

JUN 29 1995

20

* BEFORE THE HEARING OFFICER/
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. VI-138 & 95-266SPH
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This matter was originally scheduled for public hearing on March 7, 1995. At that time, the case was called and the Developer offered the proposed development plan as Exhibit No. 1. Proper objection was made to the introduction of that exhibit based on the fact that the plan was not sealed by an engineer/landscape architect/surveyor, etc., as required by Section 26-203 of the Baltimore County Code. When the objection was sustained, the Developer requested and was granted a continuance of the hear-

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ing. Ultimately, the matter was rescheduled for public hearing on May 19, 1995. The hearing then continued on the merits. At the conclusion of the hearing, counsel requested the opportunity to submit written memoranda on the difficult issues presented. By agreement of the Hearing Officer and counsel, memorandums were to be submitted and, in fact, were received on June 14, 1995. Moreover, it was agreed by the parties that June 14, 1995 would be considered the final hearing date for this matter, as set forth in Section 26-206(i) of the Code. Thus, the Hearing Officer's decision, per that section, is due within 15 days thereof.

Both counsel submitted memoranda citing their theories of law relative to this case. I have reviewed same along with the record of the testimony offered in this case and the numerous exhibits and other evidence offered. The issues largely relate to the concept of transfer of density, the impact of the Master Plan, and the effect of the amendment of the zoning regulations as they relate to R.C.4 property. As is often the case when an interpretation of law is at issue, the underlying facts relating to the case are not in dispute. By and large, the parties agree as to the factual history of the development of the subject property but dispute the application of the BCZR and the Baltimore County Code.

Appearing at the public hearing held for this case was the Petitioner/property owner, John M. O'Neill. Also present was James McKee of McKee and Associates. Mr McKee is a Civil Engineer and prepared most of the relevant site plans and/or the amendments thereto. The Petitioner was represented by Howard L. Alderman, Esquire. Appearing in opposition to the request were several residents from the surrounding locale. They included Ronald J. Hallameyer, Jr., and Wendy L. Hallameyer, who reside at 21 Timbershed Court. Also present was John W. Pfeifer, an attorney, and

neighboring property owner. Kristin Forsyth, from the Valleys Planning Council, also appeared and participated at the hearing.

Also present were representatives of the various Baltimore County agencies who evaluated the project. These included Joseph Maranto, the Project Manager, and Kate Milton from the Office of Zoning Administration and Development Management (ZADM), Les Schreiber from the Department of Public Works (DPW), Francis Morsey from the Office of Planning and Zoning (OPZ), and R. Bruce Seeley and Wally Lippencott, Jr., from the Department of Environmental Protection and Resource Management (DEPRM).

In 1986, when the relevant development history of this property commenced, Mr. and Mrs. O'Neill were the owners of approximately 154 acres of land. This property is located not far from Pretty Boy Reservoir in northwestern Baltimore County and is predominantly zoned R.C.4. The R.C.4 zoning classification is a Resource Conservation zone designed to provide watershed protection for the major, high quality sources of water supply for the Baltimore Metropolitan area. Although the R.C. classification is considered a rural classification, dwellings are permitted uses in the R.C. zone as of right. Moreover, as will be discussed hereinafter, the R.C. zoning regulations were comprehensively amended by the enactment of Bill No. 113-92.

In any event, in 1986 Mr. O'Neill decided to submit a development plan to the powers that be in Baltimore County for approval. At that time, development plans were approved by Baltimore County through a body known as the County Review Group (CRG). The CRG was composed of two members, a representative from the Office of Planning and Zoning and a representative from the Department of Public Works. These representatives considered the merits of submitted development plans and approved or denied same. CRG plans were defined by the Code as "schematic and conceptu-

al" development plans. CRG approval came at the end of Phase 1 of the development review process. Following the approval of a CRG plan, a developer would by course proceed to the recordation of a plat in the Land Records of Baltimore County. Moreover, the Developer was required to submit a development plan to the Office of the Zoning Commissioner (now the Office of Zoning Administration and Development Management, "ZADM") pursuant to Section 1B01.3. As that section states, development plans were to be submitted so as to provide public disclosure of approved development. That is, the development plan submitted to the zoning office was available for public inspection, so that potential property buyers could inquire about and determine the future of surrounding properties.

The plan for which Mr. O'Neill obtained CRG approval on November 26, 1986 shows a total tract of 244 acres. This total included 54 acres identified as Phase 1. Also shown were 99 adjoining acres, owned by Mr. and Mrs. O'Neill, identified as Tract A, and 90 acres, identified as Tract B, owned by Mr. Pfeifer. Apparently, Mr. O'Neill contemplated acquiring the Pfeifer tract as part of the overall development. The plan actually depicted only the layout of Phase I. No streets, lots or other details were shown for Tracts A & B, although the plan did show that 40 lots could be set out on the entire tract.

As is often the case, with a large development, Mr. O'Neill did not propose developing the entire tract at one time. Owing to market conditions and economic factors, he proposed development of the property in a piecemeal fashion. Thus, Mr. O'Neill carved out the 54 acre portion of the entire tract for designation as Phase 1. For development on this parcel, he proposed the construction of 15 single family residences. The development plan for this Phase I was recorded with the Office of Zoning Administration pursuant to Section 1B01.3. of the BCZR.

The 54 acre parcel known as Phase 1 called for development of 15 single family houses. Under the density regulations for R.C.4, only 11 dwellings were permitted. Specifically, those regulations mandate the development of R.C.4 property at a rate of .2 dwellings per acre. Mr. O'Neill "borrowed" 4 density units from the balance of the existing tract, apparently without objection from either adjoining property owners or Baltimore County. Clearly, it was contemplated that the number of units available for ultimate development on the balance of acreage would be reduced by 4 dwelling units, in view of the utilization of these units in Phase 1.

Moreover, as noted above, Mr. O'Neill filed the requisite development plan with the Office of Zoning Administration and proceeded to record the plat in Plat Book 56, folio 112. The actual construction of dwellings and the sale of lots proceeded in Phase 1. In fact, several of the Protestants who now object to subsequent development reside in the lots created in Phase 1.

Development on the balance of the site did not occur as envisioned. Apparently, Mr. O'Neill never acquired the 90 acres from Mr. Pfeifer and, thus, development is not proposed on that acreage. However, he did retain ownership of the 99 acres previously identified as Tract A and acquired an additional 27 acres which were not part of the previous CRG plan or final development plan submitted to the Zoning Office. Thus, at present, the total parcel equals approximately 181 acres, comprised of the "new" 27 acres which were acquired, Tract A of 99 acres, and the 54 acres of Phase 1.

As to the development proposed at this time, Mr. O'Neill proposes 19 single family dwelling lots as shown on the pending development plan. (Petitioner's Exhibit 2A). Moreover, that plan shows a reservation of the

right to place one lot within the conservancy area and one lot on Tract A. Thus, the total lots proposed will be 36 in number (15 in Phase 1, 19 under the pending development plan, 1 within the Conservancy Area and 1 on Tract A). This Hearing Officer/Zoning Commissioner notes, with much significance, that this number is within the maximum allowed for the gross acres of 181 acres. That is, from a density utilization standpoint, the entire acreage (181 acres) will yield 36 density units under the R.C.4 density regulations and Mr. O'Neill is not exceeding that maximum.

In opposition to these plans, the Protestants offer a number of arguments of law which they assert mandate a denial of the Petition and denial of the development plan. The first argument advanced by the Protestants relates to the concept of transfer of density. Actually, this issue also includes the definition of the word "tract" and the restrictions upon a property owner's ability to cluster development within a given parcel. Section 1B01.2.A.2 of the BCZR allows for a property owner to cluster development in a tract comprised of different D.R. zones. Although clustering within a given tract is allowed by the aforementioned regulation, transferring density from one tract to another is not permitted. The Protestants cite the case of Peoples Counsel v. Crown Development, 328 Md. 303 (1992) for the proposition that density cannot be transferred from one tract of land to another. Indeed, this is the unmistakable holding of that case.

Thus, the issue turns on whether Mr. O'Neill's lands are a single tract. If not, "transfer" of density from one to another would not be permitted. The Developer argues that density units can be moved between his present holdings and the previously utilized 54 acres in that these distinct parcels have been combined as one tract. In reality, density was

"transferred" as part of the approved CRG plan in 1986 when 4 units were added to Phase I.

There is no definition of "tract" in the BCZR. This Zoning Commissioner noted that absence in a previous case, which ultimately found its way to the Court of Special Appeals in an unreported opinion Chertkof v. Peoples Counsel for Baltimore County (No. 1509- Sept. Term 1993). I also observed that Webster's Third New International Dictionary of the English Language, Unabridged, defined tract as "an area either large or small: 1. and a region or stretch (as of land) that is usually and definitely prescribed or without precise boundaries . . . 2. A precisely defined or definable area of land". As I noted, a tract can, therefore, be almost any descriptive parcel of land, be it large or small, definitively or indefinitely described, and with or without precise boundaries. I also noted the definition of tract in Black's Law Dictionary, 5th Edition, wherein it is defined as "a lot, piece or parcel of land of greater or less size, the term not importing in itself any precise dimension though the term generally refers to a large piece of land". I also observed that the word "tract" had been rarely defined by appellate courts within a zoning context. Recognizing the many definitional possibilities, I determined that a tract connotes a parcel of land that exist wholly within a single community or locale.

In Chertkof, the Court of Special Appeals did not precisely define this term. However, the Court did note that the property at issue therein encompassed two pieces of land (identified as Parcels A and B) and held that those lands were a single tract. Thus, it can be surmised from that holding that a tract is generally considered a large piece of land and may be composed of smaller individual parcels or lots.

Following this reasoning, I am persuaded that Mr. O'Neill's 181 acres are, indeed, one tract. Although it is composed of three separate and identifiable parcels, it is one contiguous piece of land owned by a single entity (Mr. O'Neill), and thus is one tract within the context of the BCZR. Moreover, this conclusion is not disturbed by the owner's piecemeal acquisition of the property. Indeed, this is a common practice in Baltimore County. Development routinely occurs when a series of parcels are acquired to result in a single tract or subdivision. As noted in the Developer's Memorandum of Law, the Baltimore County Code defines "Subdivision" as "The division of property into two or more lots or the combination of lots, parcels, tracts or other units of property previously divided for the purpose, whether immediate or future, of sale, rental or building development." (emphasis added) (Section 26-168). This definition clearly contemplates combinations of separately identified lots and/or parcels of property for development.

Having determined that the 181 acres constitutes a single tract, the next question presented relates to the actual borrowing of density from one parcel to another. This was clearly envisioned in this case in 1986, when the CRG approved a 15 unit plan for Phase I. The Protestants cite the Circuit Court opinion in Stephen H. Gudeman v. Peoples Counsel for Baltimore County. (89 CG 911) 1990. Therein, Judge Barbara Howe clearly indicated her disposition on this issue wherein she stated "There is also nothing in the statutes to allow transfers of density from one parcel to another . . . The transfer of density is a zoning function which cannot even be accomplished by amendments to the Master Plan duly approved by a Planning Board let alone by the unilateral action of a Zoning Commissioner". This case was ultimately appealed to the Court of Special Appeals.

The Court affirmed the judgment of the Circuit Court but, specifically, did not address this issue.

As I stated in Re, Dennis G. McGee, Petition for Special Hearing, case No. 94-42-SPH, "With all due deference to Judge Howe, this Zoning Commissioner finds that the transfer of density is permissible pursuant to Section 500.7 of the BCZR. Therein, the Zoning Commissioner is given broad authority to conduct such hearings as may be necessary to enforce and interpret the zoning regulations of Baltimore County. Under the cloak of authority provided by this regulation, I find that I may approve such density transfers, if same are consistent with the spirit and express purposes of the R.C. zoning classification and regulations". I so found in that case and I so find herein. There are other cases, (e.g., 92-316-SPH), where a similar result was reached. Moreover, although Section 1B01.2.A.2 of the BCZR identifies only D.R. zones where it allows for clustering, application of this regulation to all residential subdivisions is appropriate.

The reason to allow such transfers is obvious. The purposes of the R.C. zoning classification is to allow for development while promoting the protection of valuable natural resources. The transfer of density units from contiguous parcels which form a single tract allows a property owner to develop while protecting environmentally sensitive acreage. For so long as the total density maximum for the overall tract is not exceeded, such transfers are frequently environmentally warranted and entirely appropriate. Section 500.7 of the BCZR requires this Zoning Commissioner to pass such Orders as are necessary for the proper enforcement and application of the zoning regulations. There are cases in which transfer of density units are appropriate to promote and preserve the purposes of the R.C. zoning classification. I so find that such a case exists here.

