

ON RE: DEVELOPMENT PLAN HEARING and  
PETITION FOR SPECIAL HEARING  
(Beaverbrook) E/S Ridge Road,  
N of Rolling Acres Court  
8th Election District  
3rd Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case Nos. VIII-656 & 96-248-SPH

Mercantile Safe Deposit & Trust Company - Owner;  
Mt. Royal Management Company - Developer

\* \* \* \* \*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by George W. Stephens, Jr. and Associates, Inc., for the proposed development of the subject property by the Mercantile Safe Deposit and Trust Company, Owner, and the Mt. Royal Management Company, Developer, with 80 single family dwellings, in accordance with the development plan submitted and accepted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owner/Developer seeks approval, pursuant to the Petition for Special Hearing, of the creation of four non-density areas in an R.C. 5 zone and to confirm the existence of a single family dwelling that is split by the R.C. 4 and R.C. 5 zone line. The subject property is located on the east side of Ridge Road, just north of Rolling Acres Court. The property consists of 222 acres, more or less, and is split zoned R.C. 4 and R.C. 5.

Appearing at the public hearing required for this project were Rick Chadsey and Dean Hoover, Professional Engineers with George W. Stephens, Jr. & Associates, Inc., who prepared the site plan for this project, Jerry A. Janofsky, a representative of Beaverbrook Farms, LLC, Tom Mills, an expert Hydrogeologist, and G. Scott Barhight, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing. In addition,

ORDER RECEIVED FOR FILING  
Date 3/2/16  
By [Signature]

MICROFILMED

many residents from the surrounding communities appeared in opposition to the plan and special hearing, all of whom signed the Citizens Sign-In Sheet. The Protestants were represented by David B. Hamilton, Esquire, who appeared as Counsel for some community members, as well as in his individual capacity as an adjacent property owner.

As to the history of this project, the concept plan conference for this development was conducted on June 26, 1995. As required, a community input meeting (CIM) was held on August 1, 1995 at the Chestnut Ridge Volunteer Fire Company. A second CIM was held on August 15, 1995 at the same location. Subsequently, a development plan was submitted and a conference held thereon on November 16, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the first Hearing Officer's Hearing held on December 8, 1995. That hearing was continued to January 22, 1996, for which a request for postponement was granted, and the continued hearing was then rescheduled for February 8, 1996.

As stated previously, the Owner/Developer seeks dual relief. First, approval of the development plan which was accepted and marked into evidence as Developer's Exhibit 1 is sought. In addition, the Developer has filed a Petition for Special Hearing seeking certain relief as previously described. I will first address the development plan under consideration before me.

As is customary with all development plans under review, the Hearing Officer is required to determine what, if any, agency issues or comments remain unresolved at the preliminary stage of the development plan hearing. On behalf of the Developer at the first hearing on this

plan, Mr. Barhight stated that the Mt. Royal Management Company was not aware of any unresolved or open issues which needed to be addressed. As for the County reviewing agencies, an issue was raised concerning the extension of Berans Road (an existing County road) into the proposed development and connecting with Road A, which is located in the southern portion of the subject property. Neither the Developer nor the citizens who were in attendance supported the extension of Berans Road into Beaverbrook. Several other issues were raised at the preliminary stage of the hearing, as well as throughout the testimony presented during the course of the hearing, and are more fully set forth below.

On behalf of himself and his neighbors, Mr. Hamilton raised an issue as to the existence and location of a gas line owned by the Columbia Gas Transmission Company which bisects the proposed development. He asserted that the Developer has failed to obtain permission to cross this gas line easement and that it is premature in seeking approval of the development plan where roads are shown crossing over the Columbia gas line. Furthermore, Mr. Hamilton raised an issue regarding traffic along Ridge Road. He testified that the access roads into this development as shown on the development plan are unsafe. Mr. Hamilton also objected to the development plan in that he believes there was insufficient information and time given to his community to fully and adequately review the plan prior to this hearing. Another issue was raised as to the water supply for the existing homes in this area as well as those proposed in Beaverbrook. Mr. Hamilton also took issue with the forest conservation and landscape plans shown on the development plan as being insufficient.

Ms. Deborah Hettleman, an adjoining property owner, raised an issue regarding additional landscape buffering at proposed Lots 68 and 69.

ORDER RECEIVED FOR FILING  
Date 3/12/16  
By [Signature]

After these issues were raised at the first hearing, the Developer offered brief testimony for the purpose of introducing the development plan, which was marked into evidence as Developer's Exhibit 1, and the landscape plan which was marked as Developer's Exhibit 2. Mr. Chadsey, a professional engineer with George W. Stephens, Jr. and Associates, Inc., testified concerning the layout of the proposed Beaverbrook development. Mr. Chadsey testified that the Developer proposes a total of 80 single family lots, 7 of which are proposed to be located in the R.C. 4 zone and 73 located within the R.C. 5 zone. Mr. Chadsey further noted that given the acreage and the zoning classification of the subject property, the total density yielded by this site is 99 units; however, the Developer only proposes to develop the property with 80 units.

Mr. Chadsey further testified that the Developer had entered into a letter agreement with the Maryland Chapter of Trout Unlimited. The Developer has agreed to be bound by the terms of that Agreement, a copy of which was submitted into evidence as Developer's Exhibit 5. The Developer then rested its case, whereupon the Protestants proceeded to offer testimony and evidence in opposition to the development plan.

First called to testify on behalf of the Protestants was Mr. James Patton, a professional engineer. Mr. Patton was accepted as an expert in highway design and highway sight distances and safety. Mr. Patton testified that he has reviewed all the plans for the Beaverbrook subdivision, visited the site on several occasions, and spoken to County personnel regarding the proposed access roads to this site. Testimony revealed that the Beaverbrook subdivision is serviced by three access roads as shown on Developer's Exhibit 1. The access roads are labeled Road A, Road C, and Road D. Mr. Patton testified that Roads A and C meet and comply with

Baltimore County design standards as to sight distances and accessibility to Ridge Road. However, he testified, that access Road D fails to meet both horizontal and vertical sight distances at its intersection with Ridge Road.

Mr. Patton further testified that while Ridge Road is posted for a 30 mph speed limit, citizens consistently drive at a much higher rate of speed. He testified that given the existing grade of Ridge Road, the Developer has failed to meet the proper vertical distances at the intersection of Road D and Ridge Road. Mr. Patton prepared as Citizens' Exhibits 3, 4 and 5, the plot profiles of Ridge Road at the intersections of Roads A, C and D into Beaverbrook. These exhibits attempted to show the elevation changes at these particular intersections. Again, Mr. Patton reiterated that the intersections of Roads A and C are both acceptable, but that the intersection of Road D does not meet with County standards.

On cross-examination, Mr. Patton admitted that his testimony and evidence was based on utilizing "stopping sight distances" as opposed to utilizing "intersection sight distances". The manner in which sight distances are calculated are different and each yields a different result as to whether the intersection of Road D and Ridge Road meets with County standards. Mr. Rahee Famili, a representative of the Bureau of Traffic Engineering, would later clarify this issue in his testimony.

Next called to testify on behalf of the Protestants was Ms. Kathy Ziegler. Ms. Ziegler is the President of The Woods Community Association, that community being located adjacent to the proposed subdivision. Ms. Ziegler testified that her community association is opposed to the extension of Berans Road into the proposed Beaverbrook subdivision. They believe too much traffic would utilize Berans Road, if extended, and fear

ORDER RECEIVED FOR FILING

Date

By

that construction vehicles will utilize Berans Road during the construction phase of this development. Therefore, they are opposed to any extension of Berans Road.

Mr. Ross Germono, a resident of Ridge Road, testified concerning the proposed development. Mr. Germono lives directly across from entrance Road C to the proposed development. Mr. Germono testified regarding the manner in which vehicles travel at unsafe speeds on Ridge Road. He is concerned over the additional traffic that will be generated by the proposed subdivision and feels that more people will speed on Ridge Road, given the additional 80 homes proposed for this development.

Ms. Christine Pitcher, an adjacent resident to the proposed subdivision, next testified in opposition to the proposed development. Ms. Pitcher testified that she and her husband bought their lot approximately 3 and 1/2 years ago and subsequently built their residence. She testified that they enjoy looking from their home over the open fields that currently exist within the Beaverbrook subdivision. Ms. Pitcher also testified that it would have been acceptable for them to look at the property if it had been developed as a golf course. Testimony revealed that at one time the Beaverbrook property was proposed to be developed with an 18-hole golf Course. However, those plans did not come to fruition and in the alternative, a subdivision of 80 homes is proposed for this portion of the property. Ms. Pitcher and her husband do not appreciate the fact that they will be looking into the rear of homes which will be constructed along Road D. Ms. Pitcher's home is located along the far northeast corner of the subject property. Given the close proximity of her home to those proposed, Ms. Pitcher would like to see additional landscaping in the extreme northeast corner of the Beaverbrook tract. Ms. Pitcher submitted

a landscape plan showing the type of landscaping she and her husband would like to see in the northeast corner of the property to help buffer the view of the proposed houses from their home. Ms. Pitcher was also concerned over the number of street lights which are proposed to be located on Road D. This street lighting would also have an effect, not only on her home, but on other homes that are located along the northern border of the proposed subdivision.

Mr. Harold Burns, Director of the Falls Road Community Association, appeared and testified concerning the proposed development. Mr. Burns testified that he is currently engaged in negotiations with this Developer to reach an agreement relative to the manner in which this property will be developed. Mr. Burns is very much concerned over the Beaver Dam Run which traverses this property. The Beaver Dam Run is a Class III Trout Stream and Mr. Burns believes that every possible safeguard should be undertaken to ensure that no damage is done to this stream when this property is developed. Mr. Burns requested that the record of this case be kept open to give his group the opportunity to conclude their negotiations with the Developer and submit a written agreement to this Hearing Officer for inclusion in the case file. However, at the time of the issuance of this Order, the parties were unable to finalize an agreement, and therefore, this decision is made without a ratified agreement having been reached between the parties. Anticipating that there may be problems concluding their agreement, Mr. Burns entered into evidence two other agreements that he has personally worked on with Developers concerning the development of other parcels of property in the vicinity of this property. Submitted as Citizens' Exhibits 8 and 9 were agreements relating to the Westwicke and Alsrue subdivisions. Mr. Burns testified that many of

ORDER RECEIVED FOR FILING

Date

By

3/12/76  
[Signature]

the safeguards provided in those agreements should be applied to the Beaverbrook subdivision, given the environmental sensitivity of this property.

Furthermore, Mr. Burns raised an issue relative to the water supply on the Beaverbrook property as well as the existing wells on those properties which border the proposed subdivision. Mr. Burns testified that other Developers in this area of the County have offered a guarantee to the surrounding residents that their wells would not go dry by virtue of the additional wells being drilled to support the proposed subdivision. Mr. Burns testified that he would like to see the same guarantee applied to the residents who live adjacent to the proposed Beaverbrook subdivision. Mr. Hamilton, in his individual capacity and as Counsel for the community, also asserted that he would like to have the same water well guarantee apply to this Developer.

Mr. Hamilton was next called to testify in opposition to the development of this site. Mr. Hamilton offered testimony relative to the Columbia gas line easement which traverses the northern quadrant of the proposed subdivision. The Developer proposes to cross the Columbia gas easement with both Road C and Road D as shown on the plan. Mr. Hamilton testified that the Developer has not received the requisite approvals from the Columbia Gas Transmission Company relative to the crossing of their easement with these roads. He therefore believes that any approval of this development plan would be premature at this time, until such time as the requisite approvals have been given.

Several representatives of the various Baltimore County reviewing agencies remained throughout the hearing and offered testimony relative to the proposed development of Beaverbrook. Mr. Robert Bowling, a representa-



tive of the Public Works division of the Department of Permits and Development Management (PDM), testified that his office is requesting that Berans Road be extended into the proposed Beaverbrook subdivision and connected with Road A. Mr. Bowling testified that the subdivision located to the south of the Beaverbrook property has well in excess of 100 homes located therein. He further testified that this community only has one means of access. Mr. Bowling noted that the policy of Public Works is that communities containing 100 or more homes should have at least two means of access. Having two means of access would assist the response of emergency vehicles and alleviate problems in the event the single means of access was blocked or impeded in any fashion. He therefore recommends that the Developer extend Berans Road into this subdivision thereby connecting with Road A to provide a second means of access to Ridge Road.

Mr. Bowling also testified regarding street lighting for the proposed subdivision. He stated that while no formal request for a waiver of street lighting was submitted to his office, they would work with this Developer to assure that only the required number of street lights that are necessary for safety purposes would be installed.

Mr. Bowling also testified relative to the crossing of the Columbia Gas Company easement. He stated that his office has been involved with many roads crossing over gas easements and that these road crossings are done routinely and regularly.

Mr. Irvin McDaniel, a representative of the Office of Planning, next testified. Mr. McDaniel wanted to add to the comments previously espoused by Mr. Bowling in that the Master Plan recommends the connection of communities. He therefore, fully supports the connection of Berans Road into and connecting with Road A of Beaverbrook.

ORDER RECEIVED FOR FILING

Date

By

Mr. Rahee Famili, a representative of the Bureau of Traffic Engineering, testified that his agency also supports the connection of Berans Road with Road A. Mr. Famili testified that when the adjacent Woods subdivision was approved by the County, it was anticipated that a stream crossing would be accomplished connecting Berans Road and providing a second means of access for The Woods subdivision. However, the State permit for the crossing of that stream was denied. Thus, The Woods subdivision only has one means of access. Mr. Famili now realizes that the development of the Beaverbrook subdivision may be the last opportunity for The Woods subdivision to gain a second means of access. He testified that it is of utmost importance that this second means of access be provided, given the safety issues involved. Furthermore, he sees this second means of access to be beneficial to the residents who live in The Woods subdivision.

As stated previously, Mr. Famili offered testimony which corrected that previously offered by Mr. Patton. Mr. Famili testified that Mr. Patton utilized the wrong method of calculating sight distances when he reached his conclusion as to the intersection of Road D and Ridge Road. Mr. Famili testified that Mr. Patton utilized "stopping sight distances" when the proper method of calculation is based upon "intersection sight distances". Therefore, in Mr. Famili's opinion, Mr. Patton misinterpreted the regulations and his conclusions were faulty. Mr. Famili testified that the sight distances for Roads A, C and D meet and comply with all applicable County regulations.

At the conclusion of Mr. Famili's testimony, the Developer called Mr. Tom Mills to rebut some of the testimony offered by the citizens who attended the hearing. Mr. Mills qualifies as an expert in geological

engineering and hydrogeology. Mr. Mills testified that he studied the Beaverbrook subdivision as to the possible effect that the drilling of 80 new wells will have on this property and whether those 80 new wells will have an adverse effect on the existing wells in and around this subdivision. Based on the calculations used by Mr. Mills, he testified that the 80 lots proposed for the Beaverbrook subdivision would not have an adverse effect on the water supply to the existing homes adjacent to the Beaverbrook property. Furthermore, Mr. Mills testified that prior to developing the site, the Developer would have to obtain a permit from the Maryland Department of the Environment (MDE), given the fact that the Developer proposes in excess of 50 lots for this subdivision. MDE would review all data relative to the drilling of these 80 wells as to whether it would have an adverse effect on existing ground water in this area. On cross-examination, Mr. Mills admitted that the proposed additional 80 wells could have some effect on the adjacent homeowners, but that this effect would be minimal.

Counsel for the Developer next recalled Mr. Chadsey to testify regarding the installation of super-silt fences during the construction phase of this development and the proposed road crossings over the Columbia gas easement. The Developer submitted into evidence as Developer's Exhibit 9, a copy of the development plan depicting where, in Mr. Chadsey's opinion, the most benefit would be derived from the placement of super-silt fences. The issue of such fencing was raised in Mr. Burns' testimony. As to the issue of crossing the Columbia gas easement with access Roads C and D, Mr. Chadsey testified that he has met with representatives of the Columbia Gas Company and that he believes the Developer will be successful in engineering the proper method of crossing that easement and ultimately,

ORDER RECEIVED FOR FILING  
Date 3/2/86  
By JRP

permission will be granted by the Columbia Gas Company to cross their easement.

