Petition, Chief Justice Rodger B. Taney issued a Writ of Habeas Corpus directed to General Cadwalder to produce the defendant Merryman for a hearing, but he was not released. General Cadwalder was then cited for contempt of Court, which proceedings were also ignored by Cadwalder on the ground that he had been instructed by President Lincoln to disobey the Writ. The Venerable Chief Justice afterwards wrote his celebrated opinion of the Writ of Habeas Corpus, which is regarded as a legal masterpiece. Mr. Merryman was given a signed copy of this document which was cherished by him with Profound pride.

One of his sons E. Gittings, married Emily McLane and their son Louis McLane Merryman was owner of Gerar Farm.

HAYFIELDS FARM - Presently owned and operated by Mr. & Mrs. John Franklin. Mrs. Franklin is a life member of Baltimore County Historical Society.

Information supplied by the late
Miss Mary Mitchell

Notes made by Mrs. Anne M. Franklin

Hayfields - no name
Merryman Bosley - Built by
Herd Labor from breeding made in
and by Col Bosley 1808
Had no children - Left property
and great niece - his great Heir
James Gittings - John Merryman
Oldest son Nicholas Bosley Merryman
not it
John Lafayette - Tankard from Md. B. G. Smith
First Maryland cattle - last cultivated farm

BC HAYFIELDS

COLONEL NICHOLAS MERRYMAN BOSLEY, BUILDER, 1810, AWARDED SILVER TANKARD "BY THE HAND OF LAFAYETTE" FOR BEST CULTIVATED MARYLAND FARM, 1824. ALSO HOME OF JOHN MERRYMAN, EARLY IMPORTER, 1848, OF REGISTERED CATTLE, STILL, 1967, BRED HERE. HIS IMPRISONMENT, 1861, LED TO CHIEF JUSTICE TANEY'S MASTERFUL "EX-PARTE MERRYMAN".

Northwest corner of Shawan and Western Run Roads,
Erected by MHS in 1967

From Roadside Markers

EMILY H. FRANKLIN
OWNER

N. B. MERRYMAN
GENERAL MANAGER

HAYFIELDS FARM
THOROUGHBREDS AND SIMMENTALS
COCKEYSVILLE, MARYLAND 21030
(301) 666-2388

9-1-1975

Hayfields is a part of the tract originally known as Nicholson's Manor and from that part of Nicholson's Manor that belonged to Roger Boyce. Col. Nicholas Merryman Bosley, son of Elijah Bosley and Elizabeth Merryman Bosley of Manor Glen, served in the War of 1812. He assembled Hayfields from land that he acquired in the early 1800 's from Wm. Bosley of J., John Naylor and W John S. Gittings. Col. Bosley built the Main Residence with the help of his slave labor from stone quarried on the farm. This stone is a form of the famous Cockeysville marble and building the house is said to have required ten years. Col. Bosley also built the other quarried stone buildings consisting of the slave quarter, the wagon shed and granary, the cattle barns, and the stone wall enclosing the garden. I am not sure who built the field stone house, where I live, the bachelor quarters, or the brick stable but know that they were built earlier.

Col. Bosley was a very good farmer and improved the land substantially by utilizing such farming practices as the use of burnt lime, applications of manure and rotation of crops, especially the soil building ones. The farm was noted for its tremendous yields of timothy and clover hay, hence its name Hayfields. In 1824, Col. Bosley was presented a silver tankard "By the Hand of Lafayette for the Best Cultivated Farm on behalf of the Maryland Agricultural Society". Col. Bosley was a prime mover in the building of Sherwood Church in 1835. He, Nicholas Rogers Merryman of Hereford and Christopher Love of Loveton served on the First Vestry of Sherwood Church.

Col. Bosley married Eleanor Addison Smith, daughter of Sarah Rogers by her first husband John Addison Smith. They had no issue. Sarah Rogers Smith later married John Merryman of Calvert Street and their son, Nicholas

MILY H. FRANKLIN
OWNER

N. B. MERRYMAN
GENERAL MANAGER

HAYFIELDS FARM
THOROUGHBREDS AND SIMMENTALS
COCKEYSVILLE, MARYLAND 21030
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Rogers Merryman of Hereford , who served in the War of 1812 , was the father of John Merryman , who inherited Hayfields in 1847 and was thereafter known as John Merryman of Hayfields.

John Merryman of Hayfields is best remembered for his activities during the Civil War. He was a Southern Sympathizer and was highly concerned about the Baltimore Riots which occurred when Northern troops marched thru Baltimore on their way to protect Washington. Quite a number of citizens were killed and wounded when the first Northern troops marched thru Baltimore.

John Merryman reasoned that such riots could be prevented if troops did not pass thru Baltimore. He , therefore , took some men and burnt down one of the railroad bridges near ^{Packton} Cockeysville thus causing the Northern troops to march across country to Washington. John Merryman was arrested for this activity and placed in jail at Fort McHenry. He was supposed to have been hung for treason. However, Chief Justice Roger Brooke Tanney wrote a masterful treatise on this case and the First Writ of Habeas Corpus in this country ~~spared Merryman's life~~ was issued sparing Merrymans life.

After the Civil War , John Merryman was active in politics and agriculture. He served as Treasurer of the State of Md. ; was a member of the first board of regents of the Maryland Agricultural College (later the U. of Md) and imported some of the first Registered Hereford Cattle and Suffolk Sheep to the U. S. Descendants of one of John Merrymans imported bulls are still grazing on Hayfields.

"HISTORIC HAYFIELDS": MARYLAND HUNT COUNTRY ELEGANCE

The Twelfth Decorators' Show House

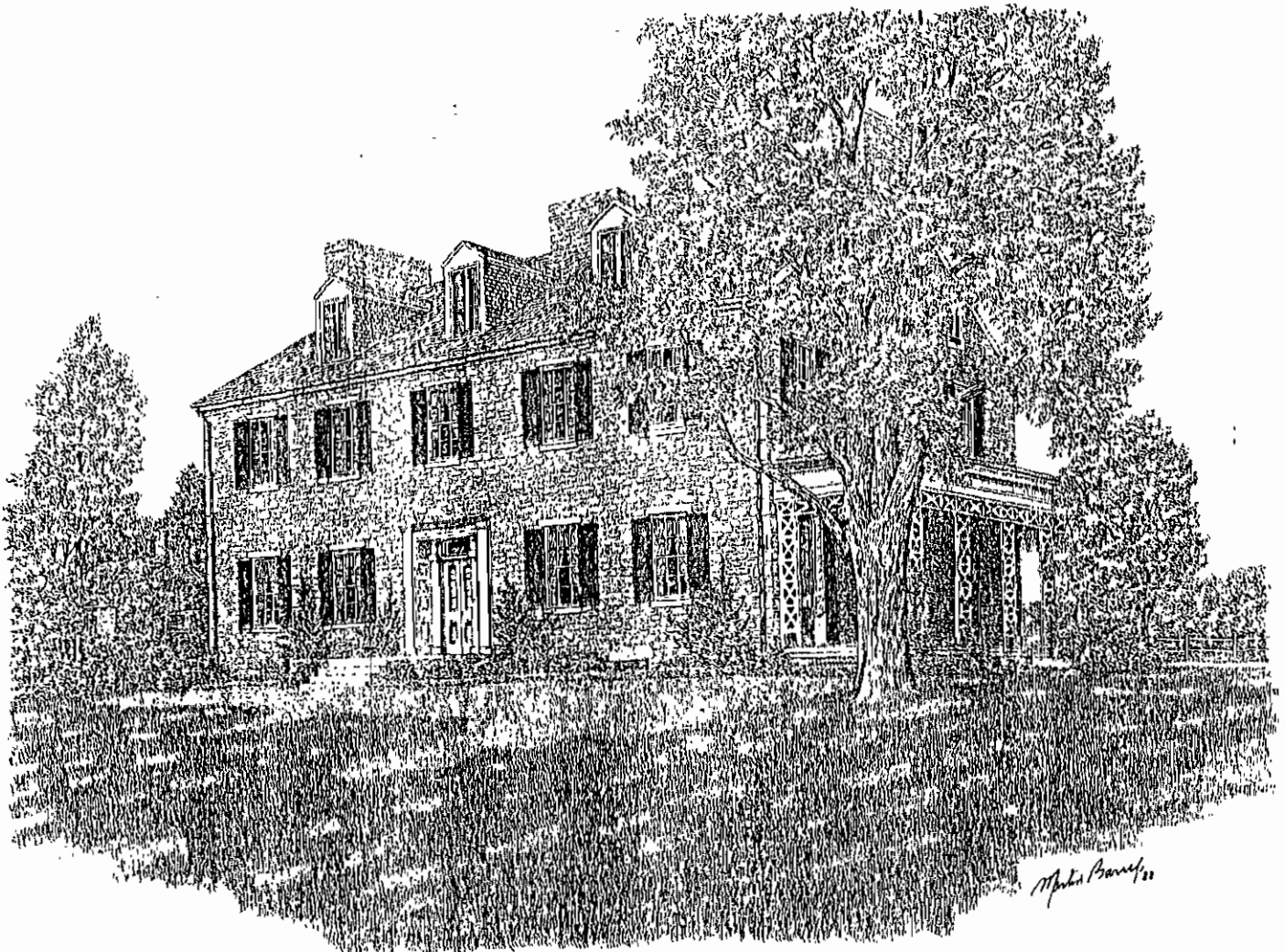
Would it be a dream to do? Or would you consider it a nightmare? Whether it's the daunting prospect of an entirely empty house waiting to be transformed into a liveable home, or an already furnished room that lacks sparkle and personality, the perfect solution may be waiting for you at "Historic Hayfields" in Cockeysville, the 1988 Decorators'

Show House presented by the Baltimore Symphony Associates to benefit the Baltimore Symphony Orchestra.

Professional interior designers are making over each area of the mansion into their unique versions of "home." Walk through the rooms and study the results. Viewing the fresh seating

arrangements, intricately composed tablescapes, or mirrored walls may provide valuable aids for banishing your own residential "nightmares."

Begin in the main stairhall, being transformed by Russell Slouck and Dennis Deutsch of Gatehouse Interiors. Using tones of gold and amber, the designers are



creating an area in the neo-Classical style popular in the Federal Period when Hayfields was constructed between 1805 and 1808. Colonel Nicholas Merryman Bosley would have appreciated the designers' "View From the Stairs," an exciting mural depicting his mansion in its exquisite setting in Worthington Valley.

The dark panelling and rather formal atmosphere of the library would also make the Colonel feel comfortable. Furnishing the room as a rather masculine study, Gary Lawrik and Sara Lawrance provide a fitting place for the owner to manage his estate.

Award-winning designer Marilyn Poling, whose dining room at last year's Show House was featured as one of the country's ten best Show House rooms in *House Beautiful*, will create a sleek and sophisticated treatment for the large living room of "Hayfields." Choosing to do the room in "relaxed French Regency" style, she will incorporate eclectic accents. Spicy peach will be a major color in this understated design, but look also for touches of dusty rose, warm taupe, and lavender.

Dine with the pleasant music of tinkling water in the background in Dan Huber's elegantly furnished formal dining room. The miniature garden in the large bay window is a backdrop for the English Regency antique table and chairs placed on a custom area rug covering the polished floors. A quiet shade of dark teal is used for the wallpaper, while contemporary accent pieces lighten the mood of the room.

The veranda overlooking the namesake fields of the mansion will be a setting for casual conversation or private outdoor dining, made more beautiful with furnishings in a "bouquet of nature's colors," according to designer Mitchell Solberg of Casual Furniture Gallery. Farther along on the tour, practicality yields to the romantic and the elegant when Christina Haire brings her design expertise to the bath/dressing room at the head of the main staircase. A white Victorian wicker settee invites lingering in this pastel

haven. Butterflies and flowers on the wallpaper bring a warm springtime feeling indoors. Luxurious touches of Battenburg lace and white linen and an antique French gilt chandelier all add their charm to this gracious retreat.

Highlighting the long association of "Hayfields" with fine thoroughbreds and traditions of the hunt, Jeannine Feeney presents a sitting room and bath with strongly masculine touches of leather, wood, and marble. Riding trophies and ribbons are proudly displayed against a color scheme featuring magenta with black and white.

Stanley Kroiz of Studio House bases his color scheme on the beautiful flamestitch pattern in the draperies of the master bedroom. Combining shades of peach, amethyst, and gray, the flamestitch is united with a second fabric in a mottled peach. Antiques of different periods are joined in harmony in this sophisticated room.

Farther along on the second floor, Danielle Fleischer has created a corner bath of quiet elegance and opulence by transforming a tiny closet into a lighted and mirrored display case, and building a mini-library of custom shelves. The master and mistress of the house will have every reason to linger in "La Salle de Bains."

Showing what can be achieved in a small third-floor room, Roberta Lockwood of Designed Interiors is using greens and peaches in an area used for crafts and sewing. Proceeding into a boy's bedroom called "Far Vistas" by designer Dot Gomeringer, the visitor will find a color scheme reflecting a youthful occupant in a practical combining of blues, greens, and sand, with accents of copper, gold, and silver. Bleached wood furniture creates an interesting new look here. For a change of pace, return to Victorian times with Jo Rand of Dannemann's. Her nursery is a room "filled with sweet dreams of innocence." In an area primarily planned for the infant who will use the ornate brass crib accented with lace, the antique toys scattered in profusion on the floor are evidence that siblings often keep the baby com-

pany. The main fabric in the room features a muted green stripe against a white background, a fresh approach to nursery decor.

Professional interior designers are making over each area of the mansion into their unique versions of "home." Walk through the rooms and study the results. Viewing the fresh seating arrangements, intricately composed tablescaes, or mirrored walls may provide valuable aids for banishing your own residential "nightmares."

Returning to the first floor, the visitor will enter a working sculpture studio, not far from the kitchen and main hub of activity, featuring in-progress and completed bronze works of Guilford resident Priscilla Buxton. At intervals when the Show House is open, Miss Buxton will demonstrate the techniques of her art here. A former ballerina with the Washington Ballet, she specializes in representational figures of classical ballet performers, as well as of babies and children.

Easily reached via Highway I-83, "Historic Hayfields" is prominently positioned within its setting of 650 acres near Shawan Road and Western Run Turnpike, not far from Oregon Ridge. A well-marked lane leads to free parking on the grounds, with easy access to all the special features of this magnificent Show House. Plan to enjoy a delicious meal in the "Hunt Country Inn," a cozily decorated dining room created within the stone walls of the original carriage house. Nearby is the "Garden Greenery"—just the place to purchase the special blooming spring plants needed for your house and yard. The extensive "Tally Ho Boutique" occupies the entire lower level of "Hayfields" and can be visited both after touring the house and at other convenient times. Purchase of a ticket is not necessary to enter the shop.

continued

DISCOVERY

S E R I E S

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The Baltimore Sun

"Best Musical Adventure" award (1987)
BALTIMORE Magazine

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The Discovery Series is made possible through the generosity of the following Baltimore residents. Mr. and Mrs. Louis J. Nicholas for Group Administration Services, and Dr. and Mrs. Oscar B. Camp and Mr. and Mrs. Kenneth Blum for United Healthcare, Inc.

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SHOW HOUSE continued from page 43

Unique craft items and gifts appropriate for Mother's Day and Secretary's Day are available in profusion. A special area has been set aside for foods of all descriptions, including snacks and dessert sauces. Profits from all purchases will benefit the Baltimore Symphony.

Mr. and Mrs. Nicholas Mangione have generously permitted the volunteers of the Baltimore Symphony Associates, led by Chairmen Maureen Eliason and Pat Garland, to use "Historic Hayfields" as the Twelfth Annual Decorators' Show House. Design Chairman Cele Mitchell and her committee have assembled the talented designers whose work is displayed in 32 areas of the interior, as well as in the landscaped gardens. Whether you come for practical idea-gathering to fuel do-it-yourself projects, or to make a critical assessment of the various styles of the many fine designers donating their time and efforts, you won't want to miss "Historic Hayfields."

The Show House will be open every day from April 17 to May 15. Hours are: Monday through Friday, 10 am to 3 pm; Tuesday, 10 am to 8 pm; Saturday and Sunday 1 pm to 5 pm. Children under 10 years, including infants, cannot be admitted. Advance purchase tickets are available until April 16 for \$6 from the Meyerhoff ticket office or by mail. Make checks payable to Symphony Decorators' Show House, and mail with a stamped, self-addressed envelope to Mrs. Harry S. Stevens, 12 Overhill Road, Baltimore, Maryland 21210. Tickets purchased at the door are \$8. Tickets for groups of 25 or more are \$5. The House is also available for private parties and tours when it is not open to the public; call Tere Oleksik, 329-6758, for reservations. Directions: North on I-83 to Shawan Road West (Exit 20). Take the first right turn onto Western Run Turnpike, and proceed 1/4 mile to the Show House entrance.

Katie Stevens



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Welcome to Hayfields

The Baltimore County Historical Society

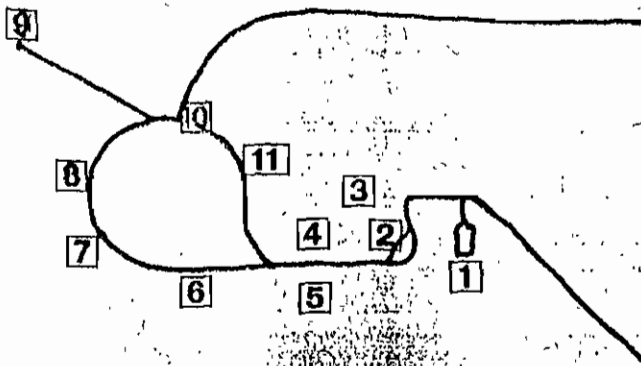
Nicholas B. Merryman, speaker

Three o'clock, South Lawn

Hayfields, near Cockeysville, is composed of parts of Nicholson's Manor and Taylor's Discovery. Consisting of 500 acres, it was assembled in the early 1800's by Colonel Nicholas Merryman Bosley. The original buildings were built of fieldstone and comprise the Cottage, the Bachelors' Quarters, and the Main Barns. The Stable is made of brick and contains two lofts. The Main House is built of quarried stone as are the Slave Quarters, the Granary, the lower Wagon Shed, and some of the smaller dependencies. This stone was quarried on the farm itself and the buildings erected with slave labor. There is a two-acre garden also fenced with quarried stone.

