IN THE MATTER OF THE APPLICATION OF VANDERMAST JOINT VENTURE by Ernest Vandermast III, Managing Partner FOR ZONING RECLASSIFICATION ON PROPERTY LOCATED AT 2209-2341 VANDERMAST LANE, NE/S HOLLY NECK RD	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	Case No. CR-99-411 Cycle V 1999

* * * * * * * * *

ORDER OF DISMISSAL OF PETITION

This case came to the Board on a Petition for Reclassification filed by C. William Clark, Esquire, on behalf of Petitioners for zoning reclassification on property located on the northeast side of Holly Neck Road known as 2209-2341 Vandermast Lane in the Fifth Election District of Baltimore County.

WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since a continuance was granted on February 24, 2000,

IT IS, THEREFORE, this 21st day of November, 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. CR-99-411 be and the same is declared moot, and the Petition **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

November 21, 2003

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Vandermast Joint Venture*
Case No. CR-99-411 / Order of Dismissal of Petition

Dear Mr. Clark:

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

Very truly yours,

Kathleen C. Bianco /trs

Kathleen C. Bianco
Administrator

Enclosure

c: Vandermast Joint Venture
Tim Madden /Morris & Ritchie
J. Carroll Holzer, Esquire
Carol Saffron-Brinks, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR ZONING RECLASSIFICATION	*	BEFORE THE
2209-2341 Vandermast Lane, NW/S Holly, Neck Rd, 500' W of Fantat Rd,	*	COUNTY BOARD OF APPEALS
15th Election District, 5th Councilmanic	*	FOR BALTIMORE COUNTY
VANDERMAST JOINT VENTURE	*	**CASE NUMBER: CR-99-411**
Petitioners	*	(Item No. 3, Cycle V, 1999)

* * * * * * * * * * * * * *

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PEOPLE'S COUNSEL'S REPLY CONCERNING

THE AMENDED PETITION FOR RECLASSIFICATION

PEOPLE'S COUNSEL states:

1. There is no genuine dispute that Petitioner has filed an Amended Petition. The file reflects both the original petition dated March 1, 1999 (attached Exhibit 1) and a separate amended petition dated June 30, 1999 (attached Exhibit 2). We also attach Petitioner's attorney's letter dated July 1, 1999 enclosing a check for the plan revision fee, consonant with the amendment.

2. Section 2-356(m) provides:

> "(m) A zoning reclassification petition (including any documentation relating to the proposed use of the property under petition) may be amended only during a required public hearing proceeding on the petition."

It governs all amendments, and does not differentiate based on the degree, significance, or type of amendment. Moreover, it provides for amendments only at a "required" public hearing.

3. In this case, the "required" public hearing has been duly advertised and scheduled, pursuant to Sec. 2-356(e)-(h), for September 29, 1999. That is the first occasion for a hearing, with notice to the public, at which time a petition may be amended.

4. Moreover, Board Rule 9d2 declares, as to reclassification petitions:

"Petitions may be amended prior to the hearing only if said amendment takes place prior to the first public advertisement of the petition."

This petition was first advertised in May, 1999 and so is ineligible for amendment until the stated public hearing. See attached Exhibit 3 - copy of advertisement.

5. Petitioner also downplays the DEPRM July 14, 1999 letter requesting and/or requiring substantial further plan revisions. Petitioner does not deny the need for further amendments, but rather suggests that it is irrelevant because involving the growth allocation process. But this is misleading. A documented site plan reclassification petition is conditioned on the site plan. Any modification in plans affects the rezoning petition. In any event, the rezoning is clearly interrelated with the request for growth allocation. Clearly the amendments contemplated are major, and add to the amendments already made. This case is not in a posture for trial on the merits.

6. Petitioner also attempts to paint its petition in rose colors by referring to a favorable Planning Board recommendation dated July 22, 1999 and a previous approval by the Deputy Zoning Commissioner for a nonconforming use. See Vandermast, 97-576-SPH. But the Planning Board recommendation is advisory and does not bear on "mistake." The nonconforming use approval, meanwhile, is pending *de novo* appeal before the County Board of Appeals. In any event, the approval of a nonconforming use does not justify rezoning. If that were true, comprehensive zoning would collapse like a house of cards.

7. Petitioner's rose-colored argument also leaves out the DEPRM review dated May 3, 1999 (attached Exhibit 4), which finds there was no mistake in zoning.

8. This case involves both Resource Conservation zoning and Chesapeake Bay Critical Area classifications. It must be reviewed in an integrated way based on the actual site plan intended to be implemented.

9. People's Counsel adds that there is an open question about the validity of the documented site plan process: whether it constitutes invalid conditional zoning. If the process is assumed to be valid, it must at least be followed according to the law.

10. Finally, the hearing scheduled by the Board for September 15, 1999 conflicts with the basic jurisdictional requirement of notice to the public. The only duly advertised hearing is the September 29, 1999 hearing. Moreover, the lack of notice to the public in general also conflicts with the state Open Meetings Act, Md. Ann. Code Sec. 10-501, *et seq.*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel For Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of September, 1999, a copy of the foregoing People's Counsel's Reply Concerning the Amended Petition for Reclassification was mailed to C. William Clark, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners, and to J. Carroll Holzer, Esq., 508 Fairmount Avenue, Towson, MD 21286, attorney for Protestants.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RE: PETITION FOR ZONING RECLASSIFICATION	*	BEFORE THE COUNTY
2209-2341 Vandermast Lane, NW/S Holly. Neck Rd., 500' W of Fantat Rd., 15th Election District, 5th Councilmanic	*	BOARD OF APPEALS
	*	FOR BALTIMORE COUNTY
VANDERMAST JOINT VENTURE	*	CASE NO.: CR-99-411
Petitioners	*	(Item No. 3, Cycle 1999)

* * * * * * * * * * *

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RESPONSE TO MOTION TO STRIKE AMENDED PETITION, AND FOR APPROPRIATE RELIEF

The Vandermast Joint Venture, Petitioner, by its attorneys, C. William Clark and Nolan, Plumhoff & Williams, Chartered, in Response to Motion to Strike Amended Petition, and For Appropriate Relief, says as follows:

1. On or about March 1, 1999, Petitioner filed a Petition for Zoning Reclassification, including documentation relating to the proposed use of the property, in Cycle V, 1999.

2. At the request of the Department of Permits and Development Management, the Petitioner filed, on or about April 27, 1999, a resubmitted Petition Form, Elevations, Outline of the area to be Reclassified, and correction of a typographical error with regard to the Councilmanic District, both on the Petition and on the Property Description. Attached hereto and incorporated by reference marked as Exhibit A, is the Letter of Transmittal from Morris & Ritchie, Associates, Inc., dated April 27, 1999.

3. On May 31, 1999, the Planning Board issued its Report and Recommendation, including, among other things, its observation that while it is incumbent upon Petitioner to prove error, it would appear that relevant facts, not previously known to the County Council, have been revealed subsequent to the Deputy Zoning Commissioner's granting of the Petition for Special Hearing, which approved the non-conforming use of 20 dwellings on the subsequent property.

4. On June 30, 1999, at the request of the Department of Permits and Development Management, Petitioner filed a copy of schematic floor plans for proposed residences. Attached hereto and incorporated herein by reference marked as Exhibit B is the Letter of Transmittal, together with the Attached Plans filed by Morris & Ritchie Associates, Inc., the Petitioner's Engineers.

5. The Revised Petitions were submitted by the Department of Permits and Development Management to the Director of Planning and Zoning, Arnold F. "Pat" Keller, and to Jeffrey Long, the Planning Department liaison to the Planning Board, neither of whom submitted any written comment with respect to the June 30, 1999, submissions.

6. On July 22, 1999, the Planning Board reviewed the subject Petition, and made its final recommendation on July 22, 1999, by which it adopted the Report and Recommendation

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

previously submitted to it by the Planning staff, and approved a recommendation to re-zone the subject parcel. Attached hereto and incorporated by reference marked as Exhibit C, is the Agenda of the Plaining Board Meeting of July 22, 1999.

7. The Zoning Reclassification Petition filed by the Petitioner, stated that the proposed use of the property was for residential homes. That proposed use of the property has not changed in any material fashion from the original submission filed by the Petitioner.

8. The provision of Baltimore County Code §2-356 does not require a further 45 day period for a review by the Planning Board under the circumstances of this case when the same information has already been reviewed by the Planning Department and by the Planing Board at its Meetings previously held.

9. In the Motion filed by Peoples Council, reference is made to a letter from DEPRM, dated July 14, 1999, regarding requested revisions. As shown by an examination of that letter, the requested revisions deal with a request for growth allocation pursuant to §26-123 of the Baltimore County Code, which involves amending the Chesapeake Bay Critical Area Map over which the Board of Appeals has no jurisdiction or authority. Revision of that Map requires the approval of the Chesapeake Bay Critical Area Commission upon certain actions

to be taken by the Department of Environmental Protection and Resource Management. Thus, the July 14, 1999, letter from DEPRM to Petitioner's Engineers has no relevance to the Petition for Zoning Reclassification, and should not serve as a basis for any action to be taken by the County Board of Appeals.

WHEREFORE, Vandermast Joint, Petitioner, requests that the Board of Appeals deny the Motion to Strike Amended Petition, and For Appropriate Relief.

Respectfully submitted,

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
502 Washington Avenue, Suite 700
Towson, MD 21204
Telephone: (410) 823-7800
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 19 day of August, 1999, a copy of the foregoing Response to Motion to Strike Amended Petition, and For Appropriate Relief and Request for Hearing was mailed, first class, postage prepaid, to the following counsel of record:

Peter Max Zimmerman, Esquire
Old Courthouse, Room 407
400 Washington Avenue
Towson, MD 21204
Attorney for People's Council

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286
Attorney for Back River Neck Community Association, Inc.

and

Carl Maynard

C. William Clark

D:\data\CWC\Clients\Vandermast\RespMotStrikeAmdPet.wpd

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 19 day of August, 1999, a copy of the foregoing Response to Motion to Strike Amended Petition, and For Appropriate Relief and Request for Hearing was mailed, first class, postage prepaid, to the following counsel of record:

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Old Courthouse, Room 407
400 Washington Avenue
Towson, MD 21204
Attorney for People's Council

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286
Attorney for Back River Neck Community Association, Inc.

and

Carl Maynard

C. William Clark

RE: PETITION FOR ZONING RECLASSIFICATION	*	BEFORE THE COUNTY
2209-2341 Vandermast Lane, NW/S Holly. Neck Rd., 500' W of Fantat Rd., 15th Election District, 5th Councilmanic	*	BOARD OF APPEALS FOR BALTIMORE COUNTY
VANDERMAST JOINT VENTURE	*	CASE NO.: CR-99-411
Petitioners	*	(Item No. 3, Cycle V, 1999)

* * * * * * * * * * *

REQUEST FOR HEARING

Mr. Chairman:

Please schedule a Hearing on the Motion to Strike Amended Petition, and For Appropriate Relief and Response thereto.

Respectfully submitted,

C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
502 Washington Avenue, Suite 700
Towson, MD 21204
Telephone: (410) 823-7800
Attorneys for Petitioner

RE: PETITION FOR ZONING RECLASSIFICATION	*	BEFORE THE
2209-2341 Vandermast Lane, NW/S Holly, Neck Rd., 500' W of Fantat Rd,	*	COUNTY BOARD OF APPEALS
15th Election District, 5th Councilmanic District	*	FOR BALTIMORE COUNTY
VANDERMAST JOINT VENTURE	*	**CASE NO. CR-99-411**
Petitioners	*	(Item No 3, Cycle V, 1999)

* * * * * * * * * * * * *

RESPONSE TO MOTION TO STRIKE AMENDED PETITION AND FOR APPROPRIATE RELIEF

Respondents Back River Neck Community Association, Inc. and Carl Maynard individually hereby respond to People's Counsel's Motion to Strike Amended Petition and for Appropriate Relief submitted by Petitioner Vandermast Joint Venture by adopting said requested relief without exception.

Respectfully submitted,

J. Carroll Holzer

J. Carroll Holzer

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX (410) 825-4923

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 11 PM 2:05

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of August, 1999, a copy of the foregoing Response to Motion was mailed first class, postage pre-paid to Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; and to C William Clark, Esq , Nolan Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, Maryland 21204.

J. Carroll Holzer

J. Carroll Holzer

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RE: PETITION FOR ZONING RECLASSIFICATION	*	BEFORE THE
2209-2341 Vandermast Lane, NW/S Holly, Neck Rd, 500' W of Fantat Rd,	*	COUNTY BOARD OF APPEALS
15th Election District, 5th Councilmanic	*	FOR BALTIMORE COUNTY
VANDERMAST JOINT VENTURE	*	**CASE NUMBER: CR-99-411**
Petitioners	*	(Item No. 3, Cycle V, 1999)

* * * * * * * * * * * * *

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MOTION TO STRIKE AMENDED PETITION, AND FOR APPROPRIATE RELIEF

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY moves, pursuant to County Code Sec. 2-356(m), as follows:

1. On or about March 1, 1999, Petitioner filed a Petition for Zoning Reclassification.

2. On May 31, 1999, the Planning Board issued its report and recommendation.

3. On June 30, 1999, Petitioner filed Revised Petitions, descriptions, justifications, plans and floor plans, as reflected in the attached Zoning Office Memo. Exhibit A.

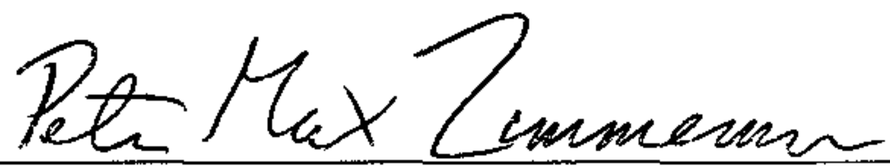
4. Moreover, as reflected in the DEPRM letter dated July 14, 1999 (Exhibit B), the site plan must undergo substantial additional revisions.

5. County Code Sec. 2-356(m), Exhibit C, mandates that any amendment to a zoning reclassification be filed at a Board of Appeals public hearing, after which there is a 45-day period for further Planning Board review and recommendation.

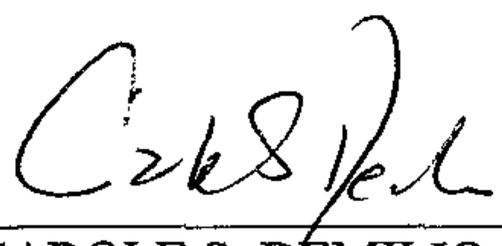
6. The first public hearing is scheduled for September 29, 1999 before the CBA.

7. Any amendment may and must be filed at that public hearing, and cannot be considered until that time.

WHEREFORE, PEOPLE'S COUNSEL requests that the Board of Appeals strike the Amended Petition, site plan, and/or related documents and require that any amendment be filed at the September 29, 1999 Public Hearing.



PETER MAX ZIMMERMAN
People's Counsel For Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of ~~July~~ August, 1999, a copy of the foregoing Motion to Strike Amended Petitions, and for Appropriate Relief was mailed to C. William Clark, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1999, a copy of the foregoing Notice of Appearance was mailed first class, postage pre-paid to Peter M. Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; and to C. William Clark, Esq., Nolan Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, Maryland 21204.

J. Carroll Holzer

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CBCA + FLOODPLAIN

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the Property at 2209-2341 Vandermast Lane / NE/S Holly Neck Goff Road

15 Election District 15th Councilmanic District

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an RC-20 zone to an RC-5 zone, for the reasons given in the attached and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Residential dwellings

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

99 MAR -1 AM 11:

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip Code

Legal Owner(s):

Vandermast Joint Venture
(Type or Print Name)

By: Ernest Vandermast
Signature Ernest Vandermast, III, Managing Partner

(Type or Print Name)

Signature

47 Babbidge Road 1(207) 797-5960
Address Phone No.

Fallmouth Maine 04105
City State Zip Code

Attorney for Petitioner:

C. William Clark
(Type or Print Name)

C. William Clark
Signature

502 Washington Ave. #700 (410) 823-7800
Address Phone No.

Towson MD 21204
City State Zip Code

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

Tim Madden
Morris & Ritchie
Name

110 West Road, Towson, MD 21204 (410) 821-1690
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing the following dates _____

Next TWO Months

ALL _____ OTHER _____

REVIEWED BY: JRF DATE 3/1/99

JRF "OK to File"

CR-99-411

Revised 9/5/95

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

ZONING DESCRIPTION

Description of 60.171 Acre Parcel
Lying in the 12th Election District
Baltimore County, Maryland

BEGINNING for the same at a point on or near the center line of Holly Neck Road, said point being at the beginning of the second line of a Deed dated June 1964, from Louise Smith to Claude S. Hogan and Alice A. Hogan, his wife, and recorded among the Land Records of Baltimore County in Liber 4577, folio 473. Thence from the POINT OF BEGINNING so fixed and binding on the second line of the aforesaid deed;

1. North 44°24' 53" East, 204.57 feet to a point in the twelfth line of the second parcel of a Confirmatory Deed between Ernest W. Vandermast, III, Trustee and Celia Vandermast, Trustee and recorded among the aforesaid Land Records in Liber 7800, folio 091, thence binding on said line;

2. North 39°19' 07" West, 216.70 feet to a 1" iron pipe found, said pipe being at the beginning of the thirteenth line of the aforementioned deed 914.17 feet more or less from a stone marked III at the beginning of the second line of the Land of "Holly Neck", thence leaving said line;

3. North 42°19' 07" West, 298.96 feet to a 1" iron pipe at the beginning of the first line of a deed from William J. Blondell and wife to Jorge Vallecillo and Maria C. Dias and recorded among the aforesaid Land Records in Liber 6945, folio 255. Then binding reversely on the seventh and sixth lines of said deed the two following courses and distances viz;

4. South 87°36' 07" East, 215.24 feet;

5. North 40°58' 07" West, 237.28 feet to intersect the mean high water line of Sue Creek, thence binding along the waters of Sue Creek the following forty six courses and distances viz;

6. South 68°52' 49" East, 23.43 feet,

7. South 73°00' 11" East, 45.73 feet,

8. North 07°13' 45" West, 42.75 feet,

9. North 23°30' 28" West, 75.84 feet,

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☑ 110 WEST ROAD, SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9792 (301) 776-1690
FAX (410) 792-7395

CR-99-411

10. North 02°49' 30" West, 42.81 feet,

11. North 48°43' 58" West, 38.93 feet,

12. North 17°21' 22" West, 42.88 feet,

13. North 09°08' 58" East, 29.81 feet,

14. North 57°50' 41" East, 65.02 feet,

15. North 39°12' 39" East, 109.16 feet,

16. North 14°39' 11" East, 31.15 feet,

17. North 42°05' 51" East, 20.12 feet,

18. North 71°45' 42" East, 77.45 feet,

19. North 80°55' 42" East, 136.48 feet,

20. North 81°37' 24" East, 92.97 feet,

21. North 51°27' 59" East, 96.11 feet,

22. North 11°03' 42" East, 48.05 feet,

23. North 33°34' 50" West, 88.03 feet,

24. North 16°04' 34" West, 39.98 feet,

25. North 16°10' 27" East, 61.14 feet,

26. North 38°01' 35" East, 93.31 feet,

27. North 05°03' 19" East, 90.34 feet,

28. North 48°26' 51" West, 50.44 feet,

29. North 74°55' 01" West, 46.97 feet,

30. South 45°16' 34" West, 71.30 feet,

31. South 02°28' 56" West, 33.02 feet,

32. South 45°32' 11" East, 85.57 feet,

33. South 87° 50' 30" West, 56.08 feet,

34. North 52°52' 26" West, 34.89 feet,

35. North 18°01' 33" West, 25.56 feet,

36. North 07°44' 50" East, 31.23 feet,

37. North 24°22' 50" East, 47.14 feet,

38. North 47°49' 53" East, 51.86 feet,

39. North 60°21' 52" East, 74.44 feet,

40. North 46°18' 06" East, 58.58 feet,

41. North 55°44' 27" East, 83.70 feet,

42. North 64°20' 16" East, 156.21 feet,

43. North 86°08' 46" East, 57.58 feet,

44. South 87°12' 08" East, 49.66 feet,

45. South 61°38' 40" East, 44.71 feet,

46. South 46°01' 45" East, 64.81 feet,

47. North 75°46' 03" East, 47.76 feet,

48. North 66°16' 29" East, 100.83 feet,

49. North 81°27' 18" East, 19.80 feet,

50. North 58°33' 08" East, 125.04 feet,

51. North 45°30' 31" East, 206.90 feet,

52. North 45°49' 04" East, 80.79 feet to intersect the first line of a deed from Frank Nahatzki and wife to Louis L. Jenkins and recorded in the aforesaid Land Records in Liber 459, folio 453, thence binding reversely on said line and passing over a 1" iron pipe found at the distance of 21.12 feet from the beginning of said line;