Mr. Chadsey further testified regarding the Petition for Special Hearing. As previously stated, the subject property is split zoned R.C. 4 and R.C. 5. The R.C. 4 zoned portion of the property primarily is drawn about 500 feet on either side of the streams that cross the property. As a result, the R.C. 4 zone line will cross some of the lots within the proposed subdivision. Specifically, Lots 23, 24, 64, and 1 are split zoned R.C. 4 and R.C. 5, thereby creating a small non-density area in the R.C. 5 zoned portion of those lots. Thus, the special hearing relief is necessary. Furthermore, a dwelling is proposed to be located on Lot 25. The house itself is actually split zoned R.C. 4 and R.C. 5 and thus, the special hearing is required to legitimize this dwelling. The special hearing is a technical request, given the split zoning of the property.

#### ISSUES

1) Extension of Berans Road: As stated previously, one of the main issues raised by the citizens of the surrounding community involved the requested extension of Berans Road from its present terminus into the Beaverbrook subdivision and connecting with access Road A. Representatives of the Baltimore County reviewing agencies appeared and testified as to the importance and need for extending Berans Road and making this connection. Mr. Irvin McDaniel, a representative of the Office of Planning, submitted as Developer's Exhibit 7, an area map showing the Beaverbrook subdivision and the surrounding communities. The only means of ingress and egress for those residents living in the subdivision known as The Woods involves using Harmony Woods Road to Ridge Valley Drive. Furthermore, the County anticipated that Berans Road would be permitted to cross

APR 15 1965

over the stream shown on Developer's Exhibit 7; however the stream crossing permit was denied by the Maryland Department of the Environment (MDE) and Berans Road is shown dead-ending on the north and south sides of this stream. Therefore, given these factors as well as the testimony and evidence submitted before me, I believe it is appropriate that Berans Road be extended into Beaverbrook and connected with access Road A as shown on the site plan. The Developer shall be required to amend the site plan accordingly to show this extension and ultimate connection with access Road A.

It is apparent from reviewing the road system in the communities surrounding Beaverbrook, as shown on Developer's Exhibit 7, that the existing community will not be impacted by the new homes that will be constructed in the Beaverbrook subdivision. The extension of Berans Road is not intended for use as an outlet for those residents of Beaverbrook. To the contrary, the extension is proposed as a second means of access for the residents of The Woods community. Therefore, the greater benefit of this connection will be attributed to the residents of The Woods community and not the future residents of the proposed Beaverbrook subdivision.

As is the case with all road extensions, I am aware that there are several residents whose homes are currently located on the existing dead-end of Berans Road who will be affected by the additional traffic that may use Berans Road, once it is extended. The adverse effects that are felt by these residents once Berans Road is extended will be greatly outweighed by the overwhelming need to have a second means of access for those other residents living in The Woods community. Therefore, given this fact, I believe it is appropriate that Berans Road be extended and connected with access Road A, and I shall so Order.

ORDER RECEIVED FOR FILING  
Date 3/2/80  
By [Signature]

2) Columbia Gas Transmission Line: The next issue raised concerned whether the Developer of Beaverbrook would be permitted to cross the Columbia gas pipeline easement that is shown on the development plan, running in a southwesterly to northeasterly direction in the northern sector of Beaverbrook. The Developer proposes to construct two roadways, those being access Roads C and D, both of which cross over the Columbia gas line easement. The Protestants assert that the Developer has not received permission to cross this gas line easement, and in fact, may not be permitted to do so. The Protestants argue that the Developer is premature in seeking approval of this development plan which shows these road crossings inasmuch as no such permission has been granted for same. Mr. Hamilton on behalf of his clients argued that the approval of this plan would be premature and should be denied at this time.

On this topic, the Developer submitted as Developer's Exhibits 11 and 12, two letters written by representatives of the Columbia Gas Transmission Corporation, both of which attempt to clarify the issue as to whether this Developer will be permitted to cross this gas line easement. From reading these letters as well as hearing the testimony and evidence presented by the witnesses who appeared at the hearing, it is clear that the Developer has not been denied the right to cross the gas easement at this time. Furthermore, it appears from the testimony presented by Mr. Robert Bowling, a representative of Public Works, that crossing gas lines of this nature is fairly common and routinely permitted. It also appears from the testimony and evidence offered at the hearing that the Developer has been working with the Columbia Gas Transmission Company to meet their design criteria for crossing their easement. Whether permission will be granted in the future to cross this easement is an issue that is left

between the Columbia Gas Company and this Developer. The crossing of that easement involves private rights between Columbia Gas and this Developer and it is an area over which I have no jurisdiction. I do not believe that this issue is sufficient to warrant a denial of the development plan at this time. However, should the Columbia Gas Company deny the Developer the right to cross its gas line easement, then this Developer will be required to resubmit his development plan to determine the appropriate means of access to the lots that are serviced by Roads C and D, particularly if the present means of access (Roads C and D) is not permitted to cross the gas easement.

3) Sight Distances for Access Road D: Mr. James Patton testified on behalf of the Protestants that in his expert opinion, the intersection of Access Road D with Ridge Road does not meet the design criteria for sight distances as that criteria is set forth in the appropriate County regulations. Mr. Patton conceded that the intersections of Roads A and C with Ridge Road meet and comply with County standards, but that the Developer has failed to provide adequate vertical sight distances for the intersection of access Road D with Ridge Road. He therefore believes that the situation is unsafe and should not be permitted to exist.

Mr. Rahee Famili, a representative with the County's Bureau of Traffic Engineering, disagreed with Mr. Patton's interpretation and testimony as to whether the intersection of access Road D and Ridge Road meet with County standards. Mr. Famili testified that Mr. Patton based his conclusion on the wrong set of standards to be applied to this intersection. Mr. Famili further testified that Mr. Patton utilized calculations based on "stopping sight distances" and not "intersection sight distances" which are the appropriate calculations to utilize. Mr. Famili testified

ORDER RECEIVED FOR FILING

Date

BY

that he personally reviewed and inspected this situation and that, in his opinion, the intersection of Road D with Ridge Road meets all County guidelines as to horizontal and vertical sight distances.

Based on the testimony and evidence offered on this issue, I find that the intersection of Road D with Ridge Road, as shown on Developer's Exhibit 1, does meet all County standards and should be permitted to exist. This issue is not sufficient to warrant a denial of this development plan.

4) Effects of the Beaverbrook Subdivision on Existing Groundwater

Supply: The testimony and evidence offered at the hearing demonstrated that both the proposed Beaverbrook subdivision as well as the surrounding communities are located in an area of Baltimore County where groundwater supplies often do not meet minimum standards. Much of the testimony demonstrated that the existing residents in and around this area have wells that barely meet minimum standards at the present time. These residents are extremely concerned that the additional homes proposed in the Beaverbrook subdivision and the drilling of 80 additional wells for those homes, will have an adverse effect on the existing groundwater supply in this area, and thus, adversely affect the existing wells on adjacent properties. Mr. Hamilton, as well as others in attendance at the hearing, voiced this concern. Testimony further revealed that inasmuch as this Developer proposes to construct more than 50 single family homes in Beaverbrook, then it must apply for a permit from the Maryland Department of the Environment (MDE) showing what, if any, effects these additional 80 wells will have on the existing groundwater in this area. This State permit process is separate and apart from the approvals sought before me pursuant to this Hearing Officer's Hearing. Regardless of that additional permit process, the residents living around the Beaverbrook site asked that certain protec-



tions be given to them so that they will not suffer adverse consequences due to the installation of these additional wells.

Mr. Burns testified that another Developer has gone so far as to offer a well guarantee to those property owners located immediately adjacent to a proposed subdivision. Mr. Burns testified that a well guarantee similar to that applied to other subdivisions should be applied to the residents that live in and around the proposed Beaverbrook subdivision.

The specifics of the well guarantee that has been utilized in other projects were not entered into evidence before me at the Hearing Officer's Hearing. A review of Citizens' Exhibits 8 and 9, which are agreements entered into between community groups and developers of the Westwicke and Alsrue subdivisions, do not contain this well guarantee. Therefore, I am not aware of the specific terms of the well guarantee that has been utilized in other cases. Furthermore, I have not personally been involved in a Hearing Officer's Hearing wherein such a well guarantee has been incorporated into my Order. Therefore, I am reluctant to impose this guarantee upon this Developer since I do not have before me the specifics of how this well guarantee operates. Furthermore, the Baltimore County Code, specifically, the development regulations contained therein, do not make any provision relating to a well guarantee for existing residents living adjacent to proposed developments. I would suspect that any adverse effects on existing wells suffered by surrounding residents that are attributable to the proposed Beaverbrook development would be a private matter between that homeowner and this Developer, which matter could be resolved through the judicial system. Therefore, I am reluctant to incorporate such a restriction and therefore, will not impose a well guarantee upon this Developer.

ORDER RECEIVED FOR FILING

Date

By

It is entirely possible that through continued negotiations between this Developer and surrounding communities that the parties could enter into an agreement relating to the existing wells of those residents who live around this subdivision. Perhaps this "well guarantee" could eventually be reached between these parties pursuant to a private agreement. However, I find it is not appropriate to impose such a guarantee at this time.

5) Landscaping: Several residents of the surrounding communities testified out of concern that the Developer is proposing insufficient landscaping as an appropriate buffer to their existing residences. Residents of the Fox Ridge Estates, specifically, Mr. & Mrs. Pitcher, as well as residents of Owings Ridge, specifically, Mr. Hamilton, have all requested additional landscaping in and around the north and northeast sections of this development to adequately buffer their homes from the proposed development. Furthermore, residents of The Woods subdivision located south of the proposed development, specifically, those residents of Rolling Acres Way and Berans Road, have also requested additional landscaping. Ms. Hettleman has requested an increased buffer along Lots 68 and 69 to minimize the effects of the proposed new homes upon their residences.

As to the issue of landscaping, the record was left open to provide an opportunity to the surrounding residents to submit their own landscape plans as to the types and amount of landscaping they would like to see utilized to buffer their property from the proposed development. Mr. Hamilton, as well as Mr. & Mrs. Pitcher, submitted a landscape plan for that area of the proposed development that is adjacent to their property. However, some of the landscaping proposed, particularly that proposed by Mr. & Mrs. Pitcher, was not the type of vegetation that would be most

MICROFILMED

suitable for the area where the additional landscaping is proposed. Therefore, I believe it is appropriate to have the County's Landscape Architect, Mr. Avery Harden, to determine the additional landscaping that is necessary to buffer the existing residents along the northern property line of this subdivision as well as in the northeast corner, and also, those residents who reside along the southern property line of the proposed Beaverbrook subdivision. Therefore, I shall require the Developer to submit a landscape plan to Mr. Harden for review and approval as to the type and number of plantings necessary to buffer those residents of the Owings Ridge community and those residents of the Fox Ridge Estates community from the proposed development. This would involve the northern property line of this subdivision and the northeast corner of the subdivision. Furthermore, Mr. Harden shall design and approve appropriate landscaping to be utilized along the southern property line to buffer those residents living in those subdivisions known as Rolling Acres North and The Woods. Mr. Harden shall give particular attention to the buffering necessary along Lots 68 and 69 to buffer those residents living along Berans Road from the proposed development. The citizens who reside in the aforementioned communities shall be permitted to discuss this landscaping issue with Mr. Harden during the design phase of this landscaping requirement. However, it shall be the final decision of Mr. Harden to determine the amount of screening as well as the particular species to be utilized to screen existing residents from the proposed development. This issue of landscaping is not sufficient to warrant a denial of this development plan; however, it is sufficient to impose an appropriate restriction at the end of this Order.

ORDER RECEIVED FOR FILING

Date

3/2/96

By

YBP

6) Sediment Control Measures During Construction Phase: Testifying on behalf of himself and the Falls Road Community Association, Mr. Burns voiced concern over the sediment control measures proposed to be utilized by this Developer during the construction phase of Beaverbrook. Mr. Burns testified concerning a number of sediment control measures he would like to see the Developer utilize during the build-out phase of this subdivision. Mr. Burns, as well as the Developer, were hopeful that they would be able to reduce to writing an agreement between the two parties setting forth the types of storm water management practices, sediment control measures, forest conservation measures, as well as grading and clearing restrictions regarding the proposed development as well as measures applicable to individual homeowners. The parties were unable to reach a final agreement on these matters, however, the issues were raised by Mr. Burns. Furthermore, Mr. Scott McGill, a representative of the Maryland Chapter of Trout Unlimited, appeared at the hearing and offered into evidence as Developer's Exhibit 5, a letter agreement dated February 7, 1996. This letter agreement deals with, from Trout Unlimited's perspective, development measures that were agreed to between the Developer and the Maryland Chapter of Trout Unlimited. Trout Unlimited is also very much concerned over these feeder streams that traverse the property which, as stated previously, is a Class III trout stream. The agreement entered into between the Developer and Trout Unlimited shall become a part of this Order and incorporated herein and enforceable as if a part of this Order.

Some of the areas covered by the agreement reached between the Developer and Trout Unlimited echo and address the concerns enunciated by Mr. Burns during his testimony. However, one area not adequately addressed in the Trout Unlimited agreement, but about which Mr. Burns testified,

involved whether the Developer should be required to install super-silt fences during the development of this property as well as during the construction phase of the proposed houses.

Storm water management as well as sediment control measures and practices are generally reserved for Phase II of the development process. The specific details of the storm water management and sediment control practices to be utilized at Beaverbrook have not been finalized at this stage of the development process. Therefore, I do not believe it is appropriate at this stage to order the placement of super-silt fences at any specific location within the proposed subdivision. I shall, however, provide the authority to the Department of Environmental Protection and Resource Management (DEPRM) during the Phase II of the development process to require the Developer to utilize super-silt fences, if DEPRM believes it necessary to do so, in order to preserve and protect the feeder streams that bisect this property. The authority to order the amount and location of these super-silt fences shall be in the sole discretion of DEPRM and shall take into consideration and address the environmental sensitivity of these feeder streams.

7) Insufficient Time to Review the Development Plan: Mr. Hamilton raised an issue by way of an objection to the development process, that he and other community members who are interested in the Beaverbrook development have not had sufficient time to review the site plans and information relative to the proposed development. Furthermore, Mr. Hamilton objected to what he believed to be a lack of cooperation from the Developer in supplying information to the community when requested. He asserts that the development plan should be denied and/or the Hearing Officer's Hearing dismissed, based on the fact that the community has not

ORDER RECEIVED FOR FILING

Date

3/2/16

By

[Signature]

received all of the information they have requested from the Developer and that they have not had ample time to review the site plan and information concerning this development.

I find that the community and Mr. Hamilton have had ample time to prepare for the hearing before me and have had access to the County files that are part of the development process. This is especially true, given the fact that the original hearing on this matter took place on December 8, 1995, and was continued to a second hearing date of February 8, 1996. This gave Mr. Hamilton as well as the citizens in the surrounding communities almost two months to review the file and the County agency comments contained therein. Therefore, in my opinion, there was ample time for the citizens to prepare for this hearing.

Mr. Hamilton also raised an objection relative to the Developer not turning over certain information to him upon request. The Baltimore County Code does not provide for any discovery in these Hearing Officer's Hearings. While all County files are open to the public, the Developer is not under any obligation to disclose confidential information or other statistics and information that are gathered by his own experts throughout the development of any particular project. For example, Mr. Hamilton objected to the Developer not being required to turn over bank records which would disclose the financial aspects of the Beaverbrook subdivision. I believe that these matters are confidential and do not have to be disclosed at the hearing Officer's Hearing before me. This issue raised by Mr. Hamilton on behalf of himself and the citizens he represented is not sufficient to warrant a denial of this development plan, nor warrant an outright dismissal of the hearing process.

None of the issues raised by Mr. Hamilton, either individually or on behalf of his clients, or any other Protestant who appeared at the hearing was sufficient to warrant an outright denial of this development plan. Some issues did warrant the imposition of conditions and restrictions at the end of this Order to address the concerns raised at the hearing. However, I hereby find that the development plan submitted into evidence as Developer's Exhibit 1, meets with the development regulations contained within the Baltimore County Code, and therefore, should be approved, subject to the conditions and restrictions imposed hereinafter.