Thus, I find no prohibition under the BCZR which would prohibit such transfers, absent a private agreement or improper transfer such as existed in Crown, *infra*.

The second argument offered by the Protestants centers upon an alleged violation of the Master Plan by the Petitioner. The "Baltimore County 1989-2000 Master Plan" was adopted by the Baltimore County Council on February 5, 1990.

There are two points which are dispositive in dismissing the Protestants' claim in this regard. First, as the Petitioner correctly notes within his Memorandum, the Charter of Baltimore County, section 523(a) clearly provides that the Master Plan is a "guide" for the development of the County. The BCZR and development plan regulations are tools which implement the goals of the Master Plan. Thus, the intent of the adoption of the Master Plan is to frame the legislature's spirit and intent for development in Baltimore County. I do not believe that the Petitioner's plan in this regard is violative of the spirit and intent.

Secondly, as noted hereinbefore, the fact that the total density for the tract does not exceed that permissible under the density regulations is significant. Mr. O'Neill is not attempting to circumvent the intent of the density regulations by placing more dwelling units on the acreage than would be allowed. The 181 acre tract allows development of 36 units. This is the number proposed by the developer. I find no violation of the broad goals and spirit set forth within the Master Plan.

The third argument advanced by the Protestants relates to the enactment of Bill 113-92 by the County Council and its effect on the subject development.

Council Bill 113-92 is codified in the BCZR in Section 1A03.4., et seq. The section regulates height and area for development in an R.C.4

zone and also provides for the clustering of development in an R.C.4 zone, mandating that 70% of the tract acreage shall be designated as a conservancy area.

Bill 113-92 contained a grandfathering provision for previously approved development. That provision stated that any development which had received CRG concept approval, reclamation plan approval, or other projects vested by law would be governed by the regulations in effect at the time of such approval, as opposed to the language contained within Bill 113-92. The Protestants urge that Phase 2 of the subject development is improper in that the plan for same was prepared and submitted in compliance with the current regulations, as opposed to the prior law. The Protestants argue that the borrowing of 4 density units by the Developer in the CRG plan for Phase 1 requires that the entire tract be developed in accordance with the "old" regulations.

I disagree. The Petitioner's Memorandum draws an analogy to a sword vs. shield intent of the grandfathering provision. I concur with this assessment. Clearly, the provision was designed to serve as a shield to protect prior approved projects from mandated compliance with the new R.C. legislation. The intent of the grandfathering provision was not to use those new regulations as a sword to force development to comply with the old regulations, which were being repealed by the County Council. Moreover, a review of the approved CRG plan shows that same did not provide any specific layout for the future Phase II development. Although the plan characterized the overall tract and noted the borrowing of density units from Phase II, the scheme of that future development was not, in any manner, shown within the CRG plan. The specifics of Phase 1 of the development, the lot and road layout, etc., were the only details shown on the CRG plan.

Thus, it is clear that development on future parcels of this tract must be governed by current County law. The Developer is, indeed, between "a rock and a hard place" in this case. He may well desire to develop the tract in a manner consistent with the old standards. However it is clear that the County, by its acceptance and review of the pending development plan, has required this Developer to submit such a plan in accordance with current law.

The language of Section 1A03.4(B)(1)(b) of the BCZR is also of note. That section provides that any lots created after the enactment of Bill 113-92 need comply with the new regulations. The only lots shown on the CRG plan were in Phase I. All of the proposed lots in Phase II were created after Bill 113-92 was enacted.

For all of these reasons, I must discard the Protestants' arguments in this regard and find that the development plan is properly submitted, in compliance with the current law.

Having addressed the Protestants' arguments, attention is next turned to the requirements for development plan and special hearing approval in this case.

The development plan is submitted for approval pursuant to Section 26-206 of the Code. That section requires the Hearing Officer to review the plan to ensure that same is in compliance with the development regulations and applicable policies, rules and regulations of law. At the beginning of the first days' hearing on March 7, 1995, two issues were raised relative to the plan. One related to lot No. 3 and a comment from the Department of Environmental Protection and Resource Management (DEPRM) which requested field run topography to ensure that no slopes greater than 25% existed in the septic reserve area. The second issue raised related

to the conservancy area and an additional area of 3.7 acres which need be added to that designated area.

When the hearing was reconvened on May 19, 1995, counsel for the Petitioner/Developer noted that these concerns had been resolved. In the intervening time between the first and second day's hearing, field run topography had been completed and the plan adjusted to meet the County's concerns. Thus, there were no outstanding issues and it is clear that the development is in compliance with the regulation standards and rules aforesaid. For this reason, the development plan should and will be approved.

The zoning component of this case relates to the amendment of the development plan previously filed with ZADM. The BCZR requires that this Zoning Commissioner consider the amendment in accordance with the standards set forth in Section 502.1 of the BCZR. In essence, the Petitioner must demonstrate that the proposed amendments will not be detrimental to the general health, safety and welfare of the community.

Based upon the testimony and evidence offered, I find no adverse impact. There was testimony offered by the Protestants over potential impacts as they relate to water usage and clearing of virgin land. However, there was no persuasive testimony offered other than these potential concerns and fears. The expert testimony offered by the Petitioner was compelling that the amendment to the Final Development Plan should be approved and the special hearing relief granted. I also must observe that the Protestants who presently reside in Phase 1 of the development were on notice of future development on the balance of the tract. Although the scheme of the development has been changed due to the adoption of Bill 113-92, the initial plan clearly showed that there would be future development on the overall tract.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28th day of June, 1995 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval to amend the First Amended Partial Development Plan of Timberbrook Farms, Phase 1, pursuant to Section 1B01.3.A.7 of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Zoning Administration and Development Management (ZADM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

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


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

HEARING OFFICER'S ORDER

CASE NO. VI 138 AND 95-266 SPH

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LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

95-266-A

NOTES

SEE SHEET 3 OF 3 FOR NOTES AND PROFILE OF PANHANDLES

RC 4 ACREAGE = 181.31 ACRES
LOTS ALLOWED IN RC 4 (181.31 x .20) = 36 LOTS
EXISTING LOTS (PHASE I) = 15 LOTS
PROPOSED LOTS (PHASE II) = 19 LOTS
REMAINING DENSITY = 2 LOTS
MAXIMUM RC 4 BUILDING AREA (126.6 x .30) = 37.9 ACRES
PROPOSED RC 4 BUILDING AREA = 37.8 ACRES
MINIMUM RC 4 CONSERVANCY AREA (126.6 x .70) = 88.6 ACRES
PROPOSED RC 4 CONSERVANCY AREA = 88.6 ACRES

FOREST
PRETTYBOY RESERVOIR
Mayor and City Council of Baltimore

LOT #	ACREAGE
1	1.1 ACRES
2	1.2 ACRES
3	1.7 ACRES
4	1.7 ACRES
5	1.0 ACRES
6	1.0 ACRES
7	1.4 ACRES
8	1.7 ACRES
9	1.6 ACRES
10	1.1 ACRES
11	1.2 ACRES
12	1.8 ACRES
13	1.8 ACRES
14	1.8 ACRES
15	1.7 ACRES
16	1.7 ACRES
17	1.8 ACRES
18	1.6 ACRES
19	1.6 ACRES
FUTURE 20	8.3 ACRES
ROAD	1.0 ACRES
BLDG AREA	37.8 ACRES
TRACT "A"	88.6 ACRES

CONSERVANCY LOT - TRACT "A" - FUTURE LOT 21 IS TO BE RETAINED BY JOSEPH M. O'NEILL AT THIS TIME

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Provided	Average Daily Trips	Phase	Development Schedule
Single Fam.	19	38 Spaces	38 Spaces	236	II	Summer 1995

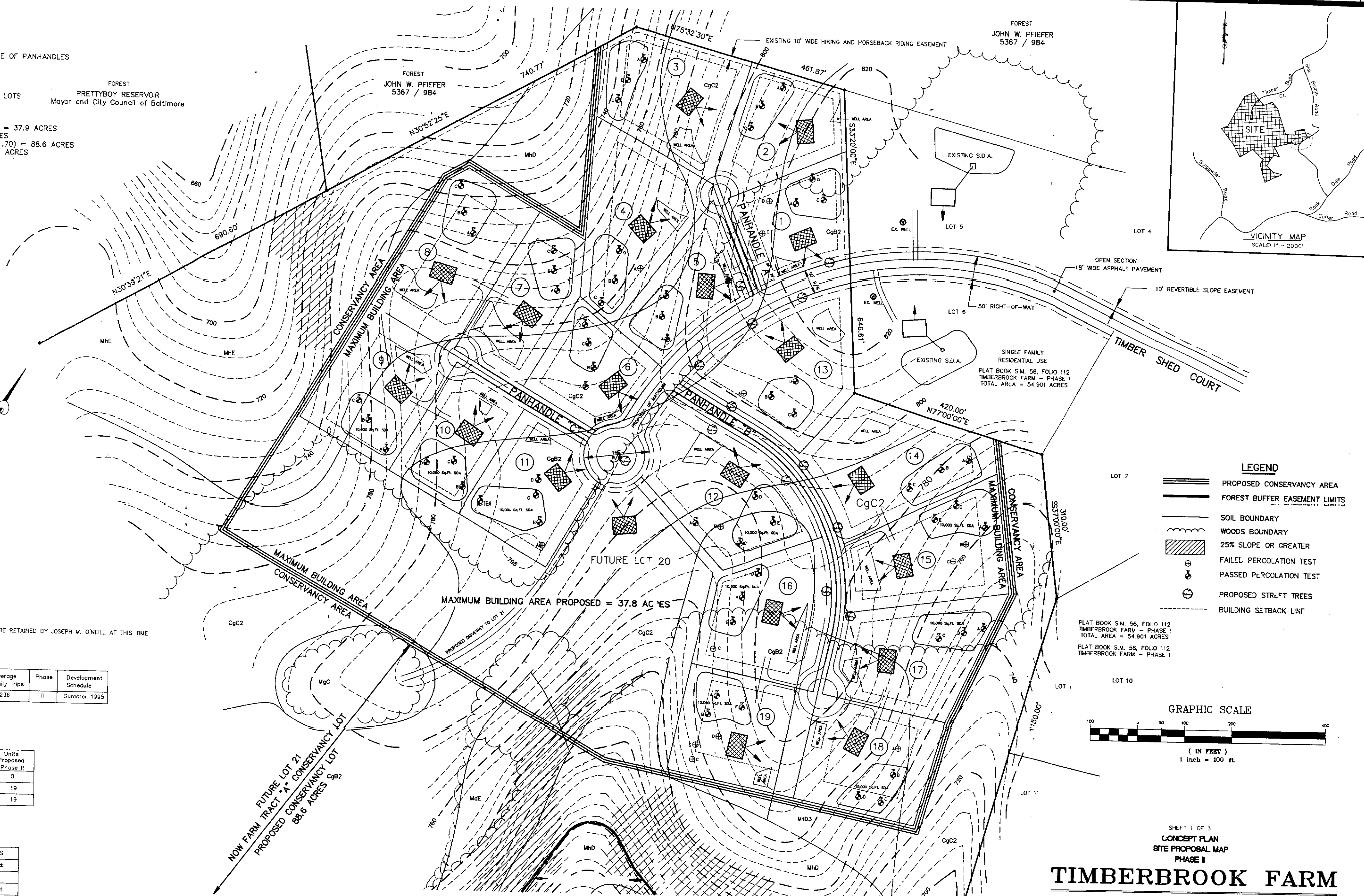
SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed Phase I & II	Units Used Phase I	Units Proposed Phase II
RC-2	0.20	0	0	0
RC-4	181.31	36	15	19
TOTAL	181.51	36	15	19

CONSERVANCY AREA PROPOSAL

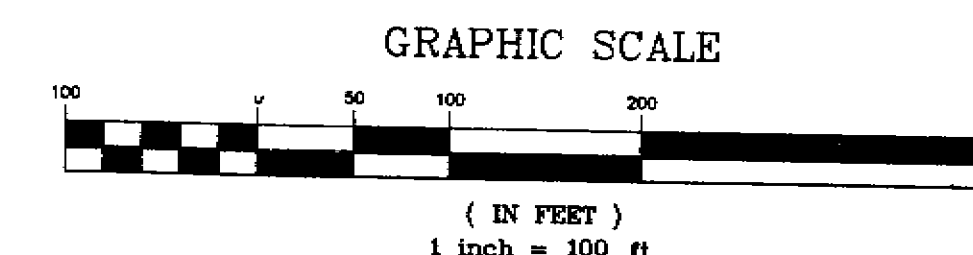
	ACRES
GROSS AREA PHASE II	126.6±
HIGHWAY WIDENING (SLAB BRIDGE RD.)	0.20
NET AREA	126.4±
CONSERVANCY AREA (70% OF GROSS)	88.6±
CONSERVANCY AREA REQUIRED	88.6±