53. South 62°36' 11" East, 828.08 feet to intersect the mean high water line of Cedar Creek. Said point being 18.63' from a 1" iron pipe found from the end of said line, thence binding on the waters of Cedar Creek the following twenty one courses and distances viz;

54. South 44°11' 54" West, 92.45 feet;

55. South 79°56' 24" West, 83.38 feet;

56. South 68°24' 23" West, 70.44 feet;

57. North 69°45' 18" West, 45.81 feet,

58. South 78°18' 52" West, 53.70 feet,

59. South 41°15' 30" West, 142.00 feet,

60. South 00°30' 20" East, 89.56 feet,

61. South 35°21' 29" West, 65.63 feet,

62. South 43°45' 07" West, 171.66 feet,

63. South 29°06' 50" West, 137.34 feet,

64. South 33°03' 34" West, 68.08 feet,

65. South 11°40' 50" West, 42.43 feet,

66. South 19°12' 55" East, 58.40 feet,

67. South 47°40' 06" East, 11.38 feet,

68. South 56°18' 07" East, 62.66 feet,

69. North 78°59' 49" East, 42.86 feet,

70. South 71°14' 32" East, 64.42 feet,

71. South 31°43' 18" East, 99.68 feet,

72. South 48°33' 58" East, 97.53 feet,

73. North 17°35' 52" West, 61.55 feet,

74. North 19°01' 52" West, 137.18 feet, to the intersection of the seventh or last line of a Deed from Lorretta Lynn H. Shockley to Lorretta Ann H. Shockley, Trustee, recorded in the aforementioned Land Records in Liber 11777, folio 546, thence binding on a portion of said line,

75. South 29°52' 46" East, 345.74 feet to a nail found on or near the centerline of Holly Neck

Road and passing over an iron pin with cap 18.00 feet from the end of said line thence binding on or near the center line of said road the following eleven courses and distances viz;

76. South 49°07' 15" West, 108.15 feet,

77. South 46°43' 22" West, 299.55 feet,

78. South 47°54' 33" West, 128.02 feet,

79. South 54°41' 59" West, 79.44 feet,

80. South 57°56' 05" West, 109.04 feet,

81. South 66°46' 50" West, 103.70 feet,

82. South 74°51' 46" West, 103.86 feet,

83. South 84°51' 32" West, 82.40 feet,

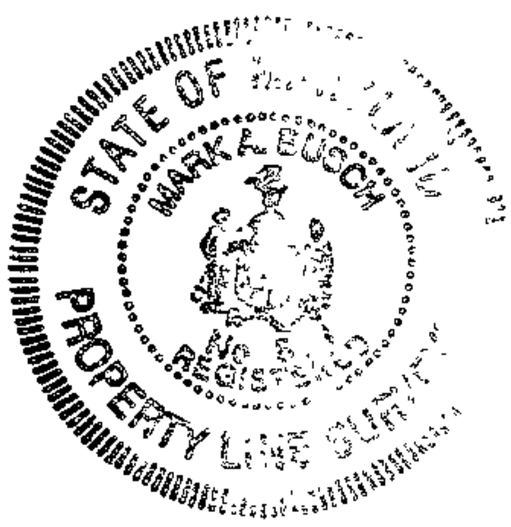
84. South 87°45' 55" West, 134.22 feet,

85. South 85°26' 13" West, 230.66 feet,

86. South 80°54' 09" West, 198.78 feet,

87. South 80°01' 44" West, 384.37 feet, to the POINT OF BEGINNING.

Containing 60.171 acres of Land more or less.



Mark A. Busch
Registered Property Line Surveyor #508

FS:mak\s\10833\zoning2.des\022699

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING RECLASSIFICATION HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning reclassification hearing. This is accomplished by Baltimore County posting a sign on the property at least fifteen (15) days before the hearing and advertising in local newspapers. The advertising consists of a list and map of all reclassification petitions (cost evenly distributed between all petitioners), as well as individual advertising in local newspapers. The list and map must be published in two newspapers for three different weeks and the individual advertisements must be published in two newspapers fifteen (15) days prior to the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: N/A

Petitioner: VANDERMAST JOINT VENTURE (ERNEST VANDERMAST, III MANAGING PARTNER)

Address or Location: 2209 - 2341 VANDERMAST LANE / NE/S HOLLY NECK & GOFF ROADS

PLEASE FORWARD ADVERTISING BILL TO:

Name: MORRIS & RITCHIE ASSOCIATES, INC.

Address: 110 WEST ROAD SUITE 245
TOWSON, MARYLAND 21204

Telephone Number: (410) 821-1690

Revised 2/20/98 - SCJ

CR-99-411

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

#3

No. 056687

DATE 3-1-99

ACCOUNT 001-6181

AMOUNT $ 1,285.00

RECEIVED FROM: Nolan Plumhoff & Williams

074 - Reclass - $1,250 = check
080 - Sign $35 - cash

FOR: 2209-2341 Vandermost Lane

Taken by: JRF

CR-99-411

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
03/01/1999 03/01/1999 11:17:21
REG W005 CASHIER LSM1 LX5 DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 098463 DELN
CR NO. 056687
1,285.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

MORRIS & RI[redacted]IE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

☐ 139 N. MAIN ST., STE. 200
BEL AIR, MD 21014
410-879-1690 • 410-836-7560
FAX 410-879-1820

☒ 110 WEST RD., STE 245
TOWSON, MD 21204
410-821-1690
FAX 410-821-1748

☐ 9090 JUNCTION DR., STE. 9
ANNAPOLIS JUNCTION, MD 20701
410-792-9792 • 301-776-1690
FAX 410-792-7395

LETTER OF TRANSMITTAL

DATE 4.27.99 JOB NO. 10833

ATTENTION CARL RICHARDS

RE VANDERMAST PROPERTY

TO BALT. CO. DEPT. OF ZONING

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via MR. CLARK'S OFFICE the following items:

☐ Shop drawings ☐ Prints ☑ Plans (19) ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☑ PETITIONS, PROP. DESCRIPTION

COPIES	DATE	NO.	DESCRIPTION
14	REV. 4/27/99		DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION - 2 SHEETS
3			RECLASSIFICATION PETITIONS - REV'D FORMS 9/18/98
4			PROPERTY DESCRIPTION (FOR AREA OF RECLASSIFICATION ONLY)

THESE ARE TRANSMITTED as checked below:

☑ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval

☑ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution

☑ As requested ☐ Returned for corrections ☐ Return ____ corrected prints

☑ For review and comment ☐ ____

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

REMARKS MR. RICHARDS - PER YOUR COMMENTS REGARDING THE VANDERMAST REZONING PETITION: ① PETITION FORM RESUBMITTED USING REV'D FORM 9/18/98
② LABEL ON SHEET 2 DESCRIBING ELEVATIONS AS "CONCEPTUAL ONLY" - IN ALL LIKELIHOOD THE FUTURE HOUSES WILL BE CUSTOM DESIGNED - PLEASE NOTE THAT THE BUILDABLE AREA IS DELINEATED ON EACH LOT.
③ THE AREA TO BE RECLASSIFIED HAS BEEN OUTLINED ON BOTH SHEETS 1 & 2.
④ THE CORRECTED COUNCILMANIC DISTRICT HAS BEEN PLACED ON THE ZONING (RECLASS PETITION FORM.
⑤ THE PROPERTY DESCRIPTION HAS BEEN REVISED TO REFLECT THE 15TH ELECTION DISTRICT AND ONLY THAT AREA TO BE CLASSIFIED (NOT THE ENTIRE SITE)

COPY TO MR. C. WILLIAM CLARK, ESQ.

SIGNED: [signature]

If enclosures are not as noted, kindly notify us at once.

* PLEASE CONTACT ME IF YOU HAVE ADDITIONAL QUESTIONS OR COMME[redacted]

Blumberg No. 5208

EXHIBIT A

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS
AND LANDSCAPE ARCHITECTS

☐ 139 N. MAIN ST., STE. 200
BEL AIR, MD 21014

☒ 110 WEST RD., STE 105
TOWSON, MD 21204

(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

(410) 821-1690
FAX (410) 821-1748

LETTER OF TRANSMITTAL

DATE 6-30-99 JOB NO 10833

ATTENTION CARL RICHARDS

RE: THE VANDERMAST PROPERTY

TO BALTIMORE COUNTY ZONING
COUNTY OFFICE BLDG, RM 109
111 W. CHESAPEAKE AVE
TOWSON, MD. 21204

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via DELIVERY the following items:

☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
2	6-30-99		Schematic Floor Plans for Proposed residency

THESE ARE TRANSMITTED as checked below:

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

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

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

☐ For review and comment ☐ _____

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

REMARKS _____

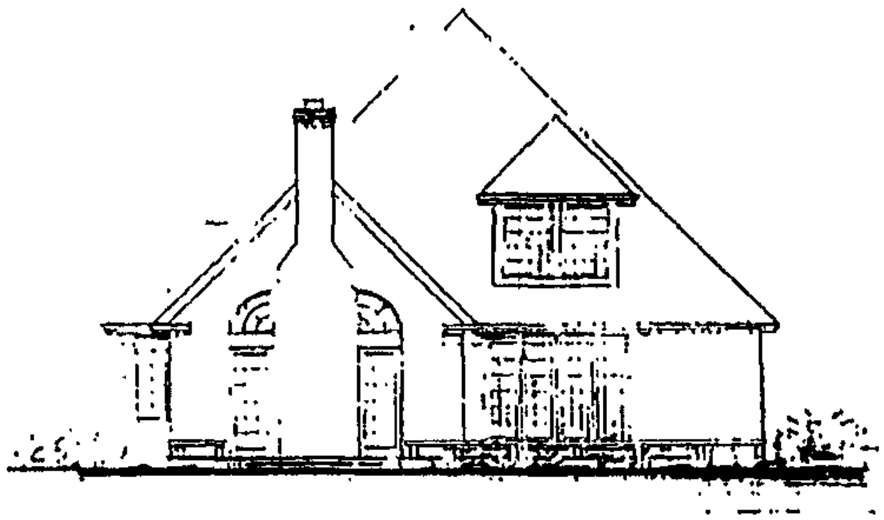
EXHIBIT B

Blumberg No. 5208

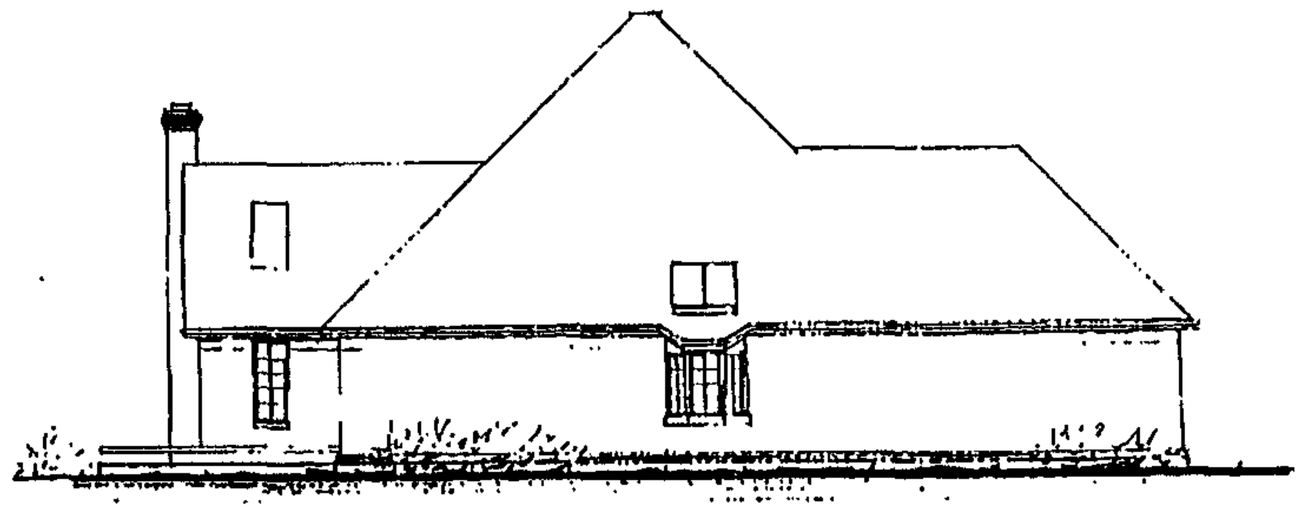
COPY TO BUD Clark, Lyndon Hart

SIGNED: Tim Madden

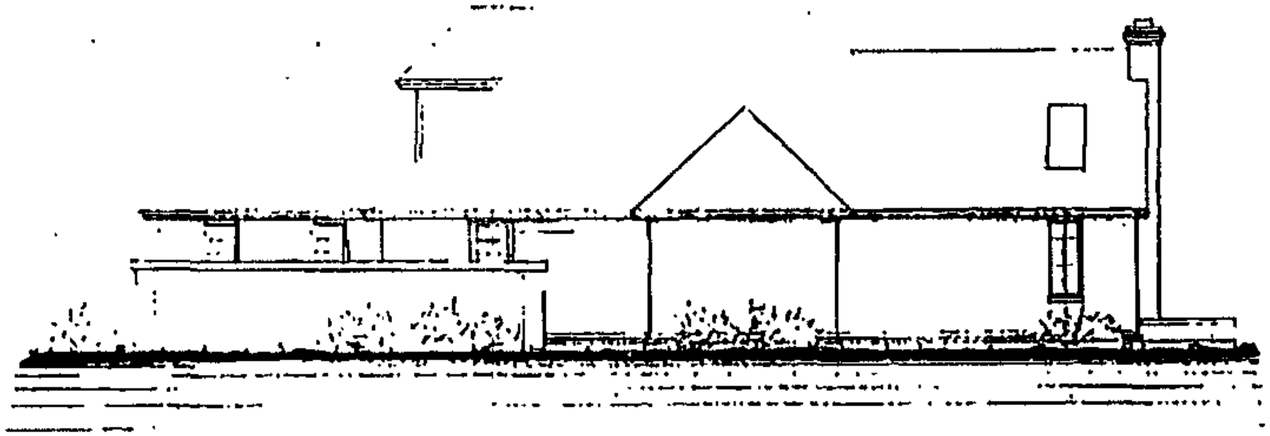
If enclosures are not as noted, kindly notify us at once.



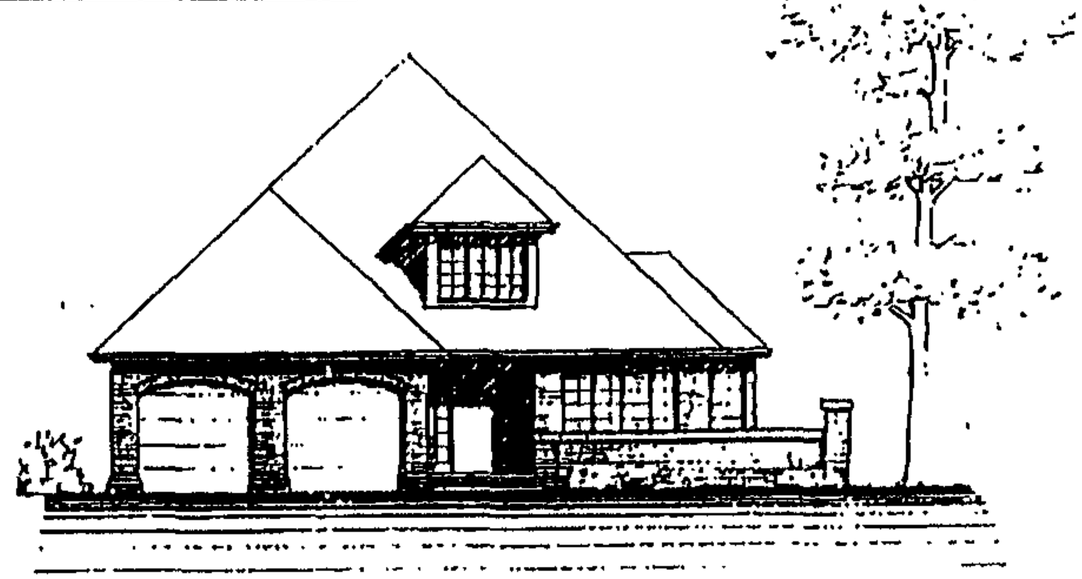
REAR ELEVATION



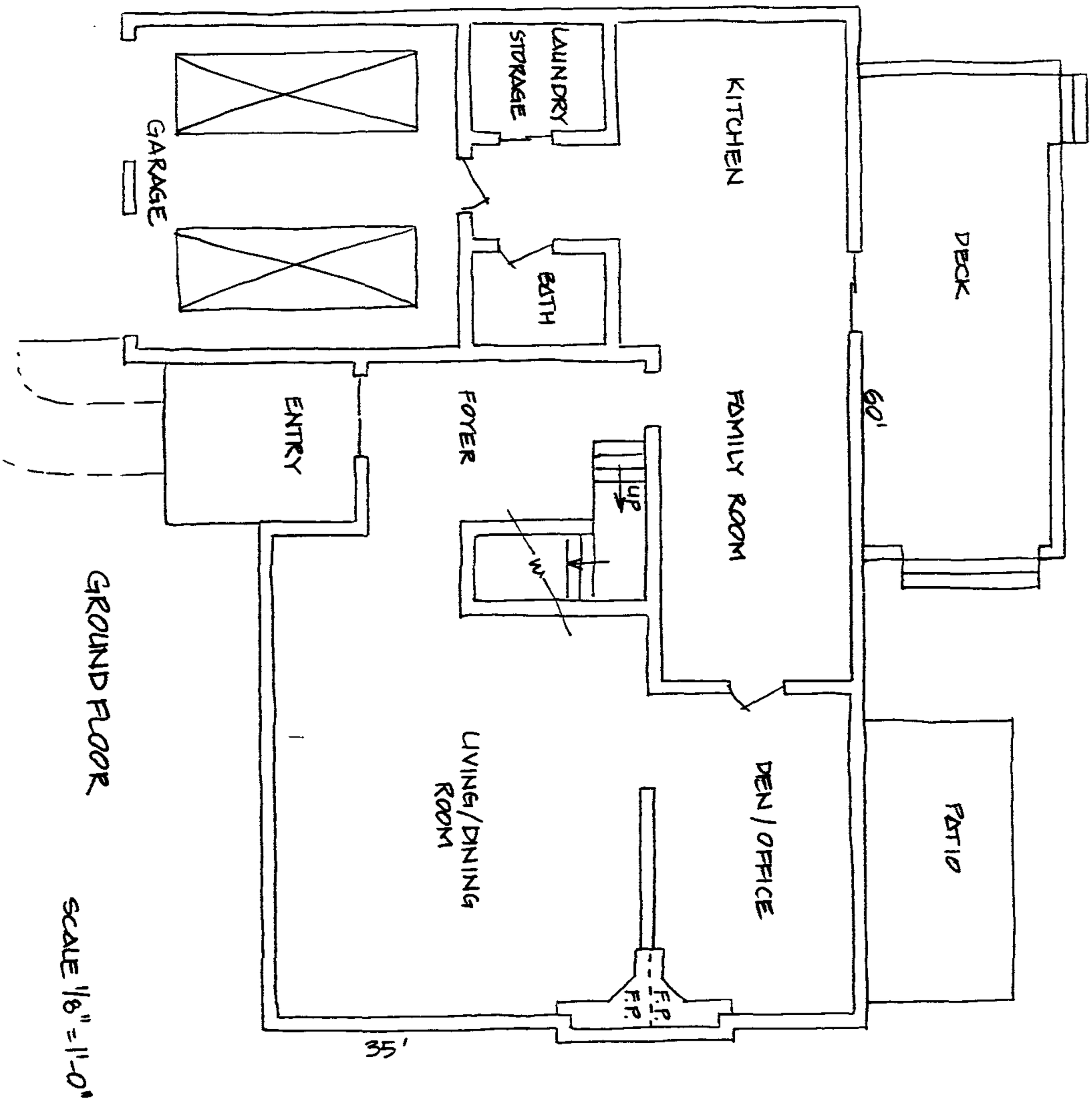
LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