As stated previously, the Owner/Developer also requested approval, pursuant to the Petition for Special Hearing, the creation of four non-density areas in the R.C. 5 zone and to confirm the existence of a single family dwelling which is split zoned R.C. 4 and R.C. 5.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 12<sup>th</sup> day of March, 1996 that

ORDER RECEIVED FOR FILING

Date

By

3/12/96  
[Signature]

*[Handwritten signature]*

the development plan for Beaverbrook, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the creation of four non-density areas in an R.C. 5 zone and to confirm the existence of a single family dwelling that is split by the R.C. 4 and R.C. 5 zone line, in accordance with Developer's Exhibit 1 and Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) Approval of the development plan marked into evidence as Developer's Exhibit 1 is contingent upon this Developer obtaining permission to cross the Columbia Gas Transmission Corporation's gas line easement with access Roads C and D. In the event this crossing is denied and the Developer wishes to provide an alternate means of access in those areas, then the matter shall be resubmitted through the development process to address those alternate means of access.
- 2) The Developer shall submit for review and approval by Avery Harden, the Landscape Architect for Baltimore County, a landscape plan depicting an appropriate landscape buffer along the northern property line of this subdivision as well as the northeast corner adjacent to the Pitcher and Ellicott properties. Mr. Harden shall have full discretion to determine the design, amount and type of landscaping to be utilized along the border of this property to provide sufficient screening to the existing homes in this area. Furthermore, the same landscape plan shall address the appropriate amount of landscaping necessary along the southern property line of this subdivision, once again to be within the sole discretion of Mr. Harden as to the number, type and design of landscaping to be utilized to buffer the existing homes in the Rolling Acres North and The Woods subdivisions. Mr. Harden shall utilize his expertise in determining the appropriate size and species to be planted in these areas, given the types of soils prevalent in those areas of this subdivision. The residents who live along the border of Beaverbrook shall be permitted to review Mr. Harden's landscaping proposals. Mr. Harden should involve the citizens who live in this area to the extent possible when designing the landscape plan for



buffering purposes. Mr. Harden shall also designate the time within which all landscaping must be planted.


3) The agreement entered into between the Developer and the Maryland Chapter of Trout Unlimited, identified herein as Developer's Exhibit 5, shall be incorporated within this Order and enforceable as if a part of this Order. The Developer shall be strictly bound to adhere to the provisions of that letter agreement which is attached hereto.

4) The Department of Environmental Protection and Resource Management (DEPRM) shall have the authority, pursuant to this Order, to require the Developer to install super-silt fencing within any area of the Beaverbrook subdivision, should they feel, given their expertise, that super-silt fencing is necessary in order to protect the trout streams that traverse this property. The amount and location of such fencing shall be within the sole discretion of DEPRM. DEPRM shall also determine the length of time that these super-silt fences shall remain on the property.

5) The Developer shall extend Berans Road from its present terminus into and connecting to Road A within the Beaverbrook subdivision. The Developer shall amend its development plan accordingly to show this connection. No construction vehicles of any kind shall be permitted to utilize Berans Road for access. This includes all vehicles during the development of the site as well as the construction of homes thereafter.

6) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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

  
TIMOTHY M. KOTROCO  
Hearing Officer  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 3/2/86  
By [Signature]

**MT. ROYAL  
MANAGEMENT Co.**  
1233 Mt. Royal Avenue  
Baltimore, Maryland  
21217

RECEIVED  
FEBRUARY 10 1996  
5

February 7, 1996

**TRANSMISSION BY FAX - 347-2963**

Mr. David Warnock, President  
Maryland Chapter of Trout Unlimited  
Cahill, Warnock Company  
10 N. Calvert Street, Suite 735  
Baltimore, Maryland 21202

**Re: Beaverbrook Development Plan**

Dear Mr. Warnock:

This letter is to confirm the terms and conditions agreed to between Beaverbrook Farm, LLC and Trout Unlimited regarding the Beaverbrook Development Plan. The agreement has been reached during several communications with you and Scott McGill which began on December 18, 1995 and concluded on February 7, 1996.

The parties agree to the following terms and conditions:

1. Beaverbrook Farm, LLC ("Beaverbrook") agrees to use curb cuts, open swales and small berm check dams in key locations to allow some of the stormwater run off to be directed to drainage swales which will reduce the temperature of the runoff.
2. Beaverbrook will use level spreaders to promote a slower discharge, infiltration, and cooling of the stormwater run-off. The parties acknowledge that the stormwater management facilities and the level spreaders have not yet been designed. The level spreaders will be designed based upon a reasonable depth of flow between four and eight inches.
3. Beaverbrook agrees to design the stormwater management facilities for no more than a twelve hour extended detention.

MICROFILMED

4. Beaverbrook agrees to investigate the feasibility for infiltration of the first one-half inch of stormwater run-off. If Beaverbrook determines it to be feasible, Beaverbrook agrees to infiltrate the first one-half inch of stormwater run-off. If infiltration is not feasible, Beaverbrook will utilize other best management practices, including but not limited to sand filters or bioretention, to provide a cooling mechanism for all storm water run-off from impervious surfaces

5. Beaverbrook agrees to investigate the practicality of using the landscape islands on the HOA open space areas located on Road A consisting of approximately 0.31 and 0.25 acres and the landscape island on the HOA open space area located on Road B consisting of approximately 0.22 acres as bioretention areas. Feasibility will be based upon the policies of the Department of Public Works and the expense created by the under drain system. If Beaverbrook determines it to be feasible, Beaverbrook agrees to use the landscape islands as described above as bioretention areas.

6. Beaverbrook agrees to limit the forest clearing for each lot to a maximum of 15,000 sq. ft.

7. Prior to their submission to Baltimore County, Trout Unlimited will be provided copies of the sediment control, grading plans, stormwater management plans and road/storm drain plans showing water quality management techniques in accordance with this agreement during Phase II of the county review process. Trout Unlimited shall have ten (10) business days to review the plans and respond to Beaverbrook with its comments. The Trout Unlimited comments are limited to whether the plans are consistent with this agreement. Beaverbrook will make a good faith effort to respond to the comments received from Trout Unlimited. However, the parties recognize that utilization of specific water quality management techniques are subject to final approval by the appropriate agencies of Baltimore County and other applicable governmental agencies. Neither Beaverbrook nor Trout Unlimited have approval authority. Beaverbrook cannot guarantee the usage of the water quality management techniques identified in this agreement unless final approval has been obtained from Baltimore County and other applicable governmental agencies.

8. Trout Unlimited agrees to support the approval of the Beaverbrook Development Plan at any and all public hearings regarding said plan. Trout Unlimited also agrees not to file an appeal or support any appeal of the Development Plan approval.

On behalf of Mt. Royal Management and Beaverbrook, I wish to express our sincere appreciation for your efforts in reaching what is an equitable solution to your

ORDER RECEIVED FOR FILING  
Date 3/2/96  
By [Signature]

0000000000

Mr. David Warnock, President

February 7, 1996

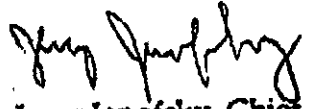
Page 3

requests. Please indicate your confirmation of the terms and conditions reflected in this letter by executing on behalf of Trout Unlimited where indicated below and sending a copy back to me at the above address.

Should you have any questions or comments, please feel free to contact me. Thanks again for all of your help.

Very truly yours,

Beaverbrook Farm, L.L.C.



Jerry Janofsky, Chief  
Acquisitions & Development  
Mt. Royal Management Co.

JJ/sll

cc: Mr. Scott G. McGill  
Frederick N. Chadsey, IV, P.E.  
G. Scott Barhight, Esquire

66518

SIGNED AND AGREED TO THIS  
7 DAY OF Feb, 1995

TROUT UNLIMITED

By: David F. Warnock



# Petition for Special Hearing

96-248-SPA

## to the Zoning Commissioner of Baltimore County

for the property located at Beaverbrook Development Off Ridge Road

which is presently zoned RC 4 and RC 5

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 for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. CREATION OF FOUR (4) NON-DENSITY AREAS IN RC5 ZONE.
2. CONFIRMATION OF THE EXISTENCE OF A SINGLE-FAMILY DWELLING THAT IS SPLIT BY RC4 AND RC5 ZONES.

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

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

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:

BEAVERBROOK FARMS, LLC

By: JERRY A. JANOFSKY, Agent

(Type or Print Name)

Signature

1233 Mt. Royal Avenue

Address

Baltimore, Maryland 21217

City

State

Zipcode

Legal Owner(s):

Mercantile-Safe Deposit & Trust Company,

(Type or Print Name)

Trustees, Real Estate Dept.

Signature

(Type or Print Name)

Signature

766 Old Hammond Road

Address

Phone No.

Linthicum, Maryland 21090

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name

Whiteford, Taylor & Preston

Address

210 W. Pennsylvania Avenue, 4th Fl.

Address

Towson, MD 21204 (410) 832-2000

Address

OFFICE USE ONLY

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford Taylor & Preston

Address

210 W. Pennsylvania Avenue, 4th Fl.

Phone No.

Towson, MD 21204 (410)832-2000

City

State

Zipcode

ORDER RECEIVED FOR FILING

Date

By

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_



with HOA 249

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS  
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

76-248-SPH

Description to accompany Zoning Petition,  
BEAVERBROOK.

December 11, 1995

Beginning for the same at a point in the bed of Ridge Road, having Baltimore County Metropolitan District coordinate value of North 59552.29, West 29653.23, said place of beginning being North 55 degrees 37 minutes 59 seconds East 484.66 feet from the centerline paving intersection of said Ridge Road and Valley Glen Court, thence leaving said place of beginning, running in or near the center of said Ridge Road, the following courses:

- 1) North 08 degrees 24 minutes 59 seconds East 78.83 feet,
  - 2) North 27 degrees 53 minutes 55 seconds East 100.00 feet,
  - 3) North 39 degrees 56 minutes 33 seconds East 547.05 feet,
  - 4) North 05 degrees 41 minutes 25 seconds West 60.00 feet,
  - 5) North 30 degrees 41 minutes 06 seconds West 100.00 feet,
  - 6) North 25 degrees 09 minutes 21 seconds West 259.10 feet,
  - 7) North 05 degrees 10 minutes 41 seconds West 217.15 feet,
  - 8) North 16 degrees 06 minutes 19 seconds East 106.00 feet,
  - 9) North 30 degrees 06 minutes 19 seconds East 425.64 feet,
  - 10) North 22 degrees 18 minutes 02 seconds East 67.96 feet,
  - 11) North 13 degrees 29 minutes 00 seconds East 100.00 feet,
  - 12) North 07 degrees 15 minutes 21 seconds East 230.50 feet,
  - 13) North 08 degrees 30 minutes 08 seconds East 237.00 feet,
  - 14) North 09 degrees 05 minutes 01 seconds East 944.80 feet,
  - 15) North 12 degrees 17 minutes 55 seconds East 87.15 feet,
  - 16) North 13 degrees 55 minutes 21 seconds East 200.00 feet and
  - 17) North 09 degrees 24 minutes 01 seconds East 281.64 feet,
- running thence leaving said road, the following courses:
- 18) North 83 degrees 31 minutes 41 seconds East 492.65 feet,
  - 19) North 83 degrees 00 minutes 33 seconds East 1246.61 feet,
  - 20) North 82 degrees 47 minutes 33 seconds East 238.31 feet,
  - 21) South 01 degrees 52 minutes 56 seconds West 739.49 feet,
  - 22) South 20 degrees 47 minutes 12 seconds West 1467.70 feet,
  - 23) South 63 degrees 45 minutes 35 seconds East 478.21 feet,
  - 24) South 69 degrees 34 minutes 03 seconds East 821.44 feet,
  - 25) South 12 degrees 15 minutes 16 seconds East 319.04 feet,
  - 26) South 30 degrees 51 minutes 52 seconds East 502.84 feet,
  - 27) South 66 degrees 34 minutes 25 seconds West 721.87 feet,
  - 28) South 28 degrees 28 minutes 31 seconds West 414.93 feet,
  - 29) South 31 degrees 19 minutes 06 seconds West 69.85 feet,
  - 30) North 58 degrees 29 minutes 00 seconds West 440.02 feet,
  - 31) South 71 degrees 31 minutes 52 seconds West 831.46 feet,
  - 32) South 01 degrees 52 minutes 29 seconds East 43.15 feet,
  - 33) South 80 degrees 38 minutes 12 seconds West 51.00 feet,
  - 34) North 09 degrees 24 minutes 10 seconds West 33.70 feet,
  - 35) South 71 degrees 31 minutes 52 seconds West 417.18 feet,
  - 36) South 89 degrees 46 minutes 49 seconds West 769.80 feet,
  - 37) North 59 degrees 30 minutes 52 seconds West 219.99 feet,
  - 38) North 30 degrees 29 minutes 08 seconds East 25.00 feet,
  - 39) North 59 degrees 30 minutes 52 seconds West 231.09 feet and

3rd District

Postage

96-248-SP4

Bearer book

Special Hearing  
&  
Development Plan Hearing

Posted 12/22/95

MT-Royal Management Company  
Merced Falls - Safe Deposit & Trust Co  
E/S Ridge Rd, N of Rolling Hills Court

Filing records on property being sold + regarding hearing

Signs 2

12/29/95

M. Kelly

Return 12/29/95

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 117 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Westagon Avenue, Towson, Maryland 21286.

Case: #95-298 SP4 (Item 249)  
"Beaverbrook"  
E/S Ridge Road, N of Rolling Acres Court  
8th Election District  
3rd Councilmatic

Legal Owner(s):  
Mercantile-Safe Deposit & Trust Company  
Contract Purchaser:  
Beaverbrook Farms, LLC

Special Hearing: to approve creation of four (4) non-density areas in RCS zone and confirmation of the existence of a single-family dwelling that is split by RC 4 and RC 5 zones.  
Hearing: Monday, January 22, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please call 887-3333.  
(2) For information concerning the file and/or hearing, please call 887-3391.

12/19/92 Dec. 28. C24210

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 12/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/29, 1995.

**THE JEFFERSONIAN,**  
*A. H. Emberton*  
LEGAL AD. - TOWSON

Publisher



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

No. 18556

96-248-SPH  
R-001-6150

DATE 18 Dec 95 ACCOUNT

Item 249

AMOUNT \$ 285.00

RECEIVED FROM:

Whiteford, Taylor ...

FOR:

SPH (5 lots)

MICROFILMED

Barbara J. ...

0349180148M1CHR  
08 0003:09PM 12-18-95

285.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

TO: PUTUXENT PUBLISHING COMPANY  
December 28, 1995 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight, Esq.  
Whiteford Taylor & Preston  
210 W. Pennsylvania Avenue, 4th Floor  
Towson, MD 21204  
832-2000

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-248-SPH (Item 249)  
"Beverbrook"  
E/S Ridge Road, N of Rolling Acres Court  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Mercantile-Safe Deposit & Trust Company  
Contract Purchaser: Beaverbrook Farms, LLC

Special Hearing to approve creation of four (4) non-density areas in RC5 zone and confirmation of the existence of a single-family dwelling that is split by RC 4 and RC 5 zones.

HEARING: MONDAY, JANUARY 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 19, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Continued from 12/8/95  
DEVELOPMENT PLAN HEARING  
Project Name: Beaverbrook  
Project Number: IIX-656  
Location: E/S Ridge Road, N of Rolling Acres Court  
Acres: 222.6  
Developer: Mt. Royal Management Company  
Proposal: 77 single family homes

and

CASE NUMBER: 96-248-SPH (Item 249)  
"Beaverbrook"  
E/S Ridge Road, N of Rolling Acres Court  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Mercantile-Safe Deposit & Trust Company  
Contract Purchaser: Beaverbrook Farms, LLC

Special Hearing to approve creation of four (4) non-density areas in RC5 zone and confirmation of the existence of a single-family dwelling that is split by RC 4 and RC 5 zones.

HEARING: MONDAY, JANUARY 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: Mercantile-Safe Deposit & Trust Company  
Beaverbrook Farms, LLC  
G. Scott Barhight/David K. Gildea

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 16, 1996

G. Scott Barhight, Esquire  
David K. Gildea, Esquire  
Whiteford Taylor & Preston  
210 W. Pennsylvania Ave., 4th Floor  
Towson, Maryland 21204

RE: Item No.: 249  
Case No.: 96-248-SPH  
Petitioner: Mercantile-Safe


Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



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

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
January 4, 1996

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #249 - Beaverbrook  
Ridge Road  
Zoning Advisory Committee Meeting of December 26, 1995

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

Development Plan comments dated November 16, 1995 apply to this site.

JLP:LS:sp

BEAVERBR/DEPRM/TXTSBP

MICROFILM

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)887-4880

*Joyce*

DATE: 12/29/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 26, 1995.