In 1824, a silver tankard was presented to Col. Bosley by the hand of General LaFayette on behalf of the Maryland Agricultural Society for the "Best Cultivated Farm." Having no issue, Col. Bosley bequeathed the farm to his close relative, John Merryman of Hayfields. An outstanding farmer, John Merryman imported some of the first registered Hereford cattle and Suffolk sheep to this country.

Today, approximately 50 acres comprising the buildings and courtyard are available for sale. In keeping with one of its missions to establish a Farm Museum, the Baltimore County Historical Society invites you to inspect this property and consider its potential for displaying its collection of farm equipment, for housing the historical and genealogical library, and for exhibiting Baltimore County historical artifacts.



① MAIN HOUSE—Completed prior to 1820, the Main House took ten years to build with slave labor. Virgin timber from the farm supplied the main beams which run the entire length of the mansion. Although having three floors, household help lived above the kitchen wing. The original entrance with driveway was on the south side of the house.

② GAS HOUSE—Originally a stone building (now a small garage), the Gas House held a gas tank from which fumes under pressure supplied the Main House lights.

③ SMOKE HOUSE—An early building on the property, and a dependency of the Cottage, the Smoke House was built prior to the Main House.

④ COTTAGE—The original farm dwelling, the Cottage was already built when Colonel Bosley acquired the property in 1811. The earliest structure was west of the front door, one room with a sleeping loft above. Bosley enlarged the Cottage, adding the center hall, stairs, and two stories to the right of the front door. He lived here until the Main House was completed.

⑤ GARDEN/ORANGERIE—A stone wall fences two and one half acres of terraced gardens. Below the swimming pool is the approximate site of the farm's orangerie or "lemon pit" as it was sometimes called. South of the Garden, in the front field, was the Quarry, source of all quarried stone for all buildings. The Blacksmith's Shop and Forge were where I-83 and Shawan Road are today.

⑥ SLAVE QUARTERS—Originally this building consisted of three separate apartments, each having an upstairs, while the basement ran the length of the building. Later used as the farm's office and tenant house, the south entrance to one apartment has a geographical marker set into the stone steps. Rings in the steps at each end of the building were used with ropes as pulleys to lower and raise casks, etc. stored in the basement.

⑦ GRANARY—Above the tool shed runs a large loft for grain. Although conceivably used as a carriage house, more likely the sheds held loaded hay wagons waiting for better weather. A unique architectural feature is the outside stone steps accessing the granary above. A full cellar was also used for storage.

⑧ BRICK STABLE—Consisting of seven box stalls and a tack room on the lower level, the building also has two large lofts—one for hay, the other for flailing grains. Speculation suggests that most of the brick was ballast from Baltimore-bound ships. As with most of the other buildings, massive virgin timbers run the length of this building also.

⑨ MAIN BARN—The original barn complex featured a massive fieldstone barn connected by flanking stone-walled walkways from two smaller quarried stone barns on either side. Remodeled in the 1940's, most of this complex burned in 1982.

⑩ CARRIAGE HOUSE—Now a garage and storage shed for farm machinery, the original building housed fancy farm carriages and cabriolets. Further down the hill near the pond is the Spring House, surrounded with its own stone wall. The farm's Ice House, filled in during the 1940's, was northeast between the Carriage House and the Bachelors' Quarters.

⑪ BACHELORS' QUARTERS—Originally built primarily for house servants, the building became later known as the Bachelors' Quarters. Built after the Cottage, the building was standing by the 1820's, having its own cellar, main floor, sleeping floor, and attic.

The farm houses are currently occupied and are NOT OPEN to the public. Please respect their privacy.

Hayfields To Be Show House

By Walter E. Herman

Hayfields, one of Baltimore County's oldest estates, has been selected as the 12th annual Baltimore Symphony Decorators' Show House.

Located in Hunt Valley off Western Run Road Turnpike, just north of Shawan Road, the 600-acre estate dates from 1808 and offers 30 rooms for decorators to dress up for the spring fund-raising event.

The proceeds from the Show House are used by the Baltimore Symphony Associates for the benefit of the Baltimore Symphony.

The 1988 event will be held from April 17 through May 15, according to George Brown of Severna Park, who is handling publicity for the Show House.

Nancy Young, a Cross Keys resident, is chairwoman of the Decorator Show House Committee.

Hayfields was built by Col. Nicholas Merryman Bosley between 1805 and 1810.

"The mansion has been vacant for the past six years, but it is in

very good condition," Brown said.

The Bosley family kept ownership of Hayfields until it was sold in 1979 to J. H. (Bud) Hammerman II.

The estate was purchased recently by developer Nicholas Mangione.

The land has continued to be used through the recent changes in ownership as a working farm, and even new members of the Merryman family have been growing corn on the fields.

Young said the committee has lined up 27 decorators to turn the mansion into a real Show House.

They will take possession on March 5, and the work should be completed by the week of April 11, when the media will be allowed to tour.

The annual evening preview party is scheduled for Saturday, April 16.

This Hunt Valley location will be the farthest the Baltimore Symphony Associates have ventured from the city for the event.

Among previous Show Houses in the Green Spring Valley, were

Laural, Gramercy and Zemblyn Perches; the present Roland Park Country School house in Roland Park, and several mansions on Greenway in Guilford.

In previous years the Show House event has raised as much as \$100,000 profit.

The decorators will return the house to the owner in better condition than when they took over, and major changes, such as kitchens and baths, often are left intact.

The gardens and pool area are being restored at Hayfields, Brown said, and all will be in readiness for the expected crowds this spring.

To get to Hayfields take Shawan Road west from I-83 to north on Western Run and follow signs to the 600 acre estate.

The hours for the Show House will be 10 a.m. to 3 p.m. weekdays, except Tuesdays, from 10 a.m. to 8 p.m.

On weekends, the public may attend from 1 to 5 p.m.

Admission will be \$8 at the door, \$6 if tickets are bought in advance of the opening.

The Merryman Property

Editor: This map shows Oregon Ridge Park and the Merryman property, which were discussed on your Opinion • Commentary page Jan. 3.

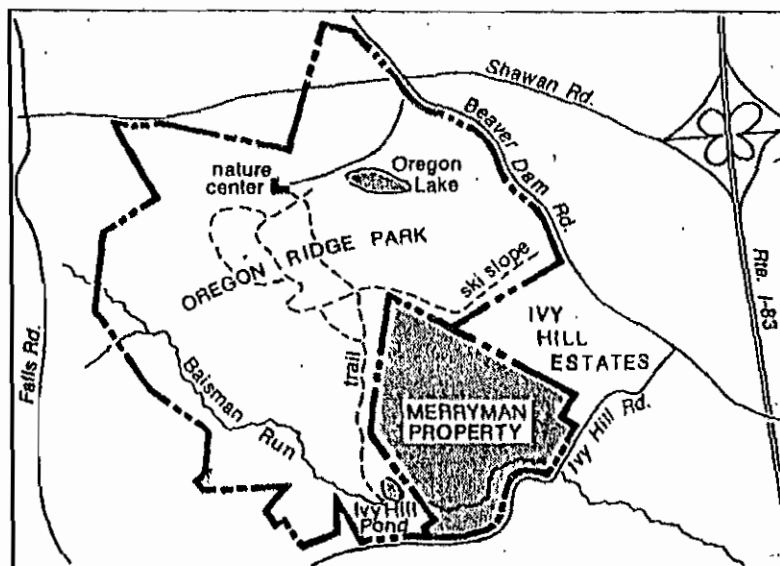
The issue is whether the 177-acre Merryman property is going to be developed for luxury housing or acquired by Baltimore County for addition to the park.

Last year, Baltimore County unsuccessfully bid \$900,000 for the Merryman property. Because of limited funds, the county is reluctant to pursue the matter further, either by offering the developer a higher price or by allowing a jury to determine the price through condemnation proceedings.

It is easy to foresee what impact the development of the Merryman property would have on the adjacent park. Ivy Hill Estates is a similar project now nearly completed. It has the kind of subdivision roads and large houses that would stretch from the top of the ski slope to the bluff overlooking Ivy Hill Pond and Baisman Run, if the Merryman land were developed.

It is also easy to see what the Merryman property would look like if it were acquired for park use. All one has to do is follow one of the trails starting at the park's nature center, then imagine similar trails extending throughout the wooded ridge-top, slopes and ravines of the Merryman land.

Oregon Ridge Park is of regional importance, and accordingly deserves regional support. I believe that there are many people — not



just from Baltimore County but throughout the Baltimore region — who are willing to contribute money to help Baltimore County buy the Merryman property for park use. Already the Coalition to Preserve Oregon Ridge Inc. has received pledges from individuals and local businesses totaling more than \$200,000. This large sum is likely to grow as more people become aware of what is at stake.

Moreover, this private fund can be added to \$900,000 in state Program Open Space money that is available to Baltimore County for purchase of the Merryman property. The opportunity to use state funds and large private contributions may in turn persuade the

county to allocate some of its own money, if necessary, toward buying the Merryman land.

Meanwhile, the developer is moving ahead. He is scheduled to submit his subdivision plan for final approval at a public meeting of the County Review Group on Jan. 26.

While his plans are being reviewed for conformance with county regulations, the county government (with financial help from all friends of the park) should take this last opportunity to buy the Merryman property for addition to Oregon Ridge Park, as recommended in the county master plan.

Alan Fisher.

Baltimore.

HAYFIELDS

The main house was built around 1800 by Colonel Nicholas Merryman Bosley using limestone quarried on the place. Tastefully restored and furnished with beautiful antiques by the present owners, Haysfields has never passed out of the family. The fieldstone gardeners house, slave quarters, ice house, smoke house, and carriage barn were built some 75 years earlier. Handsome stable built of red ballast brick. When Lafayette visited Maryland in 1825, he presented Colonel Bosley with a silver tankard for having the best cultivated farm in the state. Owners: Major General and Mrs. John Merryman Franklin.

Mr. John Merryman of Hayfields

Mr. John Merryman, of Hayfields, having given so much of his interest and love to the Church, and contributing so bountifully toward the improvements, did not live to see the work completed. His funeral was the first to be conducted after the completion of this beautiful new church - Sherwood Parish.

John Merryman of Hayfields, was one of the outstanding figures in the history of Sherwood Parish. He was for many years Register of the Vestry, and an ardent supporter of all that concerned the Parish's welfare. He was born at Hereford Farm, Baltimore County, on the 9th of August 1824, the son of Nicholas R. Merryman and Anne (Gott) Merryman. The Merryman family were of English extraction, the first of which emigrated from Herefordshire, about the year of 1650. In 1662 James Merryman, a member of Lloyd's first Commissions, assigned his certificate for five hundred acres of land to John Browne. This is the first transfer found in Maryland under that name. In the administration of James Calhoun, then Mayor of Baltimore, John Merryman, the grandfather of the subject, was president of the Second Branch of the City Council, at which time Hercules Courtney was president of the First Branch. It was through the efforts of these men that the General Assembly passed the Act for the incorporation of Baltimore City.

In 1839 John Merryman entered the hardware business in Baltimore, but two years later went to Guayamas, Porto Rico, where he engaged in business with some of his maternal relatives, in which place he resided for several years. In 1847, at the death of his Uncle, Nicholas Merryman Bosley, he returned to Maryland and took charge of "Hayfields", of which he was now proprietor.

During the Civil War, John Merryman's interests and sympathies were with the Southern cause. After the first bloodshed of that bitter struggle had taken place on the streets of Baltimore in April, 1861, he burned ~~the~~^a bridge south of Parkton, Baltimore County, to prevent a Pennsylvania Regiment from reaching Baltimore, by means of the Northern Central Railroad. For this activity, he was arrested on May 25th, and imprisoned at Fort McHenry, by troops under the command of General Caldwell. On petition, Chief Justice Roger

Roger B. Taney issued a Writ of Habeas Corpus directed to General Caldwell to produce the defendant Merryman for a hearing, but he was not released. General Caldwell was then cited for contempt of Court, which proceeding was also ignored by Caldwell on the ground that he had been instructed by President Lincoln to disobey the Writ. The venerable Chief Justice, afterward wrote his celebrated opinion on the Writ of Habeas Corpus, which is regarded as a legal masterpiece. Mr. Merryman was given a signed copy of this document, which was cherished by him with profound pride.

He was for many years a member of the Whig party, upon the dissolution of which he became affiliated with the Democratic party, an active member of which he remained until his death. He served his County as President of the Board of County Commissioners and as a member of the House of Delegates and the State, as Treasurer. He was greatly interested in scientific farming and belonged to many agricultural organizations, among which were the Maryland Agricultural Society, the United States Agricultural Society, president of the National Agricultural Association and one of the trustees of the Maryland Agricultural College.

In his home he entertained with the lavish hospitality which has since been associated with the name of "Hayfields", and even though his home was filled with guests on Sunday, this did not affect his attendance to the services of the Church, his guests were told that everyone was expected to go to Church, and the result was that his family and friends filled nearly one side of the Church building. His Church, "Sherwood" came next to his family in his daily life, his love and devotion for both could not be surpassed.

John Merryman was survived by his wife, Ann Louisa, whom he married in 1844. She was the only daughter of Elijah Gittings and Ann Lux Cockey. They had ten children: Ann Gott, Elizabeth, (married Lieut. Com. Charles H. Black) David Buchanan (married Elizabeth Montague), John, unmarried; E. Gittings (married Emily McLane), Louie (married James S. Nuesear, Jr.) William, unmarried; N. Bosley (married Willie Norton McGlesky), James (married Isabelle

Brown), Laura (married Philip A.S. Franklin)

Mr. E. Gittings Merryman succeeded his father as Register of Sherwood, in which capacity he served until his death in 1913. He lived and farmed his beautiful estate "Gerar" within sight of his boyhood home "Hayfields". He was for many years a director of the National Bank of Cockeysville. His son, Louis McLane Merryman was elected to the vestry on his death,

Ref: "One hundredth Anniversary of Sherwood Church

Cockeysville, Baltimore County, Maryland

1830 - 1930

by

Rev. Guy Edison Kagey, Rector

"HAYFIELDS" near Worthington Valley, built by

Colonel Nicholas Merryman Bosley in 1808

Sitting on a high knoll overlooking the Worthington Valley; surrounded by large oak, maple, spruce and birch trees and a wilderness of shrubbery of all kinds, and approached by a long, winding driveway, which breaks off from the Western Run road a stone's throw to the North of the Shawan road, and is shaded for its full length by rows of old locusts, is famous "Hayfields", the ancestral home of Colonel Nicholas Merryman Bosley and later the roof tree of the famous John Merryman of Hayfields.

It is difficult to adequately describe Hayfields - impossible, really, to make mere words tell its beauties. For it has an aristocratic atmosphere, and unapproachable poise and genteel reserve that wholly escapes or defies our limited terms. One must visit Hayfields and feel it to get any satisfying conception of the place. One doesn't have to be informed by records or report that real people lived there, Hayfields tells you that with every stone and stick of its makeup.

The Hayfields homestead was begun by Colonel Nicholas Merryman Bosley in 1805 and was finished and ready for occupancy in 1808. The whole establishment is said to have been set up from plans drawn by Colonel Bosley himself, and included a great house, overseer's house, slave quarters, blacksmith shop, horse barn, cattle barn, large granary, wagon sheds, barracks, two or three spring houses, ten acres of lawns and gardens, comprising three terraces on the South slope and surrounded by a stone wall and the whole set in a model farm of about five hundred acres.

On to the West of this is the two-story main slave house of eight rooms. This structure is built of stone also, and in the kitchen is a wooden post, about the circumference of a telegraph pole, running from the floor to the low ceiling, which tradition says is the old slave whipping post. There is another stone slave house to the North, almost back of the overseer's house. It is also two stories in height, but not so long as the main slave quarters.

Further on the West are the barns, grain barracks, shops and horse stable. All except one barn, are built of stone, with very thick walls. An interesting feature of all the place is the substantial appearance of the buildings. From great house to slave quarters and spring houses all are constructed of stone and all, but the spring houses, of course, are provided with large, dry cellars.

The mansion is of the early nineteenth century colonial design, with the main portion facing the South and rising two stories and attic over a deep and dry cellar, and a two-story wing extending North on a line with the West wall of the main structure and having a width of about half its length. The front is approached by a short flight of stone steps which lead to an uncovered stone platform, while a frame porch extends the depth of the East end of the house and a two-story frame porch runs along the rear of the main house from the East end to the angle of the ell formed by the North wing. Two extremely wide chimneys rise at each end of the main house, telling of great fire-places within.

Inside, the house is divided into more than twenty rooms. Those on the first floor are spacious and open off a wide central hall which runs the depth of the house. It was customary in those days, the ceilings of all rooms on the first and second floors are very high, the doors are wide and the blue shuttered windows long, with deep sills.

To the West of the mansion is the two-story overseer's house; a trim structure of stone and now occupied by Mrs. Betty Merryman Kemp.