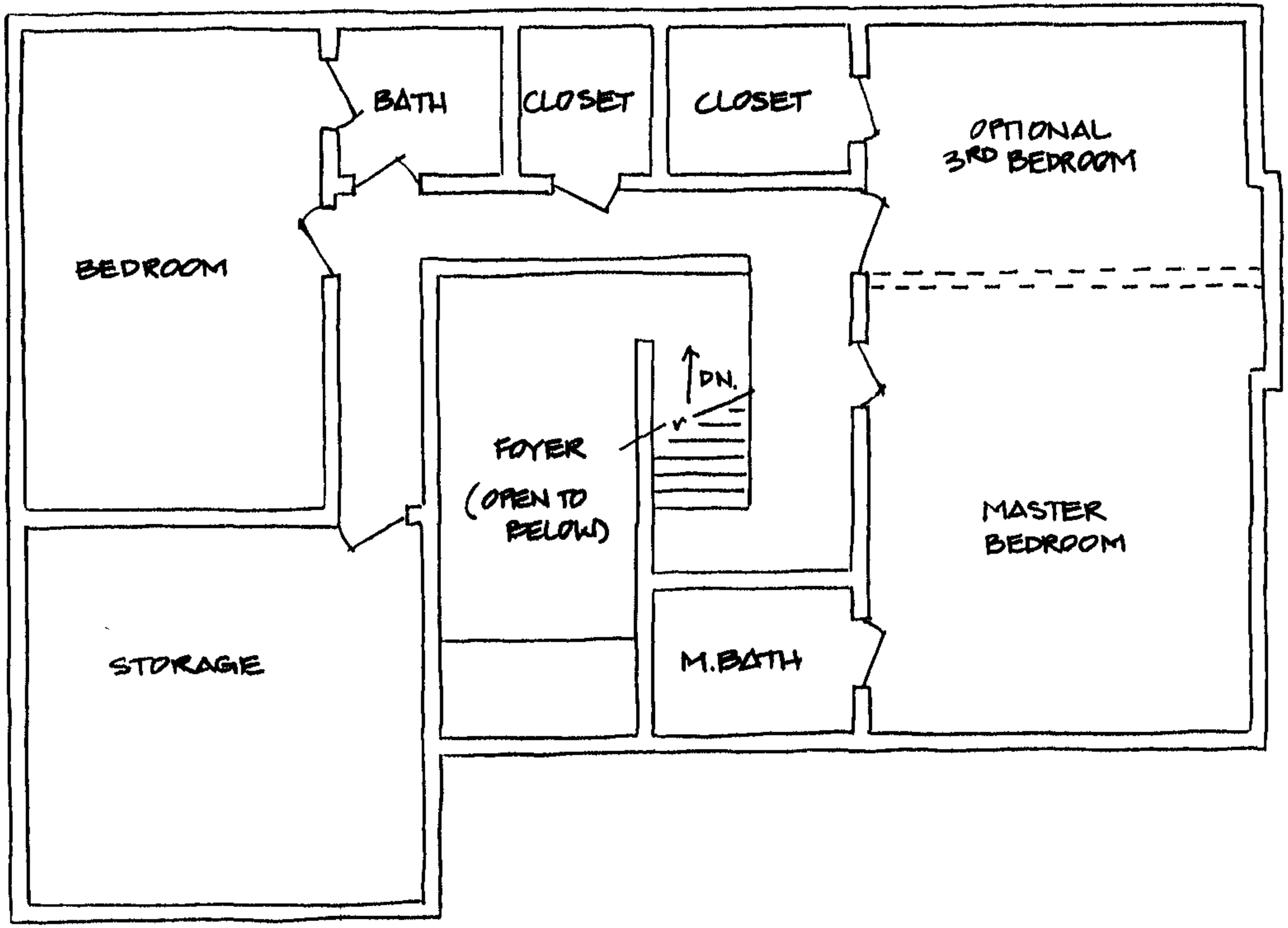


FRONT ELEVATION



MORRIS & RITCHIE ASSOCIATES INC
ENGINEERS PLANNERS SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 246
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

VANDERMAST PROPERTY
SCHEMATIC FLOOR PLAN
06/30/99 SHEET 1 OF 2 #10833



2ND LEVEL

SCALE 1/8"=1'-0"

VANDERMAST PROPERTY
SCHEMATIC FLOOR PLAN
06/30/99 SHEET 2 OF 2 #10833

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 245
TOWSON MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

Baltimore County
Planning Board

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

Advance Tentative Agenda*
for the
Thursday, July 22, 1999
MEETING
beginning at 4:00 p.m.
and
PUBLIC HEARING
beginning at 5:30 p.m., in
Room 407, County Courts Building
401 Bosley Avenue
(enter from the Courthouse Plaza)
Towson, Maryland

****

Meeting
of the
Baltimore County Planning Board
Mr. Oliver, Chairman

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

1. **Review of today's Agenda**

2. **Minutes of the July 8, 1999 meeting**

3. **Items for initial or continued discussion**

   a. Local Open Space Manual: Introduction of the up-dated Manual; scheduling of a public hearing (on 9/9/99)

   b. Bowleys Quarters Community Action Plan, 1999: Introduction of the draft Plan; scheduling of a public hearing (on 9/9/99)

4. **Items for vote by the Planning Board**

   a. Amendment to the Master Plan and the Zoning Map – Honeygo area (County Council Resolution No. 19-99): Adoption of amendment and recommendations to the County Council

   b. Zoning reclassification petitions – Cycle V, 1999: Approval of recommendations to the County Board of Appeals

M:\PLANBRD\BECKY\PLNGBDAGNDAS\PBAgn722.doc

Printed with Soybean Ink
on Recycled Paper

Blumberg No 5208
EXHIBIT
C

5. **Reports by Officers and Committees**

6. **Other business**

7. **Adjournment of the Board meeting**

****

Public Hearing***
of the
Baltimore County Planning Board
Mr. Oliver, Chairman

1. **Call to order, introduction of Board members, and introductory remarks by the Chairman**

2. **Briefing by staff on the recommendations by the County agencies**

3. **Comments by citizens**

** - Amendment Cycle 17, Water and Sewerage Plan

****

* This Tentative Agenda, published July 14, 1999, is subject to review and modifications at the meeting. Copies of the Agenda and of the enclosures, if any, are being sent to the following Libraries: Arbutus, Catonsville, Cockeysville, Essex, Hereford, North Point, Parkville, Perry Hall, Pikesville, Randallstown, Reisterstown, Rosedale, Towson, White Marsh, and Woodlawn.

** For each Agenda item marked with a double asterisk, there is a separate sign up sheet, posted in the hallway outside the meeting room, on which citizens may register to address the Planning Board (for themselves or as representatives of organizations or clients). The Chairman will announce the point(s) during the Board's deliberations (generally, after the presentation by the County staff and/or the applicant), at which this testimony will be received. The specific rules of procedure for the testimony are also posted in the hallway.

*** As advertised, the Public Hearing will begin at 5:30 p.m. If necessary, the Board meeting will be recessed to accommodate this schedule and resumed after the Hearing.

If, because of a disability, you need a reasonable accommodation such as service or aid to participate in this event, please call the Office of Planning at 410-887-3495 or via TTY, at 1-800-735-2258 or 711, at least two working days before the event.

AFK:TD:rlh

LAW OFFICES
HOLZER AND LEE
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961
FAX (410) 825-4923

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 11 PM 2:05

Facsimile Cover Sheet

To C.BA- Kathy Bianco

From Sterling Lee, Jr.

Date. Aug. 11, 1999 Time 1:50 a.m./p.m.

Total Number of Pages Including this Cover: 3

Original Will ____ / Will Not X Follow

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes

Fax Number _____ Main Number _____

Client & Matter _____ File Number _____

CONFIDENTIALITY NOTICE

The information in this transmittal is intended only for the individual or entity named above. The attached letter or documents may be legally privileged and conficential. If you have received this information in error, please notify the sender immediately and return the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited and a breach of confidentiality.

C:WPDOCS Faxcover

RE: PETITION FOR ZONING RECLASSIFICATION	*	BEFORE THE
2209-2341 Vandermast Lane, NW/S Holly, Neck Rd., 500' W of Fantat Rd.,	*	COUNTY BOARD OF APPEALS
15th Election District, 5th Councilmanic District	*	FOR BALTIMORE COUNTY
VANDERMAST JOINT VENTURE	*	**CASE NO. CR-99-411**
Petitioners	*	(Item No. 3, Cycle V, 1999)

* * * * * * * * * * * * *

NOTICE OF APPEARANCE

Please enter the appearance of the undersigned in the above captioned case on behalf of Back River Neck Community Association, Inc. and Carl Maynard, indiv., and keep me informed of any pleadings and hearing dates.

Respectfully submitted,

J. Carroll Holzer

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX (410) 825-4923

EXHIBIT A

RECEIVED
JUL - 8 1999

REVISED PETITIONS, DESCRIPTIONS, JUSTIFICATIONS, PLANS, AND FLOOR PLANS WERE DROPPED-OFF, WITH NO REVIEW, FOR VANDERMAST JOINT VENTURE (CR-99-411) ON 6/30/99.

RECLASSIFICATION & REDISTRICTING PETITIONS
ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS
ZONING RECLASSIFICATION CYCLE V (4/99-10/99)

Distribution:

Baltimore County Board of Appeals Hearing File (Gwendolyn Stephens)
* Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
# PDM, Zoning Review Work File (Roslyn Eubanks)
* PDM, Code Enforcement (Helene Kehring)
* PDM, Building Inspection (Karen Hopkins)
& PDM, Development Plans Review (Robert W. Bowling)
# Planning Office (Jeffrey Long); *Director (Pat Keller)
* Recreation and Parks (Jean Tansey); MS #52
# DEPRM (Bruce Seeley) - 2 plats
& State Highway Administration, Access Permits Division (Michael M. Lenhart)
& PDM, Building Plans Review (Lt. Robert Sauerwald); MS #1102F
* Economic Develop. Commission, Business Develop. (Robert Hannon); MS #2M07
* Highways (Tim Burgess); MS #1003
* Community Conservation (David Fields); MS #1102M
+ People's Counsel (Peter Zimmerman); MS #2010
* Honorable McIntire, County Council, District 3; MS #2201
# IF CRITICAL AREA, Maryland Office of Planning (Bill Carroll)
# IF FLOODPLAIN, Department of Natural Resources (John Joyce)
# IF FLOODPLAIN, Public Works (David Thomas); MS #1315
* IF FLOODPLAIN, Permits (John Reisinger)
* IF FLOODPLAIN, Code Enforcement (Rick Wisnom)

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the case number. All comments received will be compiled and included in the zoning/reclassification file for review and consideration by the Board of Appeals during the course of the upcoming reclassification hearing (as referenced on the agenda).

You should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Roslyn Eubanks.

If you have any questions regarding these zoning reclassifications, please contact either Sophia or Carl at 410-887-3391.

Petition for Reclassification

to the Board of Appeals of Baltimore County

2209-2341 Vandermast Lane/NE/S

for the property located at Goff Road & Holly Neck

which is presently zoned/districted RC-20

Election District 15 Councilmanic District 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition: (1) that the zoning/district status of the herein described property be reclassified, pursuant to the zoning law of Baltimore County from a RC-20 zone/district to a RC-5 zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for RESIDENTIAL DWELLINGS

and (3) for the reasons given in the attached statement, a Variance from the following sections of the zoning regulations of Baltimore County:

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

VANDERMAST JOINT VENTURE

Name - Type or Print

Signature

ERNEST VANDERMAST, III (Managing Partner)

Name - Type or Print

Ernest Vandermast

Signature

47 BABBIDGE ROAD — (207) 797-5960

Address — Telephone No.

FALLMOUTH — MAINE — 04105

City — State — Zip Code

Attorney For Petitioner:

C. WILLIAM CLARK

Name - Type or Print

C. William Clark

Signature

Company

502 WASHINGTON AVENUE #700 — (410) 823-7800

Address — Telephone No.

TOWSON — MD — 21204

City — State — Zip Code

Representative to be Contacted:

MORRIS & RITCHIE ASSOC.,INC. (TIM MADDEN)

Name

110 WEST ROAD, SUITE 245 — (410) 821-1690

Address — Telephone No.

TOWSON — MD — 21204

City — State — Zip Code

REV 9/18/98

CR-99-411

ENVIRONMENTAL IMPACT STATEMENT

TO ACCOMPANY THE

DOCUMENTED SITE PLAN

RECLASSIFICATION PETITION

FOR THE

VANDERMAST PROPERTY

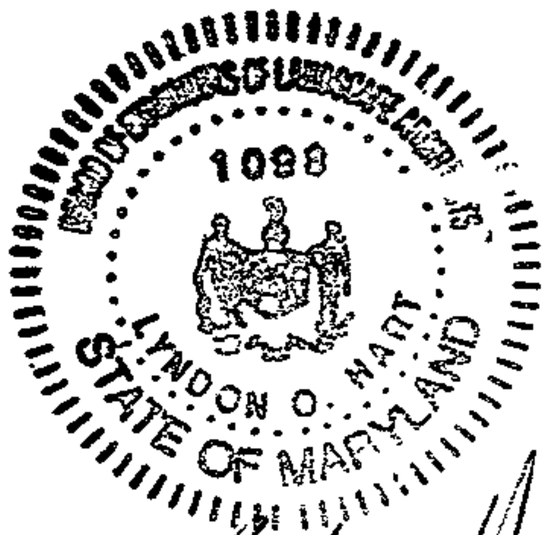
BALTIMORE COUNTY, MARYLAND

Prepared by:

Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204

Mr. Timothy F. Madden, ASLA, AICP
Principal Planner
MRA Project No. 10833

March 1, 1999



FOR

TIMOTHY F. MADDEN, ASLA, AICP

TABLE OF CONTENTS

I. Summary of Project

II. Discussion of Probable Impacts

- A. Site Clearing and Grading
- B. Site Drainage and Runoff
- C. Wildlife Habitat
- D. Noise
- E. Air
- F. Vehicular Traffic
- G. Visual Impact

III. Discussion of Unavoidable Adverse Impacts

IV. Alternatives to the Proposed Project

V. Assessment of Long-term Effects and Commitment of Resources

TFM:mak\s\10833\table.doc\030199

I. SUMMARY OF THE PROJECT

The redevelopment of the Vandermast property involves the replacement of twenty waterfront dwellings that exist in a dense grouping of dwellings, with the remainder sprinkled across the remainder of the waterfront. These twenty dwellings are all served by septic systems which are failed. The twenty units have been affirmed as legal dwellings by zoning order. The twenty existing dwellings will be removed and replaced with fifteen fee simple lots if the requested rezoning is approved. The new lots will meet the RC-5 regulations. They will be developed under improved site conditions. If the rezoning is approved, the following environmental conditions will result:

A. All dwellings will be connected to public sewer. All existing failed septic systems will be properly removed.

B. The number of dwellings onsite will be reduced from twenty, down to fifteen.

C. Onsite areas which are currently un-vegetated will be properly stabilized; some areas will even be reforested.

D. All impervious surfaces on the property will be minimized. Water Quality Best Management Practices will be employed to treat stormwater runoff from all impervious surfaces before such runoff enters the receiving waters. Improved water quality from this site will be realized.

E. The fifteen new dwellings proposed on this site will be, on average, farther away from the shoreline than the twenty existing dwellings are now.

F. Shoreline area which is currently not well vegetated and stabilized will be reforested and placed within a conservation easement.

G. The shoreline, now a place where uncontrolled dumping does occur, will be secured and protected from such activities by fee simple, owner-occupied control and security.

H. Almost half of the site area will be retained in open space parcels.

I. There will be more forested area on the property, as a result of rezoning approval, then there exists today.

II. DISCUSSION OF PROBABLE IMPACTS

Potential for environmental impacts arising from this project are discussed in the following paragraphs.

A. Site Clearing and Grading

The house sittings and roadway grades designed for this project will serve to minimize grading and disturbance of the site. Clearing for home-building will be limited to the immediate area. Massive land clearing will not be practiced on this project. The design team will request a wavier from further road improvements and widening as a means to minimize disturbance from such work. Through the development process and permitting requirements the installation and maintenance of appropriate sediment and erosion control measures will be assured. These activities will service to minimize impacts from site clearing and grading.

B. Site Drainage and Runoff

Runoff from all new, impervious surfaces will be managed to provide water quality improvements by means of infiltration, bioretention and vegetative practices. All roof runoff from the fifteen proposed dwellings will be directed to infiltration devices. Runoff flowing from newly developed land to the shoreline will be directed into vegetated swales and/or buffer strips which runoff across the slope. This will reduce the opportunity for erosion and will reduce the transportation of silt and nutrients from developed surfaces onsite to the tidal waters. Care will be taken in the selection of all storm drainage outfall points to insure that sensitive slopes and receiving waters are not disturbed.

C. Wildlife Habitat

There are no known rare, threatened or endangered species habitat on the subject property. Wildlife issues of main concern in regard to this proposed development will be any potential reduction in the quantity and quality of forest cover as well as the disturbance of transitional corridors along the shoreline and throughout the site. Wildlife movement along the shoreline will be enhanced by the establishment and protection for a minimum 100 foot wide buffer. This shoreline buffer does not currently exist, with many of the existing dwellings located close to the shore.

The wooded ravine area to the south of the proposed development area will remain undisturbed. Reforestation of additional areas on the periphery of this area will serve to further enhance its qualities for wildlife use. We believe that habitat qualities on this site will be improved after the proposed development has been established beyond the existing conditions.

D. Noise

Noise emanating from the established development will be greatly reduced below what noise is produced on the property today. This is due to the fact that there are twenty dwellings today which will be demolished and replaced with only fifteen dwellings. This is also due to the fact that the new development will obviate the need for from the weekly septic pump out operations which, if the requested rezoning is not approved, will continue, weekly.

E. Air

Air quality is expected to increase once the proposed development is established, due to two major reasons:

1. The number of dwellings which produce air pollution will be reduced from twenty to fifteen.
2. Cleaner burning fuels, less dust from unstabilized surfaces and the elimination of air borne pollutants from failed septic systems will act to greatly improve air quality.

F. Vehicular Traffic

The number of average daily trips generated from the established development will be well below the traffic generated from the site today. According to the Baltimore County "Summary of the Generation Rates" issued by the Department of Public Works in April of 1992, the proposed development will generate 150 trips, while the existing conditions generate 300 trips per day, plus the weekly truck traffic associated with the maintenance of the onsite failed septic systems.

G. Visual Impact

No aspect of this property will be more greatly enhanced than its visual qualities, if the proposed development is approved and established. The existing conditions appear to be unsightly, cluttered, ill-maintained and disorganized. What is proposed is well landscaped, well maintained, new, high-end residential development in a well secured enclave.

III. DISCUSSION OF UNAVOIDABLE ADVERSE IMPACTS

During demolition and construction activities, there will be certain unavoidable, yet minimizable, impacts that the developer will have to deal with. These include the generation of dust and noise, temporary disturbance of wildlife habitat, temporary removal of same, vegetative cover, and disruption of drainage patterns. All of these temporary construction impacts can be controlled by intelligent planning and design of such activities. The final, established development will eliminate not add to the unavoidable adverse impacts associated with human habitation of land.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

There is one clear alternative to the approval of the requested rezoning. That is, the continuation of the existing conditions. The existence and continued use of twenty dwellings has been confirmed by zoning order. If the petition is not favorably acted upon, these twenty dwellings will continue to be inhabitated. The failing septic system conditions will be maintained by pump-out operations, as is permitted by court order. This site is a desirable place to live, under its present condition, because it offers very low cost housing, very close to the shoreline. These conditions would continue, should the rezoning not be approved.

V. ASSESSMENT OF LONG-TERM EFFECTS AND COMMITMENT OF RESOURCES

The long-term effects from the established community of fifteen single family dwellings, as proposed on the documents Site Plan will create much less environmental impacts when compared to the continuation of existing conditions. More, higher quality wildlife habitat, improved water quality enhancement practices, improved visual qualities, the elimination of serious health concerns, as well as a reduction in onsite density will all result from the established development which will proceed if the subject zoning petition is approved.

TFM:mak\s\10833\impact.rpt\030199

RE: PETITION FOR ZONING RECLASSIFICATION 2209-2341 Vandermast Lane, NW/S Holly Neck Road, 500' W of Fantat Road, 15th Election District, 5th Councilmanic	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	FOR BALTIMORE COUNTY
Legal Owners: Vandermast Joint Venture	*	
Petitioner(s)	*	Case Number: CR-99-411 Item No. 3, Cycle V, 1999
	*	

* * * * * * * * * * * * * * *

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of April, 1999, a copy of the foregoing Entry of Appearance was mailed to C. William Clark, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

99 APR 22 PM 3:21
COUNTY BOARD OF APPEALS
RECEIVED

Item 3

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG -2 PM 5: 19

Baltimore County
Planning Board

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

July 26, 1999

Charles L. Marks, Chairman
County Board of Appeals
Court House
Towson, MD 21204

Dear Mr. Marks:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle V, 1999.