Item No.: SEE BELOW                      Zoning Agenda:

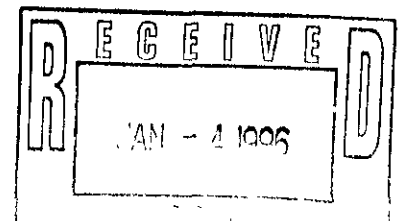
Gentlemen:

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: 243, 244, 245, 246,  
247, 248 AND 249. <sup>6</sup>

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: January 5, 1996

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item 243, 244, 245, 246, 247, (249) and 250 U

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

*[Handwritten initials]*

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: Dec. 29, 1995  
Zoning Administration and Development Management

**RWB**  
FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for January 2, 1996  
Items 243, 244, 245, 246, 247, 248 and 249

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw





Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

12-22-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 249 (CAM)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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,

*for*  
*Bob Small*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

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

MICROFILMED

## PETITION PROBLEMS

### #248-- CAM

1. No telephone number for legal owner.

### #249-- CAM

1. Acreage on folder -- 222.51 what??? (square feet or acres?)
2. Need printed name and title of person signing for Mercantile.
3. Need authorization for person signing for Mercantile.
4. Mercantile is trustee for who?
5. Need telephone number for legal owner

WILLIAMSON COUNTY



County Board of Appeals of Baltimore County

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

May 9, 1996

Harold H. Burns, Jr., Esquire  
Suite 201, 210 E. Lexington Street  
Baltimore, MD 21202-3514

RE: Case No. CBA-96-122 /PDM VIII-656  
and Case No. 96-248-SPH /Beaverbrook

Dear Mr. Burns:

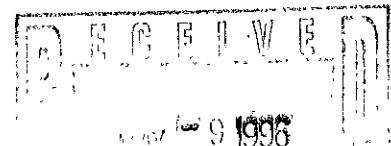
Enclosed please find a copy of the Consent Order entered into by the parties to this matter and issued this date by the County Board of Appeals of Baltimore County, whereby the appeal taken in the subject matter is hereby dismissed.

Very truly yours,

*Kathleen C. Bianco*  
Kathleen C. Bianco  
Administrative Assistant

encl

- cc: Deidre Bosley; David Warnock;
- H. George Meredith, President,
- FRCA; John & Cherrie Sewell;
- David & Donna Smith; and Marvin
- Tenberg c/o Harold Burns, Esq.
- G. Scott Barhight, Esquire
- Jerry Janofsky /Mt. Royal Mgmt Co.
- Rick Chadsey /Dean Hoover
- G.W. Stephens, Jr., & Assoc.
- Mr. & Mrs. Bruce Pitcher
- Mr. David B. Hamilton
- Ms. Deborah Hettleman
- Ms. Kristen Forsyth, VPC
- People's Counsel for Baltimore County
- Pat Keller
- Timothy M. Kotroco
- Dave Flowers, Project Manager /PDM
- Docket Clerk /PDM
- Arnold Jablon, Director/PDM
- Douglas N. Silber, Asst. County Attorney
- Virginia W. Barnhart, County Attorney





96-248-SPH

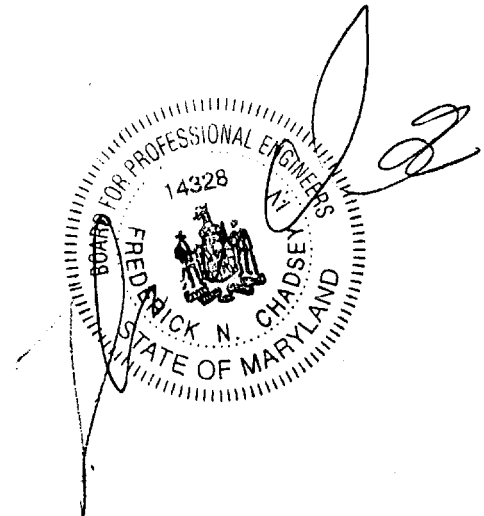
Description to accompany Zoning Petition,  
BEAVERBROOK.

December 11, 1995  
Page -2-

40) South 89 degrees 00 minutes 19 seconds West 127.14 feet to  
said point of beginning.

Containing 222.51 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE  
USED FOR CONVEYANCES OR AGREEMENTS)



RE: DEVELOPMENT PLAN HEARING AND  
PETITION FOR SPECIAL HEARING  
(Beaverbrook) E/S Ridge Road,  
N of Rolling Acres Court  
8th Election District  
3rd Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY

\* Case Nos. VIII-656 & 96-248-SPH  
Mercantile Safe Deposit & Trust Company - Owner;  
Mt. Royal Management Company - Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by George W. Stephens, Jr. and Associates, Inc., for the proposed development of the subject property by the Mercantile Safe Deposit and Trust Company, Owner, and the Mt. Royal Management Company, Developer, with 80 single family dwellings, in accordance with the development plan submitted and accepted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owner/Developer seeks approval, pursuant to the Petition for Special Hearing, of the creation of four non-density areas in an R.C. 5 zone and to confirm the existence of a single family dwelling that is split by the R.C. 4 and R.C. 5 zone line. The subject property is located on the east side of Ridge Road, just north of Rolling Acres Court. The property consists of 222 acres, more or less, and is split zoned R.C. 4 and R.C. 5.

Appearing at the public hearing required for this project were Rick Chadsey and Dean Hoover, Professional Engineers with George W. Stephens, Jr. & Associates, Inc., who prepared the site plan for this project, Jerry A. Janofsky, a representative of Beaverbrook Farms, LLC, Tom Hills, an expert Hydrogeologist, and G. Scott Barhight, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing. In addition,

many residents from the surrounding communities appeared in opposition to the plan and special hearing, all of whom signed the Citizens Sign-In Sheet. The Protestants were represented by David B. Hamilton, Esquire, who appeared as Counsel for some community members, as well as in his individual capacity as an adjacent property owner.

As to the history of this project, the concept plan conference for this development was conducted on June 26, 1995. As required, a community input meeting (CIM) was held on August 1, 1995 at the Chestnut Ridge Volunteer Fire Company. A second CIM was held on August 15, 1995 at the same location. Subsequently, a development plan was submitted and a conference held thereon on November 16, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the first Hearing Officer's Hearing held on December 8, 1995. That hearing was continued to January 22, 1996, for which a request for postponement was granted, and the continued hearing was then rescheduled for February 8, 1996.

As stated previously, the Owner/Developer seeks dual relief. First, approval of the development plan which was accepted and marked into evidence as Developer's Exhibit 1 is sought. In addition, the Developer has filed a Petition for Special Hearing seeking certain relief as previously described. I will first address the development plan under consideration before me.

As is customary with all development plans under review, the Hearing Officer is required to determine what, if any, agency issues or comments remain unresolved at the preliminary stage of the development plan hearing. On behalf of the Developer at the first hearing on this

2

plan, Mr. Earhight stated that the Mt. Royal Management Company was not aware of any unresolved or open issues which needed to be addressed. As for the County reviewing agencies, an issue was raised concerning the extension of Berans Road (an existing County road) into the proposed development and connecting with Road A, which is located in the southern portion of the subject property. Neither the Developer nor the citizens who were in attendance supported the extension of Berans Road into Beaverbrook. Several other issues were raised at the preliminary stage of the hearing, as well as throughout the testimony presented during the course of the hearing, and are more fully set forth below.

On behalf of himself and his neighbors, Mr. Hamilton raised an issue as to the existence and location of a gas line owned by the Columbia Gas Transmission Company which bisects the proposed development. He asserted that the Developer has failed to obtain permission to cross this gas line easement and that it is premature in seeking approval of the development plan where roads are shown crossing over the Columbia gas line. Furthermore, Mr. Hamilton raised an issue regarding traffic along Ridge Road. He testified that the access roads into this development as shown on the development plan are unsafe. Mr. Hamilton also objected to the development plan in that he believes there was insufficient information and time given to his community to fully and adequately review the plan prior to this hearing. Another issue was raised as to the water supply for the existing homes in this area as well as those proposed in Beaverbrook. Mr. Hamilton also took issue with the forest conservation and landscape plans shown on the development plan as being insufficient.

Ms. Deborah Hettleman, an adjoining property owner, raised an issue regarding additional landscape buffering at proposed Lots 68 and 69.

3

After these issues were raised at the first hearing, the Developer offered brief testimony for the purpose of introducing the development plan, which was marked into evidence as Developer's Exhibit 1, and the landscape plan which was marked as Developer's Exhibit 2. Mr. Chadsey, a professional engineer with George W. Stephens, Jr. and Associates, Inc., testified concerning the layout of the proposed Beaverbrook development. Mr. Chadsey testified that the Developer proposes a total of 80 single family lots, 7 of which are proposed to be located in the R.C. 4 zone and 73 located within the R.C. 5 zone. Mr. Chadsey further noted that given the acreage and the zoning classification of the subject property, the total density yielded by this site is 99 units; however, the Developer only proposes to develop the property with 80 units.

Mr. Chadsey further testified that the Developer had entered into a letter agreement with the Maryland Chapter of Trout Unlimited. The Developer has agreed to be bound by the terms of that Agreement, a copy of which was submitted into evidence as Developer's Exhibit 5. The Developer then rested its case, whereupon the Protestants proceeded to offer testimony and evidence in opposition to the development plan.

First called to testify on behalf of the Protestants was Mr. James Patton, a professional engineer. Mr. Patton was accepted as an expert in highway design and highway sight distances and safety. Mr. Patton testified that he has reviewed all the plans for the Beaverbrook subdivision, visited the site on several occasions, and spoken to County personnel regarding the proposed access roads to this site. Testimony revealed that the Beaverbrook subdivision is serviced by three access roads as shown on Developer's Exhibit 1. The access roads are labeled Road A, Road C, and Road D. Mr. Patton testified that Roads A and C meet and comply with

4

Baltimore County design standards as to sight distances and accessibility to Ridge Road. However, he testified that access Road D fails to meet both horizontal and vertical sight distances at its intersection with Ridge Road.

Mr. Patton further testified that while Ridge Road is posted for a 30 mph speed limit, citizens consistently drive at a much higher rate of speed. He testified that given the existing grade of Ridge Road, the Developer has failed to meet the proper vertical distances at the intersection of Road D and Ridge Road. Mr. Patton prepared as Citizens' Exhibits 3, 4 and 5, the plot profiles of Ridge Road at the intersections of Roads A, C and D into Beaverbrook. These exhibits attempted to show the elevation changes at these particular intersections. Again, Mr. Patton reiterated that the intersections of Roads A and C are both acceptable, but that the intersection of Road D does not meet with County standards.

On cross-examination, Mr. Patton admitted that his testimony and evidence was based on utilizing "stopping sight distances" as opposed to utilizing "intersection sight distances". The manner in which sight distances are calculated are different and each yields a different result as to whether the intersection of Road D and Ridge Road meets with County standards. Mr. Rahee Famiel, a representative of the Bureau of Traffic Engineering, would later clarify this issue in his testimony.

Next called to testify on behalf of the Protestants was Ms. Kathy Ziegler. Ms. Ziegler is the President of The Woods Community Association, that community being located adjacent to the proposed subdivision. Ms. Ziegler testified that her community association is opposed to the extension of Berans Road into the proposed Beaverbrook subdivision. They believe too much traffic would utilize Berans Road, if extended, and fear

5

that construction vehicles will utilize Berans Road during the construction phase of this development. Therefore, they are opposed to any extension of Berans Road.

Mr. Ross Germono, a resident of Ridge Road, testified concerning the proposed development. Mr. Germono lives directly across from entrance Road C to the proposed development. Mr. Germono testified regarding the manner in which vehicles travel at unsafe speeds on Ridge Road. He is concerned over the additional traffic that will be generated by the proposed subdivision and feels that more people will speed on Ridge Road, given the additional 80 homes proposed for this development.

Ms. Christine Pitcher, an adjacent resident to the proposed subdivision, next testified in opposition to the proposed development. Ms. Pitcher testified that she and her husband bought their lot approximately 3 and 1/2 years ago and subsequently built their residence. She testified that they enjoy looking from their home over the open fields that currently exist within the Beaverbrook subdivision. Ms. Pitcher also testified that it would have been acceptable for them to look at the property if it had been developed as a golf course. Testimony revealed that at one time the Beaverbrook property was proposed to be developed with an 18-hole golf course. However, those plans did not come to fruition and in the alternative, a subdivision of 80 homes is proposed for this portion of the property. Ms. Pitcher and her husband do not appreciate the fact that they will be looking into the rear of homes which will be constructed along Road D. Ms. Pitcher's home is located along the far northeast corner of the subject property. Given the close proximity of her home to those proposed, Ms. Pitcher would like to see additional landscaping in the extreme northeast corner of the Beaverbrook tract. Ms. Pitcher submitted

6

a landscape plan showing the type of landscaping she and her husband would like to see in the northeast corner of the property to help buffer the view of the proposed houses from their home. Ms. Pitcher was also concerned over the number of street lights which are proposed to be located on Road D. This street lighting would also have an effect, not only on her home, but on other homes that are located along the northern border of the proposed subdivision.

Mr. Harold Burns, Director of the Falls Road Community Association, appeared and testified concerning the proposed development. Mr. Burns testified that he is currently engaged in negotiations with this Developer to reach an agreement relative to the manner in which this property will be developed. Mr. Burns is very much concerned over the Beaver Dam Run which traverses this property. The Beaver Dam Run is a Class III Trout Stream and Mr. Burns believes that every possible safeguard should be undertaken to ensure that no damage is done to this stream when this property is developed. Mr. Burns requested that the record of this case be kept open to give his group the opportunity to conclude their negotiations with the Developer and submit a written agreement to this Hearing Officer for inclusion in the case file. However, at the time of the issuance of this Order, the parties were unable to finalize an agreement, and therefore, this decision is made without a ratified agreement having been reached between the parties. Anticipating that there may be problems concluding their agreement, Mr. Burns entered into evidence two other agreements that he has personally worked on with Developers concerning the development of other parcels of property in the vicinity of this property. Submitted as Citizens' Exhibits 8 and 9 were agreements relating to the Westwicke and Aleruhe subdivisions. Mr. Burns testified that many of

7

the safeguards provided in those agreements should be applied to the Beaverbrook subdivision, given the environmental sensitivity of this property.

Furthermore, Mr. Burns raised an issue relative to the water supply on the Beaverbrook property as well as the existing wells on those properties which border the proposed subdivision. Mr. Burns testified that other Developers in this area of the County have offered a guarantee to the surrounding residents that their wells would not go dry by virtue of the additional wells being drilled to support the proposed subdivision. Mr. Burns testified that he would like to see the same guarantee applied to the residents who live adjacent to the proposed Beaverbrook subdivision. Mr. Hamilton, in his individual capacity and as Counsel for the community, also asserted that he would like to have the same water well guarantee apply to this Developer.

Mr. Hamilton was next called to testify in opposition to the development of this site. Mr. Hamilton offered testimony relative to the Columbia gas line easement which traverses the northern quadrant of the proposed subdivision. The Developer proposes to cross the Columbia gas easement with both Road C and Road D as shown on the plan. Mr. Hamilton testified that the Developer has not received the requisite approvals from the Columbia Gas Transmission Company relative to the crossing of their easement with these roads. He therefore believes that any approval of this development plan would be premature at this time, until such time as the requisite approvals have been given.

Several representatives of the various Baltimore County reviewing agencies remained throughout the hearing and offered testimony relative to the proposed development of Beaverbrook. Mr. Robert Bowling, a representa-

8

ORDER RECEIVED FOR FILING

Date 3/12/96  
By [Signature]

ORDER RECEIVED FOR FILING

Date 3/12/96  
By [Signature]

ORDER RECEIVED FOR FILING

Date 3/12/96  
By [Signature]

tive of the Public Works division of the Department of Permits and Development Management (PDM), testified that his office is requesting that Berans Road be extended into the proposed Beaverbrook subdivision and connected with Road A. Mr. Bowling testified that the subdivision located to the south of the Beaverbrook property has well in excess of 100 homes located therein. He further testified that this community only has one means of access. Mr. Bowling noted that the policy of Public Works is that communities containing 100 or more homes should have at least two means of access. Having two means of access would assist the response of emergency vehicles and alleviate problems in the event the single means of access was blocked or impeded in any fashion. He therefore recommends that the Developer extend Berans Road into this subdivision thereby connecting with Road A to provide a second means of access to Ridge Road.

Mr. Bowling also testified regarding street lighting for the proposed subdivision. He stated that while no formal request for a waiver of street lighting was submitted to his office, they would work with this Developer to assure that only the required number of street lights that are necessary for safety purposes would be installed.

Mr. Bowling also testified relative to the crossing of the Columbia Gas Company easement. He stated that his office has been involved with many roads crossing over gas easements and that these road crossings are done routinely and regularly.