- LEGEND
- PROPOSED CONSERVANCY AREA
 - FOREST BUFFER EASEMENT LIMITS
 - SOIL BOUNDARY
 - WOODS BOUNDARY
 - 25% SLOPE OR GREATER
 - FAILED PERCOLATION TEST
 - PASSED PERCOLATION TEST
 - PROPOSED STREET TREES
 - BUILDING SETBACK LINE

PLAT BOOK S.M. 56, FOLIO 112
TIMBERBROOK FARM - PHASE I
TOTAL AREA = 54,901 ACRES

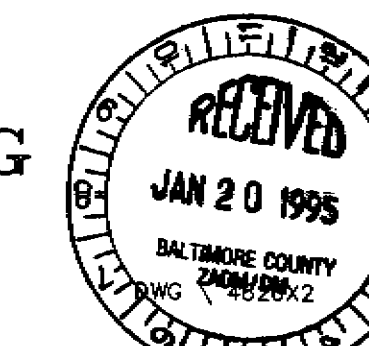
PLAT BOOK S.M. 56, FOLIO 112
TIMBERBROOK FARM - PHASE I



SHEET 1 OF 3
CONCEPT PLAN
SITE PROPOSAL MAP
PHASE II
TIMBERBROOK FARM

6th ELECTION DISTRICT, BALTIMORE COUNTY MD
August 8, 1994
ZADM # VI-138

SHAW SURVEYING
Land Surveying and Mapping
47 West Pennsylvania Ave., Stewartstown PA.
717-993-3102



I, JOSEPH M. O'NEILL, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

DATE	REVISION	BY

NOTES

CONTOURS SHOWN HEREON BASED ON BALTIMORE COUNTY 1" = 200' CONTOUR MAP.
PROPERTY SUBJECT TO ALL EASEMENTS, AGREEMENTS, AND OTHER MATTERS OF RECORD.
NO SPECIMEN TREES WERE FOUND WITHIN THE DEVELOPMENT AREA

100-YEAR FLOOD BOUNDARY GRAPHICALLY SHOWN HEREON TAKEN FROM
FLOOD INSURANCE RATE MAP, PANEL NUMBER 240010 0025 B, DATED
MARCH 2, 1981. BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS
NOT DETERMINED.

FOREST BUFFER LIMITS ARE APPROXIMATE AND HAVE NOT BEEN ADJUSTED
IN ACCORDANCE WITH SECTION 14-341 OF THE COUNTY CODE.

WAIVERS APPLIED FOR:
• STORM WATER MANAGEMENT APPROPRIATE TO SITE - 1/10/95

WATER QUALITY MEASURES CONSISTENT WITH THE POLICY OF DEPRM MUST BE
PROVIDED. MINIMUM WATER QUALITY MUST BE PROVIDED FOR THE FIRST 0.5 INCH
OF RUNOFF FROM ALL IMPERVIOUS AREAS. INFILTRATION PRACTICES MUST BE
INVESTIGATED AND ARE PREFERRED WHERE PRACTICAL.

ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT
ADVERSELY AFFECTING THE RECEIVING WETLAND, WATERCOURSE, WATERBODY,
STORM DRAIN OR ADJACENT PROPERTY.

SEE SHEET 3 FOR ADDITIONAL NOTES AND PANHANDLE PROFILE.

FOREST CONSERVATION EASEMENT TOTAL ACREAGE : 57.5 ±

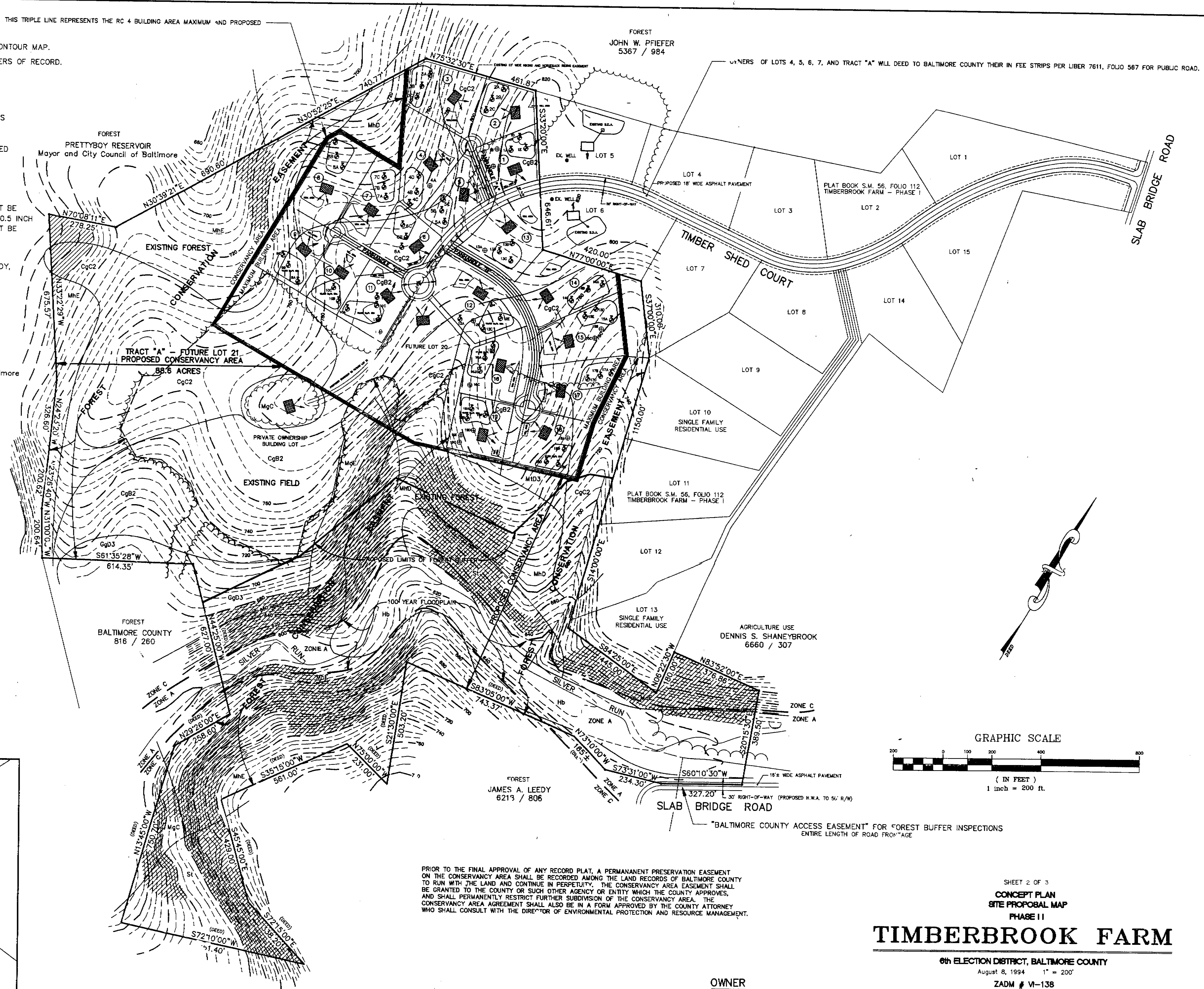
FOREST
PRETTYBOY RESERVOIR
Mayor and City Council of Baltimore

Symbol	SOIL CHART
	Description
CgB2	Chesler gravelly silt loam, 3% to 8% slopes, moderately eroded, Unit III-4
CgC2	Chesler gravelly silt loam, 8% to 15% slopes, moderately eroded, Unit III-4
CgD3	Chesler gravelly silt loam, 15% to 25% slopes, severely eroded, Unit III-4
Hb	Hathorn silt loam, Unit III-7
MdE	Manor silt, 25% to 50% slopes, Unit III-3
MdD	Manor and Brandysville very stony loams, 15% to 25% slopes, Unit III-3
MdE	Manor and Brandysville very stony loams, 25% to 65% slopes, Unit III-3
MdD3	let. silt, clayey loam, 15% to 25% slopes, severely eroded, Unit III-3
MdC	Manor and Brandysville very stony loams, 3% to 15% slopes, Unit III-3
S1	Stony land, steep, Unit III-1

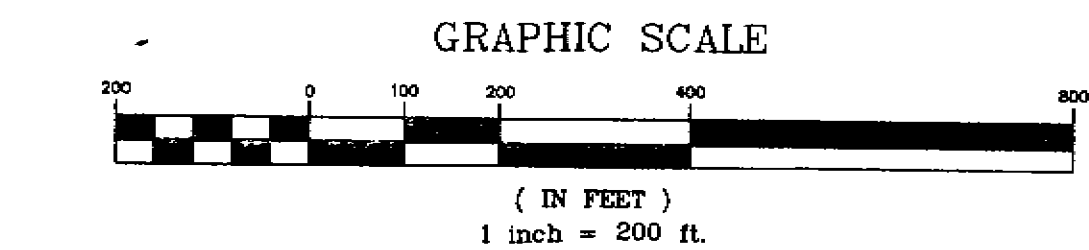
LEGEND

- PROPOSED CONSERVANCY AREA
- 100 YEAR FLOODPLAIN LIMITS
- FOREST BUFFER LIMITS
- SOIL BOUNDARY
- WOODS BOUNDARY
- 25% SLOPE OR GREATER
- FAILED PERCOLATION TEST
- PASSED PERCOLATION TEST
- FOREST CONSERVATION EASEMENT

THIS TRIPLE LINE REPRESENTS THE RC 4 BUILDING AREA MAXIMUM AND PROPOSED



PRIOR TO THE FINAL APPROVAL OF ANY RECORD PLAT, 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. THE CONSERVANCY AREA 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. THE
CONSERVANCY AREA AGREEMENT SHALL ALSO BE IN A FORM APPROVED BY THE COUNTY ATTORNEY
WHO SHALL CONSULT WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



SHEET 2 OF 3
CONCEPT PLAN
SITE PROPOSAL MAP
PHASE II

TIMBERBROOK FARM

6th ELECTION DISTRICT, BALTIMORE COUNTY

August 8, 1994 1" = 200'