After discussion in the Board's meeting on June 17, 1999, the report was adopted by the Planning Board in its meeting on July 22, 1999, and is hereby published and submitted in accordance with County Code Section 2-356(f).

Sincerely,

Pat Keller

Arnold F. 'Pat' Keller, III
Secretary

AFK:TD:jw

Enclosure

c: John Wasilisin, Administrative Officer
Peter Max Zimmerman, People's Counsel

S \ADMIN\JOYCE\CycleV doc

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on Recycled Paper

Report by the Baltimore County Planning Board
to the Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle V, 1999

July 22, 1999

TABLE OF CONTENTS

Letter to the Baltimore County Planning Board 1

Introduction 2

Recommended Schedule of Hearings 3

Location of Properties Under Petition-Map 4

Source Material 5

Item No. 1 (R-99-409) 6

Item No. 2 (R-99-410) 10

Item No. 3 (CR-99-411) 13

Baltimore County
Office of Planning

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211
Fax: (410) 887-5862

May 28, 1999

Members
Baltimore County Planning Board

Re: Reclassification Petitions

Dear Members of the Baltimore County Planning Board:

In the current cycle, the Baltimore County Board of Appeals accepted three zoning reclassification petitions. In compliance with the Baltimore County Code, recommendations on the petitions are submitted in the attached report.

The Planning Board is scheduled to review the petitions on June 17, 1999, and to make final recommendations on July 22, 1999. The Planning Board's report must be submitted to the Baltimore County Board of Appeals no later than July 30, 1999.

The Board of Appeals has tentativley scheduled hearings on these petitions and will advertise these hearings as required. Hearings are set to take place on September 8, 1999 (Case No. R-99-409), September 23, 1999 (Case No. R-99-410) and September 29, 1999 (Case No. CR-99-411).

Sincerely,

Pat Keller

Arnold F. 'Pat' Keller, III
Director

AFK:JL:kma

cycleletter
Printed with Soybean Ink
on Recycled Paper

Introduction

Under the provisions of Section 2-356(e), Baltimore County Code, 1988, (see Appendix A), the Director of Planning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show other indications of the inter-relation of petitions with respect to planning considerations.

2. Recommendations on the petitions.

3. Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.

4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The planning staff has reviewed the three petitions in the current cycle, and the following pages constitute the Office of Planning staff's analysis and recommendations. The process of formulating these recommendations included: staff inspections of each site; a review of the policies and statements in the current Baltimore County Master Plan, and a review of the 1996 Comprehensive Zoning Map Process. Comments also were requested from other county agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering and Transportation Planning.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356 (j) of the County Code. During the first cycle following a Comprehensive Zoning Map Process, Section 2-356 (k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 8, 1996] was established in error."

PETITIONS FOR RECLASSIFICATION
CYCLE V

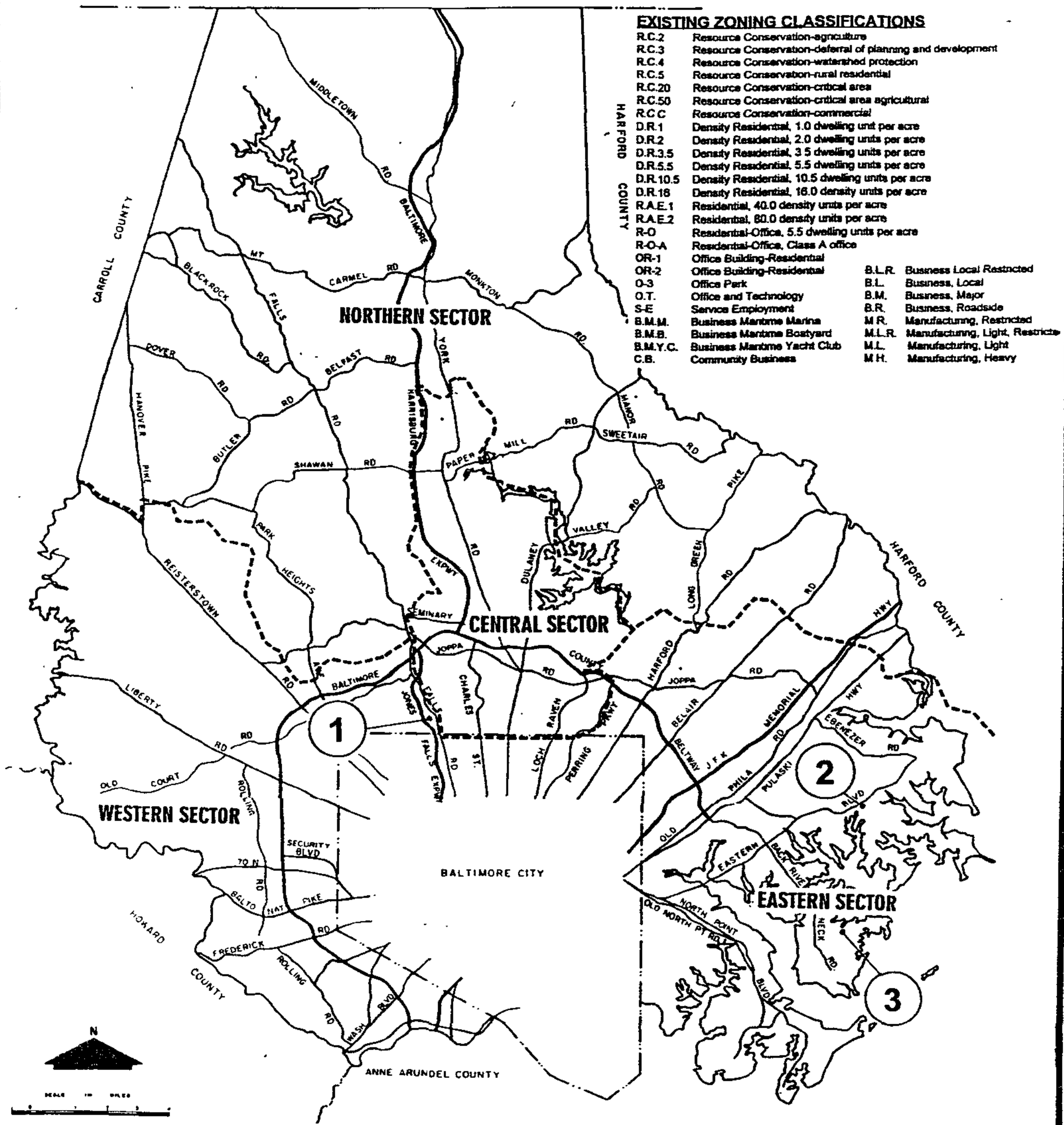
Assigned Hearing Dates
County Board of Appeals

Week of September 6, 1999
Case No. R-99-409
Bare Hills Associates, Callahan Investors Inc. and Callahan Family, LP
Wednesday, September 8, 1999

Week of September 20, 1999
Case No. R-99-410
Greg Lee Canatella and Paul Lee Canatella
Thursday, September 23, 1999

Week of September 27, 1999
Case No. CR-99-411
Vandermast Joint Venture
Wednesday, September 29, 1999

LOCATIONS OF PROPERTIES UNDER PETITION
CYCLE V — APRIL 1999 - OCTOBER 1999



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW

SOURCE MATERIAL

Recommendations for the two petitions filed are based on the following:

1. Information compiled during the processing of the Comprehensive Zoning Map adopted by the County Council on October 8, 1996;

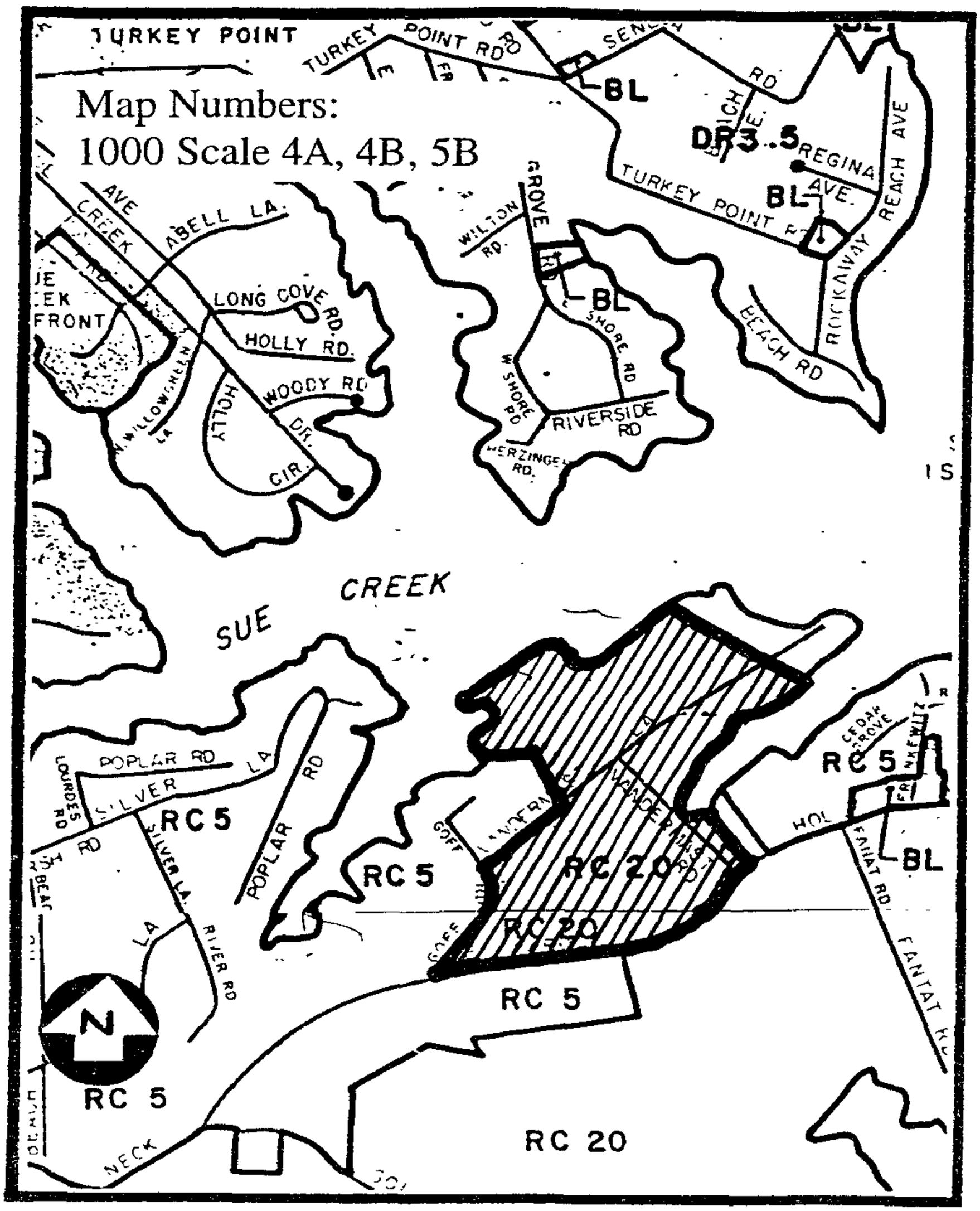
2. Capital Budget and 5-Year Capital Program;

3. Zoning Plans Advisory Committee comments;

4. Discussions with other governmental agencies;

5. Field inspections of subject sites; and

6. Baltimore County Master Plan.



ITEM NUMBER 3

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. CR-99-411

PETITIONER:

Vandermast Joint Venture

REQUESTED ACTION:

Reclassification to RC 5 (Resource Conservation)

EXISTING ZONING:

RC 20 (Resource Conservation)

LOCATION:

2209-2341 Vandermast Lane

AREA OF SITE:

48.42 acres

ZONING OF ADJACENT PROPERTY/USE:

North:	DR 3.5	Sue Creek
South:	RC 5	Unimproved forest
East	RC 5, BL, and BMB	Residential, commercial and marina
West	RC 5	Residential

SITE DESCRIPTION:

The entire Vandermast property consists of 60.17 acres of land. Of the total land area, 48.42 acres of land zoned is zoned RC 20 and the remainder is zoned RC 5. The site is located in the Lower Back River Neck Peninsula, and is bounded to the north by Sue Creek, Holly Neck Road to the south, residential property to the west, and forest and Cedar Creek to the east.

The site is currently improved with 20 dwellings. The dwellings suffer from deferred maintenance and have failing septic systems. A majority of the dwellings (13) are clustered along the waterfront, in the RC 5, northwestern portion of the site. The remaining units are scattered along the waterfront and the interior portion of the property. These residential dwellings are zoned RC 20. Dense forest cover is located between these residential properties and Holly Neck Road.

WATER AND SEWERAGE:

The area is located within a no planned water and sewer service area, and is designated as W-7, S-7 on the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

Access to the site is provided by way of Goff Road and Vandermast Lane.

ZONING HISTORY:

The entire site was zoned RC 5 from 1976 until 1988, at which time 48.42 acres of RC 5 zoned land was rezoned to RC 20.

The site has also been the subject of two hearings before the zoning commissioner (95-412 SPH and 97-576 SPH). These two cases dealt with the non-conforming status of the existing dwellings located on the site.

MASTER PLAN/COMMUNITY PLANS:

The applicant's property is located with the study area of the Lower Back River Neck Community Action Plan. The plan includes the following statement the extention of sanitary sewers: "Sewering of the lower peninsula should be restricted to serve existing communities and the effort to restore the Chesapeake Bay, and should not serve to serve as a spur for residential or commercial facilities."

PROPOSED vs. EXISTING ZONING:

Regulations for the RC 5 and RC 20 zones can be found in Sections 1A04 and 1A05, respectively, of the Baltimore County Zoning Regulations.

The intent of the RC 5 zone is to provide for rural residential development in areas of Baltimore County where the extention of public water and sewer is not anticipated. In addition, the zone functions to assure that encroachments onto productive or critical natural resource areas will be minimized.

The intent of the RC 20 zone is to meet the criteria of the Critical Area Law as approved by the Chesapeake Bay Critical Area Commission for protecting water quality, natural habitats, and wildlife populations.

DOCUMENTED SITE PLAN:

The applicant proposes a 15 lot subdivision on 60.17 acres of land zoned RC 5 and RC 20. Notwithstanding a previously approved Petition for Special Hearing, the existing zoning would permit a total of 9 dwelling units. The site design is based on the RC 20

portion of the property being rezoned to RC 5, which would permit a total of 40 density units.

A proposed interior road appears to follow the existing Vandermast Road in one area and Goff Road is maintained as the secondary access to the site. Architectural elevations shown on the plan indicate the proposed single-family detached houses will be one story and a half, with front entrance garages, and will be faced with either masonry or siding. Roof treatment will consist of asphalt or cedar shake shingles.

GROWTH ALLOCATION:

This project must comply with the Chesapeake Bay Critical Area requirements outlined in Section 26-436 through 26-461 of the Baltimore County Code. In this case, the applicant seeks reclassification of the property from RC 20 to RC 5. Since the property is located in the Chesapeake Bay Critical Area, the applicant must also apply for Chesapeake Bay Critical Area growth allocation in order to convert the critical area designation from RCA (Resource Conservation Area) to LDA (Limited Development Area).

OFFICE OF PLANNING RECOMMENDATION:

Based upon the information provided and analysis conducted, the Office of Planning recommends that the property be rezoned to RC 5 conditioned upon the applicant meeting the Chesapeake Critical Area Requirements and using the growth allocation process as outlined in the Baltimore County Code.

MISTAKE/CHANGE/ERROR:

It will be incumbent upon the petitioner to prove that the County Council made an error when the Comprehensive Zoning Maps were last adopted. However, it would appear that relevant facts, not previously known to the County Council, have been revealed subsequent to the deputy zoning commissioner's granting of a Petition for Special Hearing which approved the non-conforming use of twenty dwelling units on the subject property.

TO: PATUXENT PUBLISHING COMPANY
September 9, 1999 Issue - Jeffersonian

Please forward billing to:
Morris & Ritchie Associates, Inc. 410-821-1690
110 West Road
Suite 245
Towson, MD 21204

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: CR-99-411
2209-2341 Vandermast Lane
NW/S Holly Neck Road, 500' W of Fantat Road
15th Election District – 5th Councilmanic District
Legal Owner: Vandermast Joint Venture

Reclassification of the property from R.C.-20 to R.C.-5.

HEARING: Wednesday, September 29, 1999 at 10:00 a.m. in Room 48 of the Old Courthouse, 400 Washington Avenue

Charles Marks /scj

Charles L. Marks
Chairman

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

TO: ESSEX TIMES
September 9, 1999 Issue – Essex Times

Please forward billing to:
Morris & Ritchie Associates, Inc. 410-821-1690
110 West Road
Suite 245
Towson, MD 21204

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: CR-99-411
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Reclassification of the property from R.C.-20 to R.C.-5.

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Charles Marks/sj

Charles L. Marks
Chairman

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

File

July 14, 1999

Mr. Lyndon Hart
Morris & Ritchie Associates, Inc.
110 West Road Suite 245
Towson, MD 21204

RE: Vandermast Property
Growth Allocation Application

Dear Mr. Hart:

This Department received the request for growth allocation to reclassify a portion of the Vandermast Property as Limited Development Area (LDA) on May 29, 1999 for review. This submittal, which included a "Documented Site Plan to Accompany Reclassification Petition" was subsequently sent to the Growth Allocation Review Committee (GARC) for comment solely regarding its completeness and accuracy. Based on this review, we offer the following comments:

1. It must be indicated how the grinder pump pressure sewer installed by the developer will be compatible with the downstream system.
2. A note must be added to the plan stating that a current fire-flow test will be performed to insure adequate domestic and fire-flow capacities.
3. It appears that Vandermast Lane and Goff Road are private. Consequently, the primary access point may be required to be improved to County standards. However, in accordance with Section 26-453(f) of Baltimore County's Chesapeake Bay Critical Area (CBCA) Regulations, "a reduction of road standards as set forth in the county standard specifications may be allowed to reduce impacts for new development ... provided the reduced standards shall not reduce safety".
4. The open space parcel within the private road circle should not be shown as open space as it would not be owned by the County.
5. Please provide the proposed price range of the housing product, if known and the estimated total investment.
6. Please identify the type and details of any boat access to the property.
7. Will slips be available for transients? If so, number of slips?
8. Is there any other water access proposed? If so, provide the details thereof.
9. Please indicate any onsite or offsite community enhancement features of your proposal.
10. What percent of the site will be residential, commercial, marina, etc.?
11. Include a note on the plan that the entire site is within the Chesapeake Bay Critical Area (CBCA).
12. Show the CBCA land use designations (i.e. RCA, LDA, IDA) on all adjacent properties.

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13. Indicate schematic building elevations.
14. The tidal/non-tidal wetlands boundary must be shown per the Special Area Management Plan (SAMP) delineation.
15. The non-tidal wetlands limit in the vicinity of the proposed construction, including any road improvements, must be shown on all plans. SAMP delineation data may be used; however, additional delineation may be necessary as the SAMP wetlands delineation did not involve the entire Vandermast Property (see the June 28, 1999 letter to you from DEPRM). No delineation will be required southeast of Vandermast Lane if there are no proposed impacts to that area (e.g. Vandermast Road improvements).
16. An erodible slope analysis is required to determine the extent of the buffer to tidal waters and wetlands as well as non-tidal wetlands.
17. The buffer to water resources based on this slope analysis must be shown.
18. The term "Forest Buffer" must be removed from the plan to avoid confusion as there are no Forest Buffers in the CBCA.
19. Indicate via a note on the plan what mitigation would be provided to offset the reduction of the 300 foot buffer.
20. The existing forest edge must be accurately delineated on the plan. The forest edge shown on the GIS aerial given to you by DEPRM staff will suffice.
21. Please quantify the forest to be cleared and the reforestation area both in acres and as a percentage of the total forest onsite; and include a note stating that reforestation shall be performed as indicated hereon to mitigate for forest impacts in accordance with Section 26-453 (c) of the CBCA Regulations.
22. DEPRM has determined that the large contiguous forest southeast of Vandermast Lane is forest interior-dwelling-bird habitat. Please indicate as such in the general notes and label as Habitat Protection Area as well as Critical Area Easement on the plan.
23. The submerged aquatic vegetation (SAV) beds must be delineated on the plan using the 1995 SAV survey data forthcoming to you from DEPRM staff. The 1998 survey indicated no SAV adjacent to this site, but all previous sampling showed moderate to heavy densities of SAV at these sampling sites. Therefore, to be conservative, please assume that the 1998 survey results were an anomaly and use the 1995 results. An updated SAV survey will be required prior to development plan approval which may affect the final location of any piers or other water dependent facilities at that time.
24. Proposed water access points and water dependent facilities, both community and private, must be schematically shown on the plan. Any such structures must avoid the most sensitive areas of the shoreline and comply with Section 26-454 of the CBCA Regulations.
25. Please explain how the proposal protects/establishes wildlife corridor(s).
26. Please explain how the proposal optimizes shoreline protection, including remedial measures to correct existing erosion problems.
27. Please indicate how the proposal is consistent with the Coastal Rural Legacy Plan.
28. Please indicate that, in accordance with Section 26-453 (e) of the CBCA Regulations, post-development impervious surfaces shall not exceed 15% of the total

site area or 25% of any individual (one acre or less) proposed. Please show all impervious surfaces to be removed, provide an impervious surface table on the plan outlining existing and proposed impervious area, and otherwise indicate how impervious surface area has been minimized to the greatest extent possible.