Mr. Irvin McDaniel, a representative of the Office of Planning, next testified. Mr. McDaniel wanted to add to the comments previously expressed by Mr. Bowling in that the Master Plan recommends the connection of communities. He therefore, fully supports the connection of Berans Road into and connecting with Road A of Beaverbrook.

Mr. Rahee Famili, a representative of the Bureau of Traffic Engineering, testified that his agency also supports the connection of Berans Road with Road A. Mr. Famili testified that when the adjacent Woods subdivision was approved by the County, it was anticipated that a stream crossing would be accomplished connecting Berans Road and providing a second means of access for The Woods subdivision. However, the State permit for the crossing of that stream was denied. Thus, The Woods subdivision only has one means of access. Mr. Famili now realizes that the development of the Beaverbrook subdivision may be the last opportunity for The Woods subdivision to gain a second means of access. He testified that it is of utmost importance that this second means of access be provided, given the safety issues involved. Furthermore, he sees this second means of access to be beneficial to the residents who live in The Woods subdivision.

As stated previously, Mr. Famili offered testimony which corrected that previously offered by Mr. Patton. Mr. Famili testified that Mr. Patton utilized the wrong method of calculating sight distances when he reached his conclusion as to the intersection of Road D and Ridge Road. Mr. Famili testified that Mr. Patton utilized "stopping sight distances" when the proper method of calculation is based upon "intersection sight distances". Therefore, in Mr. Famili's opinion, Mr. Patton misinterpreted the regulations and his conclusions were faulty. Mr. Famili testified that the sight distances for Roads A, C and D meet and comply with all applicable County regulations.

At the conclusion of Mr. Famili's testimony, the Developer called Mr. Tom Mills to rebut some of the testimony offered by the citizens who attended the hearing. Mr. Mills qualifies as an expert in geological

engineering and hydrogeology. Mr. Mills testified that he studied the Beaverbrook subdivision as to the possible effect that the drilling of 80 new wells will have on this property and whether those 80 new wells will have an adverse effect on the existing wells in and around this subdivision. Based on the calculations used by Mr. Mills, he testified that the 80 lots proposed for the Beaverbrook subdivision would not have an adverse effect on the water supply to the existing homes adjacent to the Beaverbrook property. Furthermore, Mr. Mills testified that prior to developing the site, the Developer would have to obtain a permit from the Maryland Department of the Environment (MDE), given the fact that the Developer proposes in excess of 50 lots for this subdivision. MDE would review all data relative to the drilling of these 80 wells as to whether it would have an adverse effect on existing ground water in this area. On cross-examination, Mr. Mills admitted that the proposed additional 80 wells could have some effect on the adjacent homeowners, but that this effect would be minimal.

Counsel for the Developer next recalled Mr. Chadsey to testify regarding the installation of super-silt fences during the construction phase of this development and the proposed road crossings over the Columbia gas easement. The Developer submitted into evidence as Developer's Exhibit 9, a copy of the development plan depicting where, in Mr. Chadsey's opinion, the most benefit would be derived from the placement of super-silt fences. The issue of such fencing was raised in Mr. Burns' testimony. As to the issue of crossing the Columbia gas easement with access Roads C and D, Mr. Chadsey testified that he has met with representatives of the Columbia Gas Company and that he believes the Developer will be successful in engineering the proper method of crossing that easement and ultimately,

permission will be granted by the Columbia Gas Company to cross their easement.

Mr. Chadsey further testified regarding the Petition for Special Hearing. As previously stated, the subject property is split zoned R.C. 4 and R.C. 5. The R.C. 4 zoned portion of the property primarily is drawn about 500 feet on either side of the streams that cross the property. As a result, the R.C. 4 zone line will cross some of the lots within the proposed subdivision. Specifically, Lots 23, 24, 64, and 1 are split zoned R.C. 4 and R.C. 5, thereby creating a small non-density area in the R.C. 5 zoned portion of those lots. Thus, the special hearing relief is necessary. Furthermore, a dwelling is proposed to be located on Lot 25. The house itself is actually split zoned R.C. 4 and R.C. 5 and thus, the special hearing is required to legitimize this dwelling. The special hearing is a technical request, given the split zoning of the property.

#### ISSUES

1) Extension of Berans Road: As stated previously, one of the main issues raised by the citizens of the surrounding community involved the requested extension of Berans Road from its present terminus into the Beaverbrook subdivision and connecting with access Road A. Representatives of the Baltimore County reviewing agencies appeared and testified as to the importance and need for extending Berans Road and making this connection. Mr. Irvin McDaniel, a representative of the Office of Planning, submitted as Developer's Exhibit 7, an area map showing the Beaverbrook subdivision and the surrounding communities. The only means of ingress and egress for those residents living in the subdivision known as The Woods involves using Harmony Woods Road to Ridge Valley Drive. Furthermore, the County anticipated that Berans Road would be permitted to cross

ORDER RECEIVED FOR FILING  
Date 3/12/86  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 3/12/86  
By [Signature]

over the stream shown on Developer's Exhibit 7; however the stream crossing permit was denied by the Maryland Department of the Environment (MDE) and Berans Road is shown dead-ending on the north and south sides of this stream. Therefore, given these factors as well as the testimony and evidence submitted before me, I believe it is appropriate that Berans Road be extended into Beaverbrook and connected with access Road A as shown on the site plan. The Developer shall be required to amend the site plan accordingly to show this extension and ultimate connection with access Road A.

It is apparent from reviewing the road system in the communities surrounding Beaverbrook, as shown on Developer's Exhibit 7, that the existing community will not be impacted by the new homes that will be constructed in the Beaverbrook subdivision. The extension of Berans Road is not intended for use as an outlet for those residents of Beaverbrook. To the contrary, the extension is proposed as a second means of access for the residents of The Woods community. Therefore, the greater benefit of this connection will be attributed to the residents of The Woods community and not the future residents of the proposed Beaverbrook subdivision.

As is the case with all road extensions, I am aware that there are several residents whose homes are currently located on the existing dead-end of Berans Road who will be affected by the additional traffic that may use Berans Road, once it is extended. The adverse effects that are felt by these residents once Berans Road is extended will be greatly outweighed by the overwhelming need to have a second means of access for those other residents living in The Woods community. Therefore, given this fact, I believe it is appropriate that Berans Road be extended and connected with access Road A, and I shall so Order.

2) Columbia Gas Transmission Line: The next issue raised concerned whether the Developer of Beaverbrook would be permitted to cross the Columbia gas pipeline easement that is shown on the development plan, running in a southwesterly to northeasterly direction in the northern sector of Beaverbrook. The Developer proposes to construct two roadways, those being access Roads C and D, both of which cross over the Columbia gas line easement. The Protestants assert that the Developer has not received permission to cross this gas line easement, and in fact, may not be permitted to do so. The Protestants argue that the Developer is premature in seeking approval of this development plan which shows these road crossings inasmuch as no such permission has been granted for same. Mr. Hamilton on behalf of his clients argued that the approval of this plan would be premature and should be denied at this time.

On this topic, the Developer submitted as Developer's Exhibits 11 and 12, two letters written by representatives of the Columbia Gas Transmission Corporation, both of which attempt to clarify the issue as to whether this Developer will be permitted to cross this gas line easement. From reading these letters as well as hearing the testimony and evidence presented by the witnesses who appeared at the hearing, it is clear that the Developer has not been denied the right to cross the gas easement at this time. Furthermore, it appears from the testimony presented by Mr. Robert Bowling, a representative of Public Works, that crossing gas lines of this nature is fairly common and routinely permitted. It also appears from the testimony and evidence offered at the hearing that the Developer has been working with the Columbia Gas Transmission Company to meet their design criteria for crossing their easement. Whether permission will be granted in the future to cross this easement is an issue that is left

between the Columbia Gas Company and this Developer. The crossing of that easement involves private rights between Columbia Gas and this Developer and it is an area over which I have no jurisdiction. I do not believe that this issue is sufficient to warrant a denial of the development plan at this time. However, should the Columbia Gas Company deny the Developer the right to cross its gas line easement, then this Developer will be required to resubmit his development plan to determine the appropriate means of access to the lots that are serviced by Roads C and D, particularly if the present means of access (Roads C and D) is not permitted to cross the gas easement.

3) Sight Distances for Access Road D: Mr. James Patton testified on behalf of the Protestants that in his expert opinion, the intersection of Access Road D with Ridge Road does not meet the design criteria for sight distances as that criteria is set forth in the appropriate County regulations. Mr. Patton conceded that the intersections of Roads A and C with Ridge Road meet and comply with County standards, but that the Developer has failed to provide adequate vertical sight distances for the intersection of access Road D with Ridge Road. He therefore believes that the situation is unsafe and should not be permitted to exist.

Mr. Rahee Famili, a representative with the County's Bureau of Traffic Engineering, disagreed with Mr. Patton's interpretation and testimony as to whether the intersection of access Road D and Ridge Road meet with County standards. Mr. Famili testified that Mr. Patton based his conclusion on the wrong set of standards to be applied to this intersection. Mr. Famili further testified that Mr. Patton utilized calculations based on "stopping sight distances" and not "intersection sight distances" which are the appropriate calculations to utilize. Mr. Famili testified

that he personally reviewed and inspected this situation and that, in his opinion, the intersection of Road D with Ridge Road meets all County guidelines as to horizontal and vertical sight distances.

Based on the testimony and evidence offered on this issue, I find that the intersection of Road D with Ridge Road, as shown on Developer's Exhibit 1, does meet all County standards and should be permitted to exist. This issue is not sufficient to warrant a denial of this development plan.

4) Effects of the Beaverbrook Subdivision on Existing Groundwater Supply: The testimony and evidence offered at the hearing demonstrated that both the proposed Beaverbrook subdivision as well as the surrounding communities are located in an area of Baltimore County where groundwater supplies often do not meet minimum standards. Much of the testimony demonstrated that the existing residents in and around this area have wells that barely meet minimum standards at the present time. These residents are extremely concerned that the additional homes proposed in the Beaverbrook subdivision and the drilling of 80 additional wells for those homes, will have an adverse effect on the existing groundwater supply in this area, and thus, adversely affect the existing wells on adjacent properties. Mr. Hamilton, as well as others in attendance at the hearing, voiced this concern. Testimony further revealed that inasmuch as this Developer proposes to construct more than 50 single family homes in Beaverbrook, then it must apply for a permit from the Maryland Department of the Environment (MDE) showing what, if any, effects these additional 80 wells will have on the existing groundwater in this area. This State permit process is separate and apart from the approvals sought before me pursuant to this Hearing Officer's Hearing. Regardless of that additional permit process, the residents living around the Beaverbrook site asked that certain protec-

ORDER RECEIVED FOR FILING  
Date 3/12/86  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 3/12/86  
By [Signature]

tions be given to them so that they will not suffer adverse consequences due to the installation of these additional wells.

Mr. Burns testified that another Developer has gone so far as to offer a well guarantee to those property owners located immediately adjacent to a proposed subdivision. Mr. Burns testified that a well guarantee similar to that applied to other subdivisions should be applied to the residents that live in and around the proposed Beaverbrook subdivision.

The specifics of the well guarantee that has been utilized in other projects were not entered into evidence before me at the Hearing Officer's Hearing. A review of Citizens' Exhibits 8 and 9, which are agreements entered into between community groups and developers of the Westwicke and Alsrue subdivisions, do not contain this well guarantee. Therefore, I am not aware of the specific terms of the well guarantee that has been utilized in other cases. Furthermore, I have not personally been involved in a Hearing Officer's Hearing wherein such a well guarantee has been incorporated into my Order. Therefore, I am reluctant to impose this guarantee upon this Developer since I do not have before me the specifics of how this well guarantee operates. Furthermore, the Baltimore County Code, specifically, the development regulations contained therein, do not make any provision relating to a well guarantee for existing residents living adjacent to proposed developments. I would suspect that any adverse effects on existing wells suffered by surrounding residents that are attributable to the proposed Beaverbrook development would be a private matter between that homeowner and this Developer, which matter could be resolved through the judicial system. Therefore, I am reluctant to incorporate such a restriction and therefore, will not impose a well guarantee upon this Developer.

ORDER RECEIVED FOR FILING  
Date 3/12/96  
By [Signature]

17

It is entirely possible that through continued negotiations between this Developer and surrounding communities that the parties could enter into an agreement relating to the existing wells of those residents who live around this subdivision. Perhaps this "well guarantee" could eventually be reached between these parties pursuant to a private agreement. However, I find it is not appropriate to impose such a guarantee at this time.

5) Landscaping: Several residents of the surrounding communities testified out of concern that the Developer is proposing insufficient landscaping as an appropriate buffer to their existing residences. Residents of the Fox Ridge Estates, specifically, Mr. & Mrs. Pitcher, as well as residents of Owings Ridge, specifically, Mr. Hamilton, have all requested additional landscaping in and around the north and northeast sections of this development to adequately buffer their homes from the proposed development. Furthermore, residents of The Woods subdivision located south of the proposed development, specifically, those residents of Rolling Acres Way and Berans Road, have also requested additional landscaping. Ms. Hettelman has requested an increased buffer along Lots 68 and 69 to minimize the effects of the proposed new homes upon their residences.

As to the issue of landscaping, the record was left open to provide an opportunity to the surrounding residents to submit their own landscape plans as to the types and amount of landscaping they would like to see utilized to buffer their property from the proposed development. Mr. Hamilton, as well as Mr. & Mrs. Pitcher, submitted a landscape plan for that area of the proposed development that is adjacent to their property. However, some of the landscaping proposed, particularly that proposed by Mr. & Mrs. Pitcher, was not the type of vegetation that would be most

18

suitable for the area where the additional landscaping is proposed. Therefore, I believe it is appropriate to have the County's Landscape Architect, Mr. Avery Harden, to determine the additional landscaping that is necessary to buffer the existing residents along the northern property line of this subdivision as well as in the northeast corner, and also, those residents who reside along the southern property line of the proposed Beaverbrook subdivision. Therefore, I shall require the Developer to submit a landscape plan to Mr. Harden for review and approval as to the type and number of plantings necessary to buffer those residents of the Owings Ridge community and those residents of the Fox Ridge Estates community from the proposed development. This would involve the northern property line of this subdivision and the northeast corner of the subdivision. Furthermore, Mr. Harden shall design and approve appropriate landscaping to be utilized along the southern property line to buffer those residents living in those subdivisions known as Rolling Acres North and The Woods. Mr. Harden shall give particular attention to the buffering necessary along Lots 68 and 69 to buffer those residents living along Berans Road from the proposed development. The citizens who reside in the aforementioned communities shall be permitted to discuss this landscaping issue with Mr. Harden during the design phase of this landscaping requirement. However, it shall be the final decision of Mr. Harden to determine the amount of screening as well as the particular species to be utilized to screen existing residents from the proposed development. This issue of landscaping is not sufficient to warrant a denial of this development plan; however, it is sufficient to impose an appropriate restriction at the end of this Order.

ORDER RECEIVED FOR FILING  
Date 3/12/96  
By [Signature]

19

6) Sediment Control Measures During Construction Phase: Testifying on behalf of himself and the Falls Road Community Association, Mr. Burns voiced concern over the sediment control measures proposed to be utilized by this Developer during the construction phase of Beaverbrook. Mr. Burns testified concerning a number of sediment control measures he would like to see the Developer utilize during the build-out phase of this subdivision. Mr. Burns, as well as the Developer, were hopeful that they would be able to reduce to writing an agreement between the two parties setting forth the types of storm water management practices, sediment control measures, forest conservation measures, as well as grading and clearing restrictions regarding the proposed development as well as measures applicable to individual homeowners. The parties were unable to reach a final agreement on these matters, however, the issues were raised by Mr. Burns. Furthermore, Mr. Scott McGill, a representative of the Maryland Chapter of Trout Unlimited, appeared at the hearing and offered into evidence as Developer's Exhibit 5, a letter agreement dated February 7, 1996. This letter agreement deals with, from Trout Unlimited's perspective, development measures that were agreed to between the Developer and the Maryland Chapter of Trout Unlimited. Trout Unlimited is also very much concerned over these feeder streams that traverse the property which, as stated previously, is a Class III trout stream. The agreement entered into between the Developer and Trout Unlimited shall become a part of this Order and incorporated herein and enforceable as if a part of this Order.