The Merryman's have been identified with Baltimore County since 1682, when Captain Charles Merryman, second son of John Merryman, of Virginia, came up from the South and purchased land here. Charles became identified with St. Paul's parish in the County, was made captain of militia in 1696 and died at his Baltimore County home in

883
7/64

Hayfields, continued

1725. John, second son of Charles, afterward known as John Merryman of Clover Hill made his home in what is now a part of Baltimore City, on a short road then known as Merryman's Lane, and now known as University Parkway, and died there in 1749. In addition to land which he received from his father, John Merryman of Clover Hill, in 1724, purchased from Thomas Broad 102 acres near Herring Run, in the County. This tract he reconveyed to Broad in 1738, and on the same date Broad transferred the land to John Merryman, Jr., who established himself there, and later became known as John Merryman of Hereford. John of Hereford died and was buried on Hereford Farm in 1777, leaving the place to his son John. This second John of Hereford had a son Nicholas Rogers Merryman, who married Anna Maria Gott, and their son John, with his wife, Ann Louisa Gittings Merryman, inherited the estate of his great uncle, Colonel Nicholas Merryman Bosley, and became John Merryman of Hayfields. In 1806, on the death of Anne Louisa Gott Merryman, the estate passed to Nicholas Bosley Merryman and has remained in the Merryman family to this day.

From the beginning Hayfields has been regarded as one of the model farms of the country. In 1824, when Lafayette paid his second visit to America, he presented a prize of a beautiful tankard of old English silver to Colonel Bosley for having the best cultivated farm, and the trophy is still in the possession of the family.

The first Hereford cattle brought to this country were imported by John Merryman of Hayfields in 1852, and a great many of the Western herds were founded by him. He also brought the original sheep for the flock in Druid Hill Park.

Space forbids an adequate review of the life of John Merryman of Hayfields, who was one of the most prominent and active Marylanders of his day, and became a National figure in 1861, when he was arrested for treason and imprisoned in Fort McHenry by General Cadwallader in defiance of a writ of habeas corpus issued by Chief Justice Taney of the Supreme Court of the United States.

John of Hayfields was born August 9, 1824, and died November 15, 1881.

Excerpts taken from article written by
Mr. W. W. Williams of the Jeffersonian
October 3, 1931.

HAYFIELDS

About eight miles northwest of Towson and two miles from the Gunpowder, situated on a knoll in the beautiful Worthington Valley, surrounded by large oak, maple, spruce and birch trees, is "Hayfields", the ancestral home of Col. Nicholas Merryman Bosley. "Hayfields" was built by hand labor from plans drawn by Colonel Bosley in the sand with his cane, and today the plan is considered ideal - door opposite window, or window opposite window. About ten acres of lawn and the garden, comprising three terraces, are surrounded by a stone wall. The estate contains about five hundred acres and is equipped with its own blacksmith shop, wagon sheds large barns and barracks for storing the crops for which the place is noted.

Colonel Bosley was of English descent and having no children left the place to his great-nephew and his wife's great neice, John Merryman and Anne Louisa Gittings, for their lives, and at their deaths to their oldest son (that old English law of primo-geniture). Nicholas Bosley Merryman inherited the place in 1896 upon the death of his mother.

When Lafayette, in 1824, paid his second visit to this country, he presented a prize for the best cultivated farm in the state. this prize, a beautiful tankard of old English silver, was awarded to Colonel Bosley, and is in the possession of the family. The farm land is unusually beautiful, with rolling green pasture fields and running water. An interesting feature of this place is the substantial appearance of all the buildings. From tenant house to slave quarters, they are provided with large dry cellars. The first Hereford cattle brought to this country were imported from England by John Merryman in 1852 and a great many of the western herds were founded by him. He also brought the ~~original~~ original sheep for the flocks in Druid Hill Park. No chickens except Indian game, the fighting variety, have ever been raised on the place.

The buildings are all of fine limestone, and all walls, including partitions, are two feet in thickness. The main house required three years in building and was completed in 1808. "Hayfields" still remains in the family of the descendants of its builder, Col. Nicholas Merryman Bosley.

Hayfields

Hayfields known as one of the best farms in Baltimore county and situated on a hill near Cockeysville is the ancestral home of Col. Nicholas Merryman Bosley. It was built by hand labor and completed in the year 1808. In 1824 Col Bosley was presented a silver cup by Lafayette for the best cultivated farm in Maryland. The house is still in possession of the family. It is surrounded by ten acres of ground comprising lawn and gardens three terraces surrounded by a stone wall. On the place which consists of over four hundred acres are the original slave quarters and what was the blacksmith shop.

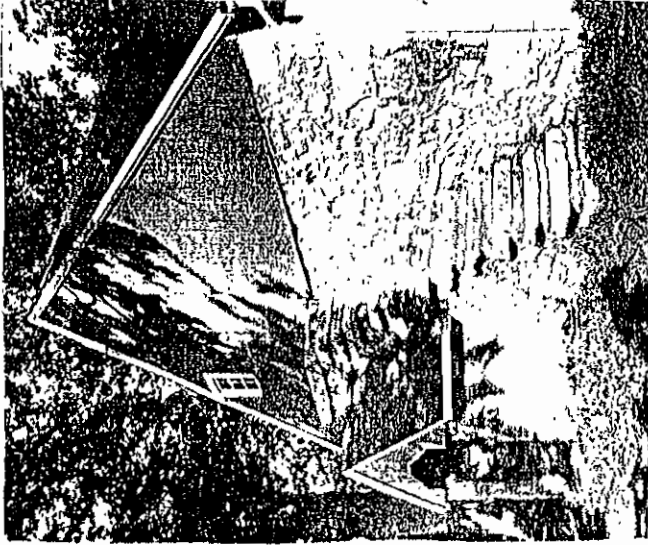
Col. Bosley had no children, so he left Hayfields to his great nephew John Merryman, and his wife's great niece Ann Louis Gittings. John Merryman in 1852 imported the first Hereford cattle from England, and it is said that a great many of the western herds were founded by him. Here also were raised Indian Game Cocks of the fighting variety, and one of the sporting events of Baltimore county in the early days was to attend a cock fight.

Hayfields: 162 Years in One Family

CITED as "worthy of careful preservation" by the Historic American Buildings Survey of the Department of the Interior, the mansion house of Hayfields, Farm, Worthington Valley estate of General and Mrs. John Merryman Franklin, is also a home of great charm and comfort.

As one of the few Baltimore county houses which have remained in the same family since the Eighteenth Century, Hayfields is steeped in history which enhances and enriches its natural beauty. General Franklin, chairman of the board of the United States Lines, and his wife divide their time between a New York apartment, a winter home in Florida and this fieldstone house designed, it is said, by the original owner, Nicholas Merryman Bosley.

Starting in 1800, slaves labored for eight years to complete the house, Mrs. Franklin relates, using stone from local quarries. The walls of Hayfields and its dependencies are 15 inches thick, and there is only one steel beam in the house; the rest are oak. Except for dormer windows which the Franklins added, the exterior of the house remains as it was when

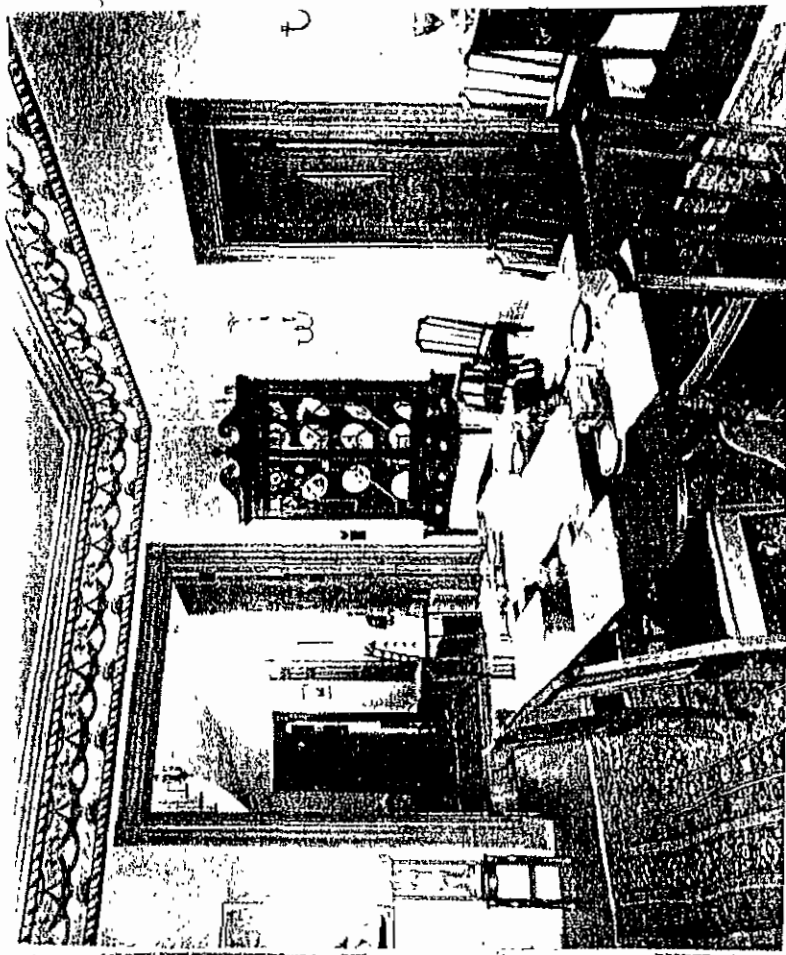


Granary is known for its unusual outside stone steps. Other dependencies on the estate are of stone with the exception of one brick barn.

Since the house had stood empty for 30 years, the couple set about refurbishing it, restoring the Georgia pine woodwork which had been painted brown to its original mellow beauty and replacing it where necessary. Although most of the floors are of this same pine, a newly designed oak staircase was installed, as were several baths and closets.

From their beginning the Hayfields acres, now numbering about 600, have been famous. In 1824 Colonel Bosley was presented a silver tankard by Lafayette during the French general's visit to this country, as a prize for the best cultivated farm in the State. Since John Merryman, great nephew of Nicholas Bosley, imported the first Herefords from England to the United States in 1852, the Hayfields herd has built up a reputation for excellence—a reputation maintained by the Franklins' 200 head of polled Hereford cattle.

Although General Franklin has been associated with water transportation for more than 40 years, there is little in the house to suggest it. In the comfortable library, where beiges, browns and moss greens predominate, the pen he used to sign the



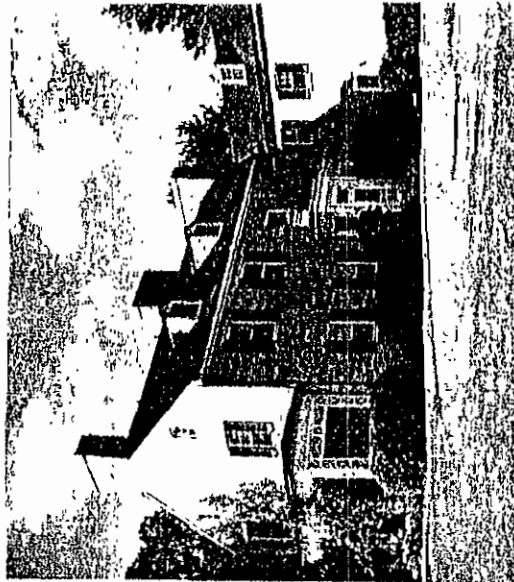
Dining room is typical of the graciousness of the Cockeysville home of General and Mrs. John Merryman Franklin. General Franklin is chairman of the board of the United States Lines.

There is a Frank Voss painting of Mrs. Franklin, who rode to hounds until just a few years ago, astride one of the Hayfields thoroughbreds, over the beautifully carved wood mantel. Even Mrs. Franklin's needlepoint pieces reflect her interest in horses and birds. She is a seasoned traveler and able photographer.

PORTRAITS by Sir Thomas Lawrence and John Hoppner are outstanding features of the living room, which is furnished with family pieces against a resplendent ground of cream, green and gold.

In the dining room with its wallpaper frieze and sconces copied from Williamsburg there are more antiques from the Merryman family, including a serpentine front sideboard and corner cabinet, which contribute to this gracious setting.

Although she was born in New York, Mrs. Franklin's forebears, the Hammonds, settled in Maryland, so she feels "quite at home in this part of the world." She



Hayfields Farm, which has been in General Franklin's family since the Eighteenth Century, was built of local stone by slave labor.

Hammerman firm buys Hayfields

By MONTE J. TRAMMER

Towson Bureau of The Sun

A corporation associated with I. H. (Bud) Hammerman, a wealthy developer and mortgage banker, has bought a tract of land in the Oregon Ridge area of Baltimore county that is under consideration for county historic landmark status.

The land is also adjacent to the site of a proposed \$5 million county outdoor concert facility.

The 474-acre site purchased is that of

the historic Hayfields Farm. It was bought by Hayfields, Inc., a subsidiary of The Hammerman Organization, in a transaction settled Monday.

James E. Offutt, president of Hayfields, Inc., and an attorney for The Hammerman Organization, would not reveal the purchase price, but said that the sales agreement allowed Mrs. John Merryman Franklin, the former owner, to continue living on the property for a maximum of 10 years.

Mr. Offutt said that the property, located north of Shawan road and west of Interstate 83, near Hunt Valley, would be maintained as a farm. He said there were no plans to develop it.

Mr. Offutt said that the transaction occurred because of the organization's need to re-invest funds.

The Hayfields site, on which the Baltimore County Council is considering conferring historic landmark status, was the subject of a landmarks preservation hearing April 25.

It includes a mansion built in 1810 by Col. Nicholas Merryman Bosley, a pioneer in soil conservation, according to data gathered by the Landmarks Preservation Commission. Several other buildings are on the property and the Hammerman Organization has asked for clarification of which are to be considered historic.

Landmark status requires that any substantive changes to the exterior of a structure take place in consultation with the commission.

The county administration intends to spend \$5 million to build an outdoor concert facility at Oregon Ridge, located across Shawan road south of Hayfields.

Some area residents are concerned that the proposed county project could spur commercial and residential development in what now is a largely agricultural community.

They fear that a performing arts center will lead to road-widening and extension of public water and sewer service, factors that can lead to increased development.

The county administration said those changes will not occur.

B. Merryman Kemp, owner of a 17-acre tract south of Shawan road between Hayfields and Oregon Ridge, said that he was approached about two months ago by a real estate agent claiming to represent the Hammerman Organization.

He said that the man, whose name he

Sec HAYFIELDS, C3, Col. 1

Firm buys Hayfields Farm

HAYFIELD, from C1

did not recall, asked to examine the property and talked about buying it for \$5,000 an acre.

"It can be bought, but not for \$5,000 an acre. I laughed in his face," Mr. Kemp said.

Mr. Kemp said that the agent also made "some ridiculous offer" to another nearby landowner.

The Hayfields purchase price is rumored to be \$5,000 an acre.

Mr. Hammerman was charged with federal tax law violations stemming from the probe of former Vice President Spiro T. Agnew, for whom he admitted being a "bagman."

Mr. Hammerman pleaded guilty to the tax charges as part of a plea bargain but was sentenced to an 18-month jail term. The charges were dropped last June after Mr. Hammerman's lawyer argued successfully on appeal that the plea bargain under which his client pleaded guilty did not stipulate that a jail term would be involved.

Hayfields buyer wants to build \$500,000 homes

By Robert A. Erlandson
Baltimore County Bureau of The Sun

Hayfields, a historic 474-acre farm at Shawan Road and Interstate 83, has been sold to developer Nicholas G. Mangione, who has approached the new Baltimore County executive and other officials about the possibility of changing its agricultural zoning to permit residential development.

J. H. "Bud" Hammerman, who sold the property to Mr. Mangione last week, failed in 1980 and 1984 to obtain the rezoning that would have allowed him to build 1,600 homes at Hayfields.

Mr. Mangione, who is the developer of several projects in Baltimore County and a golf course in Howard County, approached Dennis F. Rasmussen, the county executive, Tuesday about his proposal to build houses on the Hayfields land that he said would cost \$500,000 or more apiece.

However, Baltimore County planners and the councilman for the district said yesterday they would oppose any change in the current zoning of Hayfields.

Councilman Charles A. "Dutch" Ruppersberger III, D-3rd, whose approval would be required for zoning changes there, said he wanted to retain the rural character of the farm.

HAYFIELDS, from 1D

not talked to Mr. Mangione and would listen to any proposals, "but based on my experience of growth management, I'm not in favor of piercing the RC [rural conservation] zoning." Much of the tract now is zoned to allow one new house per 50 acres.

Mr. Hammerman said yesterday that he closed the deal with Mr. Mangione last week after several months of negotiations as part of his continuing dissolution of the Hammerman Organization, his family real estate development firm. Mr. Hammerman, 66, who now lives in retirement in Palm Beach, Fla., refused to disclose the sale price for Hayfields. The transaction has not yet been recorded in county land records.

Mr. Mangione could not be reached for comment. One of his sons, John Mangione, who is in the family firm, was asked for details and said, "You'll have to get it from the horse's mouth . . . from my father."

Mr. Hammerman said he believed Mr. Mangione "bought it for a long hold," possibly to live in the historic farmhouse.

Mr. Rasmussen said Mr. Mangione sought a meeting to outline his various projects in the county and then brought up his purchase of Hayfields. "He is interested in doing something with it, hopefully to develop it with exclusive homes, half a million dollars and up," the county executive said.

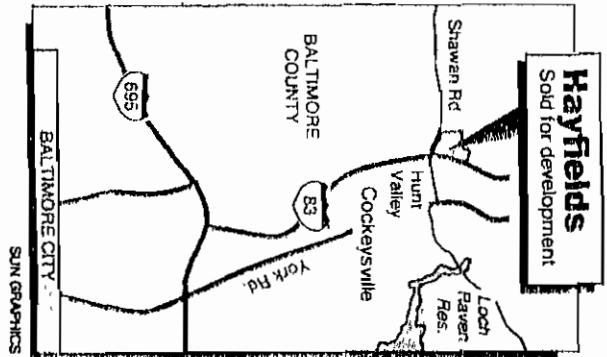
Mr. Rasmussen said he told the developer he was in no position to commit his assistance and reminded Mr. Mangione of Councilman Ruppersberger's public opposition to additional development in rural areas.

"I told him the councilman's position is a major factor," the executive said, "Mr. Ruppersberger has strong feelings and he is echoing the feelings of the people in the area." Mr. Rasmussen said he also reminded the developer of the continuing opposition of the "Valley communities" to further development, "and I respect that."