29. Please indicate how storm water management will be addressed in accordance with Section 26-453 (h) of the CBCA Regulations.

Many of the comments above may be addressed in a supplemental narrative to accompany the documented plan. Once a revised submittal is submitted and determined by GARC to be complete and accurate, an internal GARC meeting will be held to discuss your proposal. We will subsequently meet with you to give you an opportunity to present your proposal to the GARC and answer any questions that GARC members may have.

If there are any questions regarding this correspondence, please contact either Mr. Glenn Shaffer or me at (410) 887-3980.

Sincerely,

Patricia M. Farr, Supervisor
Environmental Impact Review

c. C. William Clark, Nolan Plumhoff, & Williams
Meredith Lathbury, CBCA Commission Staff
Jeff Long, OPZ
Carl Richards, Zoning Review, PDM
Robert Bowling, Developer's Design & Approval Section, PDM
Judy London, Dept. of Economic Development
Mary Harvey, Office of Community Conservation
Jean Tansey, Dept. of Recreation & Parks
George Perdikakis, Director, DEPRM
Al Wirth, SWM Design & Approval Section, DEPRM
Glenn Shaffer, EIR

vnmstgar1.doc8/gs

CBCA + FLOODPLAIN

Petition for Reclassification

EXH. 1

to the Board of Appeals of Baltimore County

for the Property at 2209-2341 Vandermast Lane / NE/S Holly Neck Goff Road

15 Election District 15th Councilmanic District

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an RC-20 zone to an RC-5 zone, for the reasons given in the attached and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Residential dwellings

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

99 MAR -1 AM 10:45

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip Code

Legal Owner(s):

Vandermast Joint Venture
(Type or Print Name)

By: Ernest Vandermast
Signature Ernest Vandermast, III, Managing Partner

(Type or Print Name)

Signature

47 Babbidge Road 1(207) 797-5960
Address Phone No.

Fallmouth Maine 04105
City State Zip Code

Attorney for Petitioner:

C. William Clark
(Type or Print Name)

Signature

502 Washington Ave. #700 (410) 823-7800
Address Phone No.

Towson MD 21204
City State Zip Code

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

Tim Madden
Morris & Ritchie
Name

110 West Road, Towson, MD 21204 (410) 821-1690
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing the following dates _____

Next TWO Months

ALL _____ OTHER _____

REVIEWED BY: JRP DATE 3/1/99

JRF "OK to File"

Revised 9/5/95

CR-99-411

EXHIBIT 2

RECEIVED
JUL - 8 1999

REVISED PETITIONS, DESCRIPTIONS, JUSTIFICATIONS, PLANS, AND FLOOR PLANS WERE DROPPED-OFF, WITH NO REVIEW, FOR VANDERMAST JOINT VENTURE (CR-99-411) ON 6/30/99.

Petition for Reclassification

to the Board of Appeals of Baltimore County

2209-2341 Vandermast Lane/NE/S

for the property located at Goff Road & Holly Neck

which is presently zoned/districted RC-20

Election District 15 Councilmanic District 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition: (1) that the zoning/district status of the herein described property be reclassified, pursuant to the zoning law of Baltimore County from a RC-20 zone/district to a RC-5 zone/district, for the *reasons given in the attached* and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for RESIDENTIAL DWELLINGS

and (3) for the reasons given in the attached statement, a Variance from the following sections of the zoning regulations of Baltimore County:

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

VANDERMAST JOINT VENTURE

Name - Type or Print

Signature

ERNEST VANDERMAST, III (Managing Partner)

Name - Type or Print

Ernest Vandermast

Signature

47 BABBIDGE ROAD — (207) 797-5960

Address — Telephone No.

FALLMOUTH — MAINE — 04105

City — State — Zip Code

Attorney For Petitioner:

C. WILLIAM CLARK

Name - Type or Print

C. William Clark

Signature

Company

502 WASHINGTON AVENUE #700 — (410) 823-7800

Address — Telephone No.

TOWSON — MD — 21204

City — State — Zip Code

Representative to be Contacted:

MORRIS & RITCHIE ASSOC.,INC. (TIM MADDEN)

Name

110 WEST ROAD, SUITE 245 — (410) 821-1690

Address — Telephone No.

TOWSON — MD — 21204

City — State — Zip Code

REV 9/18/98

CR-99-411

C WILLIAM CLARK

(410) 823-7800

EMAIL
cwclark@nolanplumhoff.com

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J EARLE PLUMHOFF
(1940-1988)

RALPH E DEITZ
(1918-1990)

July 1, 1999

Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue M.S. 1105
Towson, MD 21204

Re: Vandermast Property, ~~97-576-SPH~~ CR-99-411

Dear Mr. Jablon:

I enclose herein this firm's check in the amount of $100.00 to cover the cost of the Plan Revision fee for the Petition for Reclassification in connection with the above-captioned property.

If you have any questions concerning that, please contact me.

Until then, I remain.

Very truly yours,

C. William Clark

C. William Clark

CWC:kal
Enclosure
cc: Ernest Vandermast, III
Robert W. Lazzaro, Esquire

D:\DATA\CWC\CLIENTS\VANDERMAST\JABLONLTR.WPD

CR-99-411

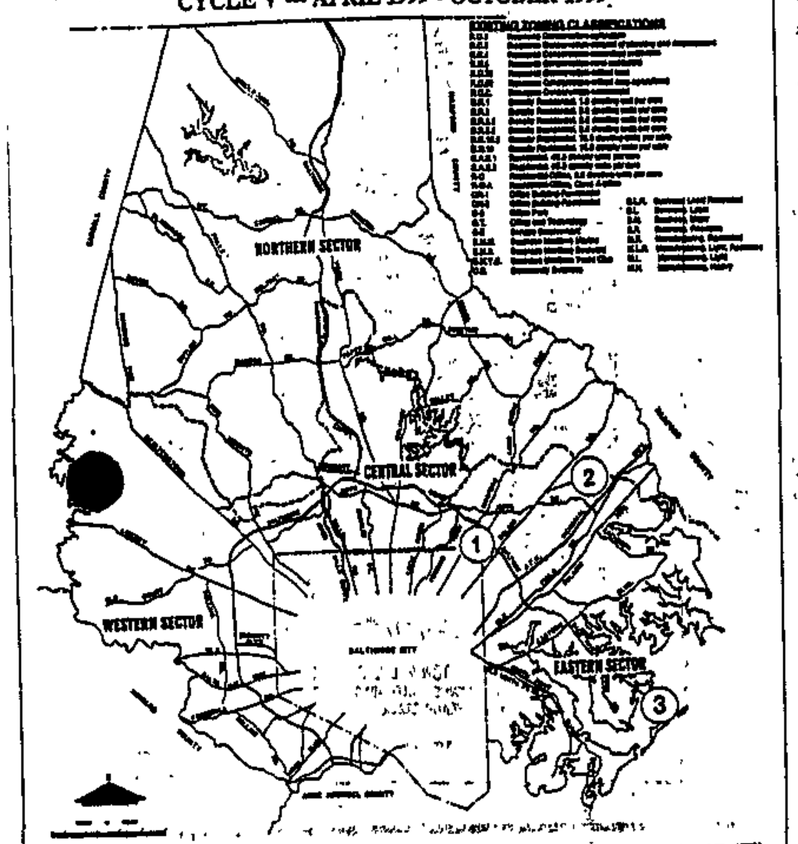
EXHIBIT 3

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

Reclassification & Redistricting Petitions Accepted for Filing by Baltimore County Board of Appeals for the Zoning Reclassification Cycle V --- April 1999 - October 1999

LOCATIONS OF PROPERTIES UNDER PETITION
CYCLE V — APRIL 1999 - OCTOBER 1999



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

WESTERN SECTOR

ITEM #1

Property Owner: Bare Hills Associates & Callahan Investors, Inc. & Callahan Family Limited Partnership
Case No./Hearing Date: R-99-409, Wednesday, September 8, 1999 at 10:00 a.m.
Contract Purchaser: MIE Acquisition, Inc.
Location: S/end Clarkview Road, approximately 1250' S of Falls Road; also W/S Falls Road, 600' S of Hollins Lane
Existing Zoning: M.L.R. & D.R. -3.5
Election District: 3rd
Councilmanic District: 2nd
Acres: M.L.R. -3.67; M.L. - 17.4
Proposed Zoning: M.L.R. & M.L.
Attorney: Robert A. Hoffman
Misc.: Open Plan

NORTHERN SECTOR

No Petitions Were Filed in This Sector

CENTRAL SECTOR

No Petitions Were Filed in This Sector

EASTERN SECTOR

ITEM #2

Property Owner: Greg Lee Canatella & Paul Lee Canatella
Case No./Hearing Date: R-99-410; Thursday, September 23, 1999 at 10:00 a.m.
Contract Purchaser: N/A
Location: NWC Carroll Island Road & Bowleys Quarters Road (123 Carroll Island Road)
Existing Zoning: C.B.
Election District: 15th
Councilmanic District: 5th
Acres: 1.733
Proposed Zoning: B.L. or M.L.
Attorney: N/A
Misc.: Open Plan; Critical Area

ITEM #3

Property Owner: Vandermast Joint Venture
Case No./Hearing Date: CR-99-411; Wednesday, September 29, 1999 at 10:00 a.m.
Contract Purchaser: N/A
Location: NW/S Holly Neck Road, 500' W of Fantat Road (2209-2341 Vandermast Lane)
Existing Zoning: R.C. -20
Election District: 15th
Councilmanic District: 5th
Acres: 48.42
Proposed Zoning: R.C. -5
Attorney: C. William Clark
Misc.: Documented Plan, Critical Area; Floodplain, Prior Zoning Cases #97-567-SPH, 95-412-SPH

By Order of Charles L. Marks, Chairman, Baltimore County Board of Appeals
Arnold F. Keller, III, Director, Office of Planning and Community Conservation

C306391, C306396 and C306396

AAA May 6, 13

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/13, 1999

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 2 successive weeks, the first publication appearing on 5/6, 1999.

THE JEFFERSONIAN,

S. Williams

LEGAL ADVERTISING

REGULAR ZONING CYCLE RECLASSIFICATION PROCEDURES

[Section 2-356.(c)-(h), BCC]

APRIL-OCTOBER CYCLE #1, 3, 5
(Filing Deadline - March 1)
Period I – April 16 - May 31
Period 2 – June 1 - July 31
Period 3 – August
Period 4 – March 1 - June 30

OCTOBER-APRIL CYCLE #2, 4
(Filing Deadline - August 31)
Period I – October 16 - November 30
Period 2 – December 1 - January 31
Period 3 – February
Period 4 – September 1 - December 31

Period I:

- BOA returns petitions within 5 days (4/21 or 10/21)
- Publish list and map in 2 newspapers for 2 weeks within 15 days after return from BOA (5/6 or 11/5).
- Post list and map for public inspection for 3 weeks.
- OPCC publish report with recommendations, including hearings schedule, to PB.

Period 2:

- PB publishes and submits recommendations on petitions, including schedule for hearings, to BOA.

Period 3:

- BOA establishes hearing schedule based on recommendations by PB.
- The BOA, with the assistance of PDM, publishes schedule and map in 2 newspapers within 15 days (8/15 or 2/15).
- Individual posting of each property 15 days prior to hearing.
- Publish individual ads in 2 newspapers 15 days before hearing, while posting.

Period 4:

- BOA holds hearings.

1/30/98 - WCR & SCJ

EXHIBIT 4

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: May 3, 1999

TO: Arnold Jablon

FROM: R. Bruce Seeley

SUBJECT: Zoning Item #CR-99-411

Vandermast Joint Venture

1999 RECLASSIFICATION CYCLE V

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ The Department of Environmental Protection and Resource Management has determined that no mistake was made in mapping the Critical Area land classifications (i.e., Limited Development Area and Resource Conservation Area) on the subject property in 1988. Land classification mapping for all of the County's Chesapeake Bay Critical Area was based upon land use in existence on December 1, 1985. The State Critical Area

Criteria (COMAR 27.01.02) did not require that this mapping follow property lines but, instead, required that "areas" within the Critical Area be designated according to specific guidelines. The Resource Conservation Area classification of the RC-20 portion of the Vandermast property is appropriate because it was within an area dominated by forest, where the overall density of dwelling units was less than one per five acres in 1985. Given that the official "maps" of Resource Conservation Areas in Baltimore County's Critical Area are areas zoned RC-20 or RC-50 on the official zoning map of the County, the RC-20 designation is correct as mapped on the Vandermast property.

__X__ The applicant must apply for Chesapeake Bay Critical Area growth allocation (i.e., conversion from Resource Conservation Area to Limited Development Area) at this time in order to receive further consideration for zoning reclassification. The applicant should contact Environmental Impact Review of the Department of Environmental Protection and Resource Management at (410) 887-3980 for further information.

__X__ Site specific comments relative to whether the proposal complies with Critical Area requirements will be made after the growth allocation application and other pertinent information has been received.

__X__ GWM: The failing septic systems must be corrected by either extending public sewer to the properties or vacating the dwellings and pumping and removing or backfilling all septic systems.

TO: PATUXENT PUBLISHING COMPANY
August 12, 1999 Issue - Jeffersonian
Half-Page Ad

Advertising costs should be divided between all petitioners.
Please forward billing to:

R-99-409	Barbara Ormord 210 Allegheny Avenue Towson, MD 21204	410-494-6201
R-99-410	Greg & Paul Canatella 201G Carroll Island Road Baltimore, MD 21220	410-335-5377
CR-99-411	Morris & Ritchie Associates, Inc. 110 West Road Suite 245 Towson, MD 21204	410-821-1690

NEWSPAPER AD MUST BE HALF-PAGE AD.

SEE ATTACHED SAMPLE FOR PROPER SET-UP OF AD. SEE ATTACHED PAPERS FOR CORRECT WORDING FOR ZONING RECLASSIFICATION CYCLE V (APRIL 1999 – OCTOBER 1999) AND CORRECT MAP.

PLEASE FORWARD A CONTACT POSITIVE PRINT TO ZONING REVIEW, PERMITS & DEVELOPMENT MANAGEMENT (ATTENTION CARL RICHARDS/SOPHIA JENNINGS).

ANY QUESTIONS CONCERNING THIS AD, PLEASE CONTACT EITHER CARL RICHARDS OR SOPHIA JENNINGS IN ZONING REVIEW AT 410-887-3391.

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE APRIL 1999 – OCTOBER 1999 ZONING RECLASSIFICATION CYCLE V

BY ORDER OF
CHARLES L. MARKS, CHAIRMAN, BALTIMORE COUNTY BOARD OF APPEALS
ARNOLD F. KELLER, III, DIRECTOR, OFFICE OF PLANNING AND COMMUNITY CONSERVATION

ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS
FOR THE ZONING RECLASSIFICATION CYCLE V
APRIL 1999 – OCTOBER 1999

WESTERN SECTOR

ITEM #1

Property Owner:	Bare Hills Associates & Callahan Investors, Inc. & Callahan Family Limited Partnership
Case No./Hearing Date:	R-99-409; Wednesday, September 8, 1999 at 10:00 a.m.
Contract Purchaser:	MIE Acquisition, Inc.
Location:	S/end Clarkview Road, approximately 1250' S of Falls Road; also W/S Falls Road, 600' S of Hollins Lane
Existing Zoning:	M.L.R. & D.R.-3.5
Election District:	3rd
Councilmanic District:	2nd
Acres:	M.L.R. – 3.67; M.L. – 17.4
Proposed Zoning:	M.L.R. & M.L.
Attorney:	Robert A. Hoffman
Misc.:	Open Plan

NORTHERN SECTOR

No Petitions Were Filed In This Sector

CENTRAL SECTOR

No Petitions Were Filed In This Sector

EASTERN SECTOR

ITEM #2

Property Owner:	Greg Lee Canatella & Paul Lee Canatella
Case No./Hearing Date:	R-99-410; Thursday, September 23, 1999 at 10:00 a.m.
Contract Purchaser:	N/A
Location:	NWC Carroll Island Road & Bowleys Quarters Road (123 Carroll Island Road)
Existing Zoning:	C.B.
Election District:	15th
Councilmanic District:	5th
Acres:	1.733
Proposed Zoning:	B.L. or M.L.
Attorney:	N/A
Misc.:	Open Plan; Critical Area

ITEM #3

Property Owner:	Vandermast Joint Venture
Case No./Hearing Date:	CR-99-411; Wednesday, September 29, 1999 at 10:00 a.m.
Contract Purchaser:	N/A
Location:	NW/S Holly Neck Road, 500' W of Fantat Road (2209-2341 Vandermast Lane)
Existing Zoning:	R.C.-20
Election District:	15th
Councilmanic District:	5th
Acres:	48.42
Proposed Zoning:	R.C.-5
Attorney:	C. William Clark
Misc.:	Documented Plan; Critical Area; Floodplain; Prior Zoning Cases #97-567-SPH, 95-412-SPH

SAMPLE ONLY

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1993 - APRIL, 1994 ZONING RECLASSIFICATION CYCLE II

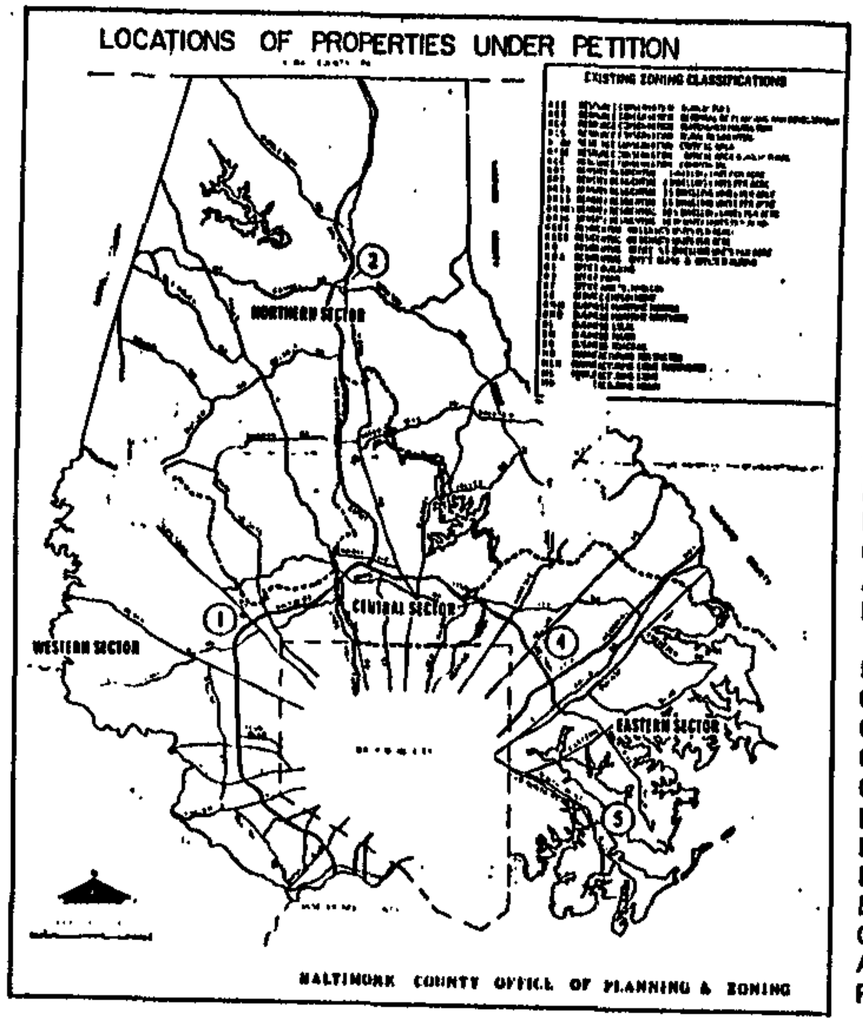
WESTERN SECTOR

1. Property Owner: J.F.O. Holding Corporation & Josephine Owings Grinnings
Case No./Hearing Date: R-94-141; 3/9/94
Contract Purchaser: J. Patrick Gill
Location: SW/S Reisterstown Road, 540' SE of centerline Mt. Wilson Lane, opposite Castleton Avenue (#1838-1850 Reisterstown Road)
Existing Zoning: R.O.
Election District: 3rd
Councilmanic District: 3rd
Acres: 5.81 +/- or 5.25 +/-
Proposed Zoning: B.L.