Some of the areas covered by the agreement reached between the Developer and Trout Unlimited echo and address the concerns enunciated by Mr. Burns during his testimony. However, one area not adequately addressed in the Trout Unlimited agreement, but about which Mr. Burns testified,

20

involved whether the Developer should be required to install super-silt fences during the development of this property as well as during the construction phase of the proposed houses.

Storm water management as well as sediment control measures and practices are generally reserved for Phase II of the development process. The specific details of the storm water management and sediment control practices to be utilized at Beaverbrook have not been finalized at this stage of the development process. Therefore, I do not believe it is appropriate at this stage to order the placement of super-silt fences at any specific location within the proposed subdivision. I shall, however, provide the authority to the Department of Environmental Protection and Resource Management (DEPRM) during the Phase II of the development process to require the Developer to utilize super-silt fences, if DEPRM believes it necessary to do so, in order to preserve and protect the feeder streams that dissect this property. The authority to order the amount and location of these super-silt fences shall be in the sole discretion of DEPRM and shall take into consideration and address the environmental sensitivity of these feeder streams.

7) Inufficient Time to Review the Development Plan: Mr. Hamilton raised an issue by way of an objection to the development process, that he and other community members who are interested in the Beaverbrook development have not had sufficient time to review the site plans and information relative to the proposed development. Furthermore, Mr. Hamilton objected to what he believed to be a lack of cooperation from the Developer in supplying information to the community when requested. He asserts that the development plan should be denied and/or the Hearing Officer's Hearing dismissed, based on the fact that the community has not

received all of the information they have requested from the Developer and that they have not had ample time to review the site plan and information concerning this development.

I find that the community and Mr. Hamilton have had ample time to prepare for the hearing before me and have had access to the County files that are part of the development process. This is especially true, given the fact that the original hearing on this matter took place on December 8, 1995, and was continued to a second hearing date of February 8, 1996. This gave Mr. Hamilton as well as the citizens in the surrounding communities almost two months to review the file and the County agency comments contained therein. Therefore, in my opinion, there was ample time for the citizens to prepare for this hearing.

Mr. Hamilton also raised an objection relative to the Developer not turning over certain information to him upon request. The Baltimore County Code does not provide for any discovery in these Hearing Officer's Hearings. While all County files are open to the public, the Developer is not under any obligation to disclose confidential information or other statistics and information that are gathered by his own experts throughout the development of any particular project. For example, Mr. Hamilton objected to the Developer not being required to turn over bank records which would disclose the financial aspects of the Beaverbrook subdivision. I believe that these matters are confidential and do not have to be disclosed at the hearing Officer's Hearing before me. This issue raised by Mr. Hamilton on behalf of himself and the citizens he represented is not sufficient to warrant a denial of this development plan, nor warrant an outright dismissal of the hearing process.

21

None of the issues raised by Mr. Hamilton, either individually or on behalf of his clients, or any other Protestant who appeared at the hearing was sufficient to warrant an outright denial of this development plan. Some issues did warrant the imposition of conditions and restrictions at the end of this Order to address the concerns raised at the hearing. However, I hereby find that the development plan submitted into evidence as Developer's Exhibit 1, meets with the development regulations contained within the Baltimore County Code, and therefore, should be approved, subject to the conditions and restrictions imposed hereinafter.

As stated previously, the Owner/Developer also requested approval, pursuant to the Petition for Special Hearing, the creation of four non-density areas in the R.C. 5 zone and to confirm the existence of a single family dwelling which is split zoned R.C. 4 and R.C. 5.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 12<sup>th</sup> day of March, 1996 that

ORDER RECEIVED FOR FILING  
Date 3/12/96  
By [Signature]

22

the development plan for Beaverbrook, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the creation of four non-density areas in an R.C. 5 zone and to confirm the existence of a single family dwelling that is split by the R.C. 4 and R.C. 5 zone line, in accordance with Developer's Exhibit 1 and Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) Approval of the development plan marked into evidence as Developer's Exhibit 1 is contingent upon this Developer obtaining permission to cross the Columbia Gas Transmission Corporation's gas line easement with access Roads C and D. In the event this crossing is denied and the Developer wishes to provide an alternate means of access in those areas, then the matter shall be resubmitted through the development process to address those alternate means of access.

2) The Developer shall submit for review and approval by Avery Harden, the Landscape Architect for Baltimore County, a landscape plan depicting an appropriate landscape buffer along the northern property line of this subdivision, as well as the northeast corner adjacent to the Pitcher and Ellicott properties. Mr. Harden shall have full discretion to determine the design, amount and type of landscaping to be utilized along the border of this property to provide sufficient screening to the existing homes in this area. Furthermore, the same landscape plan shall address the appropriate amount of landscaping necessary along the southern property line of this subdivision, once again to be within the sole discretion of Mr. Harden as to the number, type and design of landscaping to be utilized to buffer the existing homes in the Rolling Acres North and The Woods subdivisions. Mr. Harden shall utilize his expertise in determining the appropriate size and species to be planted in these areas, given the types of soils prevalent in those areas of this subdivision. The residents who live along the border of Beaverbrook shall be permitted to review Mr. Harden's landscaping proposals. Mr. Harden should involve the citizens who live in this area to the extent possible when designing the landscape plan for

23

involved whether the Developer should be required to install super-silt fences during the development of this property as well as during the construction phase of the proposed houses.

Storm water management as well as sediment control measures and practices are generally reserved for Phase II of the development process. The specific details of the storm water management and sediment control practices to be utilized at Beaverbrook have not been finalized at this stage of the development process. Therefore, I do not believe it is appropriate at this stage to order the placement of super-silt fences at any specific location within the proposed subdivision. I shall, however, provide the authority to the Department of Environmental Protection and Resource Management (DEPRM) during the Phase II of the development process to require the Developer to utilize super-silt fences, if DEPRM believes it necessary to do so, in order to preserve and protect the feeder streams that dissect this property. The authority to order the amount and location of these super-silt fences shall be in the sole discretion of DEPRM and shall take into consideration and address the environmental sensitivity of these feeder streams.

7) Inufficient Time to Review the Development Plan: Mr. Hamilton raised an issue by way of an objection to the development process, that he and other community members who are interested in the Beaverbrook development have not had sufficient time to review the site plans and information relative to the proposed development. Furthermore, Mr. Hamilton objected to what he believed to be a lack of cooperation from the Developer in supplying information to the community when requested. He asserts that the development plan should be denied and/or the Hearing Officer's Hearing dismissed, based on the fact that the community has not

received all of the information they have requested from the Developer and that they have not had ample time to review the site plan and information concerning this development.

I find that the community and Mr. Hamilton have had ample time to prepare for the hearing before me and have had access to the County files that are part of the development process. This is especially true, given the fact that the original hearing on this matter took place on December 8, 1995, and was continued to a second hearing date of February 8, 1996. This gave Mr. Hamilton as well as the citizens in the surrounding communities almost two months to review the file and the County agency comments contained therein. Therefore, in my opinion, there was ample time for the citizens to prepare for this hearing.

Mr. Hamilton also raised an objection relative to the Developer not turning over certain information to him upon request. The Baltimore County Code does not provide for any discovery in these Hearing Officer's Hearings. While all County files are open to the public, the Developer is not under any obligation to disclose confidential information or other statistics and information that are gathered by his own experts throughout the development of any particular project. For example, Mr. Hamilton objected to the Developer not being required to turn over bank records which would disclose the financial aspects of the Beaverbrook subdivision. I believe that these matters are confidential and do not have to be disclosed at the hearing Officer's Hearing before me. This issue raised by Mr. Hamilton on behalf of himself and the citizens he represented is not sufficient to warrant a denial of this development plan, nor warrant an outright dismissal of the hearing process.

21

None of the issues raised by Mr. Hamilton, either individually or on behalf of his clients, or any other Protestant who appeared at the hearing was sufficient to warrant an outright denial of this development plan. Some issues did warrant the imposition of conditions and restrictions at the end of this Order to address the concerns raised at the hearing. However, I hereby find that the development plan submitted into evidence as Developer's Exhibit 1, meets with the development regulations contained within the Baltimore County Code, and therefore, should be approved, subject to the conditions and restrictions imposed hereinafter.

As stated previously, the Owner/Developer also requested approval, pursuant to the Petition for Special Hearing, the creation of four non-density areas in the R.C. 5 zone and to confirm the existence of a single family dwelling which is split zoned R.C. 4 and R.C. 5.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 12<sup>th</sup> day of March, 1996 that

ORDER RECEIVED FOR FILING  
Date 3/12/96  
By [Signature]

22

the development plan for Beaverbrook, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the creation of four non-density areas in an R.C. 5 zone and to confirm the existence of a single family dwelling that is split by the R.C. 4 and R.C. 5 zone line, in accordance with Developer's Exhibit 1 and Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) Approval of the development plan marked into evidence as Developer's Exhibit 1 is contingent upon this Developer obtaining permission to cross the Columbia Gas Transmission Corporation's gas line easement with access Roads C and D. In the event this crossing is denied and the Developer wishes to provide an alternate means of access in those areas, then the matter shall be resubmitted through the development process to address those alternate means of access.

2) The Developer shall submit for review and approval by Avery Harden, the Landscape Architect for Baltimore County, a landscape plan depicting an appropriate landscape buffer along the northern property line of this subdivision, as well as the northeast corner adjacent to the Pitcher and Ellicott properties. Mr. Harden shall have full discretion to determine the design, amount and type of landscaping to be utilized along the border of this property to provide sufficient screening to the existing homes in this area. Furthermore, the same landscape plan shall address the appropriate amount of landscaping necessary along the southern property line of this subdivision, once again to be within the sole discretion of Mr. Harden as to the number, type and design of landscaping to be utilized to buffer the existing homes in the Rolling Acres North and The Woods subdivisions. Mr. Harden shall utilize his expertise in determining the appropriate size and species to be planted in these areas, given the types of soils prevalent in those areas of this subdivision. The residents who live along the border of Beaverbrook shall be permitted to review Mr. Harden's landscaping proposals. Mr. Harden should involve the citizens who live in this area to the extent possible when designing the landscape plan for

23

ORDER RECEIVED FOR FILING  
Date 3/12/96  
By [Signature]

21



buffering purposes. Mr. Harden shall also designate the time within which all landscaping must be planted.

3) The agreement entered into between the Developer and the Maryland Chapter of Trout Unlimited, identified herein as Developer's Exhibit 5, shall be incorporated within this Order and enforceable as if a part of this Order. The Developer shall be strictly bound to adhere to the provisions of that letter agreement which is attached hereto.

4) The Department of Environmental Protection and Resource Management (DEPRM) shall have the authority, pursuant to this Order, to require the Developer to install super-silt fencing within any area of the Beaverbrook subdivision. The Developer shall, given their expertise, that super-silt fencing is necessary in order to protect the trout streams that traverse this property. The amount and location of such fencing shall be within the sole discretion of DEPRM. DEPRM shall also determine the length of time that these super-silt fences shall remain on the property.

5) The Developer shall extend Berans Road from its present terminus into and connecting to Road A within the Beaverbrook subdivision. The Developer shall amend its development plan accordingly to show this connection. No construction vehicles of any kind shall be permitted to utilize Berans Road for access. This includes all vehicles during the development of the site as well as the construction of homes thereafter.

6) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with

Section 26-209 of the Baltimore County Code.

*Timothy M. Notroco*  
TIMOTHY M. NOTROCO  
Hearing Officer  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date *12/22/95*  
By *[Signature]*

TMK:djs

75



# Petition for Special Hearing 76-248-SPH to the Zoning Commissioner of Baltimore County

for the property located at Beaverbrook Development Off Ridge Road  
which is presently zoned RC 4 and RC 5

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

1. CREATION OF FOUR (4) NON-DENSITY AREAS IN RCS ZONE.
2. CONFIRMATION OF THE EXISTENCE OF A SINGLE-FAMILY DWELLING THAT IS SPLIT BY RC4 AND RCS ZONES.

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

BEAVERBROOK FARMS, LLC  
By: JERRY A. JANOFOSKY, Agent

(Type or Print Name)  
*Jerry A. Janofosky*  
Signature

1293 Mt. Royal Avenue  
Address

Baltimore, Maryland 21217  
City State Zipcode

Attorney for Petitioner:  
G. Scott Barhight  
David K. Gildea

(Type or Print Name)  
*G. Scott Barhight*  
Signature

Whiteford Taylor & Preston  
210 W. Pennsylvania Avenue, 4th Fl.

Towson, MD 21204 (410)832-2000  
City State Zipcode

With no separate copies and after, under the seal of the Office of Zoning Administration & Development Management, the legal owner(s) of the property upon which this Petition is filed.

Mercantile-Safe Deposit & Trust Company  
Trustees, Real Estate Dept.

(Type or Print Name)  
*[Signature]*  
Signature

766 Old Hammond Road  
Address

Linthicum, Maryland 21090  
City State Zipcode

Name: Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue, 4th Fl.

Towson, MD 21204 (410) 832-2000  
City State Zipcode

ESTIMATED LENGTH OF HEARING: \_\_\_\_\_  
The following date: \_\_\_\_\_  
ALL OTHER: \_\_\_\_\_  
REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ORDER RECEIVED FOR FILING  
Date *12/22/95*  
By *[Signature]*

*with H04 249*

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS  
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21284

Description to accompany Zoning Petition,  
BEAVERBROOK.

December 11, 1995

Beginning for the same at a point in the bed of Ridge Road, having Baltimore County Metropolitan District coordinate value of North 59 degrees 29 minutes 59 seconds East 484.66 feet from the centerline paving intersection of said Ridge Road and Valley Glen Court, thence leaving said place of beginning, running in or near the center of said Ridge Road, the following courses:

- 1) North 08 degrees 24 minutes 59 seconds East 78.83 feet,
- 2) North 27 degrees 53 minutes 55 seconds East 100.00 feet,
- 3) North 38 degrees 56 minutes 33 seconds East 547.05 feet,
- 4) North 05 degrees 41 minutes 25 seconds West 60.00 feet,
- 5) North 30 degrees 41 minutes 06 seconds West 100.00 feet,
- 6) North 25 degrees 09 minutes 21 seconds West 259.10 feet,
- 7) North 05 degrees 10 minutes 41 seconds West 217.15 feet,
- 8) North 16 degrees 06 minutes 19 seconds East 106.00 feet,
- 9) North 30 degrees 06 minutes 19 seconds East 425.64 feet,
- 10) North 22 degrees 18 minutes 02 seconds East 67.98 feet,
- 11) North 13 degrees 29 minutes 00 seconds East 100.00 feet,
- 12) North 07 degrees 15 minutes 21 seconds East 239.50 feet,
- 13) North 08 degrees 30 minutes 08 seconds East 237.00 feet,
- 14) North 09 degrees 05 minutes 01 seconds East 944.80 feet,
- 15) North 12 degrees 17 minutes 55 seconds East 87.15 feet,
- 16) North 13 degrees 55 minutes 21 seconds East 200.00 feet and
- 17) North 09 degrees 24 minutes 01 seconds East 281.64 feet, running thence leaving said road, the following courses:
- 18) North 83 degrees 31 minutes 41 seconds East 492.65 feet,
- 19) North 83 degrees 00 minutes 33 seconds East 1246.61 feet,
- 20) North 92 degrees 47 minutes 21 seconds East 239.31 feet,
- 21) South 01 degrees 52 minutes 56 seconds West 739.49 feet,
- 22) South 20 degrees 47 minutes 12 seconds West 1467.70 feet,
- 23) South 63 degrees 45 minutes 35 seconds East 478.21 feet,
- 24) South 89 degrees 34 minutes 03 seconds East 621.44 feet,
- 25) South 12 degrees 15 minutes 18 seconds East 313.04 feet,
- 26) South 30 degrees 51 minutes 52 seconds East 502.84 feet,
- 27) South 66 degrees 34 minutes 25 seconds West 721.87 feet,
- 28) South 28 degrees 28 minutes 31 seconds West 414.93 feet,
- 29) South 81 degrees 19 minutes 06 seconds West 69.85 feet,
- 30) North 88 degrees 29 minutes 00 seconds West 440.02 feet,
- 31) South 71 degrees 31 minutes 52 seconds West 831.46 feet,
- 32) South 01 degrees 52 minutes 29 seconds East 43.15 feet,
- 33) South 89 degrees 38 minutes 12 seconds West 51.00 feet,
- 34) North 09 degrees 24 minutes 10 seconds West 33.70 feet,
- 35) South 71 degrees 31 minutes 52 seconds West 417.18 feet,
- 36) South 89 degrees 46 minutes 49 seconds West 769.80 feet,
- 37) North 59 degrees 30 minutes 52 seconds West 219.99 feet,
- 38) North 09 degrees 29 minutes 08 seconds East 25.00 feet,
- 39) North 59 degrees 30 minutes 52 seconds West 231.09 feet and

249

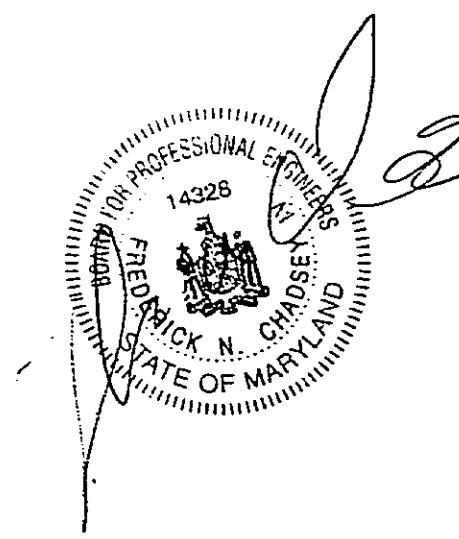
Description to accompany Zoning Petition,  
BEAVERBROOK.