Richard Buck, president of the Valleys Planning Council, said Hayfields is a "key property in our Magnot Line . . . I think all the owners of the tract have known our feelings."

Mr. Buck continued, "We know something will happen there some day, but we would want it to fit into the plan for the Valleys."

Judith B. Baer, executive director of the private Historic Preservation Trust, and former executive director of the Valleys Planning Council, said she met for two hours with Mr. Mangione. "He asked for a meeting to discuss his options on preservation, and I gave him the materials we have," Ms. Baer said.



See HAYFIELDS, 3D, Col. 1

which in 1824 was awarded a prize for its cultivation, a silver tankard presented by the Marquis de Lafayette. The farm and its large stone house were owned by the Bosley and Merriman families for generations.

Mr. Ruppersberger said he had

"I have great faith that Mr. Mangione will do the right thing," Ms. Baer said. "I would like to see it left as a working farm and, ideally, I'd like to see Baltimore County buy it to use as an educational farm for children."

Mr. Rasmussen said there was a place in Baltimore County for such expensive houses as proposed, but that he and Mr. Mangione also discussed the need for additional affordable housing.

Norman E. Gerber, the county planning director, said Mr. Mangione met with him last week to ask what his options were for Hayfields and mentioned a type of development that would be impossible under its present rural-conservation zoning. "He is trying to decide whether to seek rezoning or a change in the zoning law," Mr. Gerber said.

Since 1980, the County Council has maintained Hayfields in two restrictive zoning categories: 300 acres of RC2, agricultural protection, which permits one house on a 50-acre lot; and 174 acres of RC4, which allows low-density residential development under stringent watershed protection restrictions.

Historic Houses - "Hayfields", Baltimore Co.

Noted Farm To Compete In Eastern Cattle Show

Early in 1906 Col. Nicholas Merriman Bosley was presented a silver tankard from the Maryland Agricultural Society by General Lafayette for having the best cultivated farm in Maryland. That farm was Hayfields, in the Worthington Valley, where the tradition of excellence in farming and cattle raising has been carried on ever since.

It was at Hayfield, too, that the Hereford cattle-raising tradition in Maryland began with the importation of cattle from Herefordshire, England, early in the 1800's.

Herefords have been raised at Hayfields ever since and the top animals of the show herd will be shown November 10 when the Eastern National Livestock Show opens at Timonium.

27 States Represented
Farmers and cattlemen from 27 states stretching across the nation from New England to California will compete in the Eastern National.

More than 2,000 entries have been received this year and, as

usual, the cattle will be coming from some of the nation's best dairy farms.

Many of the farms have been owned for more than a century by the same families. Others are recently purchased sites new to the cattle-raising industry.

The majority of the exhibitors are farm owners from Maryland and the East coast where the dairy and beef cattle business has risen to new efficiency and importance to the economy.

Bring High Prices
Cattle raised in Maryland consistently take some of the highest prices at the annual auction during the Eastern National because of their general excellence of breed.

Among the many outstanding Maryland farms which will be represented in the Eastern National are Hayfields; Hi-Ho Farm in Phoenix, Md., with its 200-year-old stone farm house, and Wakefield Valley Stock Farm in the fertile Wakefield Valley of Carroll county.

Typical of the farms from out-

of-state which will be represented at the livestock show is Pinehurst Farm, of Denver, Col., which will send ten show animals to the Eastern, and See-No-Further Farm, of Jutland, N.J., which will show four animals of championship stock.

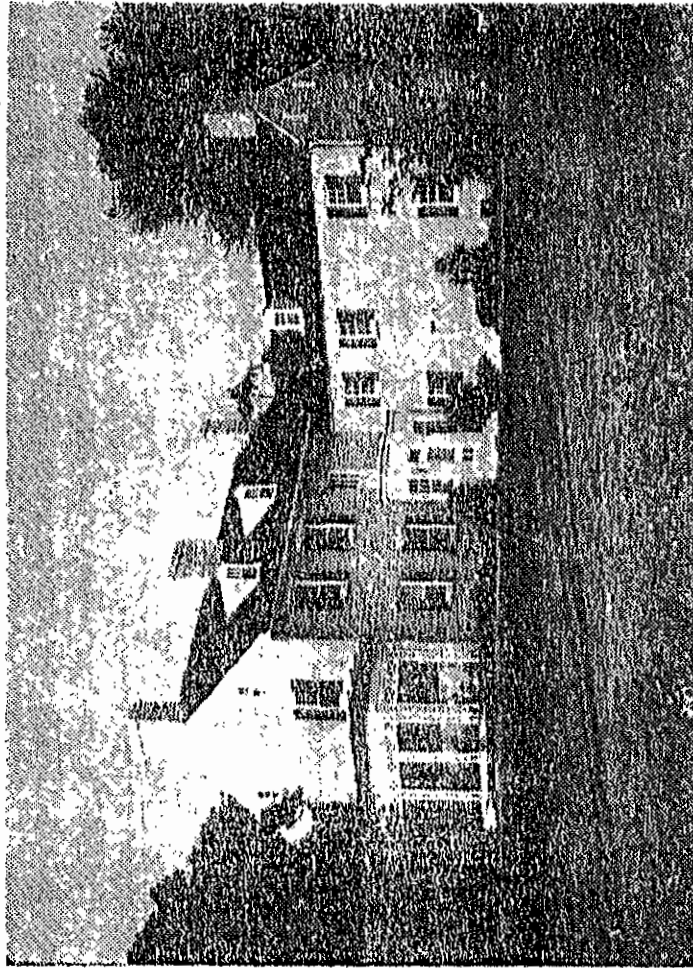
Remains In Same Family
Located 8 miles northwest of Towson, Hayfields is one of the few Baltimore county estates which have remained in the same family since the Eighteenth Century.

It is owned by John Merryman Franklin, a collateral descendant of Col. Nicholas Merryman Bosley, who drew the plans for the farm.

Mr. Franklin expanded the farm from its original 75 acres to its present 650 acres and restored the original stone buildings. The farm is managed by Nicholas B. Merryman, who will show eight head of prize Herefords at the Eastern National.

THE FAMILY SECTION Sat. Sun. Nov. 2, 1956

BAL



HISTORIC HAYFIELDS—Located in the Worthington Valley 8 miles northwest of Towson, Hayfields has been the home of the Maryland Hereford tradition for a century and a half. Some of its top show animals will go on exhibition at the Eastern National Livestock Show.

Hayfields Acquires New Owner

Baltimore Sun about 1939?

HAYFIELDS, one of the few Baltimore county estates which have remained in the same family since the eighteenth century, and which lies about eight miles northwest of Towson in the Worthington Valley, has just been sold at private sale to John Merryman Franklin, son of the late Philip A. S. Franklin, of New York, and nephew of the late Nicholas Bosley Merryman who occupied his ancestral acres until his death in 1921.

Through Mr. Franklin's purchase this 413-acre farm and the fine old stone house, whose building consumed the ten years between 1798 and 1806, thus continues in possession of a collateral descendant of Col. Nicholas Merryman Bosley under whose tenure Hayfields was developed into the best cultivated farm in the State.

Plans In The Sand

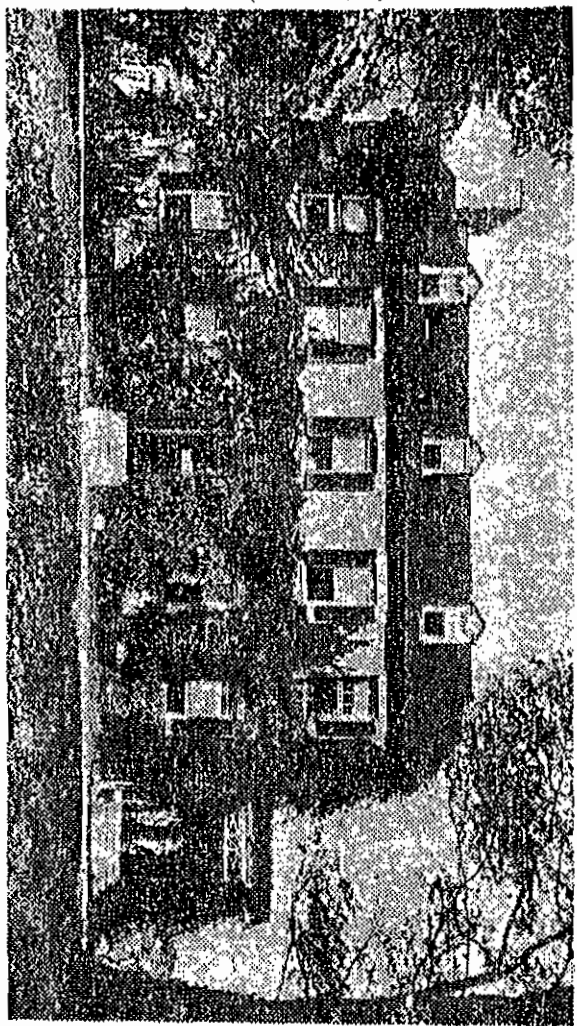
Family tradition has it that Colonel Bosley drew the plans for the house in the sand with his cane. Whether or not they ever were transferred to a less ephemeral medium tradition fails to add, but in any event the old mansion represents the nice sense of balance and the close attention to the principles of cross ventilation which were characteristic of the best architecture of the young republic.

Built of stone, with stone partitions and a particularly attractive doorway which seems to symbolize the hospitable welcome which always has been extended to visitors to Hayfields, the house was erected by slave labor. The walls are unusually thick and the entire structure has the substantial quality of buildings which are expected to serve not one but many generations. All of the other buildings on the place are of the same stone, with the exception of a brick stable, and all have the same thick walls.

Care On Farm

The care Colonel Bosley took to provide himself with durable buildings was reflected in the thoroughness with which he developed his farm. What fruit his efforts bore is attested by a silver tankard presented to him by Lafayette during the French general's 1824 visit to this country, as a prize for the best cultivated farm in the State. The tankard today is a cherished heirloom in the Merryman family.

Colonel Bosley had no children. At his death Hayfields descended to his great nephew, John Merryman, and the latter's wife, Louisa Gittings Merryman, after whose deaths it was bequeathed to their eldest son, then unborn. John Merryman faithfully continued his uncle's policy on the land. In 1852 he imported Hereford cattle from England and from this herd came some of the first Hereford cattle in the United States. Sheep he purchased in England started the flock in Druid Hill Park. Due to his Southern sympathy he was arrested early in the Civil War and imprisoned at Fort McHenry from which he was released under habeas corpus by Roger Brooke Taney, then chief justice of the United States.

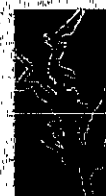


"Hayfields," from "The Chesapeake Bay Country," by Swenson Earle

The Next Owner

Nicholas Bosley Merryman, son of John Merryman and great-nephew of Colonel Bosley, next inherited the place. Mr. Merryman, who was treasurer of Baltimore county for many years, held numerous other public offices in the same community and never was defeated in an election. Mr. Franklin, whose mother was Mr. Merryman's sister, acquired the place from his estate.

CR-95-138



CHESAPEAKE
• ENVIRONMENTAL MANAGEMENT, INC. •

***AN ASSESSMENT OF
ENVIRONMENTAL IMPACTS FROM
PROPOSED ZONING CHANGES
AT THE HAYFIELDS DEVELOPMENT***

Prepared for:

Hayfields, Inc.
Lutherville, Maryland

Prepared by:

Chesapeake Environmental Management, Inc.
Bel Air, Maryland

August 29, 1994

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1.0 PROJECT DESCRIPTION

Hayfields, Inc. proposes to develop a residential community and semi-private 18-hole golf course on 471+/- acres of land located in Baltimore County (Figure 1). The property, known as Hayfields, currently has RC-2 zoning on 300 acres, and RC-4 zoning on 171 acres. Hayfields, Inc. is petitioning for a reclassification of 145 acres of RC-4 land to RC-2. According to the "Baltimore County Board of Appeals Guide for Preparation of Reclassification Petitions", if the petition includes documentation relating to the proposed use and development of the property, the documentation must include an environmental impact statement (EIS) that concerns the proposed use of the property under petition, as defined in Section 101 of the Baltimore County Zoning Regulations.

Under current zoning, approximately 40 residential lots would be permissible, 6 in the RC-2 area and 34.2 in the RC-4 area. The proposed zoning reclassification, as limited by the documented site plan, would allow 2 lots in the RC-2 area and 58 lots in the RC-4 area. Thus, the proposed use of the property under petition is the development of an additional 20 residential lots on the property.

Chesapeake Environmental Management, Inc., (CEM) has performed an assessment of potential environmental impacts from the development of an additional 20 lots on the Hayfields property. Comparisons have been made among potential impacts from current agricultural use of the land, the allowable development according to current zoning of the property, and the allowable development according to the proposed zoning changes. Environmental impacts associated with the golf course are not addressed at this time because it is allowed as a Special Exception use under both zoning classifications. A comprehensive assessment of all environmental impacts associated with the proposed golf course will be submitted as part of the Special Exception Zoning request.

2.0 SITE DESCRIPTION

The Hayfields property is located directly west of US Route 83 and north of Shawan Road in Baltimore County, Maryland (Figure 2). The property is bounded to the north and south by residential developments, to the east by industrial and commercial development, and to the west by large tract residential and agricultural uses.

Of the 471 acres comprising this property, approximately 300 acres are currently tilled. The remainder of the property is not tilled due to the presence of buildings and other structures, wet areas, steep slopes, and other environmental features.

2.1 Local Hydrology

In the southern half of the Hayfields property, there are three small intermittent tributaries to Oregon Branch. Oregon Branch is located south of the Hayfields property, and flows in an easterly direction until it joins Beaverdam Run (Figure 1). In the northern portion of the property there is a small, one-acre pond that is fed primarily by a spring. This spring was very likely the potable water supply for the original homestead. Outfall from the pond drains to Western Run, which traverses the most northeastern corner of the property, flowing in an easterly direction. The confluence of Western Run and Beaverdam Run occurs just above the Loch Raven Reservoir, which itself outfalls to the Gunpowder Falls.

As tributaries to Gunpowder Falls above the Loch Raven dam, both Western Run and Beaverdam Run, and all their respective tributaries, are classified as Use III-P waters (COMAR: Title 26.08.02.08J). Use III-P waters are defined as Natural Trout Waters and Public Water Supplies.

2.2 Hydrogeologic Setting

The Hayfields property is underlain by the Cockeysville Marble in the southern portion of the site, and by the Baltimore Gneiss, in the northern portion of the site (Figure 3). The following geological information is taken from The Geologic Map of the Hereford Quadrangle, Maryland (Muller, 1985) and The Geologic Map of the Cockeysville Quadrangle, Maryland (Crowley et al., 1975). Additionally, drilling of test wells has been conducted on the site, and CEM has verified the existence of both geologic formations in their reported locations.

The Cockeysville Marble present underneath the Hayfields property is referred to as the Massive Metalimestone Member, and is defined as a medium- and coarse-grained, commonly blue-streaked massive, clean calcite marble. This unit contains sparse silicates, and subordinate fine-grained metalimestone and very subordinate fine-grained metadolostone. These rocks weather irregularly from a clean white to yellow sand to a brown to red-brown clayey loam. Crowley et al. (1975) describes the rocks of the Cockeysville Marble as comprising one of the most productive aquifers in the Maryland Piedmont. The range of yields for 76 wells in this area is from 0 to 90 gallons per minute (gpm), with 24 percent of

these wells yielding 15 gpm or more. The median well yield for this aquifer is in the range of 7 to 90 gpm.

The Baltimore Gneiss present underneath the Hayfields property is referred to as the Layered Gneiss Member, and is defined as a dark to light biotite-microcline-quartz-plagioclase gneiss. Crowley et al. (1975) describes these rocks as comprising a moderately productive aquifer. The yields of 143 wells in the area range from 0 to 100 gpm, with 26 percent of the wells yielding 15 gpm or more. The median well yield for this aquifer is in the range of 7 to 15 gpm.

The depth to shallow ground water on the property is assumed to reflect a subdued expression of the topography. Based on the topography of the Hayfields property, the depth to shallow ground water is estimated to range from 0 to 75 feet below ground surface across the site (Figure 4). In general, shallow ground water flows locally from topographically high areas of recharge to topographically low areas of discharge. The flow of deep ground water is controlled by the intricate fracture network of the crystalline bedrock under the site, and as such is more difficult to generalize.

Six test wells in the proposed housing areas (Figure 2) have been successfully drilled on the property (Figure 5). Domestic test well #1 (DTW-1) was drilled to an approximate depth of 125 feet, and has an estimated yield of 30 gallons per minute (gpm). Domestic test wells #2, #3 and #5 (DTW-2, DTW-3, DTW-5) were each drilled to an approximate depth of 200 feet, and have estimated yields of 100+, 55 and 5 gpm, respectively. Domestic test wells #4 and #6 (DTW-4 and DTW-6) were drilled to an approximate depth of 300 feet, and have estimated yields of 2 and 40 gpm, respectively.

3.0 ENVIRONMENTAL IMPACTS FROM SITE DEVELOPMENT

It is anticipated that the proposed zoning change at the Hayfields property will have minimal environmental impacts. The following environmental impacts associated with the zoning reclassification are addressed in detail because they are unavoidable, may result in cumulative long-term effects, or may result in the irreversible or irretrievable commitment of resources:

- ▼ Ground-Water Recharge and Consumption;
- ▼ Nitrate Loading from Septic Systems;
- ▼ Surface Water Runoff;
- ▼ Wetland and Forest Disturbance;
- ▼ Reduction of Wildlife Habitat.

3.1 Ground-Water Recharge and Consumption

3.1.1 Potential Impact

The removal of sufficient ground-water resources to supply the development necessitates an investigation of the effects of this water removal on the local water resources within and adjacent to the property boundaries. In particular, an assessment is necessary regarding the cumulative, long-term effects of this withdrawal, and the potential impacts to the resource and to other users of the resource.