NORTHERN SECTOR

2. Property Owner: Harford Joint Venture
Case No./Hearing Date: R-94-142; 3/23/94
Contract Purchaser: N/A
Location: N/S Everett Road, W/S York Road (Monkton Centre)
Existing Zoning: R.C.-5
Election District: 7th
Councilmanic District: 3rd
Acres: .90 +/-
Proposed Zoning: B.M.-C.R.

3. Property Owner: The Prosser Company, Inc.
Case No./Hearing Date: CR-94-143; 4/6/94
Contract Purchaser: N/A
Location: SE/S Long Green Pike and NW/S Glen Arm Road (12107 & 12109
Long Green Pike and 5328 Glen Arm Road)
Existing Zoning: R.O. & R.C.-5
Election District: 11th



Councilmanic District: 6th
Acres: 5.2 +/-
Proposed Zoning: M.L.

CENTRAL SECTOR

No Petitions in the Central Sector

EASTERN SECTOR

4. Property Owner: State Highway Administration
Case No./Hearing Date: R-94-144; 4/20/94
Contract Purchaser: White Marsh Dinner Theatre, Inc.
Location: NW/S Belair Road, corner NE/S White Marsh Boulevard (8204
Belair Road)
Existing Zoning: D.R.-5.5
Election District: 14th
Councilmanic District: 6th
Acres: .61 +/-
Proposed Zoning: B.M.

5. Property Owner: Beachwood II Limited Partnership & Cignal Development
Corporation
Case No./Hearing Date: R-94-145; 5/4/94
Contract Purchaser: N/A
Location: E/S Morse Lane between Lynhurst and Shore Roads (Beachwood)
Existing Zoning: D.R.-1
Election District: 15th
Councilmanic District: 7th
Acres: 27.309
Proposed Zoning: D.R.-3.5 or D.R.-5.5 or D.R.-10.5

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

BY ORDER OF
WILLIAM HACKETT, CHAIRMAN BALTIMORE COUNTY BOARD OF APPEALS
P. DAVID FIELDS, DIRECTOR BALTIMORE COUNTY PLANNING AND ZONING

TO: Essex Times
August 12, 1999 Issue – Essex Times
Half-Page Ad

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Please forward billing to:

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ARNOLD F. KELLER, III, DIRECTOR, OFFICE OF PLANNING AND COMMUNITY CONSERVATION

ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS
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APRIL 1999 – OCTOBER 1999

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Acres:	M.L.R. – 3.67; M.L. – 17.4
Proposed Zoning:	M.L.R. & M.L.
Attorney:	Robert A. Hoffman
Misc.:	Open Plan

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No Petitions Were Filed In This Sector

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Acres:	1.733
Proposed Zoning:	B.L. or M.L.
Attorney:	N/A
Misc.:	Open Plan; Critical Area

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Property Owner:	Vandermast Joint Venture
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Contract Purchaser:	N/A
Location:	NW/S Holly Neck Road, 500' W of Fantat Road (2209-2341 Vandermast Lane)
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SAMPLE ONLY

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

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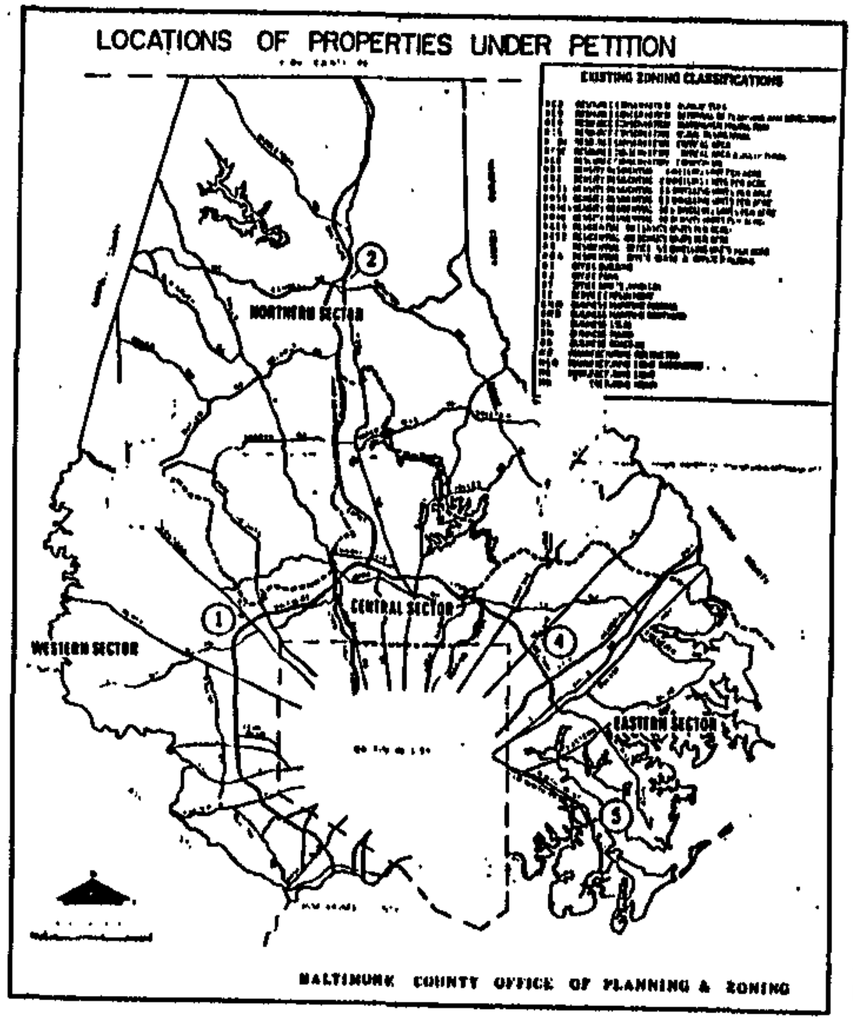

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Proposed Zoning: M.L.

CENTRAL SECTOR

No Petitions in the Central Sector

EASTERN SECTOR

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Contract Purchaser: N/A
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LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

BY ORDER OF
WILLIAM HACKETT, CHAIRMAN BALTIMORE COUNTY BOARD OF APPEALS
P DAVID FIELDS, DIRECTOR BALTIMORE COUNTY PLANNING AND ZONING

To: Soph

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

C. WILLIAM CLARK
(410) 823-7800
EMAIL
cwclark@nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

July 1, 1999

Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue M.S. 1105
Towson, MD 21204

Re: Vandermast Property, ~~97-576-SPH~~ CR-99-411

Dear Mr. Jablon:

I enclose herein this firm's check in the amount of $100.00 to cover the cost of the Plan Revision fee for the Petition for Reclassification in connection with the above-captioned property.

If you have any questions concerning that, please contact me.

Until then, I remain.

Very truly yours,

C. William Clark

C. William Clark

CWC:kal
Enclosure
cc: Ernest Vandermast, III
Robert W. Lazzaro, Esquire

D:\DATA\CWC\CLIENTS\VANDERMAST\JABLONLTR.WPD

RECEIVED

CR-99-411

EXHIBIT B

File

Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

July 14, 1999

Mr. Lyndon Hart
Morris & Ritchie Associates, Inc.
110 West Road Suite 245
Towson, MD 21204

RE: Vandermast Property
Growth Allocation Application

Dear Mr. Hart:

This Department received the request for growth allocation to reclassify a portion of the Vandermast Property as Limited Development Area (LDA) on May 29, 1999 for review. This submittal, which included a "Documented Site Plan to Accompany Reclassification Petition" was subsequently sent to the Growth Allocation Review Committee (GARC) for comment solely regarding its completeness and accuracy. Based on this review, we offer the following comments:

1. It must be indicated how the grinder pump pressure sewer installed by the developer will be compatible with the downstream system.
2. A note must be added to the plan stating that a current fire-flow test will be performed to insure adequate domestic and fire-flow capacities.
3. It appears that Vandermast Lane and Goff Road are private. Consequently, the primary access point may be required to be improved to County standards. However, in accordance with Section 26-453(f) of Baltimore County's Chesapeake Bay Critical Area (CBCA) Regulations, "a reduction of road standards as set forth in the county standard specifications may be allowed to reduce impacts for new development ... provided the reduced standards shall not reduce safety".
4. The open space parcel within the private road circle should not be shown as open space as it would not be owned by the County.
5. Please provide the proposed price range of the housing product, if known and the estimated total investment.
6. Please identify the type and details of any boat access to the property.
7. Will slips be available for transients? If so, number of slips?
8. Is there any other water access proposed? If so, provide the details thereof.
9. Please indicate any onsite or offsite community enhancement features of your proposal.
10. What percent of the site will be residential, commercial, marina, etc.?
11. Include a note on the plan that the entire site is within the Chesapeake Bay Critical Area (CBCA).
12. Show the CBCA land use designations (i.e. RCA, LDA, IDA) on all adjacent properties.

13. Indicate schematic building elevations.
14. The tidal/non-tidal wetlands boundary must be shown per the Special Area Management Plan (SAMP) delineation.
15. The non-tidal wetlands limit in the vicinity of the proposed construction, including any road improvements, must be shown on all plans. SAMP delineation data may be used; however, additional delineation may be necessary as the SAMP wetlands delineation did not involve the entire Vandermast Property (see the June 28, 1999 letter to you from DEPRM). No delineation will be required southeast of Vandermast Lane if there are no proposed impacts to that area (e.g. Vandermast Road improvements).
16. An erodible slope analysis is required to determine the extent of the buffer to tidal waters and wetlands as well as non-tidal wetlands.
17. The buffer to water resources based on this slope analysis must be shown.
18. The term "Forest Buffer" must be removed from the plan to avoid confusion as there are no Forest Buffers in the CBCA.
19. Indicate via a note on the plan what mitigation would be provided to offset the reduction of the 300 foot buffer.
20. The existing forest edge must be accurately delineated on the plan. The forest edge shown on the GIS aerial given to you by DEPRM staff will suffice.
21. Please quantify the forest to be cleared and the reforestation area both in acres and as a percentage of the total forest onsite; and include a note stating that reforestation shall be performed as indicated hereon to mitigate for forest impacts in accordance with Section 26-453 (c) of the CBCA Regulations.
22. DEPRM has determined that the large contiguous forest southeast of Vandermast Lane is forest interior-dwelling-bird habitat. Please indicate as such in the general notes and label as Habitat Protection Area as well as Critical Area Easement on the plan.
23. The submerged aquatic vegetation (SAV) beds must be delineated on the plan using the 1995 SAV survey data forthcoming to you from DEPRM staff. The 1998 survey indicated no SAV adjacent to this site, but all previous sampling showed moderate to heavy densities of SAV at these sampling sites. Therefore, to be conservative, please assume that the 1998 survey results were an anomaly and use the 1995 results. An updated SAV survey will be required prior to development plan approval which may affect the final location of any piers or other water dependent facilities at that time.
24. Proposed water access points and water dependent facilities, both community and private, must be schematically shown on the plan. Any such structures must avoid the most sensitive areas of the shoreline and comply with Section 26-454 of the CBCA Regulations.
25. Please explain how the proposal protects/establishes wildlife corridor(s).
26. Please explain how the proposal optimizes shoreline protection, including remedial measures to correct existing erosion problems.
27. Please indicate how the proposal is consistent with the Coastal Rural Legacy Plan.
28. Please indicate that, in accordance with Section 26-453 (e) of the CBCA Regulations, post-development impervious surfaces shall not exceed 15% of the total

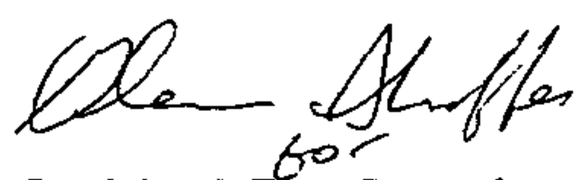
site area or 25% of any individual (one acre or less) proposed. Please show all impervious surfaces to be removed, provide an impervious surface table on the plan outlining existing and proposed impervious area, and otherwise indicate how impervious surface area has been minimized to the greatest extent possible.

29. Please indicate how storm water management will be addressed in accordance with Section 26-453 (h) of the CBCA Regulations.

Many of the comments above may be addressed in a supplemental narrative to accompany the documented plan. Once a revised submittal is submitted and determined by GARC to be complete and accurate, an internal GARC meeting will be held to discuss your proposal. We will subsequently meet with you to give you an opportunity to present your proposal to the GARC and answer any questions that GARC members may have.

If there are any questions regarding this correspondence, please contact either Mr. Glenn Shaffer or me at (410) 887-3980.

Sincerely,



Patricia M. Farr, Supervisor
Environmental Impact Review

c. C. William Clark, Nolan Plumhoff, & Williams
Meredith Lathbury, CBCA Commission Staff
Jeff Long, OPZ
Carl Richards, Zoning Review, PDM
Robert Bowling, Developer's Design & Approval Section, PDM
Judy London, Dept. of Economic Development
Mary Harvey, Office of Community Conservation
Jean Tansey, Dept. of Recreation & Parks
George Perdikakis, Director, DEPRM
Al Wirth, SWM Design & Approval Section, DEPRM
Glenn Shaffer, EIR

vnmstgar1.doc8/gs

EXHIBIT C.

BALTIMORE COUNTY CODE

1988

AS AMENDED

Published by Order of the County Council

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1991

neighborhood shall not be a basis for granting reclassification.

2. A reclassification involving growth allocation that does not require changes to the underlying zone or zones may be granted pursuant to the criteria set out in subsection (j)(3)b. of this section.

b. In evaluating requests for reclassification, the board shall consider the criteria in COMAR 14.15.02 and the standards in appendix IV-B of the local protection program adopted by county council Resolution No. 13-88. No reclassification may be granted unless the board has made written findings that the proposed reclassification will:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

c. Reclassifications in cases involving growth allocation shall be referred to the county planning board by the board of appeals for consideration and written report thereon, subject to section 26-123(g) and (h) of this Code.

(k) *Limitations on granting reclassification.* No zoning reclassification of property shall, for a period of one (1) year after a zoning map applicable thereto may by an ordinance of the county council have been adopted, be granted on the ground that the character of the neighborhood has changed.

(l) *Documentation.* If a zoning reclassification petition includes documentation relating to the proposed use of the property under petition, that documentation must include:

(1) Elevation drawings and a plan satisfying the zoning commissioner's rules of practice and procedure and showing locations, coverage, floor areas, heights, character, and exterior materials of all proposed structures and all existing structures to be retained; and all existing structures to be removed; signs visible outdoors; all principal uses; hours of operation, maximum number of employees, and maximum levels of emanations (including sound and other vibrations, dust, odors, gases, light, and heat); parking and loading facilities; existing and proposed public and quasipublic facilities on and adjacent to the site, including storm-drain systems, waterlines, sewerage, streets and drives, and railroad sidings; existing ponds and other bodies of water, watercourses, one-hundred-year floodplains, major vegetations, and unusual natural formations and proposed changes with respect to any of these; screening and landscaping; and existing topography and proposed major changes in grade; and

(2) An environmental impact statement, as defined in the county zoning regulations, that concerns the proposed use of the property under petition and that has been competently prepared by a professional planner or engineer of appropriate qualifications.

A plan submitted pursuant to this subsection may show the location of a precise building envelope (a clearly delimited area within which a building is to be entirely located but which is larger than the area covered by the building itself) in lieu of the precise location of a building; may show precise maxima and minima in lieu of fixed values; may set forth lists of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.

(m) *Amendments.* A zoning reclassification petition (including any documentation relating to the proposed use of the property under petition)

may be amended only during a required public hearing proceeding on the petition. When a proposed amendment to such a petition is introduced, the hearing proceedings shall immediately be suspended, and, within two (2) business days thereafter, the hearing authority shall transmit a copy of the proposal to the director of planning and zoning, who:

(1) In any case where a petition has been exempted under provisions of subsection (i) of this section, shall promptly refer the amendment to any agency that he considers appropriate, together with a request that the agency provide him with comments on the amendment. Within forty-five (45) days after the amendment has been transmitted to the director of the office of planning and zoning, he shall transmit to the hearing authority a report on the amendment.

(2) In all other cases, the director of the office of planning and zoning shall promptly transmit copies to the members of the planning board. The director of planning and zoning shall also promptly refer the amendment to the office of the zoning commissioner and any other agency that he considers, upon reviewing files on the petition, to have an interest therein, together with a request that the agency provide him with comments on the amendment for distribution to the planning board, by a time he shall specify. Within forty-five (45) days after the copy of the amendments has been transmitted to the director of planning and zoning, the planning board shall adopt and transmit to the hearing authority a resolution embodying a report on the amendment.

(3) Any documentation that relates to the proposed use of the property upon petition and that is submitted by the petitioner or his authorized agent after the first public newspaper advertisement of the filing of the petition as required in Period I shall be considered an amendment to the petition, whether or not documentation of that nature was included within the original petition, and shall be subject to the provisions of subsection (m)(1) as well as this subsection.

(n) *Use of property.* Property may be reclassified under this section only upon making the findings required under subsection (j) of this section. Property may not be reclassified solely on the basis of documentation relating to the property's proposed use. However, any provision of section 26-122 of the contrary notwithstanding, if the petition to reclassify the property does include such documentation and is granted, the property may be used only in accordance with the plan included within that documentation; the zoning classification of any such property will revert to the previous classification unless, within three (3) years after the date of the final order granting the petition, the property is being used in accordance with the plan or, in a case where development is necessary to implement the plan, unless the development either is completed or has been substantially undertaken and is being diligently pursued to completion. The requirement that such a property be utilized in accordance with a plan and the provision that otherwise the classification of the property will revert will not be affected by the subsequent enactment of a zoning map, pursuant to section 26-124 or 26-125 of this Code unless the zone classification of the property is further changed by that map.

(o) *Considerations in making determination.* In its hearing on any zoning reclassification petition, the county board of appeals shall consider in evidence without testimony thereto, absent objection by any party to the case, any report of the planning board of comments from the director of planning and zoning or other officer of the office of planning and zoning relating to the petition or any duly submitted relevant report or comments from any other county agency. If an objection is made by any party to the case, the item shall be entered by testimony of a proper witness, who shall be notified by the board of appeals.

(p) *Special exceptions and variances.* The board of appeals, subject to the appropriate principles, standards, rules, conditions, and safeguards as set forth in the zoning regulations, shall have original jurisdiction for the purpose of hearing and deciding petitions for special exceptions and/or variances, the granting of which is dependent upon the reclassification of the property involved in the petition for reclassification. Such special excep-

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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: January 20, 2000

RECEIVED JAN 2 4 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for January 17, 2000
Item Nos. 262, 263, 264, 269, 270
and CR 99-411 (Vandermast Property)

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:cab

cc: File

ZAC01170.NOC

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 13, 2000

NOTICE OF POSTPONEMENT & REASSIGNMENT /Hearing on Merits

CASE #: CR-99-411

IN THE MATTER OF: VANDERMAST JOINT VENTURE
2209-2341 Vandermast Lane 15th E; 5th C

Petition for Reclassification, Cycle V, 1999

which was scheduled for hearing on the merits on 2/15/2000 has been **POSTPONED** by agreement of Counsel; and has been

REASSIGNED FOR: **WEDNESDAY, MARCH 1, 2000 at 10:00 a.m.**

NOTICE: This matter has been scheduled for the purpose of receiving oral argument only on People's Counsel's Motion to Strike Amended Petition.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Petitioner : C. William Clark, Esquire
Petitioner : Vandermast Joint Venture by Ernest Vandermast III (Managing Partner)

Tim Madden /Morris & Ritchie

Counsel for Back River Neck Community Assn. and Carl Maynard, Individual : J. Carroll Holzer, Esquire

People's Counsel for Baltimore County
James Earl Kraft /Board of Education
Pat Keller, Director /Planning /
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink on Recycled Paper

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

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FAX 410-879-1820

☑ 110 WEST RD., STE 245
TOWSON, MD 21204
410-821-1690
FAX 410-821-1748

☐ 9090 JUNCTION DR., STE. 9
ANNAPOLIS JUNCTION, MD 20701
410-792-9792 • 301-776-1690
FAX 410-792-7395

LETTER OF TRANSMITTAL

DATE 12.21.99
JOB NO. 108333
ATTENTION MS. SOPHIE JENNINGS
RE: VANDERMAST PROPERTY
CR-99-411

TO PADM - ZONING OFFICE

WE ARE SENDING YOU ☐ Attached ☒ Under separate cover via MRA DELIVERY the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
7	12.3.99		DOCUMENTED PLAN TO ACCOMPANY
			RECLASSIFICATION PETITION
			(PETITIONER'S EXHIBITS 4-A & 4-B)
1			CHECK PAYABLE TO BALTIMORE COUNTY ($100) FOR
			REVISION FEE

THESE ARE TRANSMITTED as checked below:

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

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

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

☑ For review and comment ☐

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

REMARKS

AS REQUESTED BY SOPHIE JENNINGS
per WM. CLARK (ESQ.) OF NOLAN, PLUMHOFF, & WILLIAMS

CR-99-411 RW 12/99

COPY TO BUD CLARK, ERNEST VANDERMAST,
TIM MADDEN

SIGNED:

If enclosures are not as noted, kindly notify us at once.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 074376

DATE 12/21/99 ACCOUNT 001-6150

AMOUNT $ 100.00

RECEIVED FROM: Norris & Ritchie

FOR: CR-99-411 Revisions

Drop Off No Review

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
12/22/1999	12/21/1999	14:23:16

REG 0005 CASHIER 001 2ND DRAWER 2
Dept 5 528 ZONING VERIFICATION
Receipt # 137395 OFLN
CR NO. 074376

Recpt Tot 100.00
100.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Arnold Jablon, Director
Permits & Development Management
Attn: Sophie Jennings

DATE: December 10, 1999

FROM: Kathleen C. Bianco
Administrator, Board of Appeals

SUBJECT: Revised Amendment to Petition for Reclassification /Case No. CR-99-411 /Vandermast Joint Venture -Petitioner

Pursuant to the appropriate sections of the Baltimore County Code, the Revised Amended Plan for the subject reclassification petition was submitted to the County Board of Appeals on the record and at a public hearing on December 7, 1999. Five copies of this amended plan are attached herewith and forwarded to your office for processing and reflects a second revision date of December 3, 1999.