ZADM # VI-138

SHAW SURVEYING

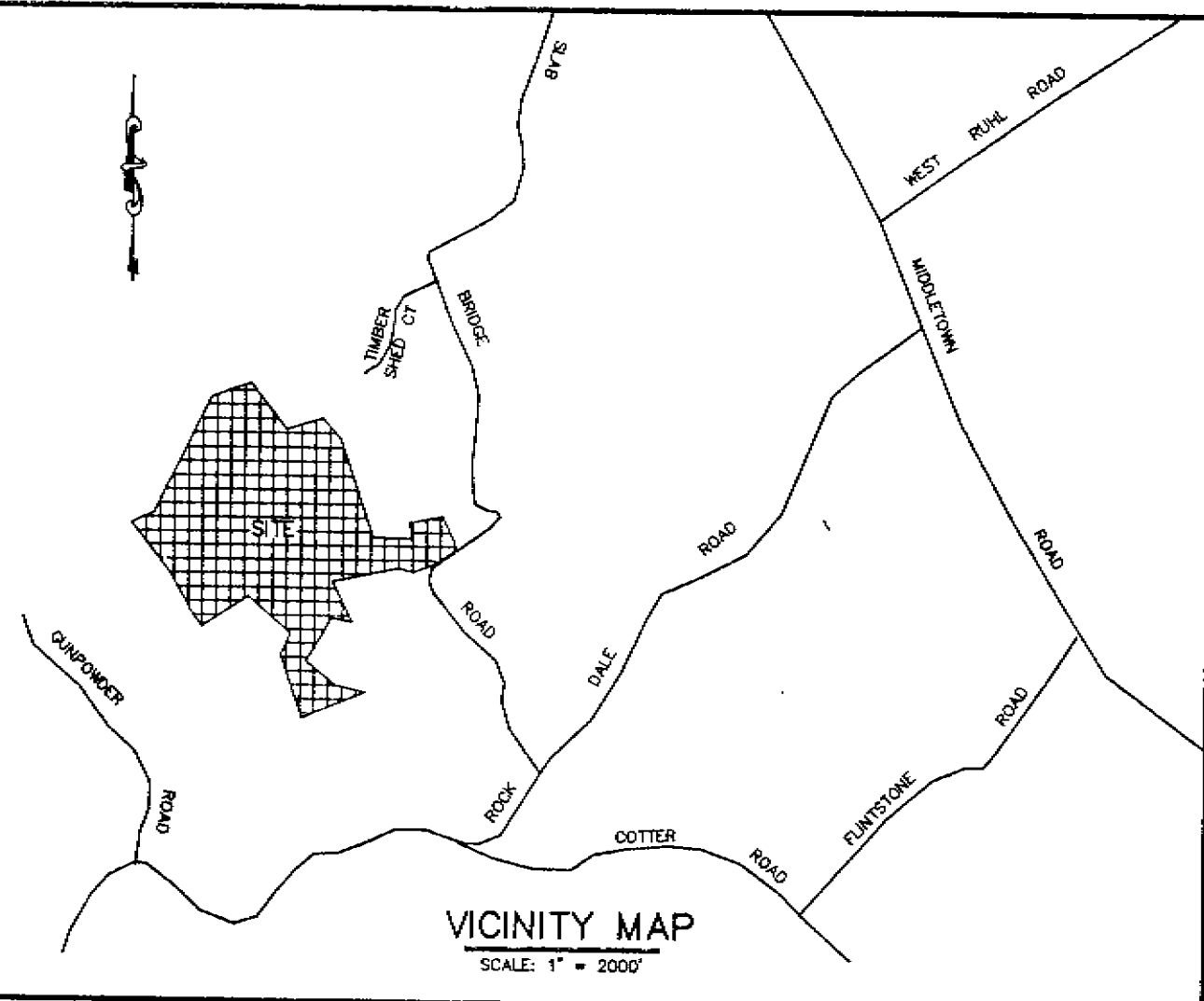
Land Surveying and Mapping
47 West Pennsylvania Ave., Stewartstown PA.
717-993-3102

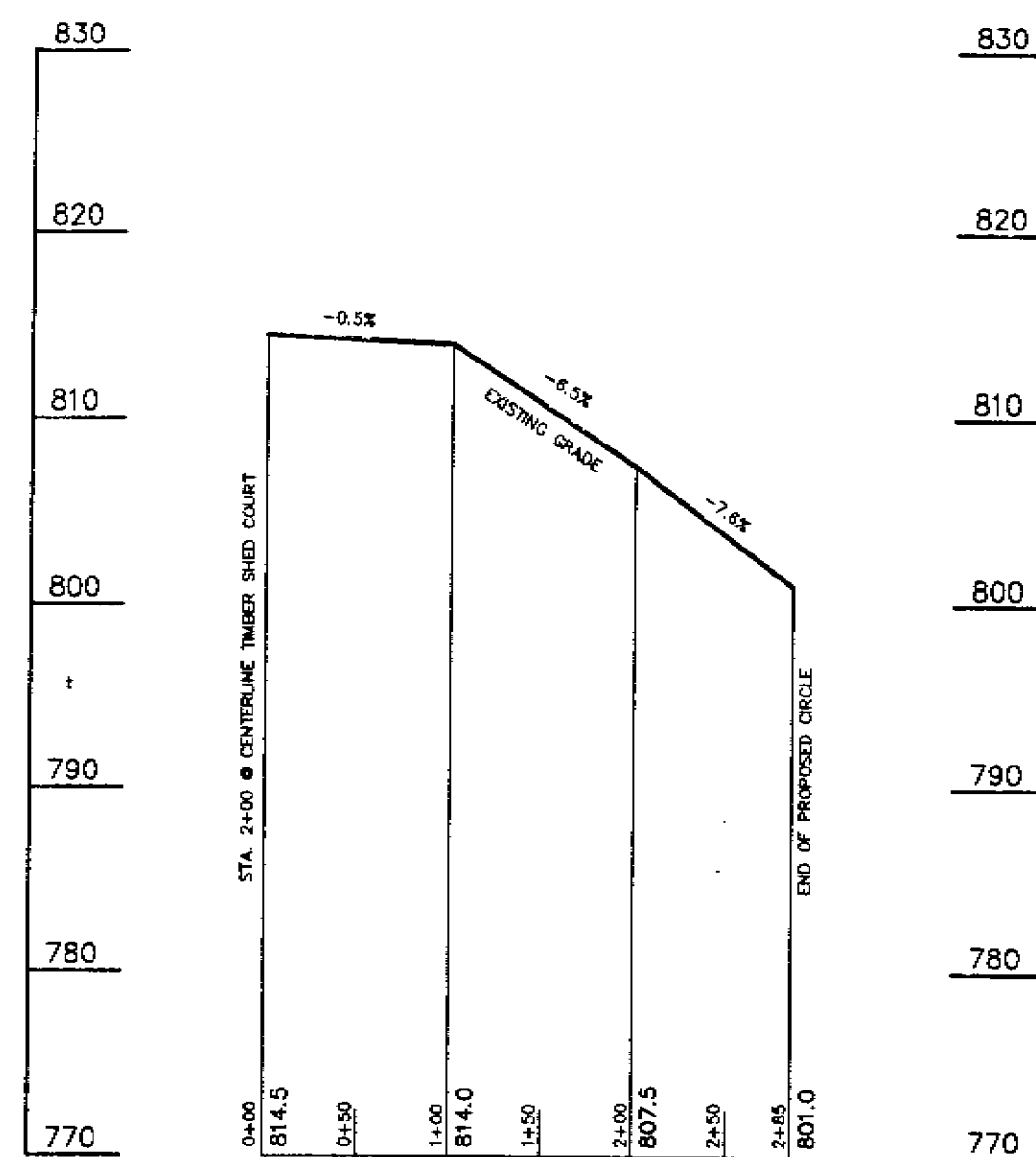
OWNER
JOSEPH M. O'NEILL
c/o O'NEILL AND COMPANY
214 MT. CARMEL ROAD
PARKTON, MARYLAND 21120

TAX ACCOUNT #s
20-00-011999
20-00-012000
20-00-000039
06-05-043029

DWG \ 4526X3

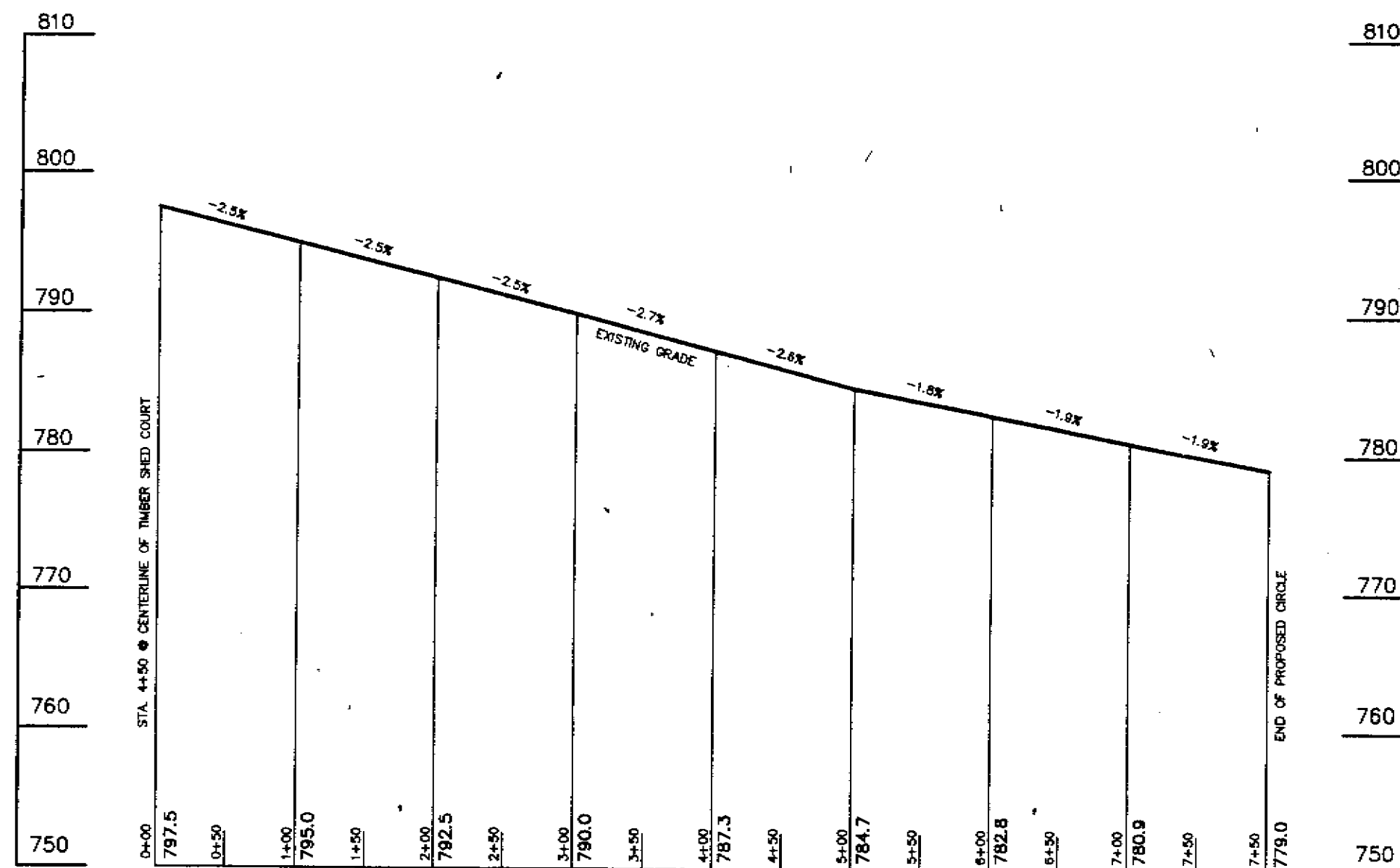
VICINITY MAP
SCALE: 1" = 2000'





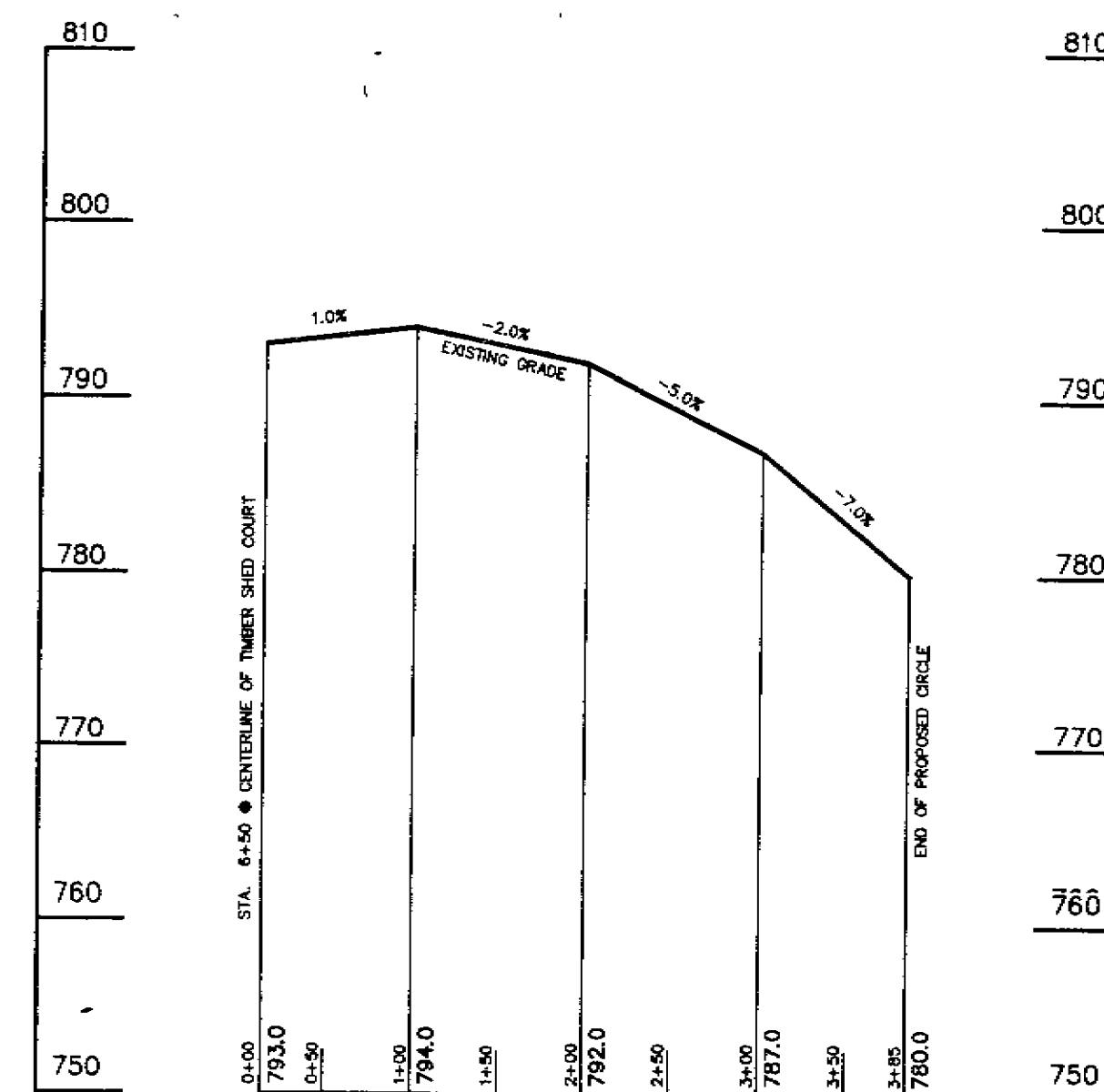
HORT. - 1 inch = 100 ft.
VERT. - 1 inch = 10 ft.