3.1.2 Methodology for Assessment

The assessment of the potential impacts associated with this withdrawal was conducted by performing water balance analyses for various scenarios, including existing use, allowable use under present zoning, and allowable use under the proposed zoning during both average and drought climatic years.

To adequately understand the method used to perform a water balance analysis, including the inherent assumptions of the method, an understanding of ground-water occurrence and movement in the fractured-rock aquifers of the Maryland Piedmont Physiographical Province is necessary.

Under natural conditions, all ground water of the Maryland Piedmont is derived from precipitation. Of the total amount of precipitation that falls in a given watershed, a large part will be lost to the atmosphere by evaporation from soils and surface water bodies, and by vegetation transpiration. A lesser amount will fall directly on surface water bodies, or will flow over the land surface (runoff) and discharge to area lakes and streams. The remainder of the precipitation will infiltrate through the soil and percolate down to the water table, providing recharge to the ground-water system, and ultimately flow laterally towards local points of discharge, such as streams. Thus, the water budget of an area can be expressed by the following equation:

$$\text{Precipitation} = \text{Evaporation} + \text{Transpiration} + \text{Streamflow} \pm \text{Storage Changes.}$$

Typically, changes in ground-water storage are considered to be negligible (Daniel and Sharpless, 1983), and estimates of ground-water recharge can be made from calculation of ground-water discharge to local streams. Ground-water discharge to streams is

estimated using the technique of hydrograph separation. A streamflow hydrograph is a graph of streamflow as a function of time. The hydrograph separation requires graphically or statistically dividing the hydrograph into two components: 1) ground-water discharge and 2) overland runoff. For stream gaging stations where streamflow data has been collected for long periods of time, average values of ground-water discharge, and thus ground-water recharge, can be estimated. Evaporation is then assumed to equal the value of precipitation minus the value of total runoff.

Studies recently conducted by the United States Geological Survey (USGS) indicate that streamflow exceedance values can be used to estimate ground-water recharge in lieu of performing multiple hydrograph separations (Rutledge, 1993). Streamflow exceedance values are statistically calculated from gaging stations that have been monitored for an extended period of time. These values indicate statistically average rates of flow that are exceeded a given percentage of time. For example, a 50-percent exceedance value of 100 cubic feet per second (cfs) for a stream means that flow in this stream, when considered over the entire period of record, was greater than 100 cfs 50 percent of the time. Recent and ongoing studies by the USGS indicate that the 50-percent exceedance value for streamflow in Piedmont streams equates to average ground-water discharge, and thus average ground-water recharge (Rutledge, 1993).

3.1.3 Water Balance Analysis

To perform a hydrologically meaningful water balance analysis, one must consider the recharge to, and consumption from, an entire watershed, bounded by hydrological boundaries such as streams and ground-water divides (ridges). If the watershed of interest does not contain a stream gaging station for which long-term streamflow data exists, data must be extrapolated from a physiographically similar watershed that has been gaged. Ideally, a gaged watershed that is characterized by similar topography, underlain by the same geology, and of relatively the same size as the watershed of interest is used for the extrapolation.

To estimate the average annual ground-water recharge to the Hayfields property, streamflow gaging data was collected for drainage basins underlain by geologic formations similar to the Cockeysville Marble and Baltimore Gneiss Formations. Several gaging stations have been maintained by the USGS in Baltimore County. Slade Run was monitored from 1947 to 1981 near Glyndon; Western Run was monitored from 1944 to 1991 at Western Run; Jones Falls was monitored from 1966 to 1988 at Sorrento; Lower

Gunpowder Falls was monitored from 1926 to 1970 at Laurel Brook; and Beaverdam Run was monitored from 1982 to 1991 at Cockeysville, Maryland. All of these basins are underlain predominantly by the Cockeysville Marble, Baltimore Gneiss and Loch Raven Schist Formations.

Data from all five of these gaging stations were used to calculate the 50-percent exceedance value for each stream, the results of which were then averaged and extrapolated to estimate the ground-water recharge to the 471-acre Hayfields property. The average 50-percent exceedance value for these four gaged streams, representing the average ground-water recharge rate, is 1,238 gallons per day per acre (gpd/ac). Thus, the average annual recharge to the Hayfields property is approximately 212.8 million gallons of water, during years of normal climatic conditions. It is assumed that this value of recharge would be decreased by half during drought years, equalling approximately 106.4 million gallons of water recharging the aquifer.

The estimated value of recharge to the property must be adjusted to account for infiltration losses resulting from impermeable surfaces. It is estimated that approximately 5 percent of the property will be covered with impermeable surfaces, including roads, drive ways and rooftops, after development is complete. These estimates of infiltration loss would reduce the annual recharge to the sub-basin by approximately 10.6 million gallons during normal years, and by 5.3 million gallons during drought years.

3.1.3.1 Impacts from Current Use of the Property

The Hayfields property is currently farmed and the former manor house and buildings provide rental housing for several individuals. It does not appear that the agricultural land is mechanically irrigated, and thus ground-water use would be limited to domestic water supplies. According to the Maryland Department of Planning (1990), the average daily water use per household is 197.6 gallons per day (gpd). It has been demonstrated by the US Geological Survey (Otton et al., 1988) that for homes with private septic systems approximately 90 percent of well water is returned to the aquifer via the septic systems. Therefore, the effective average ground-water withdrawal under the present use of the property would be negligible.

3.1.3.2 Impacts from Development Under Current Zoning

Under the current zoning of the property, approximately 40 residential units would be allowed. The average annual ground-water requirement for these units is estimated to be 2,884,960 gallons. Assuming a 90 percent return via septic systems, the effective annual ground-water consumption would be 288,496 gallons. During drought conditions, the effective annual ground-water consumption would be 481,788 gallons. These consumption figures equate to less than one percent of annual ground-water recharge during normal years, and less than one percent of annual ground-water recharge during drought years (Tables 1 and 2).

3.1.3.3 Impacts from Development Under Proposed Zoning

Under the proposed zoning of the property, approximately 60 residential units would be allowed. The average annual ground-water requirement for these units is estimated to be 4,327,440 gallons. Assuming a 90 percent return via septic systems, the effective annual ground-water consumption would be 432,744 gallons. During drought conditions, the effective annual ground-water consumption would be 722,683 gallons. These consumption figures equate to less than one percent of annual ground-water recharge during normal years, and less than one percent of annual ground-water recharge during drought years (Tables 3 and 4).

3.1.4 Ground-Water Environmental Impact Statement

The results of the water balance analysis for both average and drought conditions under both zoning schemes indicate a consumption rate of less than one percent of the natural ground-water recharge. This consumption rate is very small when one considers the Water Resources Administration (WRA) of the Department of Natural Resources (DNR) regards water balances as being protective of the resource when consumption is 25 percent or less of recharge during average conditions, and is less than 100 percent of recharge during drought conditions.

Although, there will be an irretrievable commitment of ground-water resources if private wells are used in the development, the overall cumulative, long-term impact on the ground-water resources of the area is minor. Recharge to the aquifer far exceeds consumption by the development.

**TABLE 1. ESTIMATED ANNUAL AVERAGE GROUND-WATER BALANCE
UNDER THE CURRENT ZONING CLASSIFICATION.**

Ground-Water Recharge

Average Infiltration to the property ¹ :	212,830,770	Gallons
Infiltration Loss in the property ² :	<u>-10,641,539</u>	Gallons
Actual Recharge:	202,189,231	Gallons

Ground-Water Consumption

Consumption for Domestic Use ³ :	2,884,960	Gallons
Return to aquifer via Septic ⁴ :	<u>-2,596,464</u>	Gallons
Actual Consumption:	288,496	Gallons

Ground-Water Balance

Consumption = 0.14% of Recharge

¹ Based on 1238 gpd/acre of ground-water recharge to the 471-acre property.

² Based on 5% reduction of infiltration due to newly constructed impermeable surfaces within the 471-acre property.

³ Based on an approximate household daily water requirement of 197.6 gpd/unit for 40 units.

⁴ Based on a 90% return of well water via septic systems.

**TABLE 2. ESTIMATED ANNUAL DROUGHT GROUND-WATER BALANCE
UNDER THE CURRENT ZONING CLASSIFICATION.**

Ground-Water Recharge

Average Infiltration to the property ¹ :	106,415,385	Gallons
Infiltration Loss in the property ² :	<u>-5,320,769</u>	Gallons
Actual Recharge:	101,094,616	Gallons

Ground-Water Consumption

Consumption for Domestic Use ³ :	4,817,883	Gallons
Return to aquifer via Septic ⁴ :	<u>-4,336,095</u>	Gallons
Actual Consumption:	481,788	Gallons

Ground-Water Balance

Consumption = 0.47% of Recharge

¹ Based on 619 gpd/acre of ground-water recharge to the 471-acre property.

² Based on 5% reduction of infiltration due to newly constructed impermeable surfaces within the 471-acre property.

³ Based on an approximate household daily water requirement of 330 gpd/unit for 40 units.

⁴ Based on a 90% return of well water via septic systems.

**TABLE 3. ESTIMATED ANNUAL AVERAGE GROUND-WATER BALANCE
UNDER THE PROPOSED ZONING CLASSIFICATION.**

Ground-Water Recharge

Average Infiltration to the property ¹ :	212,830,770	Gallons
Infiltration Loss in the property ² :	<u>-10,641,539</u>	Gallons
Actual Recharge:	202,189,231	Gallons

Ground-Water Consumption

Consumption for Domestic Use ³ :	4,327,440	Gallons
Return to aquifer via Septic ⁴ :	<u>-3,894,696</u>	Gallons
Actual Consumption:	432,744	Gallons

Ground-Water Balance

Consumption = 0.21% of Recharge

¹ Based on 1238 gpd/acre of ground-water recharge to the 471-acre property.

² Based on 5% reduction of infiltration due to newly constructed impermeable surfaces within the 471-acre property.

³ Based on an approximate household daily water requirement of 197.6 gpd/unit for 60 units.

⁴ Based on a 90% return of well water via septic systems.

**TABLE 4. ESTIMATED ANNUAL DROUGHT GROUND-WATER BALANCE
UNDER THE PROPOSED ZONING CLASSIFICATION.**

Ground-Water Recharge

Average Infiltration to the property ¹ :	106,415,385	Gallons
Infiltration Loss in the property ² :	<u>-5,320,769</u>	Gallons
Actual Recharge:	101,094,616	Gallons

Ground-Water Consumption

Consumption for Domestic Use ³ :	7,226,825	Gallons
Return to aquifer via Septic ⁴ :	<u>-6,504,142</u>	Gallons
Actual Consumption:	722,683	Gallons

Ground-Water Balance

Consumption = 0.71% of Recharge

¹ Based on 619 gpd/acre of ground-water recharge to the 471-acre property.

² Based on 5% reduction of infiltration due to newly constructed impermeable surfaces within the 471-acre property.

³ Based on an approximate household daily water requirement of 330 gpd/unit for 60 units.

⁴ Based on a 90% return of well water via septic systems.

The only alternative to private wells is a public water system. Such a system would also result in the use of water resources, but the overall impact would be greater because public water systems are usually combined with public sewer systems. When public water and sewer are provided to a development, ground or surface water resources are still used, but a return of water to the aquifer in the immediate area may not occur, as the discharge point for the system may be downstream, or in another watershed altogether. A public water supply with private septic systems would be more favorable to the local ground-water system, but may not be cost-effective. Therefore, the development of the Hayfields property using private wells and septic systems is the most viable option, and will result in the least impact to local ground-water resources.

3.2 Nitrate Loading from Septic Systems

3.2.1 Potential Impact

The proposed development will require individual septic systems for each residential unit. The potential nitrate loading to the ground-water system from 60 homes necessitates an investigation of the effects of this potential loading on water quality of the local ground-water system. In particular, an assessment of the probability of the development increasing nitrate levels in the local ground water to levels exceeding the EPA drinking water standard of 10 milligrams per liter (mg/L) was necessary.

3.2.2 Methodology for Assessment

The assessment of the potential water-quality impacts associated with septic use on the Hayfields property was conducted using a mass balance calculation of nitrate loading to ground water (Hantzshe and Finnemore, 1992) for various scenarios, including existing use, allowable use under present zoning, and allowable use under the proposed zoning.

Inputs to the mass balance equation are: 1) average ground-water recharge rate from precipitation over the property area; 2) background concentration of nitrate in the recharge at the water table; 3) volume rate of waste-water entering the soil, averaged over the gross developed area; 4) concentration of nitrate in the waste water; and 5) fraction of nitrate loss due to denitrification in the soil. Output from the mass balance equation is the effective nitrate concentration in recharge to the ground-water system.

3.2.3 Nitrate Loading Analysis

The inputs to the mass balance equation were determined using available literature data and chemical analysis from samples collected on the property. The average ground-water recharge rate from precipitation was previously calculated for the water balance analysis (Section 3.1.3). The background nitrate concentration of ground water at the site was assumed to be 6.2 mg/L, based on sampling and chemical analysis of the spring feeding the small pond on the property. The volume rate of waste water entering the soil was assumed to be equal to 90 percent of water demand per household, or approximately 177.84 gpd (Section 3.1.3). The concentration of nitrate in the septic effluent of each residence was assumed to be 45 mg/L (USEPA, 1980). Finally, the nitrate loss due to denitrification was assumed to be zero, because this assumption resulted in a worst case scenario of maximum nitrate loading to the ground-water system.

3.2.3.1 Impacts from Current Use of the Property

The Hayfields property is currently farmed and nitrates in the form of fertilizers are applied to the property regularly. Although fertilizer application rates vary from location to location, from farmer to farmer, and from crop to crop, an average application rate is approximately 100-500 kilograms per hectare per year (Kg/Ha/yr) (Freeze and Cherry, 1979). Assuming a conservative nitrate-nitrogen application rate of 100 Kg/Ha/yr on the 300 acres of farmland at the Hayfields property, the average annual nitrate loading to the ground-water system would be 23.7 mg/L. However, this calculation assumes that there is no uptake of nitrogen by crops, and there is no denitrification occurring in the soil. Both of these assumptions are unrealistic, and an average nitrogen uptake rate of 75 percent for crops would be a reasonable assumption (Brady, 1984). Under this scenario, the average nitrate loading to the ground-water system would be approximately 6 mg/L. The assumptions in this calculation were verified by the nitrate concentration of 6.2 mg/L found in the spring above the pond on the property.

3.2.3.2 Impacts from Development Under Current Zoning

Under the current zoning of the property, approximately 40 residential units would be allowed. The average annual nitrate loading to the ground-water system from these units is estimated to be 6.2012 mg/L. This loading is below the EPA Safe Drinking Water Level of 10 mg/L, and assumes a continuous background

concentration of nitrate in the ground-water on the property of 6.2 mg/L. This assumption is conservatively high because once the farming operations on the property cease, the nitrate concentration in the ground water will begin to decrease, and the loading of nitrate to the ground-water system by the Hayfields development should be much less than 6.2 mg/L.

3.2.3.3 Impacts from Development Under Proposed Zoning

Under the proposed zoning of the property, approximately 60 residential units would be allowed. The average annual nitrate loading to the ground-water system from these units is estimated to be 6.2018 mg/L. This loading is below the EPA Safe Drinking Water Level of 10 mg/L, and assumes a continuous background concentration of nitrate in the ground-water on the property of 6.2 mg/L. This assumption is also conservatively high, and once the farming operations on the property cease, the loading of nitrate to the ground-water system by the Hayfields development should be far less than 6.2 mg/L.

3.2.4 Nitrate Loading Environmental Impact Statement

The nitrate loading to the ground-water system under both zoning schemes will be significantly lower than that currently being applied under the present agricultural use of the property, and should result in reduced nitrate levels in ground water over the long term. Additionally, the difference in nitrate loading between the two zoning scenarios is virtually negligible.

The alternative to this impact would require a public sewer system, which would result in a greater withdrawal of ground-water resources from the Hayfields area (Section 3.1.4).

3.3 Surface Water Runoff

3.3.1 Potential Impacts

During construction of the development, and after the installation of impervious areas, there are potentially three types of water quality impacts that may occur from increased surface water runoff. The first type is characterized by rapid, short-term changes in surface water quality during, and shortly after storm events. Examples of this water quality impact include periodic dissolved oxygen depressions due to oxidation of

contaminants, or short-term increases in the receiving water concentrations of one or more toxic contaminants (USEPA, 1983).

Long-term water quality impacts may be caused by contaminants associated with suspended solids that settle in receiving waters and by nutrients which enter receiving water systems with long retention times. In both instances, long-term water quality impacts are caused by increased residence times of pollutants in receiving waters. Other examples of the long-term water quality impacts include depressed dissolved oxygen caused by the oxidation of organics in bottom sediments, biological accumulation of toxics as a result of up-take by organisms in the food chain, and increased eutrophication as a result of the recycling of nutrients contributed by increased runoff discharges. The long-term water quality impacts of increased runoff are manifested during critical periods, such as summer, low stream flow conditions, and/or during sensitive life cycle stages of organisms.

A third type of receiving water impact is related to the quantity or physical aspects of flow and includes short-term water quality effects caused by scour and re-suspension of pollutants previously deposited in the sediments (USEPA, 1983).

3.3.2 Analysis of Surface Water Runoff

Quantifying the impacts of surface water runoff from any development is difficult at best to accomplish. The myriad of areally heterogeneous variables such as soil type, slope, vegetative cover, intensity and duration of storm events, existing water quality of surface water bodies and the presence and nature of existing habitats in surface water bodies, etc. make an accurate calculation of quantifiable impacts nearly impossible. Generally, predicted impacts of surface water runoff are assessed qualitatively, and mitigation actions are recommended to minimize impacts.

3.3.2.1 Impacts from Current Use of the Property

The current agricultural use of the Hayfields property likely results in little significant surface water runoff during times when low crop cover is maximized. When the fields are planted with row crops such as corn, however, runoff can be significant.