This case is scheduled for hearing before the Board on the merits of the request on February 15, 2000 at 10:00 a.m. A Notice of Assignment is attached for your information. Should you require any additional information regarding this matter, please contact this office.

Attachment

cc: C. William Clark, Esquire
J. Carroll Holzer, Esquire
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 10, 1999

NOTICE OF ASSIGNMENT /Hearing on Merits

CASE #: CR-99-411 **IN THE MATTER OF: VANDERMAST JOINT VENTURE**
2209-2341 Vandermast Lane 15th E; 5th C

Petition for Reclassification, Cycle V, 1999

Having accepted the Revised Amended Plan on December 7, 1999, the Board has assigned the following date and time for hearing of this matter on the merits of the request.

ASSIGNED FOR: TUESDAY, FEBRUARY 15, 2000 at 10:00 a.m.

NOTICE: **This matter has been scheduled for the purpose of receiving oral argument only on People's Counsel's Motion to Strike Amended Petition.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. *No postponements will be granted within 15 days of scheduled hearing date* unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Petitioner : C. William Clark, Esquire
Petitioner : Vandermast Joint Venture by Ernest Vandermast III (Managing Partner)

Tim Madden /Morris & Ritchie

Counsel for Back River Neck Community Assn. and Carl Maynard, Individual : J. Carroll Holzer, Esquire

People's Counsel for Baltimore County
James Earl Kraft /Board of Education
Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink

CR-99-411

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
INTEROFFICE CORRESPONDENCE

TO: Addressees DATE: December 8, 1999

FROM: Pat Farr, Program Supervisor PMF
Environmental Impact Review

SUBJECT: Vandermast Property, Growth Allocation Submittal

Attached you will find a copy of the latest growth allocation submittal for the Vandermast Property, in response to correspondence sent to the applicant on July 14, 1999. The submittal includes a revised site plan and an accompanying narrative.

Please review the submittal to determine whether there is any other additional information that you need for consideration of the growth allocation proposal. I would like to have your comments by December 17, 1999 at the latest, so that I can get back to the applicant with this information by Christmas. If I do not hear from you by December 17, I will presume that you need no additional information.

I intend to schedule a Growth Allocation Review Committee meeting for mid-January 2000, provided that the current submittal is complete. At the meeting, we can discuss the merits of the proposal and determine whether Growth Allocation is appropriate for the property. I will contact you after January 1, 2000 to schedule this meeting.

If you have any questions, please contact either me or Glenn Shaffer of my staff at (410) 887-3980.

Addressees:

Jeff Long, Office of Planning
Carl Richards, Dept. of Permits & Development Management
Glen Keller, Dept. of Public Works
Judy London, Dept. of Economic Development
Mary Harvey, Office of Community Conservation
Jean Tansey, Dept. of Recreation & Parks
Wally Lippincott, Dept. of Environmental Protection & Resource Management

c: George Perdikakis, Dept. of Environmental Protection & Resource Management
Tom Vidmar, Dept. of Environmental Protection & Resource Management
Bud Clark, Nolan Plumhoff & Williams
Tim Madden, Morris & Ritchie Assoc., Inc.
Lyndon Hart, Morris & Ritchie Assoc., Inc.
Meredith Lathbury, Chesapeake Bay Critical Area Commission

Pmfdoc7/vandermast.doc

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

December 2, 1999

Baltimore County Government
Department of Environmental Protection and
Resource Management
401 Bosley Avenue, Rm. 416
Towson, MD 21204

Attn Ms Patricia M. Farr, Supervisor, Environmental Impact Review

Re: The Vandermast Property

Dear Patricia:

In accordance with the discussions which occurred at our November 29, 1999 meeting we are hereby responding to the points included in your July 14, 1999 letter. We are also enclosing a copy of the revised site plan for your review.

1. Our research has confirmed that adequate capacity exists within the "downstream," sewage conveyance and treatment system to accept flows from the proposed fifteen dwellings. Our request to provide public water and sewer service to these lots will be based on the fact that the 22 existing dwellings are all serviced by failing septic systems and, if left in place, we would request public sewer connection for the same. Existing dwellings are currently connected to public water. Duplex grinder systems are proposed to serve the proposed dwellings and would be installed and dedicated to the County in accordance with the procedures for such systems within this public sewer service area.

2. A note has been added to the plan stating that a current fire-flow test will be performed to insure adequate domestic and fire-flow capabilities.

3. It is proposed that Goff Lane will remain private. Vandermast Lane should be dedicated as a public roadway because it serves other properties. A reduction in road standards will be requested to maintain the road bed in its present condition.

4. The open space area within the private road circle has been identified as HOA Open Space on the enclosed plan.

5. The proposed Vandermast Property is proposed to become a gated, high end residential subdivision, probably priced in the high end range, starting at +/- $500,000.

CR-99-411

☐ 139 N. MAIN STREET, SUITE 200
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(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☐ 110 WEST ROAD SUITE 105
TOWSON MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☑ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9792 (301) 776-1690
FAX (410) 792-7395

6. It is desired that each lot have its own pier. A detailed investigation locating each potential pier location has not been performed at this time, but will be investigated after the petition to rezone the property has been successfully completed.

7. There are no plans to provide slips for transient watercraft.

8. There is no other water access proposed for the Vandermast Property at this time.

9. Various community enhancement features for the Vandermast Property include a gated and secured community, a contact station at the entrance gate, a homeowners association, and the preservation of open space south of Vandermast Lane. Additional features may be added to the list as the project moves forward. Development of private on-lot amenities shall be controlled by the HOA Board with restricted covenants.

10. The entire +/- 60 acres (100%) of the Vandermast Property shall be residential use.

11. A note has been added to the plan stating that the entire Vandermast Property is located within the Chesapeake Bay Critical Area (CBCA).

12. CBCA land use designations have been added to all adjacent properties.

13 Schematic building elevations are included on the plans.

14. The tidal/non-tidal wetlands boundary has been added to the plan, as shown on the Special Area Management Plan (SAMP) delineation.

15. We believe that the wetland delineation north of Vandermast Lane/Goff Road is complete. No impacts are proposed to the south of the roads.

16. A Steep Slopes and Erodible Soils Analysis (SSESA) was completed and submitted to DEPRM on November 19, 1999 to determine the extent of the buffer to tidal waters, tidal wetlands, and non-tidal wetlands. We await your department's comments.

17. The buffer determined by the SSESA has been added to the plan.

18. The term " Forest Buffer" has been removed from the plans and has been replaced by "Critical Area Buffer".

19. A note has been added to the plan indicating what measures are proposed to provide mitigation to offset the reduction of the 300-foot buffer. These proposed measures include: stabilization of the shoreline as needed, (especially locations to be selected for individual piers), reforestation of some existing open areas, removal of existing structures, provisions for water quality management, elimination of twenty (20) existing and failing septic systems, and provisions for all fifteen (15) new homes to be placed on public sewer and water.

20. The existing forest edge has been verified, using the GIS aerial photograph.

21. A note has been added to the plan stating that reforestation shall be performed to mitigate for forest impacts in accordance with Section 26-453 (c) of the CBCA Regulations. Forest to be cleared and reforested areas have been qualified both in acres and as a percentage of the total forest onsite.

22. A note has been added to the plan stating that DEPRM has determined that the large contiguous forest south of Vandermast Lane is a forest interior-dwelling bird habitat. The area south of Vandermast Lane has been labeled as Habitat Protection Area and is proposed as being included in a Critical Area Easement on the plan.

23. The submerged aquatic vegetation (SAV) beds have been delineated on the plan using the 1995 SAV survey data provided by DEPRM. It is understood that an updated SAV survey shall be required prior to the Development Plan approval which may affect the final location of any piers or other water dependant facilities proposed for this site.

24. Proposed pier locations are schematically shown on the plan. Final locations and configurations of the piers are to be determined during Development Plan phase.

25. The proposal to rezone and develop the Vandermast Property as shown on the plan will protect, enhance, and establish wildlife corridors in the following ways:

    a. ~ 22.5-acres are proposed to be placed in a Critical Area Easement, which will protect land currently eligible for limited development;

    b. Establishment of the proposed community and a shoreline buffer will result in the elimination of the existing dwellings, parking areas, wells, failing septic systems, unstable piers and shoreline structures, and eroding slope conditions that will continue to degrade water quality if the proposal is not approved;

c. Establishment of a shoreline buffer and Critical Area Easement as shown on the plan shall provide and protect wildlife corridors along the shoreline and interior areas of the site.

d. Additional forest cover will be established on the subject property.

26. The proposal optimizes shoreline protection by establishing a minimum 100' buffer to the greater of the mean high tide or tidal waters, removing existing structures and/or uses determined to be the detrimental to the shore line and tidal waters, and afforestation of those areas within the buffer that are currently open. Where active erosion is occurring along the shoreline (particularly along the Northern Shoreline of the site) repair and revegetation of those areas shall be addressed as necessary to correct and stabilize those problem areas.

27. The proposal is consistent with the Coastal Rural Legacy Plan in the following ways:

a. It will preserve intact the large contiguous forest southeast of Vandermast Lane as a forest interior-dwelling bird habitat as well as a critical habitat for native plant wildlife species;

b. It will preserve and enhance, by way of buffers and afforestation, the on-site riparian forest tidal and non-tidal wetlands, and greenways that connect to and buffer Sue Creek, Cedar Creek, and their tributaries from pollution runoff;

c. It will enable connection of the preserved areas to other adjacent and/or nearby properties in the Holly Neck Road area (120.000 acres) either proposed of already included in the Rural Legacy Program.

28. Post-development impervious surfaces shall not exceed 15% of the total site area, and for all lots on an individual basis. A separate plan will be prepared to show existing and proposed impervious surfaces for the Development Plan review phase.

29. Stormwater management for this project will be addressed in the following ways:

a. Dry swales will be constructed in medians and alongside all new private roads to provide water quality and quantity management.

b. Storm flow from new Homesites will be directed into grassed swales (some with check drams) between homes and the shoreline buffers.

c. Several small bio-retention basins, or "rain gardens" will be installed at strategic locations with the development envelope to provide additional management.

We trust you will find our responses contained herein to be adequate to continue the project review by GARC.

Please contact this office if you have any questions or if you require additional information.

Very truly yours,

MORRIS & RITCHIE ASSOCIATES, INC.

Timothy F. Madden. ASLA, AICP
Principal

TM/jcf(F:\DOCS\MADDEN\Vander-10833\vanpropltr.wpd)

Enclosure
MRA J.O.# 10833

C. WILLIAM CLARK

(410) 823-7800

EMAIL
cwclark@nolanplumhoff.com

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(410) 823-7800
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email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

10/13/99
cp
WCR

JAMES D NOLAN
(RETIRED 1980)

J EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

File
CR 99-411

October 11, 1999

Arnold F. Keller, III, Director
Office of Planning for
Baltimore County
401 Bosley Avenue, Room 406
Towson, MD 21204

George G. Perdikakis, Director
Department of Environmental Protection
and Resource Management for
Baltimore County
401 Bosley Avenue
Towson, MD 21204

Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue M.S. 1105
Towson, MD 21204

Re: Vandermast Property - Petition for Reclassification
and Growth Allocation

Dear Sirs:

As you may know, this firm represents the Vandermast Joint Venture in connection with its Petition for Reclassification and Growth Allocation. The Petition for Reclassification is now pending before the County Board of Appeals and is assigned Case No. CR-99-411. That matter was recently scheduled for a Hearing on September 29, 1999. At that Hearing, pursuant to the provisions of § 2-356(m) of the Baltimore County Code, the Board received an amendment to the plan during the required public hearing. That amendment involved side elevations and floor plans for the proposed custom-built, single-family dwellings, which the Petitioner ultimately hopes to construct on the property. The necessity for proceeding in that fashion arose since that revision to the documentation was submitted to Baltimore County after the property had been advertised pursuant to § 2-356(m)(3), and the issue raised by Peter Max Zimmerman, People's Counsel.

99-2656

As this matter progresses, and knowing that DEPRM submitted a list of additional information it seeks in connection with the Growth Allocation, it appears to me that one might consider these additional requirements as requiring further amendments to the documented site plan, which will necessitate an endless series of public hearings before the Board of Appeals, and remands of the file back to the Planning Board to consider the revisions. After raising this issue with The Honorable Lawrence M. Stahl, Panel Chair for the Board of Appeals, he suggested that I arrange a meeting with each of you and/or your designees, together with Mr. Zimmerman, and J. Caroll Holzer, Esquire, who represents the Protestants in the case, to see whether or not we can agree upon a procedure to handle the revisions that will come and to determine which, if any, of those necessitate a return to the Planning Staff and Board for further review.

Inasmuch as the engineering work continues on site, and that the Board of Appeals has scheduled this matter for December 7, 1999, I would like to arrange a meeting within the next week to ten days, so that we can discuss these matters. Mr. Stahl suggested following the meeting if a consensus could be reached, we could submit it to the Board for their approval. If consensus cannot be reached, then we submit letters to him advising the Board of our respective positions, and then asking from them a determination as to how the Board believes it should be handled.

Upon your review of this letter, please contact my office with dates within the next seven to ten days when you might be available for a meeting and I will endeavor to schedule it.

Thank you for your anticipated cooperation.

Very truly yours,

C. William Clark

CWC:kal
Enclosure
cc: Peter Max Zimmerman, Esquire
J. Caroll Holzer, Esquire
Ernest Vandermast, III
D:\DATA\CWC\CLIENTS\VANDERMAST\MULTILTR.WPD

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS

DATE: July 15, 1999

SUBJECT: Zoning Item #CR-99-411
Vandermast Property, Goff Road

Zoning Advisory Committee Meeting of July 6, 1999

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ See previous comments dated May 3, 1999 (attached).

__X__ An application for growth allocation was made on May 28, 1999 and is currently under review.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: May 3, 1999

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS

SUBJECT: Zoning Item #CR-99-411

Vandermast Joint Venture

1999 RECLASSIFICATION CYCLE V

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ The Department of Environmental Protection and Resource Management has determined that no mistake was made in mapping the Critical Area land classifications (i.e., Limited Development Area and Resource Conservation Area) on the subject property in 1988. Land classification mapping for all of the County's Chesapeake Bay Critical Area was based upon land use in existence on December 1, 1985. The State Critical Area

Criteria (COMAR 27.01.02) did not require that this mapping follow property lines but, instead, required that "areas" within the Critical Area be designated according to specific guidelines. The Resource Conservation Area classification of the RC-20 portion of the Vandermast property is appropriate because it was within an area dominated by forest, where the overall density of dwelling units was less than one per five acres in 1985. Given that the official "maps" of Resource Conservation Areas in Baltimore County's Critical Area are areas zoned RC-20 or RC-50 on the official zoning map of the County, the RC-20 designation is correct as mapped on the Vandermast property.

__X__ The applicant must apply for Chesapeake Bay Critical Area growth allocation (i.e., conversion from Resource Conservation Area to Limited Development Area) at this time in order to receive further consideration for zoning reclassification. The applicant should contact Environmental Impact Review of the Department of Environmental Protection and Resource Management at (410) 887-3980 for further information.

__X__ Site specific comments relative to whether the proposal complies with Critical Area requirements will be made after the growth allocation application and other pertinent information has been received.

__X__ GWM: The failing septic systems must be corrected by either extending public sewer to the properties or vacating the dwellings and pumping and removing or backfilling all septic systems.

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

May 13, 1999

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 April 99 - October 99
Reclassification Cycle V

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.

1. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

Item #1, Item #2, and Item #3

411

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

cc: File

Printed with Soybean Ink
on Recycled Paper

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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: May 6, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Reclassification Cycle V
April, 1999 - October, 1999
Eastern Sector
Item #3
Vandermast Joint Venture
CR-99-411
Wednesday, September 29, 1999
@ 10:00 a.m.

The 8-inch public water main ends at the intersection of Vandermast Lane and Vandermast Road, not at the Hoffman Property as noted in the general notes. Vandermast Lane must remain public with access to the public 8-inch water main.

This site is located in the Back River Neck sewer moratorium area in effect through June 30, 1999. The County planning board is now developing growth-management controls for this area.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In accordance with Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The minimum flood protection elevation is 11 feet for this site. County permits will be granted only after the necessary permits from the State and Federal agencies have been obtained.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Prior to the recording of this plat, a road closing hearing is required, and the road must be formally closed by the County Executive.

RWB:HJO:jrb

cc: File

ZONEREC3.099

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: May 3, 1999

TO: Arnold Jablon

FROM: R. Bruce Seeley

SUBJECT: Zoning Item #CR-99-411

Vandermast Joint Venture

1999 RECLASSIFICATION CYCLE V

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ The Department of Environmental Protection and Resource Management has determined that no mistake was made in mapping the Critical Area land classifications (i.e., Limited Development Area and Resource Conservation Area) on the subject property in 1988. Land classification mapping for all of the County's Chesapeake Bay Critical Area was based upon land use in existence on December 1, 1985. The State Critical Area

Criteria (COMAR 27.01.02) did not require that this mapping follow property lines but, instead, required that "areas" within the Critical Area be designated according to specific guidelines. The Resource Conservation Area classification of the RC-20 portion of the Vandermast property is appropriate because it was within an area dominated by forest, where the overall density of dwelling units was less than one per five acres in 1985. Given that the official "maps" of Resource Conservation Areas in Baltimore County's Critical Area are areas zoned RC-20 or RC-50 on the official zoning map of the County, the RC-20 designation is correct as mapped on the Vandermast property.

__X__ The applicant must apply for Chesapeake Bay Critical Area growth allocation (i.e., conversion from Resource Conservation Area to Limited Development Area) at this time in order to receive further consideration for zoning reclassification. The applicant should contact Environmental Impact Review of the Department of Environmental Protection and Resource Management at (410) 887-3980 for further information.

__X__ Site specific comments relative to whether the proposal complies with Critical Area requirements will be made after the growth allocation application and other pertinent information has been received.

__X__ GWM: The failing septic systems must be corrected by either extending public sewer to the properties or vacating the dwellings and pumping and removing or backfilling all septic systems.

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: April 21, 1999

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

RE: Baltimore County
Item No. 3
Case No. R-99-411

Dear. Ms Stephens:

This office has reviewed the referenced Zoning Classification V and we have no objection to approval.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
FAX COVER SHEET

DATE: August 27, 2002

TO:	Bud Clark	***FAX*** : 410-296-2765 ***TELEPHONE*** : 410-825-7850
FROM:	Kathi Bianco	***TELEPHONE:*** 410-887-3180 ***FAX*** : 410-887-3182
RE:	Case No. CR-99-411 /*Vandermast Property*	

Bud –

Attached is the advertising notice that was sent to Morris & Ritchie per our telephone conversation.