PANHANDLE "A"



HORT. - 1 inch = 100 ft.
VERT. - 1 inch = 10 ft.

PANHANDLE "B"



HORT. - 1 inch = 100 ft.
VERT. - 1 inch = 10 ft.

PANHANDLE "C"

NOTES

TIMBER SHED COURT MUST BE DESIGNED AND POSSIBLY RECONSTRUCTED FROM THE END OF THE PUBLIC CUL-DE-SAC AS SHOWN ON DWG 87-0825. THE CUL-DE-SAC MUST BE REMOVED.

TIMBER SHED COURT SHALL BE IMPROVED AS AN 18' PAVING CROSS SECTION ON A 50' RIGHT-OF-WAY.

THE PLANTING AREA WITHIN THE TURNAROUND OF THE END OF TIMBER SHED COURT SHALL BELONG TO THE HOMEOWNERS.

STREET LIGHTS ARE REQUIRED.

A FLOOD PLAIN STUDY IS REQUIRED.

THE EXISTING PANHANDLE DRIVEWAY SERVING LOTS 3, 4, 5, 6, AND 7, IS TO BE CONVERTED TO A PUBLIC ROAD AND MUST BE BROUGHT UP TO BALTIMORE COUNTY STANDARDS.

A SCHEMATIC LANDSCAPE PLAN SHOULD BE SUBMITTED IN ACCORDANCE WITH THE RC 4 GUIDELINES IN THE COMPREHENSIVE MANUAL FOR DEVELOPMENT POLICY. RC 4 ZONES ARE EXEMPT FROM THE LANDSCAPE MANUAL.

THE ACCESS ROADS SHALL BE POSTED WITH FIRE LANE SIGNS ALONG ITS ENTIRE LENGTH.

MAXIMUM ANGLE OF DEPARTURE (GRADE PERCENTAGE) SHALL NOT EXCEED 8% PER NFPA STANDARD 1901. ANGLE OF DEPARTURE IN EXCESS WOULD PROHIBIT EMERGENCY FIRE APPARATUS FROM GAINING ACCESS TO SITE.

PRIOR TO THE FINAL APPROVAL OF ANY RECORD PLAT, 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. THE CONSERVANCY AREA 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. THE CONSERVANCY AREA AGREEMENT SHALL ALSO BE IN A FORM APPROVED BY THE COUNTY ATTORNEY WHO SHALL CONSULT WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THIS SITE.

END OF PROPOSED PANHANDLE TURN AROUNDS SHALL BE CONSTRUCTED AS SHOWN EXCEPT WHERE DEVELOPERS ENGINEERING SECTION AND BALTIMORE COUNTY FIRE MARSHALL RECOMMENDS ALTERNATE DESIGN.

FOREST CONSERVATION DATA

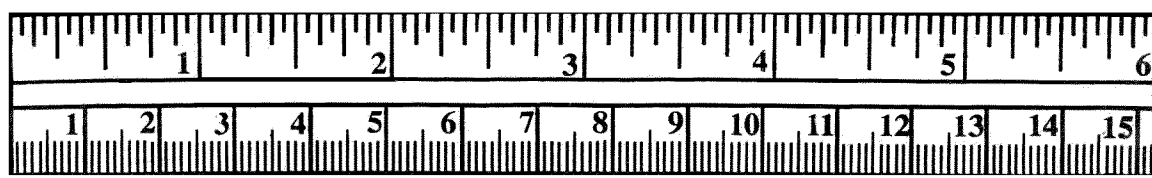
A.	Gross Site Area	126.6 Ac.
B.	Area within 100 year Flood Plain	13.0 Ac.
C.	Area within Agriculture Use or Preservation Parcel	17.7 Ac.
D.	Net Tract Area	95.9 Ac.
E.	Forest Conservation Threshold (50% x A)	47.8 Ac.
F.	Afforestation Threshold (25% x A)	24.0 Ac.
G.	Existing Forest on Net Tract Area	76.9 Ac.
H.	Existing Forest Above Forest Conservation Threshold	29.1 Ac.
I.	Break-Even Point (the amount of forest to be retained for no mitigation) $\{(E \times 0.2) + B\}$	53.6 Ac.
J.	Forest to be Cleared	19.4 Ac.
K.	Forest to be Retained in Forest Conservation Easement	53.6 Ac.
L.	Total Afforestation Required	0.0 Ac.

There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Conservation and Forest Buffer Easement except as allowed by the Baltimore County Department of Environmental Protection and Resource Management.

Any Forest Conservation and Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the land records of Baltimore Co. and which restrict disturbance and use of these areas.

SHEET 3 OF 3
CONCEPT PLAN
SITE PROPOSAL MAP
PHASE I
TIMBERBROOK FARM
6th ELECTION DISTRICT, BALTIMORE COUNTY, MD
August 8, 1994 1" = 100'
ZADM # VI-138
SHAW SURVEYING
Land Surveying and Mapping
47 West Pennsylvania Ave., Stewartstown PA.
717-993-3102

DWG \ 4628X4



CURVE DATA

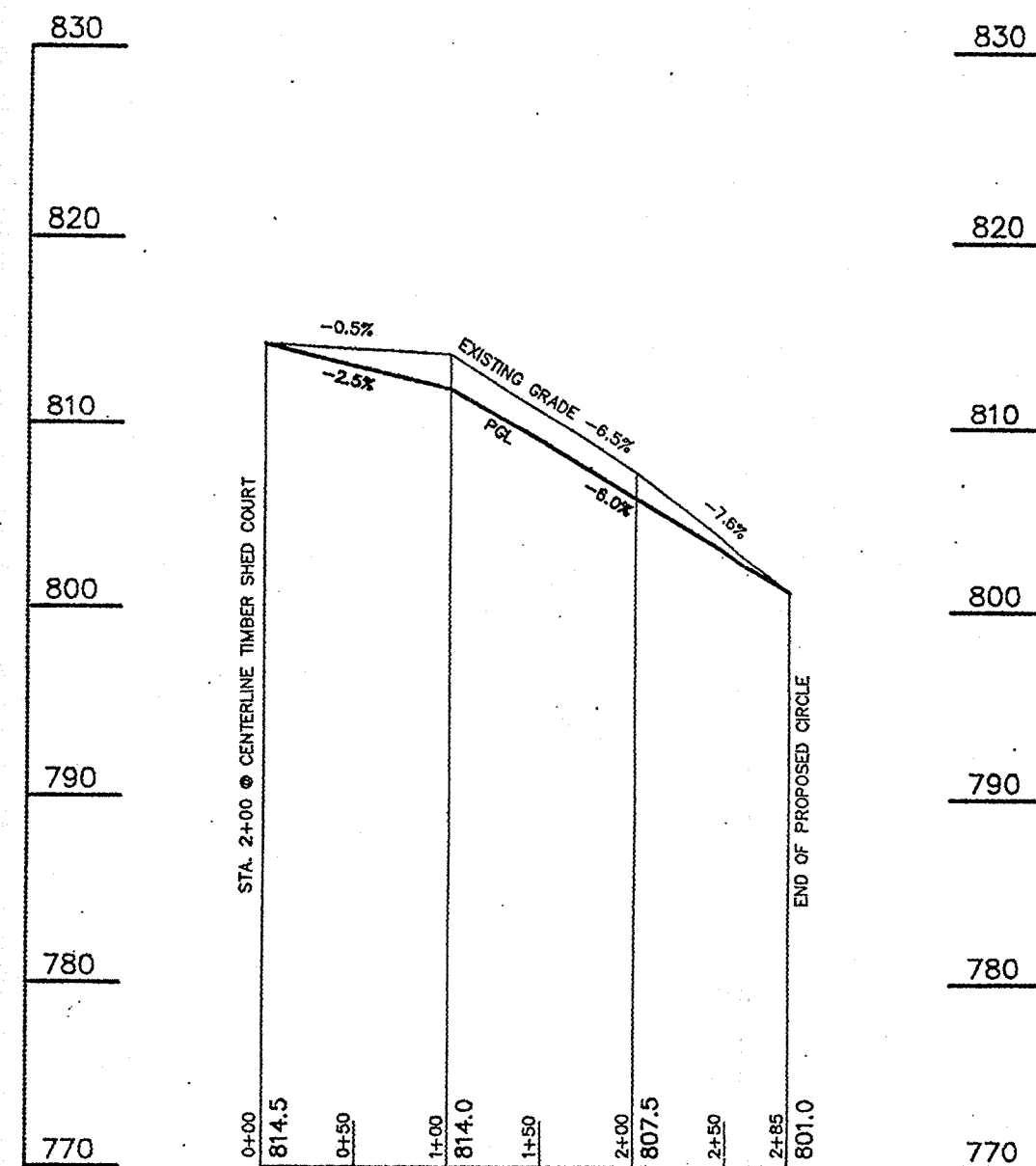
CURVE	LOT	RADIUS	LENGTH	CHORD	BEARING
C1	LOT 1	25.00'	23.59'	6.18'	S41°07'19"W
C2	LOT 2	50.00'	10.72'	10.70'	S21°27'32"W
C3	LOT 3	50.00'	10.72'	10.70'	S69°30'36"E
C4	LOT 4	50.00'	10.72'	10.70'	S02°03'02"E
C5	LOT 5	50.00'	10.72'	10.70'	S13°43'08"E
C6	LOT 6	50.00'	10.72'	10.70'	S48°47'44"E
C7	LOT 7	50.00'	10.72'	10.70'	N86°44'30"E
C8	LOT 8	50.00'	10.72'	10.70'	N19°53'10"E
C9	LOT 9	50.00'	10.72'	10.70'	N28°29'39"W
C10	LOT 10	50.00'	10.72'	10.70'	S01°52'14"W
C11	LOT 11	50.00'	10.72'	10.70'	N84°39'22"E
C12	LOT 12	50.00'	10.72'	10.70'	S07°40'32"W
C13	LOT 13	50.00'	10.72'	10.70'	S08°15'54"W
C14	LOT 14	50.00'	10.72'	10.70'	S09°23'23"W
C15	LOT 15	50.00'	10.72'	10.70'	S10°15'00"W
C16	LOT 16	50.00'	10.72'	10.70'	S11°06'44"W
C17	LOT 17	50.00'	10.72'	10.70'	S08°04'45"W
C18	LOT 18	50.00'	10.72'	10.70'	N82°07'17"W
C19	LOT 19	50.00'	10.72'	10.70'	S21°19'13"W
C20	LOT 20	50.00'	10.72'	10.70'	N53°37'30"W
C21	LOT 21	50.00'	10.72'	10.70'	N33°38'49"W
C22	LOT 22	50.00'	10.72'	10.70'	N69°27'19"W
C23	LOT 23	50.00'	10.72'	10.70'	S39°03'11"W
C24	LOT 24	50.00'	10.72'	10.70'	S04°09'14"E
C25	LOT 25	50.00'	10.72'	10.70'	N84°23'48"E
C26	LOT 26	50.00'	10.72'	10.70'	S03°06'48"W