After planting, and before plant maturation, greater amounts of bare soil are exposed and significant runoff and sediment loading to Western Run and the intermittent

tributaries on the Hayfields property would occur. This situation would also occur immediately after harvest of crops. The impacts of this runoff on the surface water ecosystems would vary depending on the crop planted, the time between fertilizer or pesticide application, the duration and intensity of the storm event, and the relative climatic conditions leading up the storm event, but are very likely to be the most severe of any impact scenario.

3.3.2.2 Impact from Development Under Current Zoning

Environmental impacts due to surface water runoff will be the greatest during the construction phase of the Hayfields development. Short-term impacts will be in the form of slight, temporary increases in turbidity and sedimentation of Western Run and the intermittent tributaries on the property resulting from the disturbance of foundation materials. Following completion of the building phase, long term impacts from surface water runoff will be reduced due to the planting of turf grasses, which will help minimize runoff and sediment transport.

3.3.2.3 Impact from Development Under Proposed Zoning

While it is difficult to quantify the impacts from surface water runoff associated with the additional 20 residential lots that will be allowed under the proposed zoning reclassification, these additional lots will undoubtedly result in greater short-term impacts on surface water systems on the property. However, the beneficial long-term impacts of reduced runoff due to the planting of turf grasses also would be increased.

3.3.3 Surface Runoff Environmental Impact Statement

The short-term impacts from surface water runoff during the construction phase of the development will be minimized by the implementation of a County-approved sediment and erosion control plan. This plan will be more stringent than most due to the classification of Western Run and the intermittent tributaries on the property as Use III-P (Natural Trout Waters and Public Water Supply) waters. This classification requires that specific water quality criteria be met, and any sediment and erosion control plan must include Best Management Practices (BMPs) aimed at safeguarding the high quality of these waters. The specific water-quality protection measures for Use III-P waters include: 1) no sources of pathogenic or harmful organisms may be directed into the stream; 2) fecal coliform density must be less than 200 per 100 mL; 3) dissolved oxygen concentrations

may not be less than 5 mg/L; 4) the maximum temperature outside the mixing zone may not exceed 68° C; 5) pH cannot be less than 6.5 or greater than 8.5; 6) turbidity may not exceed 150 units at any time or 50 units average; and 7) Maryland toxic substance criteria to protect fresh water aquatic organisms are applicable (COMAR 20.08.02.03-3).

BMPs can be grouped into three categories (USEPA, 1983). Level One control options, the base level of effort, include practices that remove or reduce the sources of runoff pollutants. Level Two controls reduce the volume of runoff reaching waterways. Level Three controls are needed usually in the most severe cases of runoff pollution and consist of runoff collection and treatment measures. The most commonly used practices are source controls, which stabilize or trap sediments, and volume controls, which enhance infiltration or detain stormwater to reduce the rate of stormwater discharge. One special category of runoff control is sediment and erosion control on construction sites; BMPs in this category contain both Level One and Level Two practices. The following BMPs are examples of measures represented by each level of control:

Level One: Source controls, planning (street-sweeping, sewer catch-basin cleaning, vegetative cover, straw bales, educational programs on the disposal of used oil and use of fertilizers and pesticides, controls on the use and storage of street de-icing compounds, and pre-development landscape planning, etc.).

These controls are generally amenable to developing areas because they are designed to reduce site pollutant sources. The effectiveness of each depends on many factors. The value of educational programs, for example, is realized in the potential to eliminate pollutant build-up. Runoff studies in the Washington, D.C. area have found that street-sweepers used 3 times a week can remove up to 50 percent of the phosphorus from the street surface. The effectiveness of voluntary controls, such as those generally applicable to used-oil disposal or application of lawn and garden chemicals, depend upon an informed and responsible development (USEPA, 1983).

Level Two: Volume or discharge controls (rooftop and parking lot storage, infiltration pits, modular concrete-grid pavement, porous pavement, vegetative cover, grassed swales, detention basins, etc.).

Volume controls reduce the amount of stormwater entering receiving waters by detaining runoff temporarily, allowing particulate pollutants to settle out, and by slowing the rate of stormwater discharge to receiving streams. They also improve infiltration, which takes

advantage of soil processes to remove pollutants. Volume controls can achieve higher nonpoint source control benefits than other runoff controls due to the removal of both dissolved and suspended pollutants through infiltration and natural nutrient-removal processes within the soil profile. They are multipurpose controls because they also reduce peak-flow rates, usually extending the runoff discharge over a larger period of time, and because they minimize flooding, although the potential for stream-bank erosion and channel souring may be increased. Research in the Washington, D.C. area on volume controls such as wet ponds indicates they are very effective urban BMPs.

Their effectiveness is dependent on how much of the site's runoff is collected or slowed down by volume controls. Their use is not generally feasible in established urban areas because they are structural in nature, and installation requires expensive retrofitting. Developing areas offer a better potential for the application of volume controls because they can be incorporated into site-design plans; much more of the runoff can be controlled at less expense if source and volume control measures (Levels One and Two) are an integral part of the design of new developments (USEPA, 1983).

Level Three: Sewer conveyance-system storage, conventional and fluidic flow-regulators in sewer lines, off-site retention basins, waste-water treatment, etc. (USEPA, 1983).

These practices are structural engineering solutions that reduce peak flow during a runoff event through off-site storage and, in extreme situations, remove pollutants from the runoff by natural processes or through some type of wastewater treatment. These practices are often implemented in areas with combined sewer overflows and flooding problems. Although these are the most costly runoff controls, they may be the only type that could significantly reduce pollutant loadings from severe runoff problems. Source and volume controls may not provide sufficient coverage to reduce large runoff volumes, rates of discharge, and pollutant loads from these areas, and Level Three could offer the best solution.

The BMPs used for surface water runoff control at the Hayfields site will be determined by Baltimore County Department of Protection and Resource Management (DEPRM), and will be designed and implemented with the goal of protecting the high-quality Use III-P waters on the property.

3.4 Wetland and Forest Disturbance

3.4.1 Potential Impacts

Potential areas of wetlands have been approximated by Daft-McCune-Walker (DMW), based on a site walk-through, topography, aerial photographs, soils maps and Wetland Inventory Maps. According to DMW, there are an estimated 27 acres of non-tidal wetlands on the Hayfields property (Figure 6).

The potential wetlands associated with the proposed development generally perform four critical ecological and physical functions.

- 1) Biological Habitat - Wetlands provide direct and indirect supplies of food to a large array of animals including microorganisms, invertebrates, fish, birds, mammals, and reptiles. Wetlands also perform critical ecological functions in the breeding, resting, molting, and winterizing of migratory birds and waterfowl.
- 2) Hydraulic Controls - Wetlands return storm water and reduce the severity of flooding by storing and detaining storm water runoff. They serve as hydrologic buffers by releasing water during dry periods and storing water during wet periods.
- 3) Ground-Water Controls - Wetlands act as important groundwater recharge and discharge areas.
- 4) Attenuate Non-Point Source Pollution - Wetlands mitigate pollution by trapping, retarding, and filtering out suspended materials and silt, and by transforming or detoxifying pesticides, toxic compounds, metals, and organic matter. The microorganisms in wetlands break down air pollutants such as sulfites, and utilize water pollutants such as dissolved nitrogen and phosphorus for growth and development.

The environmental impacts to the existing wetlands on the property would include any action that decreased the total acreage of wetlands or impeded any of the four critical ecological and physical functions of these wetlands, as described above.

The Hayfields property is currently used for agriculture, and therefore there are few existing trees. Forested areas on the property are generally located coincident with potential wetland areas and on steep slopes where development will be prohibited.

3.4.2 Wetlands and Forest Environmental Impact Statement

The proposed development plan for the property places the residential units primarily on former agricultural lands and avoids any disturbance of wetland and/or forested areas. Should a determination be made at a later date that minimal impacts will be necessary, mitigative measures will be performed in accordance with state and federal wetland regulations and the state Forest Conservation Act.

3.5 Reduction of Wildlife Habitat

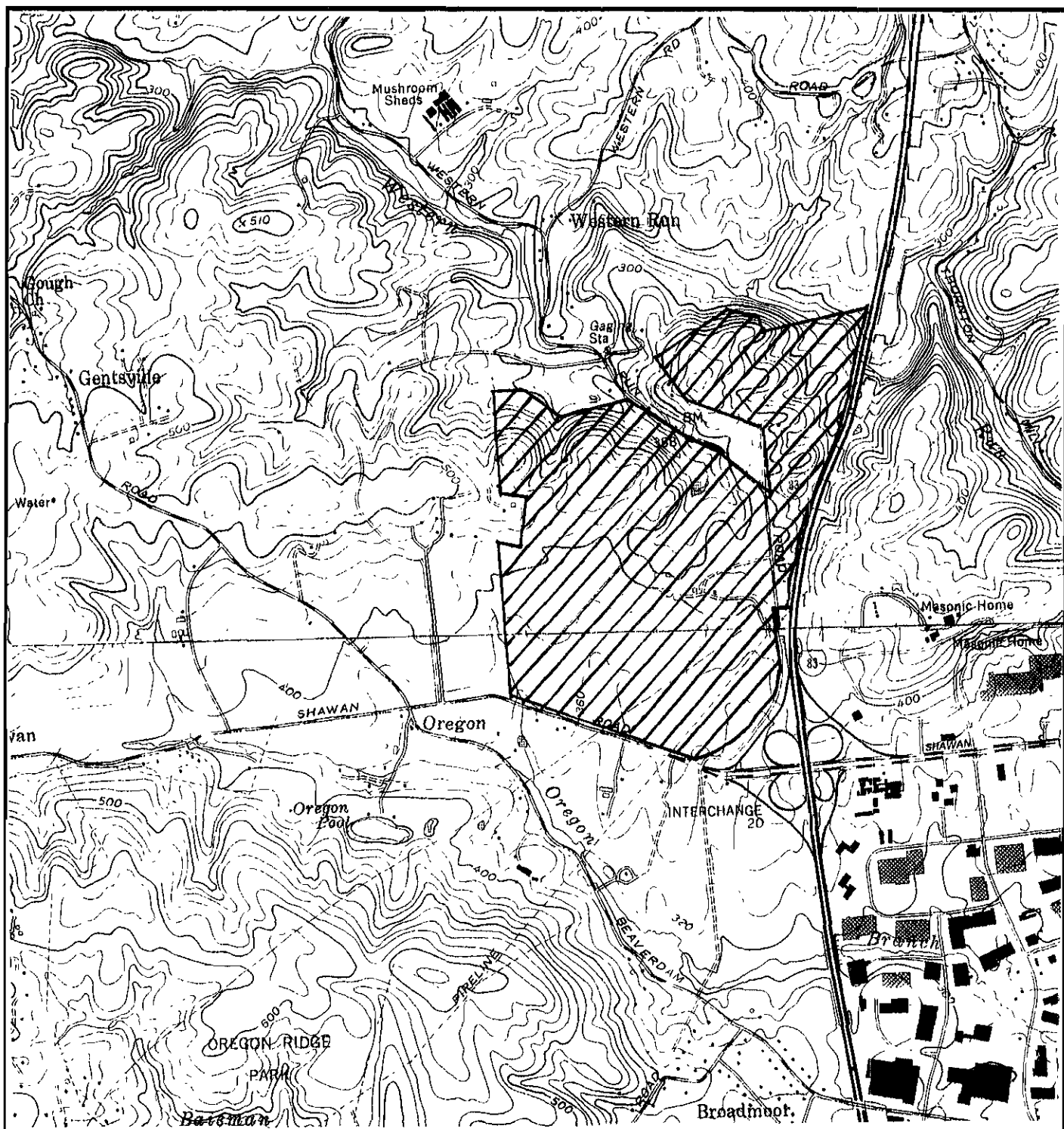
The Hayfields property has been investigated by a certified wildlife biologist, Mr. Richard Pais, of DMW. During numerous site investigations, no rare, endangered or threatened species were observed by Mr. Pais. Additionally, Ms. Patricia Cornman, of DEPRM, was also contacted to research county and state records regarding the presence of any rare, endangered or threatened species on the property. The result of that initial research indicated that no such species currently exist on the property, and a formal request for determination has been made to the county and state.

4.0 SUMMARY AND CONCLUSIONS

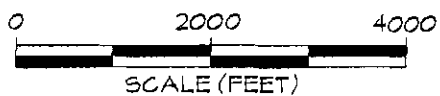
The results of CEM's study show that the Hayfields property appears to be well suited for the proposed zoning reclassification and development scheme. Environmental impacts from this zoning change are expected to be minimal. The increase in ground-water consumption and the decrease in ground-water recharge will not be significantly different whether the development proceeds under the current zoning of the property or under the proposed reclassification. The potential for nitrate loading and surface water runoff will decrease and water quality will likely improve over the current use of the property. It is not anticipated that there will be any disturbance to wetlands, forest or wildlife habitat under the proposed rezoning of this property.

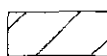
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LEGEND



 Property Area

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

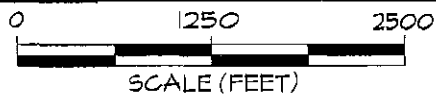
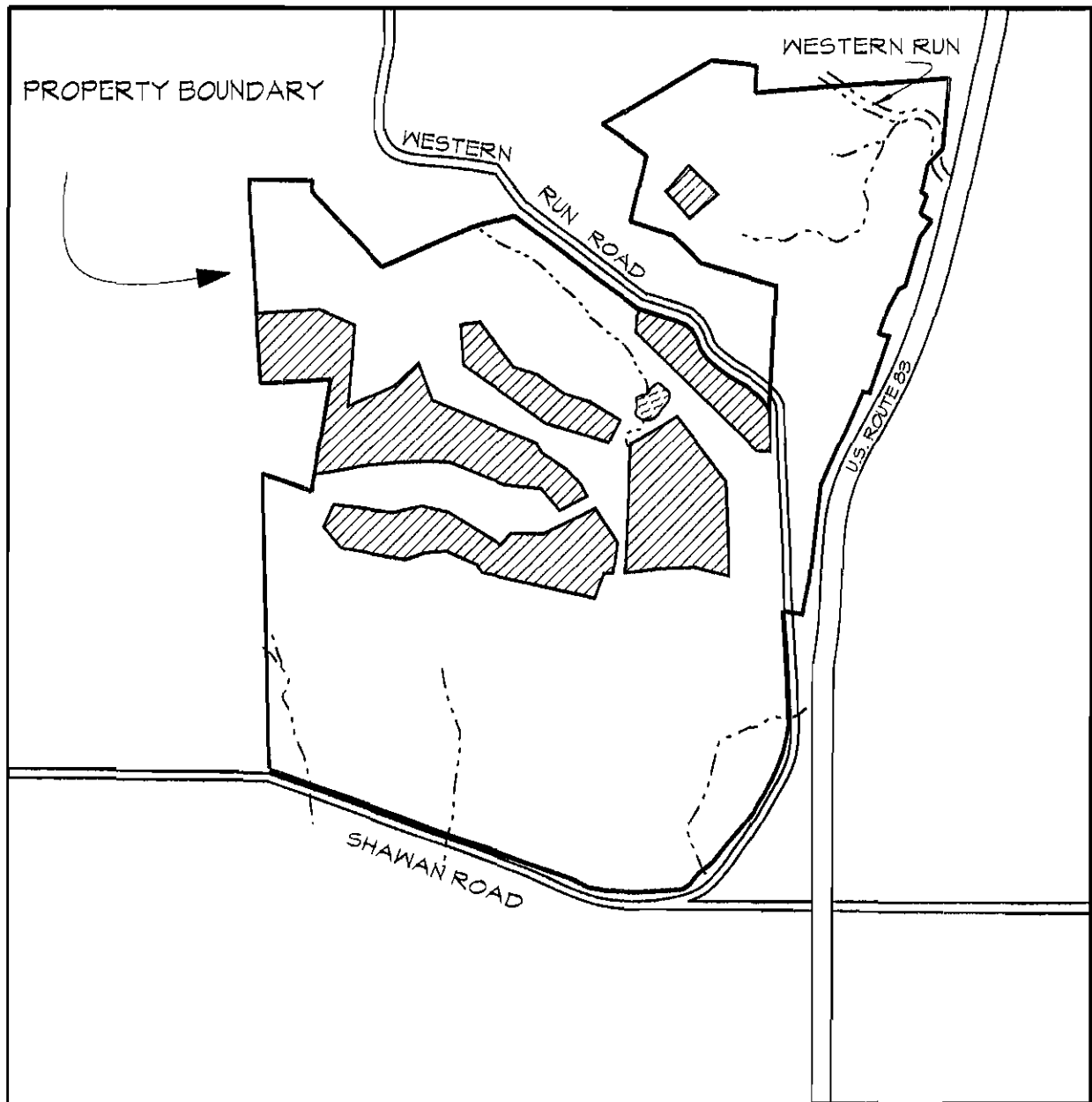
FIGURE 1 SITE TOPOGRAPHY AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 22 AUG 1994

HAYFIELDS, INC.