December 11, 1995  
Page -2-

40) South 89 degrees 00 minutes 19 seconds West 127.14 feet to said point of beginning.

Containing 222.51 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS)



249

*Job District*  
*Postcard 12/22/95*  
*Facing roadway on property being zoned regarding hearing*  
*sign 2*  
*Return 12/29/95*

TO: PUTNEM PUBLISHING COMPANY  
December 28, 1995 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight, Esq.  
Whiteford Taylor & Preston  
210 W. Pennsylvania Avenue, 4th Floor  
Towson, MD 21204  
832-2000

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-248-SPH (Item 249)  
"Beaverbrook"

8/5 Ridge Road, N of Rolling Acres Court  
8th Election District - 3rd Councilmanic

Legal Owner(s): Mercantile-Safe Deposit & Trust Company  
Contract Purchaser: Beaverbrook Farms, LLC

Special Hearing to approve creation of four (4) non-density areas in RCS zone and confirmation of the existence of a single-family dwelling that is split by RC 4 and RC 5 zones.

HEARING: MONDAY, JANUARY 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHULTZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 19, 1995

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Continued from 12/8/95  
DEVELOPMENT PLAN HEARING

Project Name: Beaverbrook  
Project Number: III-656

Location: 8/5 Ridge Road, N of Rolling Acres Court  
Acre: 222.6

Developer: Mt. Royal Management Company  
Proposal: 77 single family homes

CASE NUMBER: 96-248-SPH (Item 249)  
"Beaverbrook"

8/5 Ridge Road, N of Rolling Acres Court  
8th Election District - 3rd Councilmanic

Legal Owner(s): Mercantile-Safe Deposit & Trust Company  
Contract Purchaser: Beaverbrook Farms, LLC

Special Hearing to approve creation of four (4) non-density areas in RCS zone and confirmation of the existence of a single-family dwelling that is split by RC 4 and RC 5 zones.

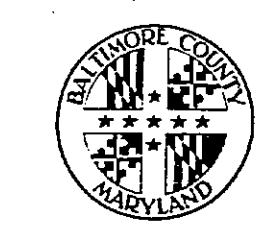
HEARING: MONDAY, JANUARY 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

*Carl Johnson*

Arnold Jablon  
Director

cc: Mercantile-Safe Deposit & Trust Company  
Beaverbrook Farms, LLC  
G. Scott Barhight/David K. Gildea

NOTES: (1) ZONING SIGN & POST MUST BE REMOVED BY 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 16, 1996

G. Scott Barhight, Esquire  
David K. Gildea, Esquire  
Whiteford Taylor & Preston  
210 W. Pennsylvania Ave., 4th Floor  
Towson, Maryland 21204

RE: Item No.: 249  
Case No.: 96-248-SPH  
Petitioner: Mercantile-Safe

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

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

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
January 4, 1996

FROM: J. Lawrence Pilson, Director, DEPRM  
Development Coordinator

SUBJECT: Zoning Item #249 - Beaverbrook  
Ridge Road  
Zoning Advisory Committee Meeting of December 26, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.  
Development Plan comments dated November 16, 1995 apply to this site.

JLP:LS:sp  
BEAVERBR/DEPRM/TXTS8P

Baltimore County Government  
Fire Department

700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 12/29/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 26, 1995.

Item No.: SEE BELOW Zoning Agenda:

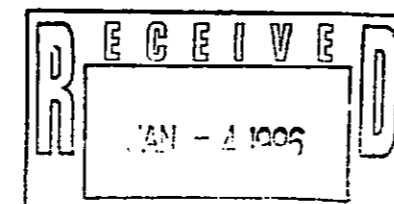
Gentlemen:

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: 243, 244, 245, 246, 247, 248 AND 249.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: January 5, 1996

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item 243, 244, 245, 246, 247, 249 and 250

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Geltruy W. Long*

Division Chief: *Carol L. Kerns*

PK/JL

ITEM243/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: Dec. 29, 1995

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for January 2, 1996  
Items 243, 244, 245, 246, 247, 248 and 249

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

BWB:sw

Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 249 (CAM)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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 Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Shallowford Toll Free

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

PETITION PROBLEMS

#248- CAM

1. No telephone number for legal owner.

#249- CAM

1. Acreage on folder - 222.51 what??? (square feet or acres?)
2. Need printed name and title of person signing for Mercantile.
3. Need authorization for person signing for Mercantile.
4. Mercantile is trustee for who?
5. Need telephone number for legal owner



County Board of Appeals of Baltimore County

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

May 9, 1996

Harold H. Burns, Jr., Esquire  
Suite 201, 210 E. Lexington Street  
Baltimore, MD 21202-3514

RE: Case No. CBA-96-122 /PDM VIII-656  
and Case No. 96-248-SPH /Beaverbrook

Dear Mr. Burns:

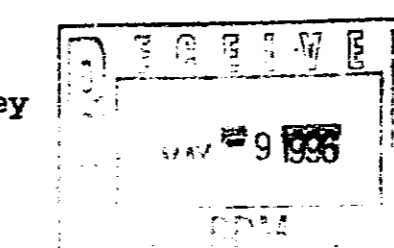
Enclosed please find a copy of the Consent Order entered into by the parties to this matter and issued this date by the County Board of Appeals of Baltimore County, whereby the appeal taken in the subject matter is hereby dismissed.

Very truly yours,

*Kathleen C. Bianco*  
Kathleen C. Bianco  
Administrative Assistant

encl

cc: Deidre Bosley; David Warnock;  
H. George Meredith, President,  
FRCA; John & Cherrie Sewell;  
David & Donna Smith; and Marvin  
Tenberg c/o Harold Burns, Esq.  
G. Scott Barhight, Esquire  
Jerry Janofsky /Mt. Royal Mgmt Co.  
Rick Chadsey /Dean Hoover  
G.W. Stephens, Jr., & Assoc.  
Mr. & Mrs. Bruce Pitcher  
Mr. David B. Hamilton  
Ms. Deborah Hettelman  
Ms. Kristen Forsyth, VPC  
People's Counsel for Baltimore County  
Pat Keller  
Timothy M. Kotzoc  
Dave Flowers, Project Manager /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director/PDM  
Douglas N. Silber, Asst. County Attorney  
Virginia W. Barnhart, County Attorney



76-2280

RE: PETITION FOR SPECIAL HEARING  
"Beaverbrook", E/S Ridge Road, N of  
Rolling Acres Court, 8th Election  
District - 3rd Councilmanic  
Legal Owner: Mercantile Safe Deposit & Trust Co.  
Contract Purchaser: Beaverbrook Farms, LLC  
Petitioners  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-248-SPH

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 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 N. Pennsylvania Avenue, 4th Floor, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

MT. ROYAL  
MANAGEMENT Co.  
1233 Mt. Royal Avenue  
Baltimore, Maryland  
21217

February 7, 1996

TRANSMISSION BY FAX - 347-2963

Mr. David Warnock, President  
Maryland Chapter of Trout Unlimited  
Cahill, Warnock Company  
10 N. Calvert Street, Suite 735  
Baltimore, Maryland 21202

Re: Beaverbrook Development Plan

Dear Mr. Warnock:

This letter is to confirm the terms and conditions agreed to between Beaverbrook Farm, LLC and Trout Unlimited regarding the Beaverbrook Development Plan. The agreement has been reached during several communications with you and Scott McGill which began on December 18, 1995 and concluded on February 7, 1996.

The parties agree to the following terms and conditions:

1. Beaverbrook Farm, LLC ("Beaverbrook") agrees to use curb cuts, open swales and small berm check dams in key locations to allow some of the stormwater run off to be directed to drainage swales which will reduce the temperature of the runoff.
2. Beaverbrook will use level spreaders to promote a slower discharge, infiltration, and cooling of the stormwater run-off. The parties acknowledge that the stormwater management facilities and the level spreaders have not yet been designed. The level spreaders will be designed based upon a reasonable depth of flow between four and eight inches.
3. Beaverbrook agrees to design the stormwater management facilities for no more than a twelve hour extended detention.

Mr. David Warnock, President  
February 7, 1996  
Page 2

4. Beaverbrook agrees to investigate the feasibility of infiltration of the first one-half inch of stormwater run-off. If Beaverbrook determines it to be feasible, Beaverbrook agrees to infiltrate the first one-half inch of stormwater run-off. If infiltration is not feasible, Beaverbrook will utilize other best management practices, including but not limited to sand filters or bioretention, to provide a cooling mechanism for all storm water run-off from impervious surfaces

5. Beaverbrook agrees to investigate the practicality of using the landscape islands on the HOA open space areas located on Road A consisting of approximately 0.31 and 0.25 acres and the landscape island on the HOA open space area located on Road B consisting of approximately 0.22 acres as bioretention areas. Feasibility will be based upon the policies of the Department of Public Works and the expense created by the under drain system. If Beaverbrook determines it to be feasible, Beaverbrook agrees to use the landscape islands as described above as bioretention areas.

6. Beaverbrook agrees to limit the forest clearing for each lot to a maximum of 15,000 sq. ft.

7. Prior to their submission to Baltimore County, Trout Unlimited will be provided copies of the sediment control, grading plans, stormwater management plans and road/storm drain plans showing water quality management techniques in accordance with this agreement during Phase II of the county review process. Trout Unlimited shall have ten (10) business days to review the plans and respond to Beaverbrook with its comments. The Trout Unlimited comments are limited to whether the plans are consistent with this agreement. Beaverbrook will make a good faith effort to respond to the comments received from Trout Unlimited. However, the parties recognize that utilization of specific water quality management techniques are subject to final approval by the appropriate agencies of Baltimore County and other applicable governmental agencies. Neither Beaverbrook nor Trout Unlimited have approval authority. Beaverbrook cannot guarantee the usage of the water quality management techniques identified in this agreement unless final approval has been obtained from Baltimore County and other applicable governmental agencies.

8. Trout Unlimited agrees to support the approval of the Beaverbrook Development Plan at any and all public hearings regarding said plan. Trout Unlimited also agrees not to file an appeal or support any appeal of the Development Plan approval.

On behalf of Mt. Royal Management and Beaverbrook, I wish to express our sincere appreciation for your efforts in reaching what is an equitable solution to your

ORDER RECEIVED FOR FILING  
1996  
By: [Signature]

FEB 07 '96 15:31 ABS VENTURES  
Mr. David Warnock, President  
February 7, 1996  
Page 3

requests. Please indicate your confirmation of the terms and conditions reflected in this letter by executing on behalf of Trout Unlimited where indicated below and sending a copy back to me at the above address.

Should you have any questions or comments, please feel free to contact me.  
Thanks again for all of your help.

Very truly yours,

Beaverbrook Farm, L.L.C.

[Signature]  
Jerry Jancosky, Chief  
Acquisitions & Development  
Mt. Royal Management Co.

//sll

cc: Mr. Scott G. McGill  
Frederick N. Chadsey, IV, P.E.  
C. Scott Barhight, Esquire

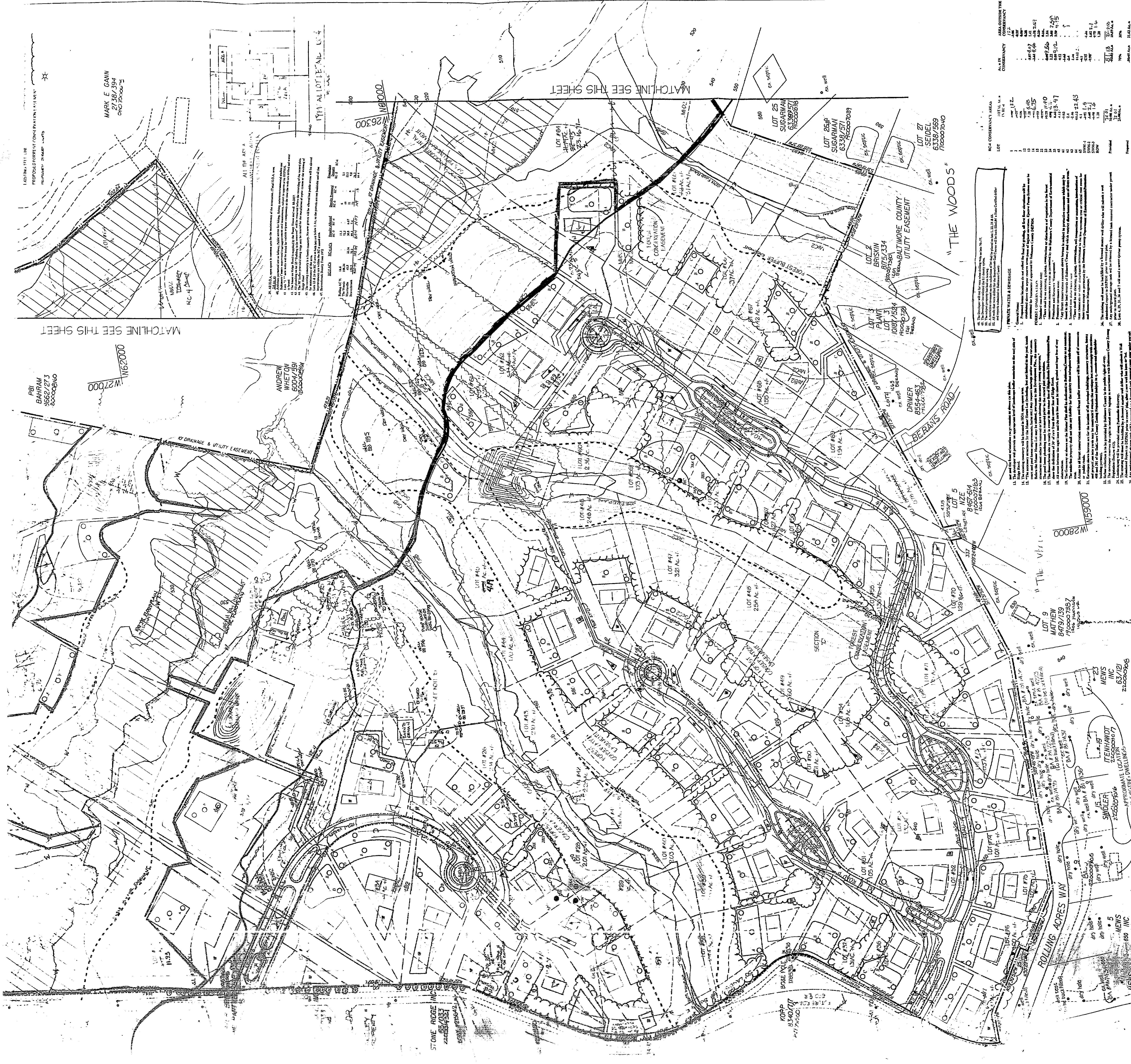
66310

SIGNED AND AGREED TO THIS  
2<sup>nd</sup> DAY OF FEB 1996

TROUT UNLIMITED

By: [Signature]

2-07-1996 2:24PM FROM: R T P TOWSON: 1188282015



# BEAVERBROOK DEVELOPMENT PLAN

PDM VIII 686  
 SPECIAL HEARING ON Lots 1, 23, 24, 25 & 64  
 ELECTION DISTRICT : 8  
 SCALE : 1" = 100'  
 COUNCILMATIC DISTRICT : 3  
 DATE : OCT 9, 1995