COORDINATES

NUMBER	NORTH	EAST
94	5024.51	2490.37
95	4474.49	3888.73
96	4724.07	3702.17
97	4629.59	3292.93
98	5169.83	2817.61
99	4986.25	2449.57
100	4811.45	2633.45
101	4614.32	2343.71
102	4569.73	2317.05
103	3978.31	2311.20
104	3972.25	2923.80
105	4699.45	3595.31
106	4432.53	3796.65
107	4125.36	3823.07
108	3901.70	3878.64
109	3737.31	3367.35
110	4145.39	3236.20

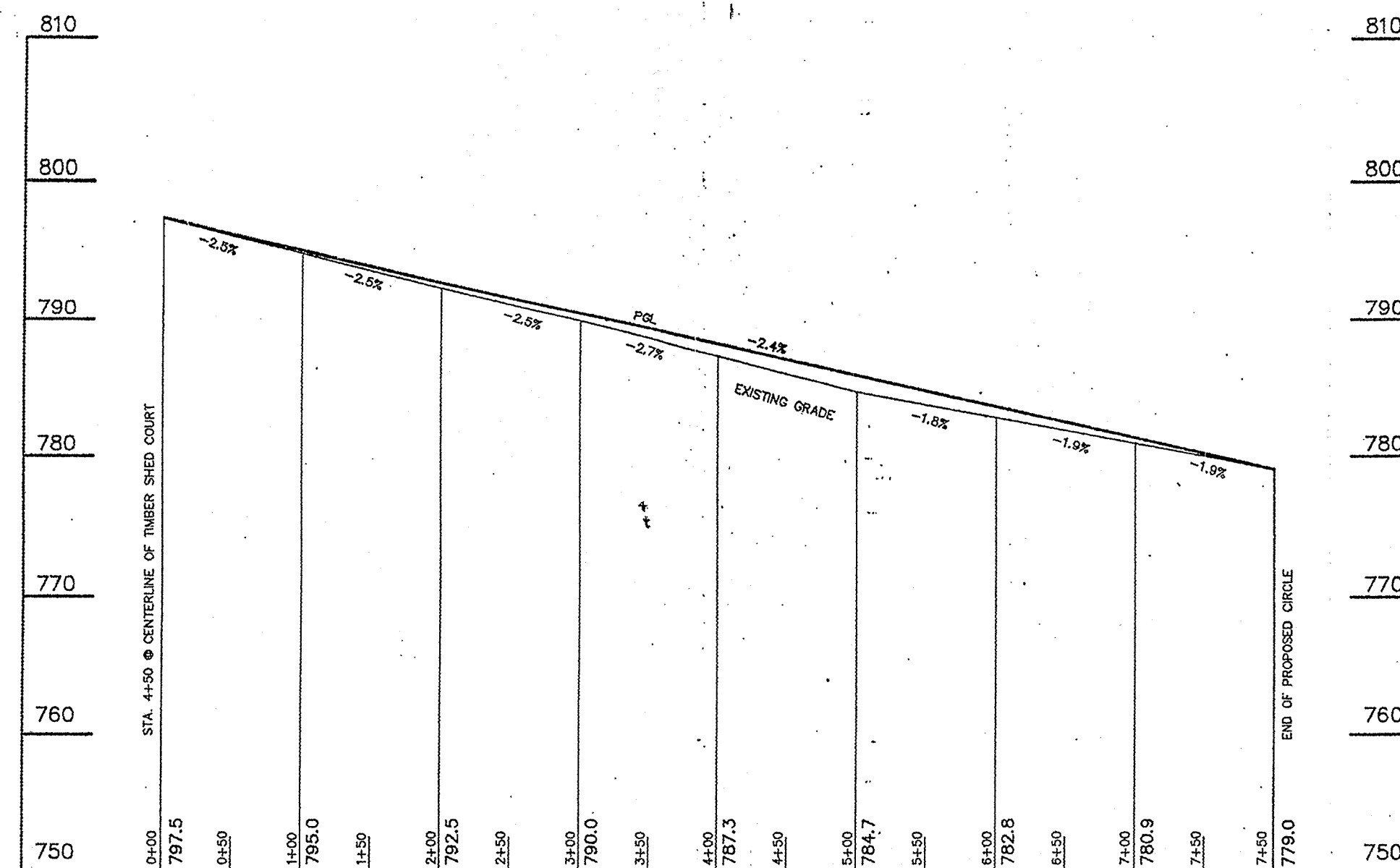
METES

LINE	DIRECTION	DISTANCE
L1	S51°45'50"E	262.60'
L2	S51°45'50"E	251.01'
L3	S89°26'00"E	184.57'
L4	S89°26'00"E	186.28'
L5	S89°26'00"E	187.83'
L6	S89°26'00"E	189.23'
L7	N17°49'00"W	128.00'
L8	N17°49'00"W	128.00'



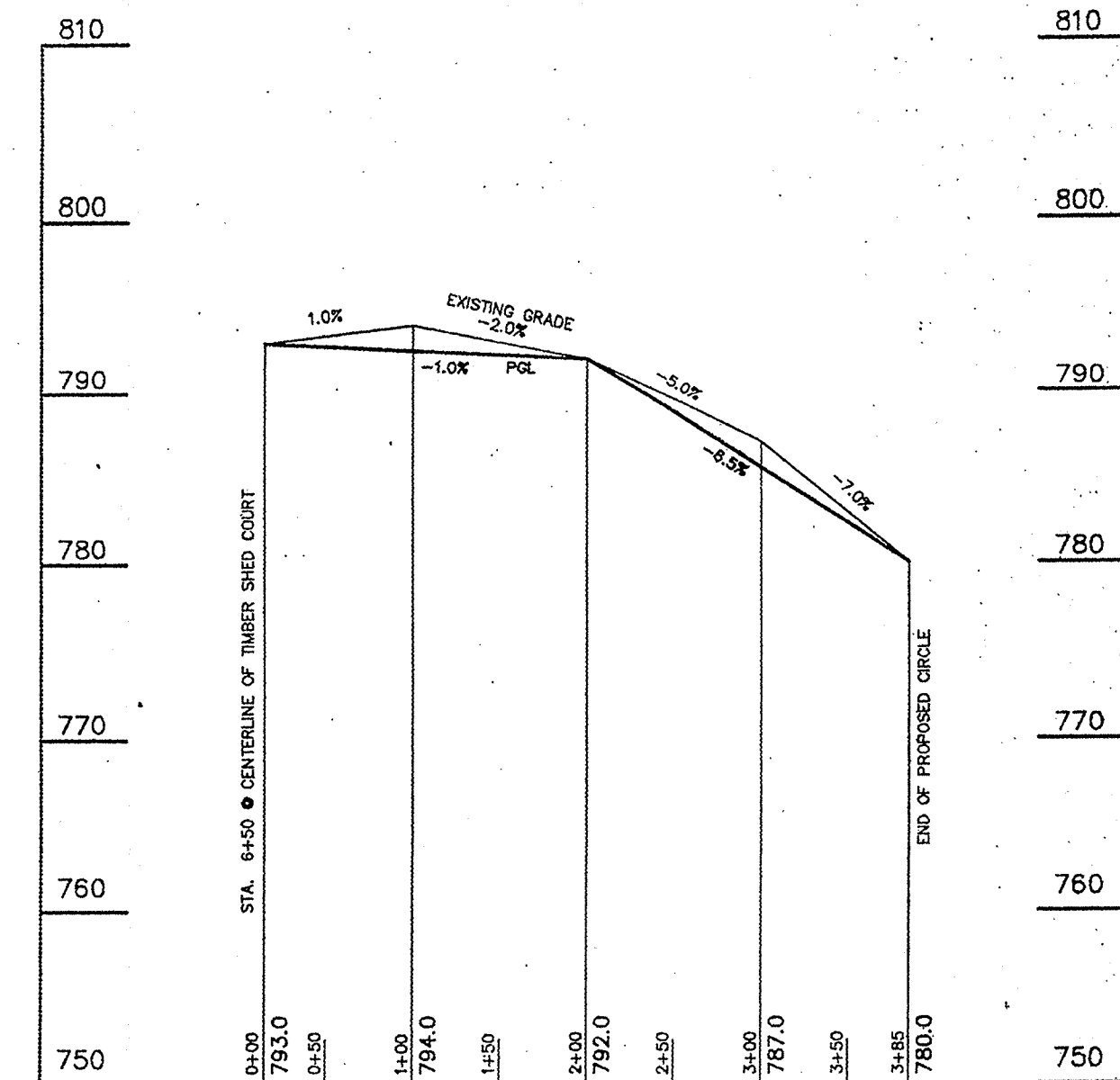
HORT. - 1 inch = 100 ft.
VERT. - 1 inch = 10 ft.

PANHANDLE "A"



HORT. - 1 inch = 100 ft.
VERT. - 1 inch = 10 ft.

PANHANDLE "B"



HORT. - 1 inch = 100 ft.
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PANHANDLE "C"

NOTES

1. TIMBER SHED COURT MUST BE DESIGNED AND POSSIBLY RECONSTRUCTED FROM THE END OF THE PUBLIC CUL-DE-SAC AS SHOWN ON DWG 87-0825. THE CUL-DE-SAC MUST BE REMOVED.
2. TIMBER SHED COURT SHALL BE IMPROVED AS AN 18' PAVING CROSS SECTION ON A 50' RIGHT-OF-WAY.
3. STREET LIGHTS ARE REQUIRED AND PROPOSED LOCATION SHOWN ON SHEET 3.
4. THE EXISTING PANHANDLE DRIVEWAY SERVING LOTS 3, 4, 5, 6, AND 7, IN PHASE I IS TO BE CONVERTED TO A PUBLIC ROAD AND MUST BE BROUGHT UP TO BALTIMORE COUNTY STANDARDS.
5. A SCHEMATIC LANDSCAPE PLAN SHOULD BE SUBMITTED IN ACCORDANCE WITH THE RC 4 GUIDELINES IN THE COMPREHENSIVE MANUAL FOR DEVELOPMENT POLICY. RC 4 ZONES ARE EXEMPT FROM THE LANDSCAPE MANUAL.
6. THE ACCESS ROADS SHALL BE POSTED WITH FIRE LANE SIGNS ALONG ITS ENTIRE LENGTH.
7. MAXIMUM ANGLE OF DEPARTURE (GRADE PERCENTAGE) SHALL NOT EXCEED 8% PER NFPA STANDARD 1901. ANGLE OF DEPARTURE IN EXCESS WOULD PROHIBIT EMERGENCY FIRE APPARATUS FROM GAINING ACCESS TO SITE.
8. PRIOR TO THE FINAL APPROVAL OF ANY RECORD PLAT, 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. THE CONSERVANCY AREA 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. THE CONSERVANCY AREA AGREEMENT SHALL ALSO BE IN A FORM APPROVED BY THE COUNTY ATTORNEY WHO SHALL CONSULT WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
9. NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THIS SITE.
10. END OF PROPOSED PANHANDLE TURN AROUNDS SHALL BE CONSTRUCTED AS SHOWN EXCEPT WHERE DEVELOPERS ENGINEERING SECTION AND BALTIMORE COUNTY FIRE MARSHALL RECOMMENDS ALTERNATE DESIGN.
11. THIS DEVELOPMENT IS IN CLOSE PROXIMITY TO ACTIVE AGRICULTURAL OPERATIONS. IT IS THE DEVELOPERS RESPONSIBILITY TO ADVISE FUTURE HOMEOWNERS THAT AGRICULTURE HAS A PREFERRED USE STATUS AND THAT ODORS, NOISE, DUST, FARM EQUIPMENT, LIVESTOCK AND THE USE OF AGRICULTURAL CHEMICALS ARE TO BE EXPECTED.
12. PANHANDLE LOTS SUBJECT TO DECLARATION AND MAINTENANCE AGREEMENTS TO BE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY AT THE TIME OF PLAT RECORDATION.

SIGNATURES OF OWNERS OF LOTS SOLD WITHIN 300 FT OF FIRST AMENDMENT CHANGES.