LEGEND

 Residential Areas

 Streams

 Pond

CHESAPEAKE
• ENVIRONMENTAL MANAGEMENT, INC. •

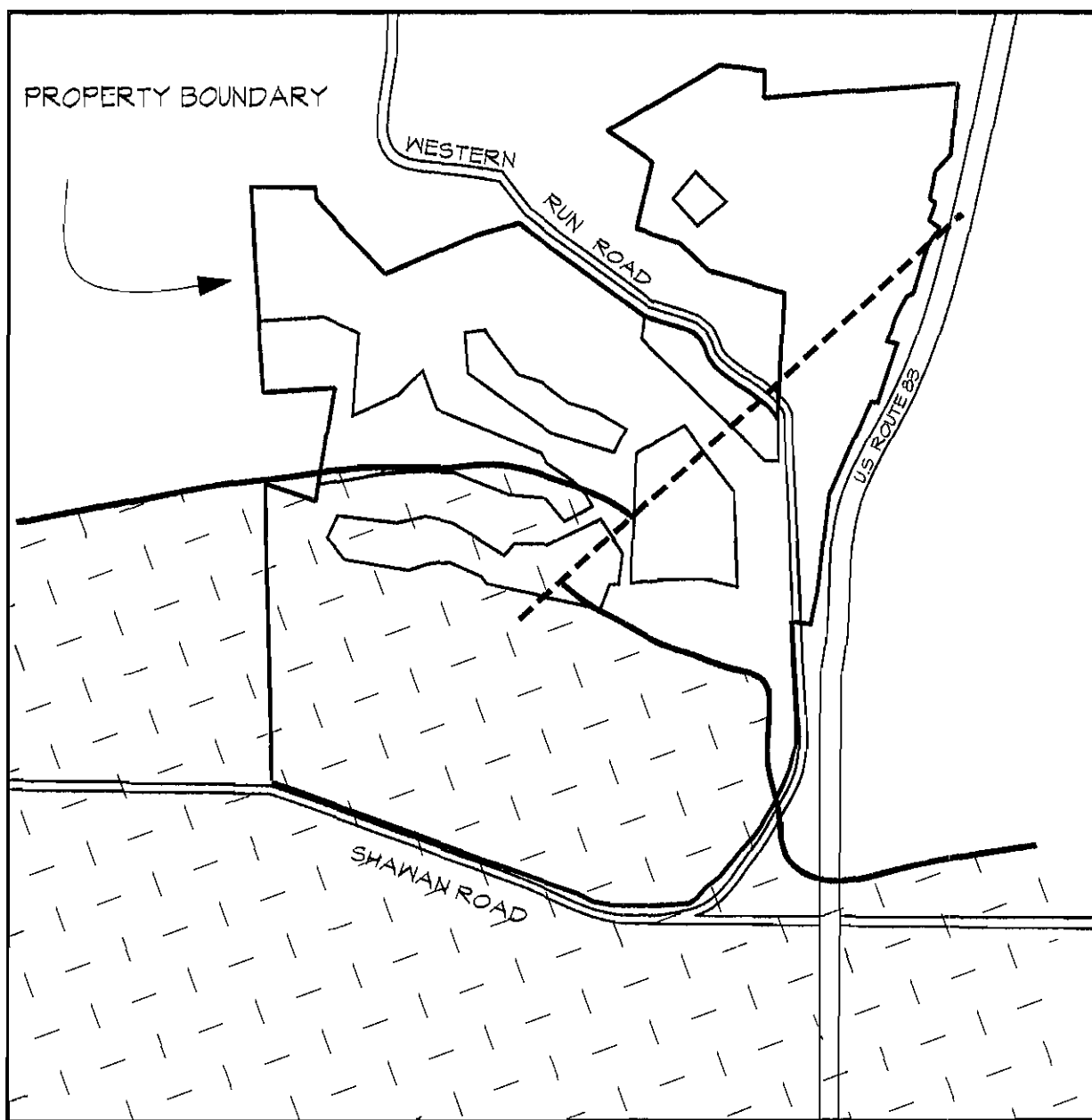
FIGURE 2 PLANNED RESIDENTIAL DEVELOPMENT AREAS AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 22 AUG 1994

HAYFIELDS, INC.



0 1250 2500

SCALE (FEET)

LEGEND

- Baltimore Gneiss
- Cockeysville Marble
- Geologic Contact
- Geologic Fault
- Residential Areas

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

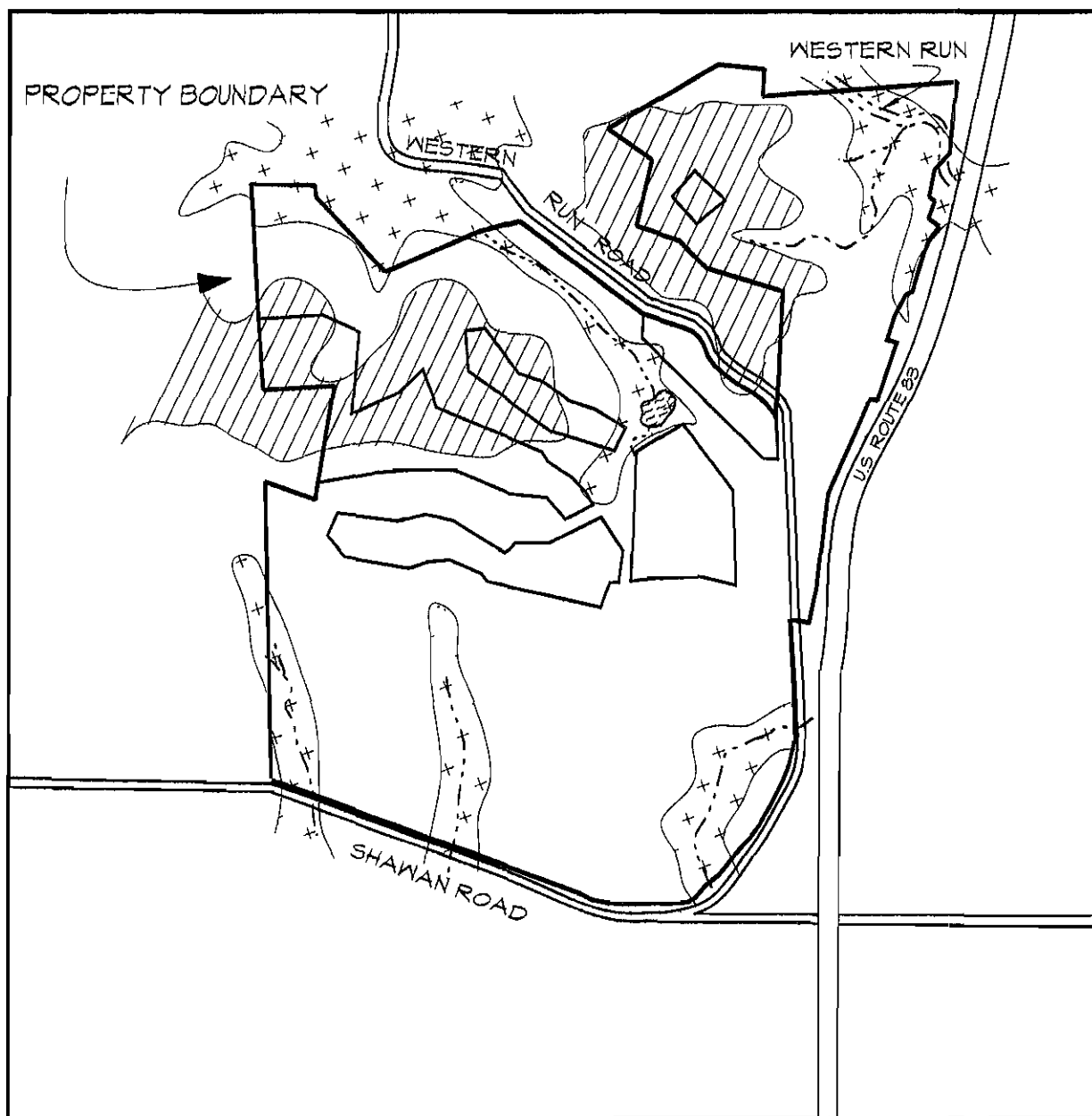
FIGURE 3
GEOLOGIC SETTING
AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 22 AUG 1994

HAYFIELDS, INC.



0 1250 2500
SCALE (FEET)

LEGEND

0 - 10 Feet	35 - 75 Feet
10 - 35 Feet	Residential Areas

CHESAPEAKE
• ENVIRONMENTAL MANAGEMENT, INC. •

FIGURE 4

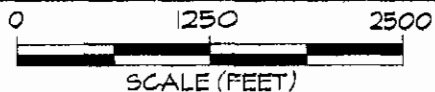
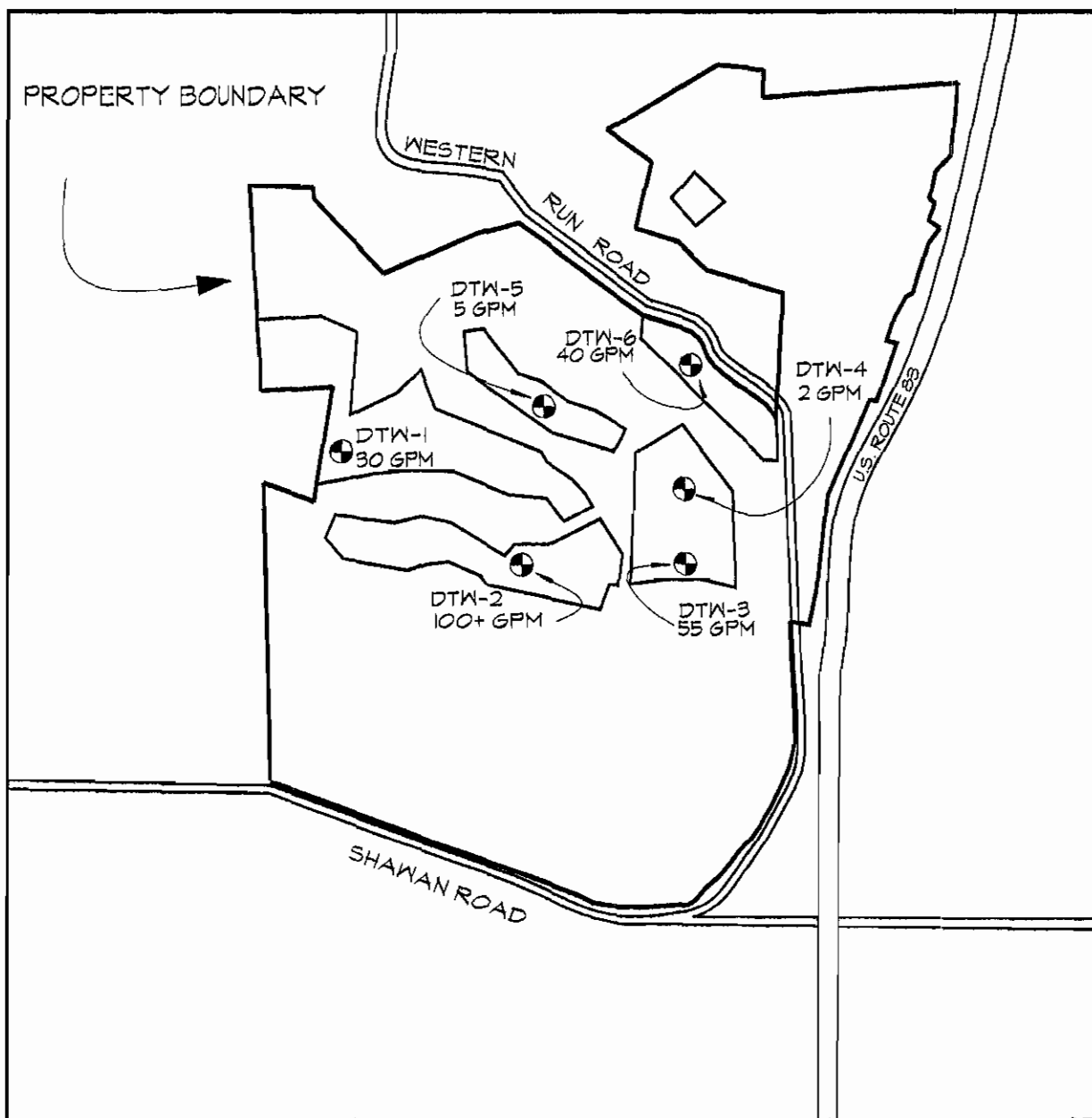
DEPTH TO GROUNDWATER
AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 22 AUG 1994

HAYFIELDS, INC.



LEGEND

- Domestic Test Well
- Residential Areas

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

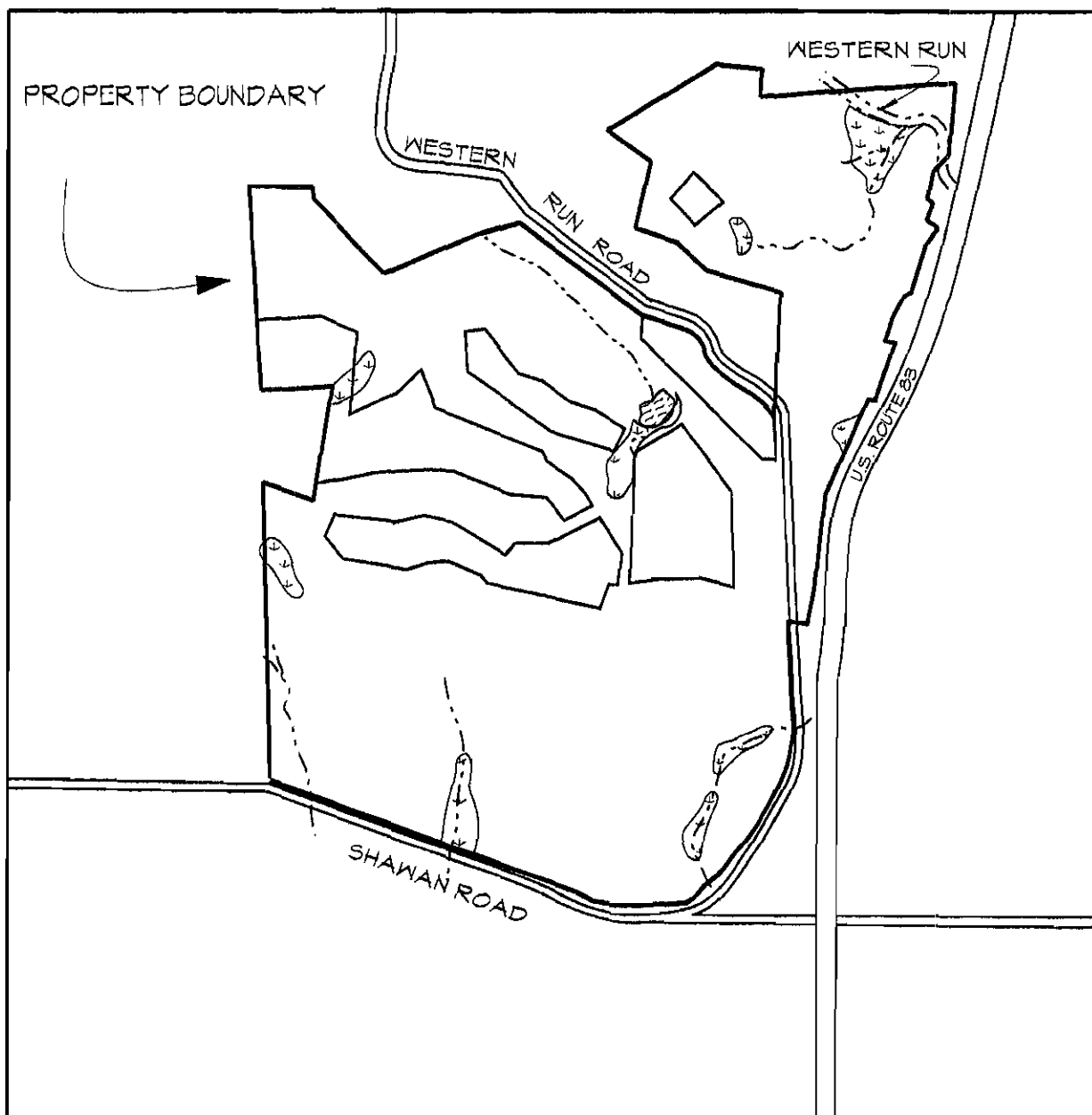
FIGURE 5
WELL LOCATIONS AND YIELDS
AT THE HAYFIELDS PROPERTY

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 22 AUG 1994

HAYFIELDS, INC.



0 1250 2500

SCALE (FEET)

LEGEND



Potential Wetland Areas



Residential Areas

CHESAPEAKE

• ENVIRONMENTAL MANAGEMENT, INC. •

FIGURE 6

**POTENTIAL WETLANDS AREAS
AT THE HAYFIELDS PROPERTY
(FROM DMW, INC.)**

DRAWN BY: M. BROWN

PREPARED FOR:

DATE: 22 AUG 1994

HAYFIELDS, INC.

1 TOLL HOUSE, INC. * BEFORE THE
2 N/s Shawan Road, W of * COUNTY BOARD OF APPEALS
3 Western Run Road - Hayfields * OF BALTIMORE COUNTY
4 301 Western Run Road * Case No. CR-138
5 8th Election District * June 1, 1995
6 3rd Councilmanic District *
7 *
8 Reclassification: From R.C. 2 *
9 to R.C. 4 *

10 * * * * *

11 The above-entitled matter came on for hearing
12 before the County Board of Appeals of Baltimore County at
13 Room 49, Old Courthouse, 400 Washington Avenue, Towson,
14 Maryland 21204 at 10 o'clock a.m., June 1, 1995.

15 * * * * *

16
17 ORIGINAL
18

19
20 Reported by:

21 C.E. Peatt

1 TOLL HOUSE, INC. * BEFORE THE
2 N/s Shawan Road, W of * COUNTY BOARD OF APPEALS
3 Western Run Road - Hayfields * OF BALTIMORE COUNTY
4 301 Western Run Road * Case No. CR-138
5 8th Election District * June 6, 1995
6 3rd Councilmanic District *
7 *
8 Reclassification: From R.C. 2 *
9 to R.C. 4 *

10 * * * * *

11 The above-entitled matter came on for hearing
12 before the County Board of Appeals of Baltimore County at
13 Room 49, Old Courthouse, 400 Washington Avenue, Towson,
14 Maryland 21204 at 10 o'clock a.m., June 6, 1995.