TAX ACCOUNT # : 0820030675  
 DEED 6460701

**DEVELOPER**  
 MT. ROYAL MANAGEMENT COMPANY  
 1233 MT. ROYAL AVENUE  
 BALTIMORE MD. 21217

**OWNER**  
 MERCANTILE - SAFE DEPOSIT  
 AND TRUST COMPANY, TRUSTEES  
 REAL ESTATE DEPARTMENT  
 766 OLD HAMMOND ROAD  
 LINTHICUM MD. 21090

DATE: 8/14/95

**GENERAL NOTES:**

1. This plan is prepared in accordance with the provisions of the Subdivision Control Act, Annotated Code of Maryland, Title 88, and the Regulations of the State Board of Assessors, Title 88B, and the Regulations of the State Board of Public Works, Title 88C.
2. The boundaries shown on this plan are based on the most recent available survey data.
3. The area shown on this plan is subject to all existing and proposed easements, rights of way, and other encumbrances.
4. The area shown on this plan is subject to all existing and proposed zoning regulations.
5. The area shown on this plan is subject to all existing and proposed environmental regulations.
6. The area shown on this plan is subject to all existing and proposed utility regulations.
7. The area shown on this plan is subject to all existing and proposed floodplain regulations.
8. The area shown on this plan is subject to all existing and proposed historic preservation regulations.
9. The area shown on this plan is subject to all existing and proposed archaeological regulations.
10. The area shown on this plan is subject to all existing and proposed cultural resources regulations.
11. The area shown on this plan is subject to all existing and proposed historic landmarks regulations.
12. The area shown on this plan is subject to all existing and proposed historic districts regulations.
13. The area shown on this plan is subject to all existing and proposed historic structures regulations.
14. The area shown on this plan is subject to all existing and proposed historic sites regulations.
15. The area shown on this plan is subject to all existing and proposed historic landmarks regulations.
16. The area shown on this plan is subject to all existing and proposed historic districts regulations.
17. The area shown on this plan is subject to all existing and proposed historic structures regulations.
18. The area shown on this plan is subject to all existing and proposed historic sites regulations.
19. The area shown on this plan is subject to all existing and proposed historic landmarks regulations.
20. The area shown on this plan is subject to all existing and proposed historic districts regulations.
21. The area shown on this plan is subject to all existing and proposed historic structures regulations.
22. The area shown on this plan is subject to all existing and proposed historic sites regulations.
23. The area shown on this plan is subject to all existing and proposed historic landmarks regulations.
24. The area shown on this plan is subject to all existing and proposed historic districts regulations.
25. The area shown on this plan is subject to all existing and proposed historic structures regulations.
26. The area shown on this plan is subject to all existing and proposed historic sites regulations.
27. The area shown on this plan is subject to all existing and proposed historic landmarks regulations.
28. The area shown on this plan is subject to all existing and proposed historic districts regulations.
29. The area shown on this plan is subject to all existing and proposed historic structures regulations.
30. The area shown on this plan is subject to all existing and proposed historic sites regulations.

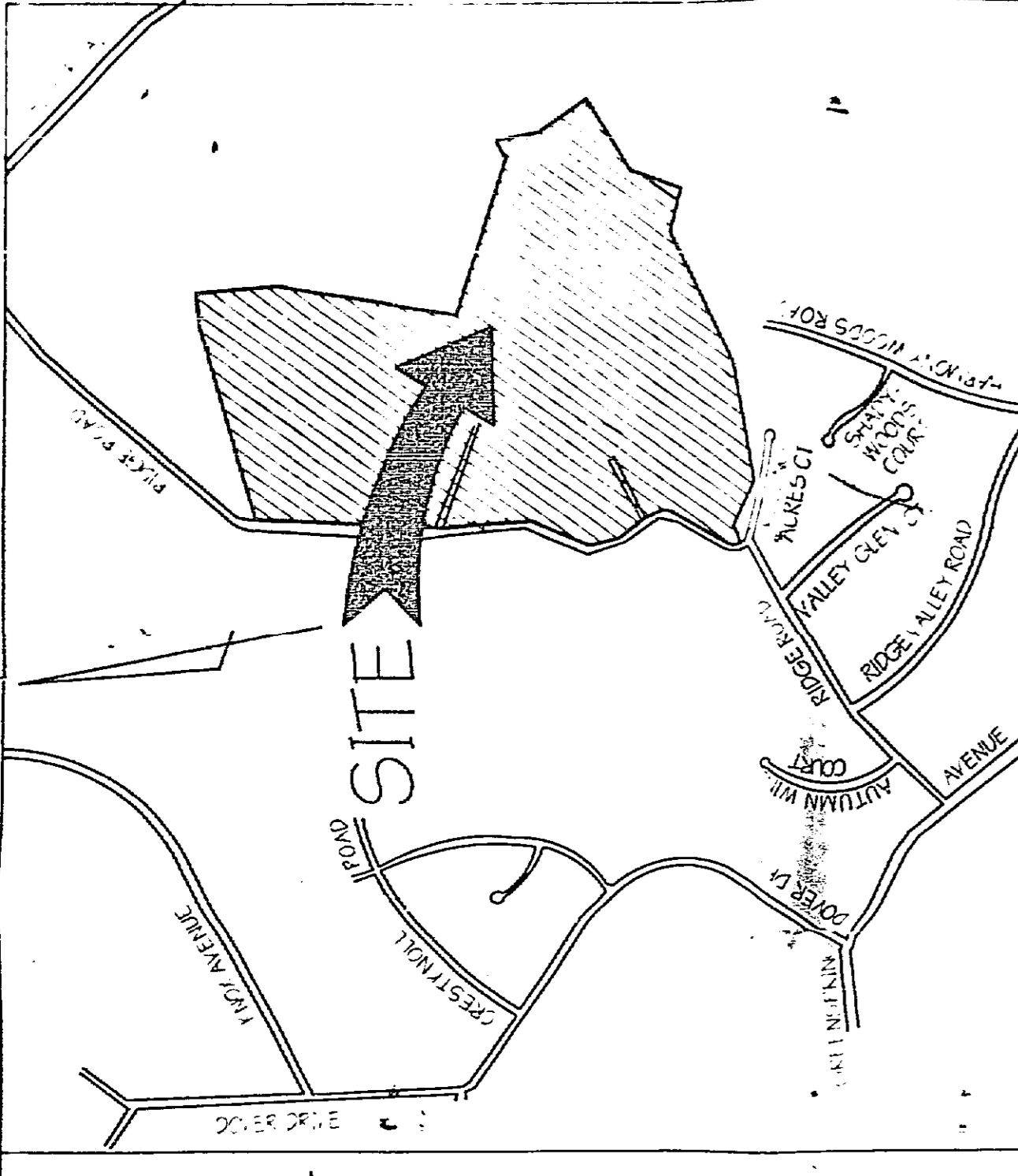
| NO. OF LOTS | ACRES | PERCENTAGE | APPROXIMATE VALUE |
|-------------|-------|------------|-------------------|
| 1           | 1.00  | 100%       | 100%              |
| 2           | 2.00  | 200%       | 200%              |
| 3           | 3.00  | 300%       | 300%              |
| 4           | 4.00  | 400%       | 400%              |
| 5           | 5.00  | 500%       | 500%              |
| 6           | 6.00  | 600%       | 600%              |
| 7           | 7.00  | 700%       | 700%              |
| 8           | 8.00  | 800%       | 800%              |
| 9           | 9.00  | 900%       | 900%              |
| 10          | 10.00 | 1000%      | 1000%             |

**GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 688 KENILWORTH DRIVE, SUITE 100  
 TOWSON, MARYLAND 21284  
 (410) 825-8120

**MEANS INC.**  
 637/121  
 220000818

**MEANS INC.**  
 637/121  
 220000818

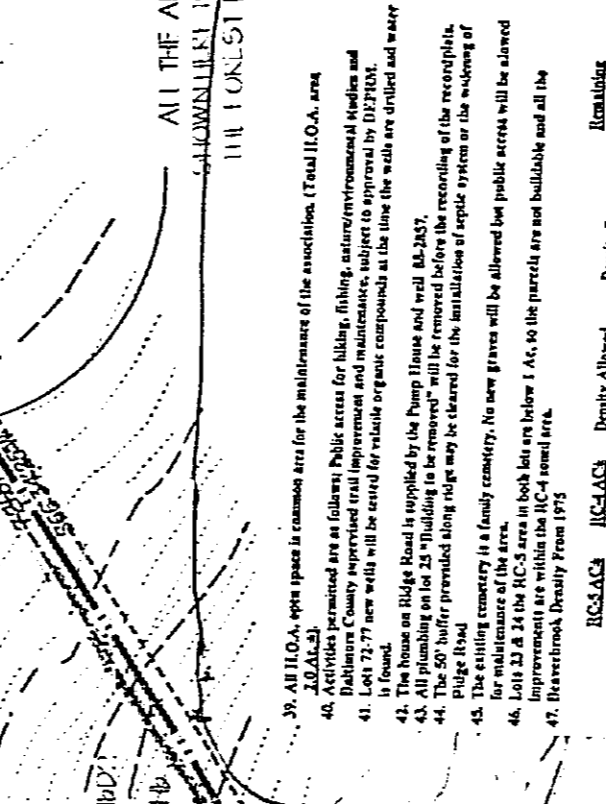
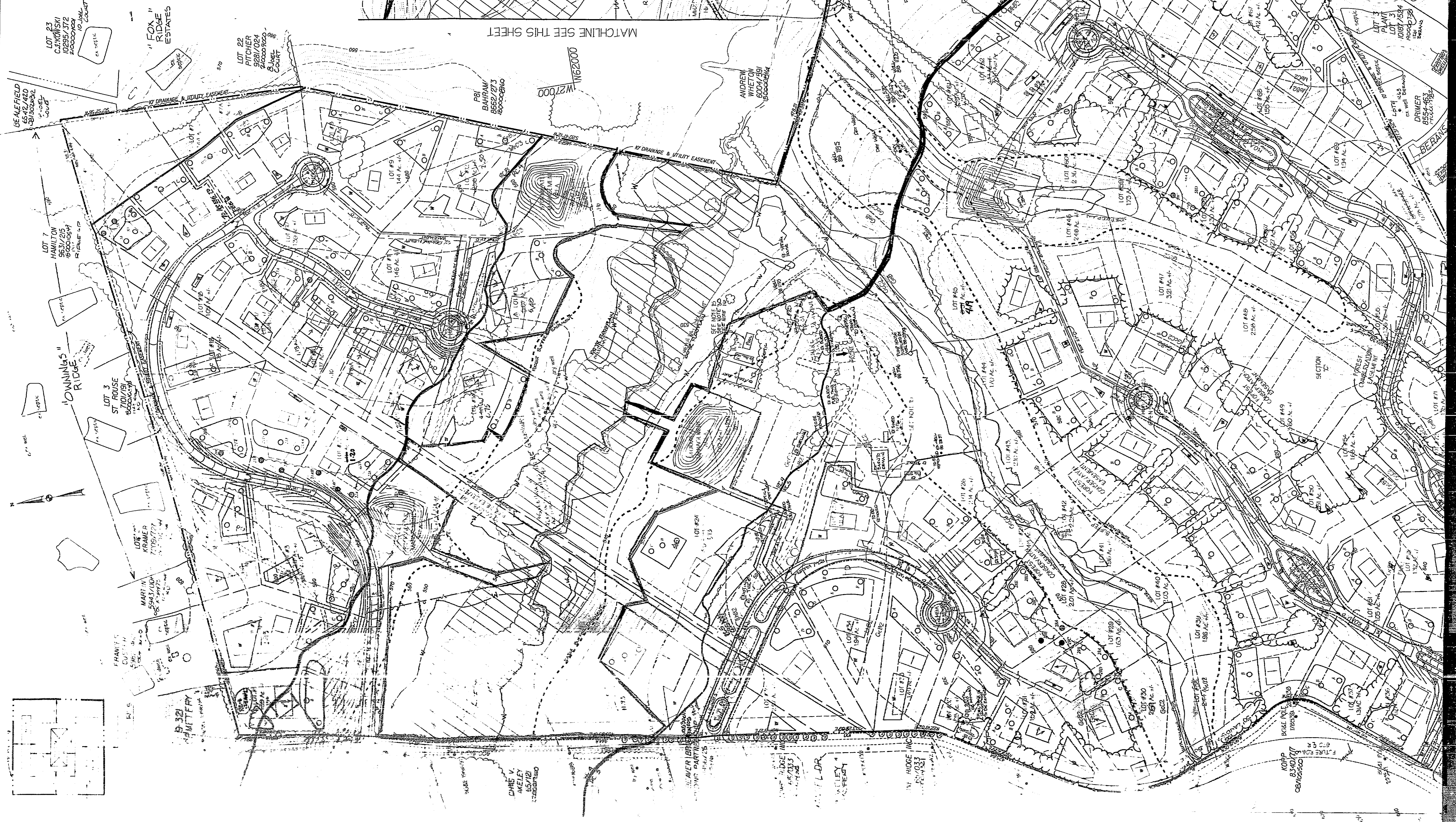
**MEANS INC.**  
 637/121  
 220000818



**VICINITY MAP**  
SCALE 1" = 1000'

**96-248-5PH**

- LEGEND**
- FOREST BUFFER EASEMENT
  - WETLAND
  - ZONING LINE
  - 100 YR FLOOD PLAIN
  - RC 4 CONSERVATION AREA
  - GREENWAY EASEMENT
  - EXISTING LOT LINES
  - PROPOSED GRADES
  - SOIL LINES
  - WELL AREA
  - SEPTIC AREA PASSED
  - SEPTIC TEST FAILED
  - EXISTING TREE LINE
  - PROPOSED FOREST CONSERVATION EASEMENT
  - PROPOSED SHEET LIMITS



| NO. | DESCRIPTION | AMOUNT | PERCENT | TOTAL |
|-----|-------------|--------|---------|-------|
| 1   | ...         | ...    | ...     | ...   |
| 2   | ...         | ...    | ...     | ...   |
| 3   | ...         | ...    | ...     | ...   |
| 4   | ...         | ...    | ...     | ...   |
| 5   | ...         | ...    | ...     | ...   |
| 6   | ...         | ...    | ...     | ...   |
| 7   | ...         | ...    | ...     | ...   |
| 8   | ...         | ...    | ...     | ...   |
| 9   | ...         | ...    | ...     | ...   |
| 10  | ...         | ...    | ...     | ...   |
| 11  | ...         | ...    | ...     | ...   |
| 12  | ...         | ...    | ...     | ...   |
| 13  | ...         | ...    | ...     | ...   |
| 14  | ...         | ...    | ...     | ...   |
| 15  | ...         | ...    | ...     | ...   |
| 16  | ...         | ...    | ...     | ...   |
| 17  | ...         | ...    | ...     | ...   |
| 18  | ...         | ...    | ...     | ...   |
| 19  | ...         | ...    | ...     | ...   |
| 20  | ...         | ...    | ...     | ...   |
| 21  | ...         | ...    | ...     | ...   |
| 22  | ...         | ...    | ...     | ...   |
| 23  | ...         | ...    | ...     | ...   |
| 24  | ...         | ...    | ...     | ...   |
| 25  | ...         | ...    | ...     | ...   |
| 26  | ...         | ...    | ...     | ...   |
| 27  | ...         | ...    | ...     | ...   |
| 28  | ...         | ...    | ...     | ...   |
| 29  | ...         | ...    | ...     | ...   |
| 30  | ...         | ...    | ...     | ...   |
| 31  | ...         | ...    | ...     | ...   |
| 32  | ...         | ...    | ...     | ...   |
| 33  | ...         | ...    | ...     | ...   |
| 34  | ...         | ...    | ...     | ...   |
| 35  | ...         | ...    | ...     | ...   |
| 36  | ...         | ...    | ...     | ...   |
| 37  | ...         | ...    | ...     | ...   |
| 38  | ...         | ...    | ...     | ...   |
| 39  | ...         | ...    | ...     | ...   |
| 40  | ...         | ...    | ...     | ...   |
| 41  | ...         | ...    | ...     | ...   |
| 42  | ...         | ...    | ...     | ...   |
| 43  | ...         | ...    | ...     | ...   |
| 44  | ...         | ...    | ...     | ...   |
| 45  | ...         | ...    | ...     | ...   |
| 46  | ...         | ...    | ...     | ...   |
| 47  | ...         | ...    | ...     | ...   |
| 48  | ...         | ...    | ...     | ...   |
| 49  | ...         | ...    | ...     | ...   |
| 50  | ...         | ...    | ...     | ...   |