LOTS 7,10 & 19

Chris Const.
CHER - CHRIS CONSTR., TITLE

LOTS 12,13,14,16,17

John McNeal
ONEILL PARTNERSHIP, TITLE

LOT 5

Robert Applebee
ROBERT APPLEBEE & RENEE BEINIEK

LOT 6

Brian Hogan
BRIAN & NANCY HOGAN

LOT 11

George Power
GEORGE & JENNIFER POWER

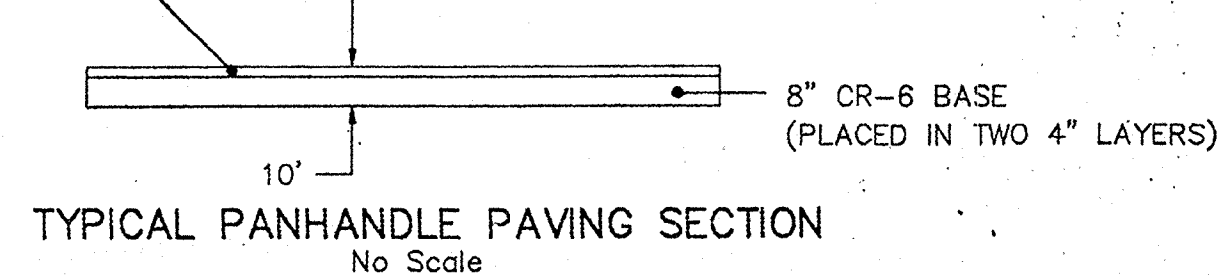
LOT 15

Julie Anderson
JULIE ANDERSON

LOT 18

Christopher Aiello
CHRISTOPHER AIELLO

2" BIT. CONC. SN
(PLACED IN TWO 1" LAYERS)



APPROVAL BLOCK FOR SECOND AMENDMENT ONLY

OFFICE OF PLANNING AND ZONING

APPROVED BY:

John McNeal DATE: 8/19/02

DIRECTOR OF PLANNING

DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT

DATE:

CASE No. V1-138

OFFICE OF PLANNING AND ZONING

APPROVED BY:

John McNeal DATE: 2/2/00

DIRECTOR OF PLANNING

DIRECTOR OF P.D.M.

DATE:

SECOND AMENDED

PARTIAL DEVELOPMENT PLAN

PHASE II

TIMBERBROOK FARM

6th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

SAS

SHAW SURVEYING

LAND SURVEYING AND PLANNING CONSULTANTS

47 W. PENNA. AVE. • STEWARTSTOWN, PA 17363 • 717/993-3102

Notes: 81-35 Date: 11 / 8 / 99 Project: FDEV2.DWG

File: TIMBERBROOK Scale: AS SHOWN Sheet: 2 OF 3

REASON FOR SECOND AMENDMENT
DATE : 06 / 13 / 2002

TO CORRECT NOTE #14 ON SHEET 3 OF 3 TO COMPLY WITH
SECTION 1A03.5.F OF THE BALTIMORE COUNTY ZONING REGULATIONS

SIGNED AND SEALED FOR
SECOND AMENDMENT ONLY



James W. McKee
JAMES W. MCKEE DATE: 8/26/02
MARYLAND REGISTRATION NO. 9012

NOTE:

REASON FOR FIRST AMENDMENT:
ADD LOT 18 PER PPC
CASE NO. 18039C DISTRICT 503
OCTOBER 18, 1999, AMENDED DENSITY NOTES
(SEE OWNER SIGNATURES, THIS SHEET)

NO.	DATE	DESCRIPTION	BY
3	12-22-97	CANADA PEAC LOCATION	JAM
2	11-16-99	FIRST AMENDMENT - ADD LOT 20	JAM
1	3-20-96	ADD SIGN. BLOCKS	JON
NO.	DATE	DESCRIPTION	BY

FOREST CONSERVATION AND CONSERVANCY DATA

1. GROSS SITE AREA	126.6 Ac.±
2. AREA WITHIN 100 YEAR FLOOD PLAIN	13.0 Ac.
3. AREA WITHIN AGRICULTURE USE OR PRESERVATION PARCEL	17.7 Ac.
4. NET SITE AREA	95.9 Ac.
5. FOREST CONSERVATION THRESHOLD (50% x A)	47.8 Ac.
6. AFFORESTATION THRESHOLD (25% x A)	24.0 Ac.
7. EXISTING FOREST ON NET SITE AREA	76.9 Ac.
8. EXISTING FOREST ABOVE FOREST CONSERVATION THRESHOLD	29.1 Ac.
9. BREAK-EVEN POINT (THE AMOUNT OF FOREST TO BE RETAINED FOR NO MITIGATION)	
(E x 0.2) + B)	53.6 Ac.
10. FOREST TO BE CLEARED	19.4 Ac.
11. FOREST TO BE RETAINED IN FOREST CONSERVATION EASEMENT	53.6 Ac.
12. TOTAL AFFORESTATION REQUIRED	0.0 Ac.
13. REQUIRED RC-4 CONSERVANCY AREA (70% of 126.6 Ac.)	88.6 Ac.±
14. PROVIDED RC-4 CONSERVANCY AREA	88.6 Ac.±
15. MAXIMUM BUILDING AREA (30% of 126.6 Ac.)	38.0 Ac.±

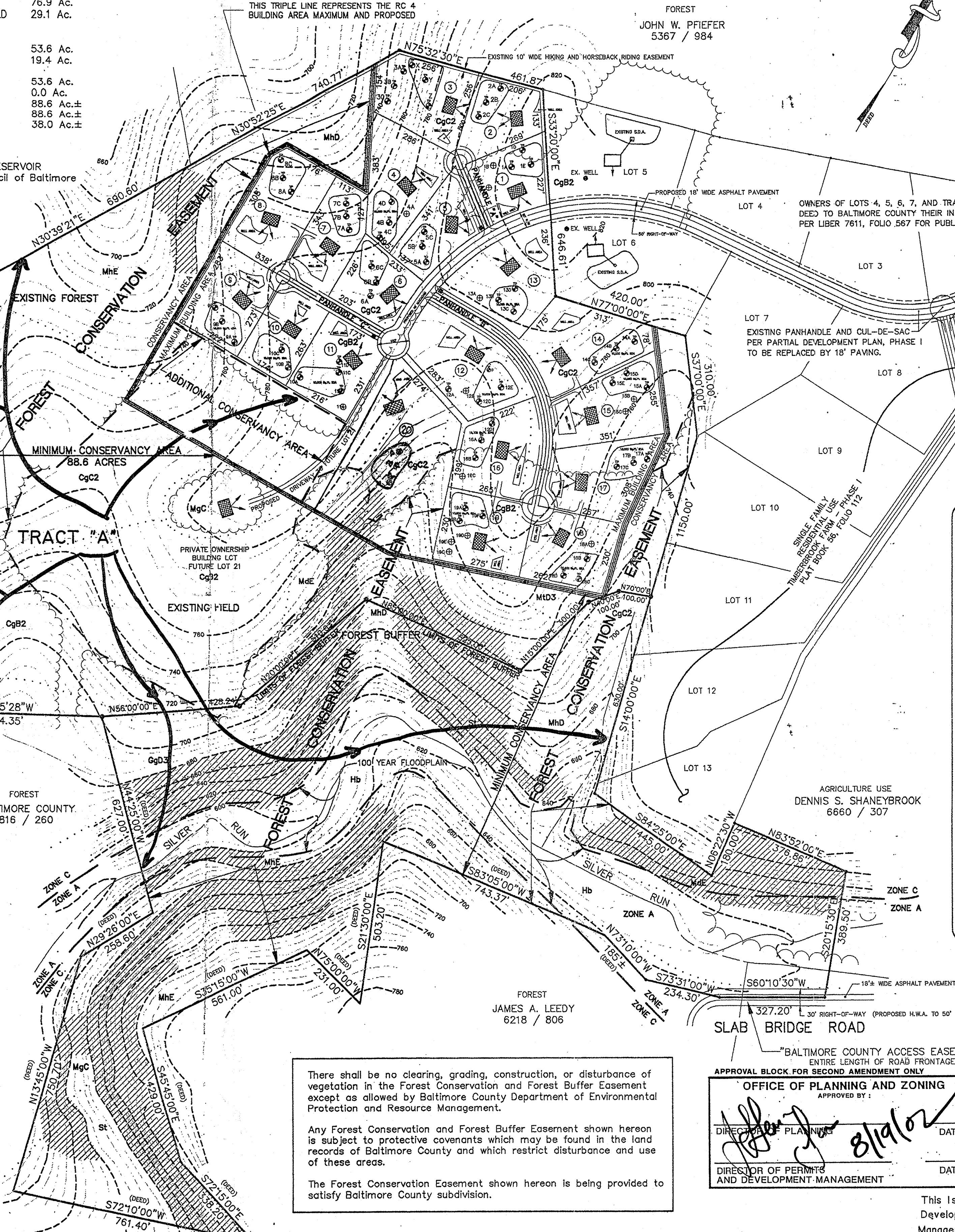
FOREST
PRETTYBOY RESERVOIR
Mayor and City Council of Baltimore