15 * * * * *

16

17

18

19

20 Reported by:

21 C.E. Peatt

1 TOLL HOUSE, INC. * BEFORE THE
2 N/s Shawan Road, W of * COUNTY BOARD OF APPEALS
3 Western Run Road - Hayfields * OF BALTIMORE COUNTY
4 301 Western Run Road * Case No. CR-138
5 8th Election District * June 14, 1995
6 3rd Councilmanic District *
7 *
8 Reclassification: From R.C. 2 *
9 to R.C. 4 *

10 * * * * *

11 The above-entitled matter came on for hearing
12 before the County Board of Appeals of Baltimore County at
13 Room 49, Old Courthouse, 400 Washington Avenue, Towson,
14 Maryland 21204 at 10 o'clock a.m., June 14, 1995.

15 * * * * *

16
17 ORIGINAL
18

19
20 Reported by:

21 C.E. Peatt

1 TOLL HOUSE, INC. * BEFORE THE
2 N/s Shawan Road, W of * COUNTY BOARD OF APPEALS
3 Western Run Road ~ Hayfields * OF BALTIMORE COUNTY
4 301 Western Run Road * Case No. CR-138
5 8th Election District * June 20, 1995
6 3rd Councilmanic District *
7 *
8 Reclassification: From R.C. 2 *
9 to R.C. 4 *

10 * * * * *

11 The above-entitled matter came on for hearin
12 before the County Board of Appeals of Baltimore County at
13 Room 49, Old Courthouse, 400 Washington Avenue, Towson,
14 Maryland 21204 at 10 o'clock a.m., June 20, 1995.

15 * * * * *

16

17

18

ORIGINAL

19

20 Reported by:

21 C.E. Peatt

1 TOLL HOUSE, INC. * BEFORE THE
2 N/s Shawan Road, W of * COUNTY BOARD OF APPEALS
3 Western Run Road - Hayfields * OF BALTIMORE COUNTY
4 301 Western Run Road * Case No. CR-138
5 8th Election District * July 10, 1995
6 3rd Councilmanic District *
7 *
8 Reclassification: From R.C. 2 *
9 to R.C. 4 *

10 * * * * *

11 The above-entitled matter came on for hearing
12 before the County Board of Appeals of Baltimore County at
13 Room 49, Old Courthouse, 400 Washington Avenue, Towson,
14 Maryland 21204 at 10 o'clock a.m., July 10, 1995.

15 * * * * *

16
17 ORIGINAL
18
19

20 Reported by:

21 C.E. Peatt

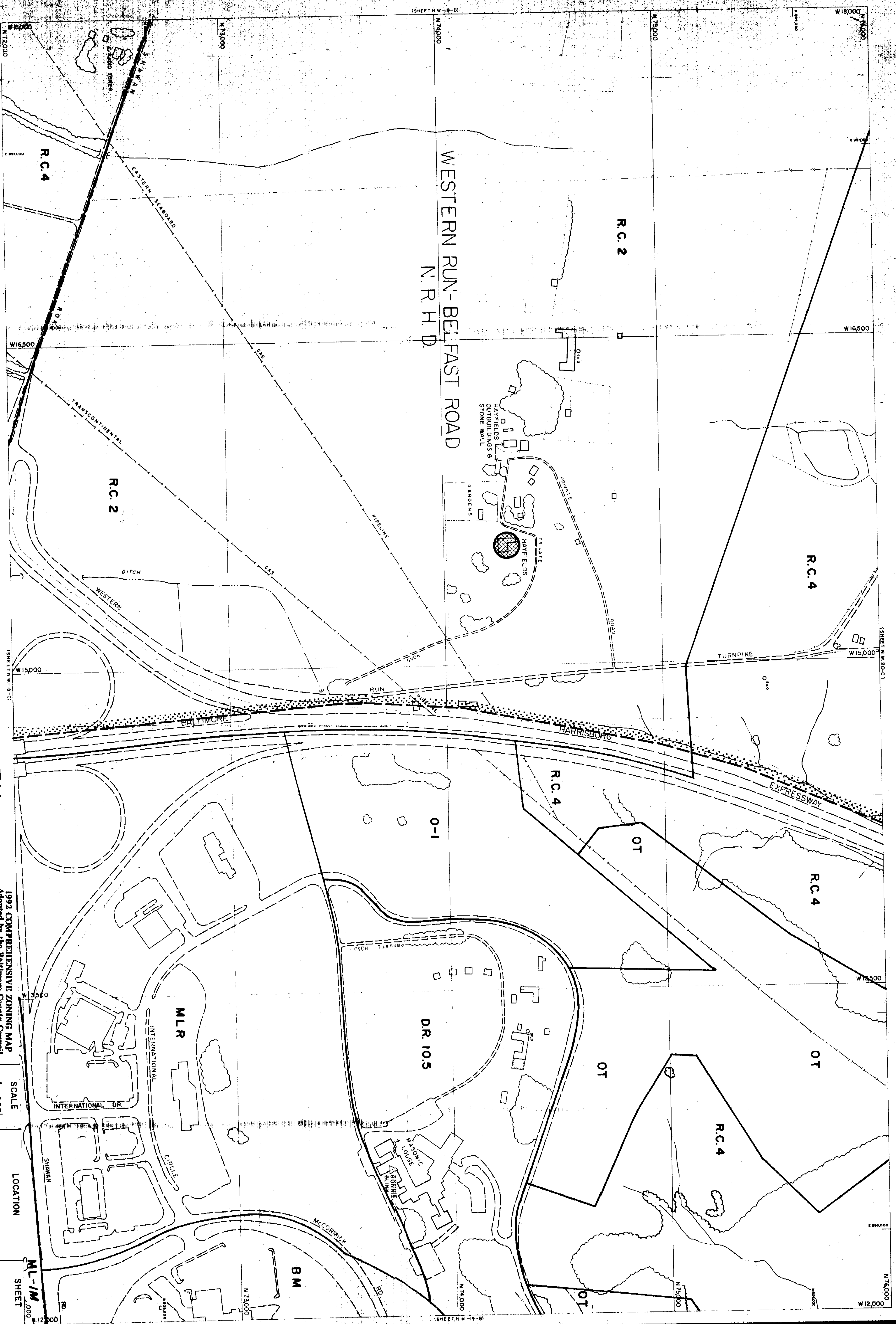
THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

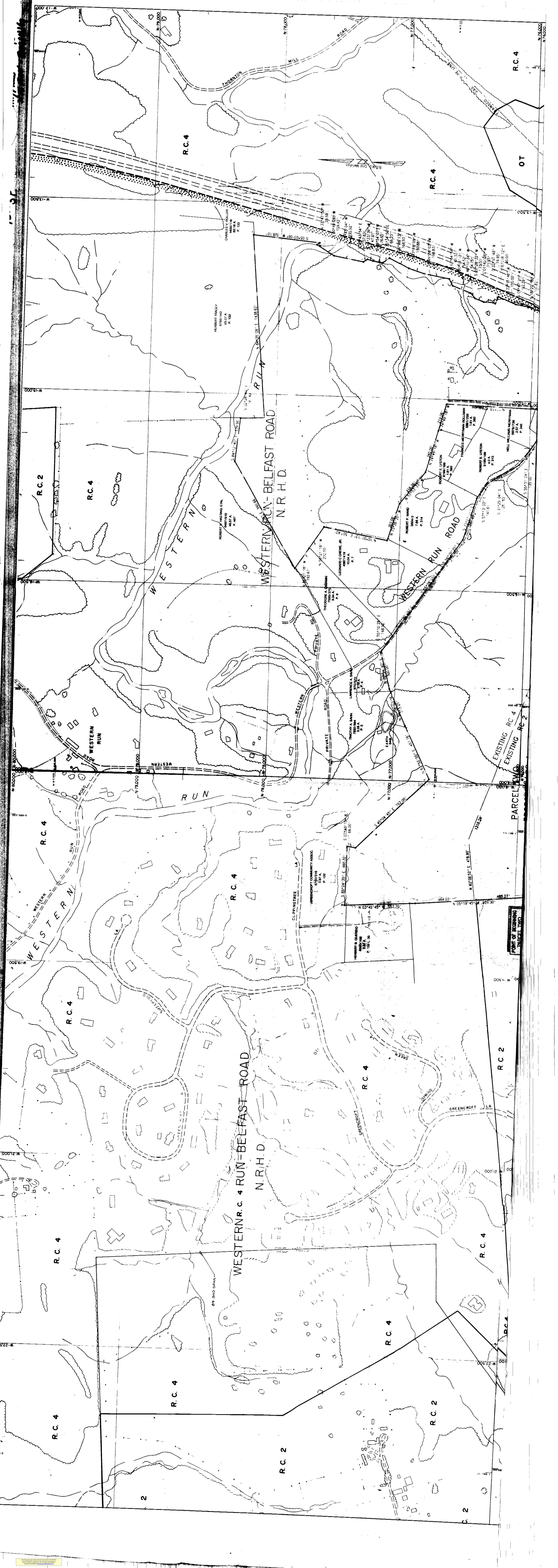
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

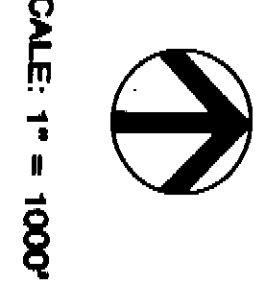
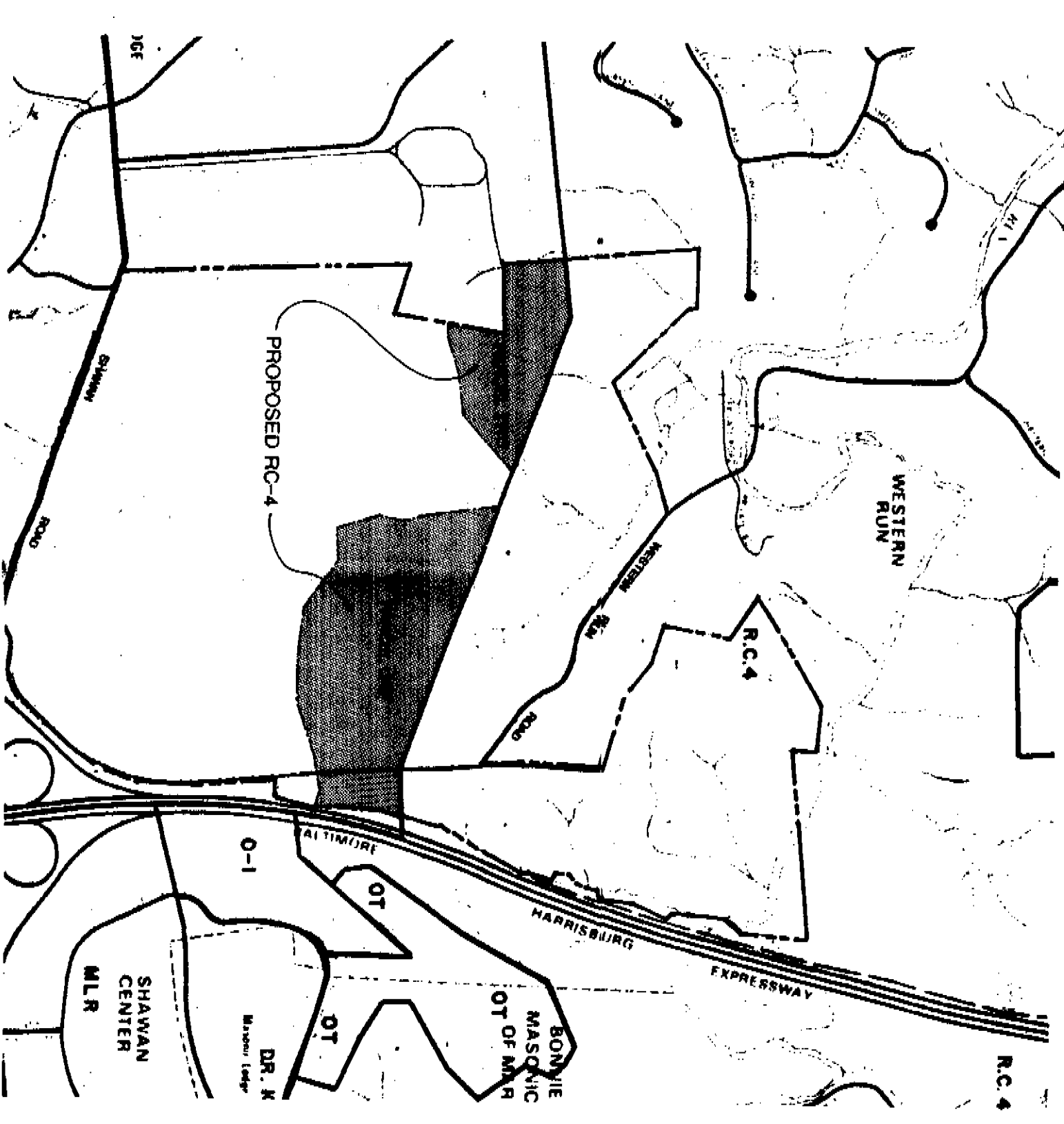
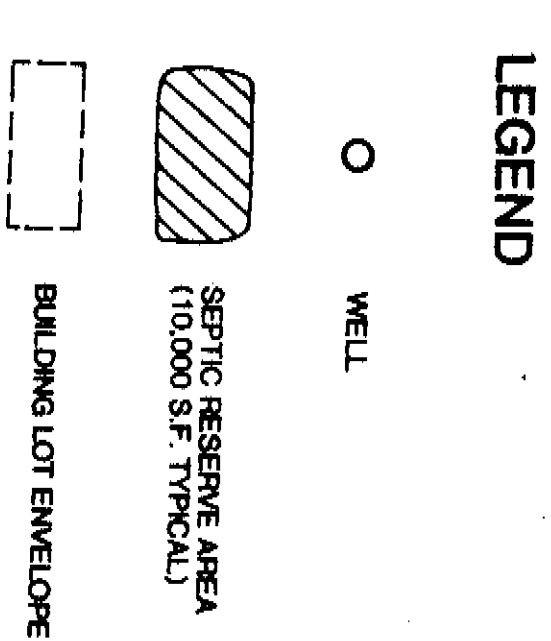
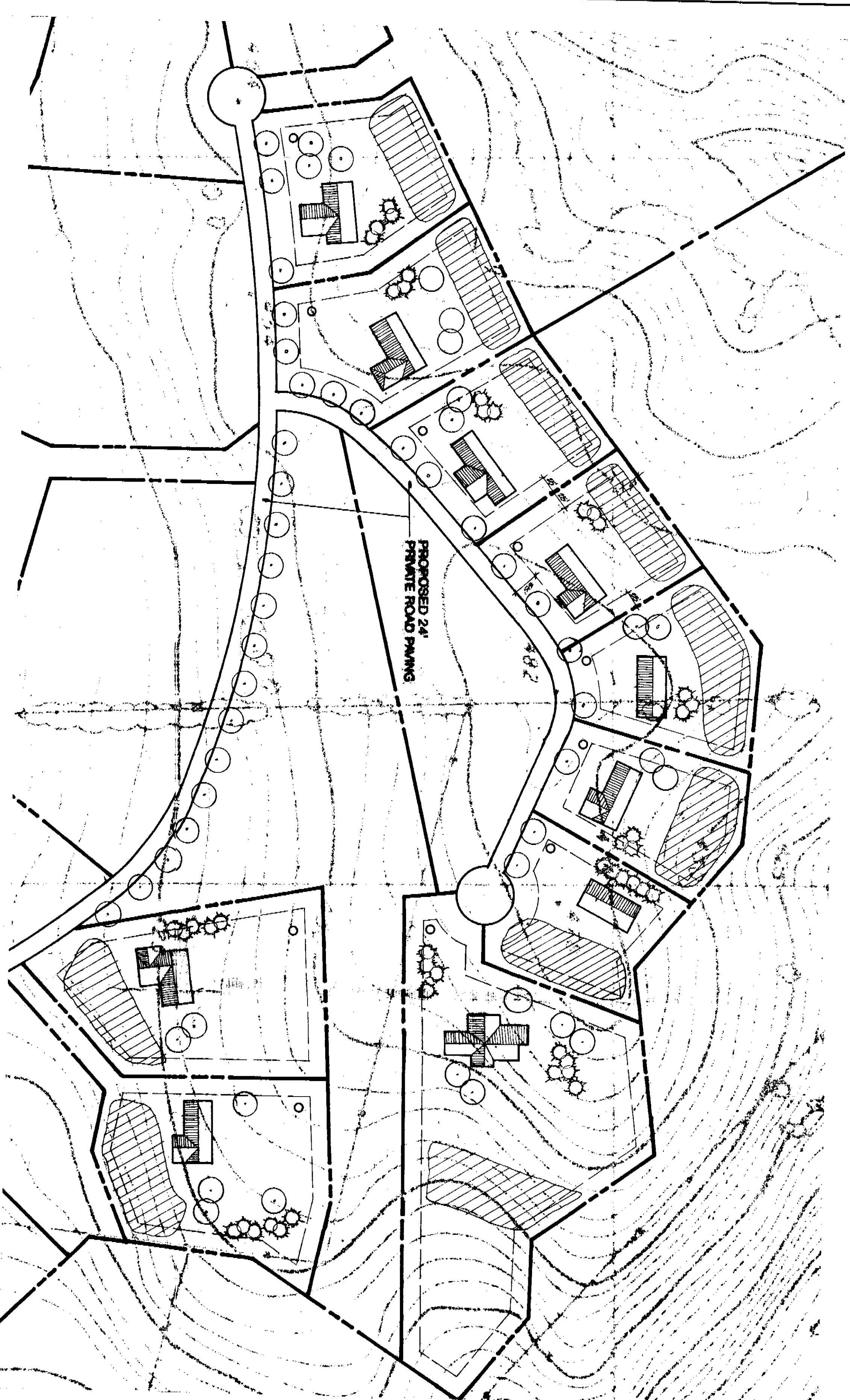
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Chairman, County Council

SCALE	1" = 200' ±
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	COCKEYSVILLE
SHEET	ML-1/M 19-C

CR-95-138







HAYFIELDS - PORTION OF 1000' SCALE ZONING MAP C-2