FOREST
PRETTYBOY RESERVOIR
Mayor and City Council of Baltimore

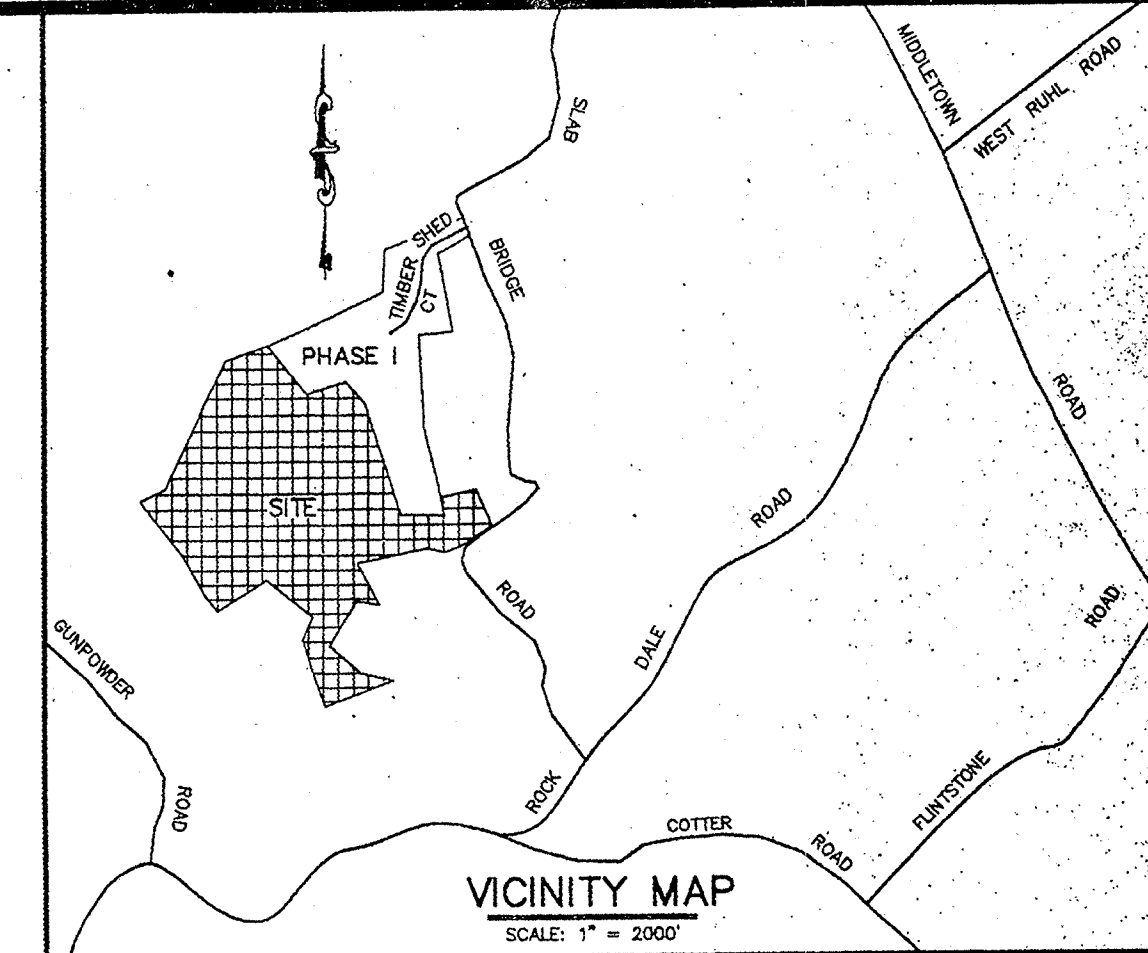
LEGEND

— — — — —	FOREST CONSERVATION LIMITS
=====	CONSERVANCY AREA
— — — — —	100 YEAR FLOODPLAIN LIMITS
=====	FOREST BUFFER LIMITS
.....	SOIL BOUNDARY
~~~~~	WOODS BOUNDARY
	25% SLOPE OR GREATER
⊕	FAILED PERCOLATION TEST
⊗	PASSED PERCOLATION TEST
⊕	PROPOSED DWELLING

Symbol	Soil Chart Description
CgB2	Chester gravelly silt loam, 3% to 8% slopes, moderately eroded, Unit III-4
CgC2	Chester gravelly silt loam, 8% to 15% slopes, moderately eroded, Unit III-4
GgD3	Glenelg channery loam, 15% to 25% slopes, severely eroded, Unit VII-3
Hb	Hatboro silt loam, Unit III-7
MdE	Manor silt, 25% to 50% slopes, Unit VII-3
MhD	Manor and Brandywine very stony loam, 15% to 25% slopes, Unit VII-3
MhE	Manor and Brandywine very stony loam, 25% to 55% slopes, Unit VII-3
MD3	Mt. Airy channery loam, 15% to 25% slopes, severely eroded, Unit VII-3
MgC	Manor and Glenelg very stony loam, 3% to 15% slopes, Unit VII-3
St	Stony land, steep, Unit VIII-1



PRIOR TO THE FINAL APPROVAL OF ANY RECORD PLAT, 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. THE CONSERVANCY AREA 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. THE CONSERVANCY AREA AGREEMENT SHALL ALSO BE IN A FORM APPROVED BY THE COUNTY ATTORNEY WHO SHALL CONSULT WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



## NOTES

- CONTOURS SHOWN HEREON BASED ON BALTIMORE COUNTY 1" = 200' CONTOUR MAP.
- PROPERTY SUBJECT TO ALL EASEMENTS, AGREEMENTS, AND OTHER MATTERS OF RECORD.
- NO SPECIMEN TREES WERE FOUND WITHIN THE DEVELOPMENT AREA
- 100-YEAR FLOOD BOUNDARY GRAPHICALLY SHOWN HEREON TAKEN FROM FLOOD INSURANCE RATE MAP, PANEL NUMBER 240010 0025 B, DATED MARCH 2, 1981.
- WAIVERS APPLIED FOR:  
STORM WATER MANAGEMENT APPROVED - LETTER DATED - 01/10/95
- WATER QUALITY MEASURES CONSISTENT WITH THE POLICY OF DEPRM MUST BE PROVIDED. MINIMUM WATER QUALITY MUST BE PROVIDED FOR THE FIRST 0.5 INCH OF RUNOFF FROM ALL IMPERVIOUS AREAS. INFILTRATION PRACTICES MUST BE INVESTIGATED AND ARE PREFERRED WHERE PRACTICAL.
- ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT ADVERSELY AFFECTING THE RECEIVING WETLAND, WATERCOURSE, WATERBODY, STORM DRAIN OR ADJACENT PROPERTY.
- THE CONSERVANCY AREA HAS ONE DENSITY UNIT REMAINING WITH IT, AND IS INTENDED AT THIS TIME TO BE HELD IN PRIVATE OWNERSHIP.
- SEE SHEETS 2 AND 3 FOR ADDITIONAL NOTES.

## DENSITY TABLE

GROSS AREA	181.51 ACRES±
EXISTING ZONING	RC-2 & RC-4
AREA IN RC 2	0.2 ACRES±
AREA IN RC 4	181.31 ACRES±
TOTAL LOTS ALLOWED IN RC 2	0 LOTS
TOTAL LOTS ALLOWED IN RC 4 (181.31 x 0.2)	36 LOTS
NUMBER OF LOTS IN PHASE I	15 LOTS
NUMBER LOTS IN PHASE II	21 LOTS (1 LOT IN FUTURE)
AREA IN PHASE I	54.901 ACRES±
AREA IN PHASE II	126.61 ACRES±
DENSITY PHASE I & PHASE II	0.198 LOT PER ACRE

SEE SHEET 2 FOR ADDITIONAL DENSITY DATA

## HEARING OFFICER'S ORDER CASE NO. VI 138 AND 95-266 SPH

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order.

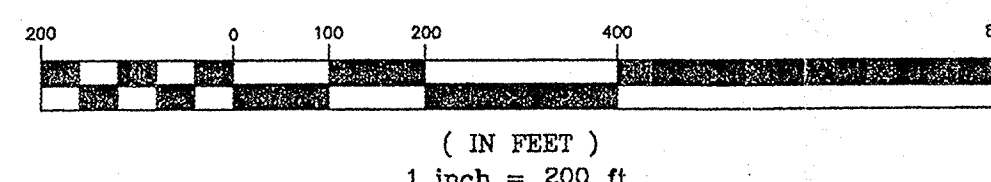
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28th day of June, 1995 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval to amend the First Amended Partial Development Plan of Timberbrook Farms, Phase I, pursuant to Section 1801.3.A.7 of the BCZR, be and is hereby GRANTED; and,

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

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

## GRAPHIC SCALE



REASON FOR FIRST AMENDMENT: ADDED LOT 20  
DEVELOPER'S SIGNATURE, ADDED DENSITY NOTES.  
{ SEE OWNER SIGNATURES, SHEET 2 OF 3 }

NO.	DATE	DESCRIPTION	BY
4	1-27-00	Amended Note Added	JM
3	12-22-99	Change Peak Load Time	JM
2	11-16-99	First Amendment - Lot 20 Added	JM
1	3-20-96	ZONING COMMENTS 2-22-96	JON

OWNER / SUBDIVIDER  
Joseph M. O'Neill  
c/o O'Neill and Company  
214 Mt. Carmel Rd.  
Parkton, Maryland 21120  
(410) 329-6701

TAX ACCOUNT #  
20-00-011999  
20-00-012000  
22-00-000039  
06-05-043029  
Current Tax Acc. #27-00-028947

There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Conservation and Forest Buffer Easement except as allowed by Baltimore County Department of Environmental Protection and Resource Management.

Any Forest Conservation and Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas.

The Forest Conservation Easement shown hereon is being provided to satisfy Baltimore County subdivision.

OFFICE OF PLANNING AND ZONING  
APPROVED BY: *[Signature]* DATE: 8/19/02  
DIRECTOR OF PLANNING  
DIRECTOR OF PERMITS AND DEVELOPMENT-MANAGEMENT

## SURVEYOR'S CERTIFICATION

I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THAT THIS PLAN CORRECTLY REPRESENTS LOTS, LANDS, STREETS, AND HIGHWAYS AS SURVEYED AND PLOTTED BY ME FOR THE OWNERS OR AGENTS.

JOSEPH W. SHAW, PLS #5496  
DATE: 11-8-99

## REASON FOR SECOND AMENDMENT DATE: 06 / 13 / 2002

TO CORRECT NOTE #14 ON SHEET 3 OF 3 TO COMPLY WITH SECTION 1A03.8F OF THE BALTIMORE COUNTY ZONING REGULATIONS

SIGNED AND SEALED FOR SECOND AMENDMENT ONLY

*James W. McKee*  
JAMES W. MCKEE  
PROFESSIONAL LAND SURVEYOR  
MARYLAND REGISTRATION NO. 9012

OFFICE OF PLANNING AND ZONING  
APPROVED BY: *[Signature]* DATE: 2/2/00  
DIRECTOR OF PLANNING  
DIRECTOR OF P.D.M.

PARTIAL DEVELOPMENT PLAN  
PHASE II  
**TIMBERBROOK FARM**  
6th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

**SAS SHAW SURVEYING**  
LAND SURVEYING AND PLANNING CONSULTANTS  
47 W. PENNA. AVE. • STEWARTSTOWN, PA 17363 • 717/993-3102

Notes: 81-35 Date: 11/08/99 Project: FDEV1.DWG  
File: TIMBERBROOK Scale: 1"=200' Sheet: 1 OF 3

TIMBERBROOK FARM



### LEGEND

- THIS MAPS THE REPRESENTATIVE BO  
BUILDING AREA MAXIMUM AND PROPOSED
- FOREST
- PRETTYBOY RESERVOIR  
Mayor and City Council of Baltimore

CONSERVANCY LOT - TRACT "A" - FUTURE LOT 21  
IS TO BE RETAINED BY JOSEPH M. O'NEILL AT THIS TIME

## NOTES

1. All lots shown hereon are for sale.
2. This site lies within Census Tract No. 4060.
3. This site lies within Councilmanic District No. 3.
4. This site lies within Watershed 15.
5. No subwatershed exist for this site.
6. There are no historical areas, critical areas, wetlands, archeological sites, endangered species habitat or hazardous materials within the building site.
7. Lots shown hereon are for single-family residential use only.
8. Individual lot grading will be accomplished by the home building contractor.
9. Average daily trips for Phase II:  $21 \times 12.4 = 260$  ADT.
10. Lots shown hereon will operate on private well and septic systems.
11. Local open space is not required for this subdivision.
12. For panhandle lots; refuse collection, snow removal, and roadway maintenance are provided to the junction of the panhandle and street right-of-way line only, and not onto the panhandle lot driveway.
13. Panhandle lots subject to declaration and maintenance agreements to be recorded among the Land Records of Baltimore Co. at the time of Plat Recording.
14. The maximum area for clearing and grading for each lot is 20,000 s.f. this area shall be shown on the plan at the time of permit application. No structure may exceed a height of 35'.
15. The developer will limit grading and clearing to that area required for construction of roads, storm drains, home sites and panhandle driveways.
16. Individual homes shown hereon are for proposed orientation only and envelopes shall govern as building restriction lines.
17. No further subdivision of the parcel shown hereon will be allowed unless approved by the Baltimore County Planning and Zoning Commission.
18. No Building permit shall be issued for the construction of a dwelling on a lot shown on the final plat until a well approved by applicable State and County agencies having jurisdiction, has been located on the site of any lot.
19. Where applicable utilities shall be installed in accordance with current regulations or as amended by the Public Service Commission of Maryland regarding underground service.
20. If and when water and sewer facilities become available to the subdivision, connection thereto shall be required by the agency having jurisdiction.
21. The exact location of driveway or parking pads are to be determined by homeowners at the time of building.
22. All parking spaces and drives to be paved with a durable and dustless material (concrete, asphalt or tar & chip).
23. Landscaping and grading of lots to be performed by individual lot owners.
24. Grading to be confined to house site only.
25. Two off street parking spaces shall be required for each lot.
26. There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Conservation and Forest Buffer Easement except as allowed by the Baltimore County Department of Environmental Protection and Resource Management.
27. Any Forest Conservation and Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
28. Building envelopes shown hereon are for the location of all principle buildings only. Accessory structures, fences and projection into yards may be constructed outside the envelope but must comply with Sec. 400&301 of Balto. Co. Zoning Reg.. (Subject to covenants and applicable building permits.)
29. Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.
30. This development plan is approved by the Director of P.D.M. based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

SIGNED AND SEALED FOR  
SECOND AMENDMENT ONLY

REASON FOR SECOND AMENDMENT  
DATE : 06 / 13 / 2002

TO CORRECT NOTE #14 ON SHEET 3 OF 3  
TO COMPLY WITH SECTION 1A03.5F OF THE  
BALTIMORE COUNTY ZONING REGULATIONS

GRAPHIC SCALE

( IN FEET )  
1 inch = 100 ft.

REASON FOR FIRST AMENDMENT: ADDED LOT 20 PER DRO  
ACROSS UGA DISTRICT 6C3 OCTOBER 18, 1999,  
AMENDED DENSITY NOTES

3	12-12-99	CHANGE PIRC LOCATION	JM
2	11-16-99	FIRST AMENDMENT - ADD LOT 20	JM
1	3-20-96	NOTE 30. & SIGN. BLOCK ADDED	JON
NO.	DATE	DESCRIPTION	BY

CASE No. VI - 138

OFFICE OF PLANNING AND ZONING  
APPROVED BY:

~~DIRECTOR OF PLANNING~~

DIRECTOR OF P.D.M.

## PARTIAL DEVELOPMENT PLAN

# PHASE II TIMBERBROOK FARM



# SHAW SURVEYING

LAND SURVEYING AND PLANNING CONSULTANTS  
V. PENNA. AVE. • STEWARTSTOWN, PA 17363 • 717/993-3102

Notes:  
81-35

Date: 11 / 8 / 99

Project: FDEV3.DWG

File: **TIMBERBROOK**

Scale:  $1"=200'$

Sheet: 3 of 3