I've also attached my file notes – as I told you, if the advertising was not paid by the time the file came over, I would usually receive a note from PDM to that effect == and the file would also be noted. There is no such note anywhere in the file notes attached.

I wish I could provide more concrete proof of payment, but that's something in which we never get involved; and PDM only to the extent that that office is called if the advertising is not paid promptly.

kathi

Number of pages including this page: Five (5)

Original copy to follow : Yes ____ No __X__

TRANSMISSION VERIFICATION REPORT

TIME: 01/04/1995 03:34
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE,TIME	01/04 03:31
FAX NO./NAME	94102962765
DURATION	00:02:55
PAGE(S)	05
RESULT	OK
MODE	STANDARD

12/10/99 -Memo to Arnold Jablon transmitting five copies of Revised Amended Plan as submitted to the Board on December 7, 1999. Scheduled for hearing on the merits on February 15, 2000 at 10:00 a.m. Notice of Assignment sent to parties this date.

1/13/2000 -By agreement of Counsel (Clark, Holzer and Zimmerman), this matter is postponed from hearing on 2/15/2000 at 10:00 a.m. Notice of PP and reassignment sent to parties; case reassigned to Wednesday, March 1, 2000 at 10:00 a.m. Date confirmed with counsel this date.

1/28/2000 -Agency comments (ZAC) received from PDM.

2/17/00 - Letter from People's Counsel suggesting a postponement of 3/01/00 hearing -- understanding that revised application and plans have not yet been reviewed by the Planning Board.

2/18/00 -T/C to C. William Clark -- not yet in receipt of Mr. Zimmerman's letter; will respond upon receipt.

2/24/00 -T/C w/C. William Clark; letter to be sent; no objection to postponement at this point; will telephone to discuss reschedule date. Notice of PP sent this date; to be reassigned and notice sent upon rescheduling.

11/12/03 - Order of Dismissal of Petition to be issued; moot due to CZMP; file to be closed after period of 30 days from issuance of Order of Dismissal.

HEARING DATE: September 29, 1999 at 10:00 a.m.

9/09/99 -T/C from C. Clark -- pursuant to conversations with his client, he will withdraw his opposition to Mr. Zimmerman's Motion to Strike; this will then remove the 9/15/99 motion hearing from the Board's docket. The hearing scheduled for 9/29/99 will be for the sole purpose of receiving the amended plan on the record and in open hearing; to be scheduled for hearing after Planning Board review. (Holding Tuesday, December 7, 1999 at 10:00 a.m. as the hearing date for this matter on the merits.) Letter indicating above to be filed with the Board.

9/13/99 -Letter from Mr. Clark confirming above. Response letter sent to him with copies as appropriate (copy by FAX; original by mail). No hearing on 9/15/99; Board to convene 9/29/99 to receive amendment on the record; to reassign for Tuesday, December 7, 1999 (to allow time for planning board review).

9/29/99 -Amendment submitted on the record and in open hearing. Issue regarding growth allocation as it relates to reclass petition and hearing before the Board (procedural issue) briefly discussed with counsel (Messrs. Clark and Zimmerman) prior to hearing to accept amendment. Board will receive letters from counsel (including Mr. Holzer) regarding this procedural issue. Case scheduled for hearing on the merits on December 7, 1999 at 10:00 a.m. (Stahl, Worrall, Felling)

-Memo to Arnold Jablon, Director of DPDM advising that amended Petition was presented in open hearing this date, and further advising of date scheduled for hearing on the merits.

- Notice of Assignment sent to parties for hearing on the merits on Tuesday, December 7, 1999 at 10:00 a.m.

11/24/99 - Letter from P. Zimmerman re status report -- Amended Petition and site plan have not been to the Planning Board staff for review as of this date; in addition, meeting scheduled for 11/29/99 with Planning and DEPRM staff re appropriate procedures to handle this matter. Therefore, requests that 12/07/99 be designated "status conference only" rather than hearing on merits of this case. Awaiting responses from C. Holzer and B. Clark.

12/01/99 -T/C from B. Clark - regarding 12/07/99 scheduled hearing: presentation of amendment on the record (to go before Planning Board); also discussion re procedural issue pursuant to 9/29/99 notation above. No hearing as to merits of reclass to be heard on 12/07/99; only submission of amendment.

12/07/99 -Submitted amended plan on the record; to be forwarded to PDM and Planning per statute; to be heard on merits after PB meeting and appropriate review and comments. (LFW)

CR-99-411 /Vandermast Joint Venture 2209-2341 Vandermast Lane
15th Election District
5th Councilmanic District

HEARING DATE: September 29, 1999 at 10:00 a.m.

7/08/99 -Copy of Revised Petitions, Descriptions, Justifications, Plans, and Floor Plans received from PDM with notation that revision packet was "dropped off" in PDM on 6/30/99 "with no review."

8/04/99 -Notice of Appearance filed by J. Carroll Holzer, Esquire, on behalf of Back River Neck Community Association, Inc., and Carl Maynard, individual.
-Motion to Strike Amended Petition, and for Appropriate Relief filed by P. Zimmerman.

8/11/99 -Response to Motion to Strike Amended Petition and for Appropriate Relief filed by J. Carroll Holzer, Esquire, on behalf of Back River Neck Community Association, et al -- "by adopting said requested relief without exception."

8/19/99 -Response to Motion to Strike Amended Petition and for Appropriate Relief filed by C. William Clark, Esquire, on behalf of Vandermast Joint Venture, Petitioner; Request for Hearing on motion filed by C. William Clark, Esquire.

8/25/99 -Notice of Assignment /Motion Hearing sent to the following; scheduled for Wednesday, September 15, 1999 at 9:00 a.m.:

C. William Clark, Esquire
Vandermast Joint Venture by
Ernest Vandermast III
(Managing Partner)
Tim Madden /Morris & Ritchie
J. Carroll Holzer, Esquire
Community Assn. and Carl
Maynard, Individual
People's Counsel for Baltimore County
James Earl Kraft /Board of Education
Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

9/01/99 -People's Counsel's Reply Concerning the Amended Petition for Reclassification (in response to Mr. Clark's response to Motion to Strike filed by People's Counsel). Copies to panel members.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 24, 2000

NOTICE OF POSTPONEMENT /Hearing on Merits

CASE #: CR-99-411

IN THE MATTER OF: VANDERMAST JOINT VENTURE
2209-2341 Vandermast Lane 15th E; 5th C

Petition for Reclassification, Cycle V, 1999

which was scheduled for hearing on the merits on 3/01/000 has been **POSTPONED** and will be reassigned for hearing; notice to be sent at time of rescheduling.

NOTICE: This matter has been scheduled for the purpose of receiving oral argument only on People's Counsel's Motion to Strike Amended Petition.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Petitioner : C. William Clark, Esquire
Petitioner : Vandermast Joint Venture by Ernest Vandermast III (Managing Partner)

Tim Madden /Morris & Ritchie

Counsel for Back River Neck Community Assn. and Carl Maynard, Individual : J. Carroll Holzer, Esquire

People's Counsel for Baltimore County
James Earl Kraft /Board of Education
Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink on Recycled Paper

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 16, 2000

RECEIVED
COUNTY BOARD OF APPEALS
00 FEB 17 PM 2:01

Lawrence M. Stahl, Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Reclassification
2209-2341 Vandermast Lane
NW/S Holly Neck Rd, 500' W of Fantat Rd,
15th Election District, 5th Councilmanic
Vandermast Joint Venture , Petitioner
Case No.: CR-99-411

Dear Chairman Stahl:

It is our understanding that the revised application and plans have not yet been reviewed by the Planning Board. Under these circumstances, it does not appear that this case is ready for trial on the merits on March 1, 2000. Unless there is some information or reason to the contrary, we suggest that the Board postpone this case indefinitely.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: C. William Clark, Esq., Attorney for Petitioner

J. Carroll Holzer, Esq., Attorney for Protestants

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 10, 1999

NOTICE OF ASSIGNMENT /Hearing on Merits

CASE #: CR-99-411

IN THE MATTER OF: VANDERMAST JOINT VENTURE
2209-2341 Vandermast Lane 15th E; 5th C

Petition for Reclassification, Cycle V, 1999

Having accepted the Revised Amended Plan on December 7, 1999, the Board has assigned the following date and time for hearing of this matter on the merits of the request.

ASSIGNED FOR: **TUESDAY, FEBRUARY 15, 2000 at 10:00 a.m.**

NOTICE: **This matter has been scheduled for the purpose of receiving oral argument only on People's Counsel's Motion to Strike Amended Petition.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

pp'd by verbal request and agreement of Counsel

Kathleen C. Bianco
Administrator

---

cc: Counsel for Petitioner : C. William Clark, Esquire
Petitioner : Vandermast Joint Venture by Ernest Vandermast III (Managing Partner)

Tim Madden /Morris & Ritchie

Counsel for Back River Neck Community Assn. and Carl Maynard, Individual : J. Carroll Holzer, Esquire

People's Counsel for Baltimore County
James Earl Kraft /Board of Education
Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 24, 1999

RECEIVED
COUNTY BOARD OF APPEALS
99 NOV 24 PM 3:07

Lawrence M. Stahl, Panel Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Reclassification
2209-2341 Vandermast Lane,
NW/S Holly Neck Rd, 500' W of Fantat Rd,
15th Election District, 5th Councilmanic
VANDERMAST JOINT VENTURE, Petitioner(s)
Case No.: CR-99-411
CBA Hearing Date: December 7, 1999, 10:00 a.m.

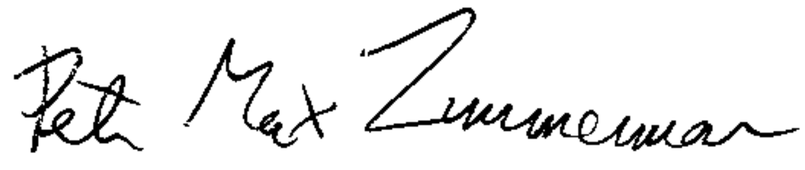
Dear Chairman Stahl:

As we approach the next scheduled hearing date, December 7, it appears useful to us to provide a status report. At the last hearing on September 29, 1999, the Petitioners submitted an Amended Petition and site plan. The Office of Planning staff have advised that the Amended Petition has not yet been submitted to the Planning Board staff for review. Petitioner appears to be in accord with this. Under Section 2-356 (m) of the Code, further Planning Board review is required before the CBA hearing.

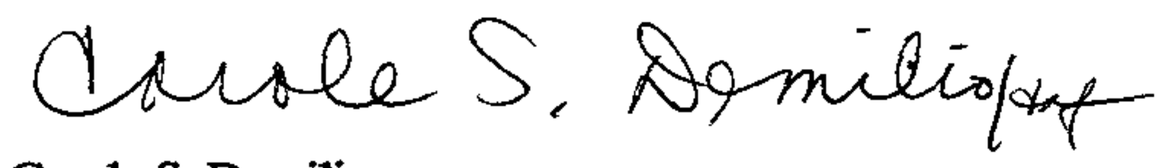
On September 29, 1999, the CBA Chairman also directed the parties to meet with Office of Planning and DEPRM staff to attempt in good faith to reach a consensus of the appropriate procedures to handle the rezoning and growth allocation petitions, and pertinent site plan documentation. There is a meeting scheduled for Monday, November 29, 1999 at the Office of Planning for this purpose.

Under these circumstances, the rezoning case is not in a posture for review on the merits on December 7. We respectfully suggest that the Board designate December 7 for a status conference only.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: C. William Clark, Esq.
Attorney for Petitioners

J. Carroll Holzer, Esq.
Attorney for Protestants

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 29, 1999

NOTICE OF ASSIGNMENT /Hearing on Merits

CASE #: CR-99-411

IN THE MATTER OF: VANDERMAST JOINT VENTURE
2209-2341 Vandermast Lane 15th E; 5th C

Petition for Reclassification, Cycle V, 1999

ASSIGNED FOR: TUESDAY, DECEMBER 7, 1999 at 10:00 a.m.

NOTICE: **This matter has been scheduled for the purpose of receiving oral argument only on People's Counsel's Motion to Strike Amended Petition.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Petitioner : C. William Clark, Esquire
Petitioner : Vandermast Joint Venture by Ernest Vandermast III (Managing Partner)
Tim Madden /Morris & Ritchie

Counsel for Back River Neck Community Assn. and Carl Maynard, Individual : J. Carroll Holzer, Esquire

People's Counsel for Baltimore County
James Earl Kraft /Board of Education
Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Arnold Jablon, Director
Permits & Development Management
Attn: Sophie Jennings

DATE: September 29, 1999

FROM: Kathleen C. Bianco
Administrator, Board of Appeals

SUBJECT: Amendment to Petition for Reclassification /Case No. CR-99-411 /Vandermast Joint Venture -Petitioner

Pursuant to the appropriate sections of the Baltimore County Code, the Amended Plan for the subject reclassification petition was submitted to the County Board of Appeals on the record and at a public hearing this date. This amended plan and accompanying documentation was submitted to your office for processing and reflects a revision date of 6/99.

This case will be heard before the Board on the merits of the request on December 7, 1999 at 10:00 a.m. A Notice of Assignment is attached reflecting this hearing date. Should you require any additional information regarding this matter, please contact this office.

Attachment

cc: C. William Clark, Esquire
J. Carroll Holzer, Esquire
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning

FILE

County Board of Appeals of Baltimore County

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

August 31, 1999

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: CR-99-411
2209-2341 Vandermast Lane
NW/S Holly Neck Road, 500' W of Fantat Road
15th Election District – 5th Councilmanic District
Legal Owner: Vandermast Joint Venture

Reclassification of the property from R.C.-20 to R.C.-5.

HEARING: Wednesday, September 29, 1999 at 10:00 a.m. in Room 48 of the Old Courthouse, 400 Washington Avenue

Charles Marks/scj

Charles L. Marks
Chairman

c: C. William Clark, Esquire
Vandermast Joint Venture
Morris & Ritchie

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

September 13, 1999

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: In the Matter of Vandermast Joint Venture
Case No. CR-99-411

Dear Mr. Clark:

The Board is in receipt of your letter of this date regarding the subject case.

Your understanding is correct in that there will be no need for the motion hearing scheduled for September 15th. The Board will convene on Wednesday, September 29, 1999 for the purpose of receiving the revised documented site plan at open hearing. No testimony or evidence as to the merits of the Petition for Reclassification will be received at that time. A Notice of Assignment will be sent on September 29th to all parties to this case to confirm the date of Tuesday, December 7, 1999 for hearing on the merits.

A copy of this letter will be sent to you via FAX today, with the original to follow by mail.

Very truly yours,

Kathleen C. Bianco
Administrator

cc: Peter Max Zimmerman
People's Counsel for Baltimore County
J. Carroll Holzer, Esquire
Dr. Ernest Vandermast
Jeffrey Long /Planning
Arnold Jablon, Director /PDM
Virginia Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

TRANSMISSION VERIFICATION REPORT

TIME: 09/13/1999 15:13
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE,TIME	09/13 15:12
FAX NO./NAME	94102962765
DURATION	00:00:34
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

B. Clark
received
ltr. to
mailing to
on 9/15.
on 9/29/99.

TRANSMISSION VERIFICATION REPORT

TIME: 09/13/1999 15:18
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE,TIME	09/13 15:18
FAX NO./NAME	94108254923
DURATION	00:00:34
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

B. Clark
C. Hodge
9/15
9/29
My letter to
Bep for to
No need for
to comment on

C. WILLIAM CLARK
(410) 823-7800
EMAIL
cwclark@nolanplumhoff.com

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D NOLAN
(RETIRED 1980)
J EARLE PLUMHOFF
(1940-1988)
RALPH E DEITZ
(1918-1990)

September 13, 1999

COUNTY BOARD OF APPEALS
RECEIVED
99 SEP 13 PM 2:06

VIA HAND DELIVERY

Charles L. Marks, Chairman
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Vandermast Joint Venture; Case No. CR-99-411

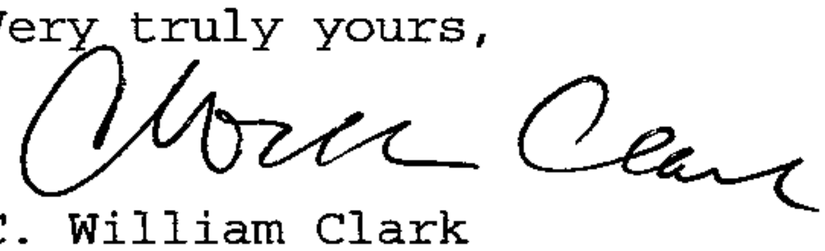
Dear Mr. Marks:

This letter confirms my recent telephone conversation with Kathy Bianco, wherein I advised her that after further consultation and consideration by my client, the Petitioner in the above-captioned case withdraws its objections to the Motion filed by Peoples Counsel regarding the Amendments to the Petition for Reclassification filed in the above-captioned matter. Accordingly, after having spoken with Mr. Zimmerman, it is my understanding that there will be no need for the Hearing on September 15, 1999, and that on September 29,1999, the Board will convene for the purposes of receiving the revised documented site plan and then suspend the Hearing pending referral by the Board back to the Planning Board, as required by the Baltimore County Code.

If you have any questions concerning this matter, please contact me.

Until then, I remain.

Very truly yours,



C. William Clark

CWC:kal
cc: Peter Max Zimmerman, Esquire
J. Carroll Holzer, Esquire
Dr. Ernest Vandermast

D:\data\CWC\Clients\Vandermast\Marksltr.wpd

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 25, 1999

9/13/99 - not required to receive amended petition on 9/9/99.

NOTICE OF ASSIGNMENT /MOTION HEARING

CASE #: CR-99-411 **IN THE MATTER OF: VANDERMAST JOINT VENTURE**
2209-2341 Vandermast Lane 15th E; 5th C

Petition for Reclassification, Cycle V, 1999

Has been scheduled for a **MOTION ONLY HEARING** for argument on a Motion to Strike Amended Petition filed by People's Counsel; and has been

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 15, 1999 at 9:00 a.m.

NOTICE: **This matter has been scheduled for the purpose of receiving oral argument only on People's Counsel's Motion to Strike Amended Petition.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Petitioner : C. William Clark, Esquire
Petitioner : Vandermast Joint Venture by
Ernest Vandermast III
(Managing Partner)

Tim Madden /Morris & Ritchie

Counsel for Back River Neck : J. Carroll Holzer, Esquire
Community Assn. and Carl
Maynard, Individual

People's Counsel for Baltimore County
James Earl Kraft /Board of Education
Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: C. Marks
L. Stahl
T. Melvin

DATE: August 25, 1999

FROM: Kathi

SUBJECT: **Case No. CR-9--411 /Vandermast Joint Venture**
Motion Hearing - Motion to Strike Amended Petition and Response Thereto - Wednesday, September 15, 1999

The subject matter is scheduled for hearing on the merits on 9/29/99.

A Motion to Strike Amended Petition was filed by People's Counsel and a response thereto filed by Bud Clark on behalf of Petitioners, as well a Request for Hearing on said Motion. (An additional response was filed by Carroll Holzer, on behalf of protestants in which he adopted the "requested relief without exception.")

A Motion only hearing has been scheduled for Wednesday, September 15, 1999 at 9:00 a.m. Attached for your review and information are the following:

1. Motion to Strike Amended Petition, and for Appropriate Relief filed by Mr. Zimmerman.

2. Response to Motion to Strike Amended Petition and for Appropriate Relief filed by Mr. Holzer (adopting Mr. Zimmerman's "requested relief without exception".

3. Response to Motion to Strike Amended Petition, and for Appropriate Relief filed by Mr. Clark on behalf of Petitioners.

Mr. Zimmerman has indicated an intent to file a response to Mr. Clark's response. If and when said response is filed, I will forward a copy to you upon receipt.

If you need any additional information, please let me know.

kathi

Attachments (3)

FILE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

RECEIVED JAN 2 7 2000

FROM: R. Bruce Seeley RBS

DATE: January 18, 2000

SUBJECT: Zoning Item #CR-99-411
Revised Plans for Vandermast Property

RECEIVED COUNTY BOARD OF APPEALS 00 JAN 28 AM 11:30

Zoning Advisory Committee Meeting of January 10, 2000

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ The Department of Environmental Protection and Resource Management has determined that no mistake was made in mapping the Critical Area land classifications (i.e., Limited Development Area and Resource Conservation Area) on the subject property in 1988. Land classification mapping for all of the County's Chesapeake Bay Critical Area was based upon land use in existence on December 1, 1985. The State Critical Area Criteria (COMAR 27.01.02) did not require that this mapping follow property lines but, instead, required that "areas" within the Critical Area

be designated according to specific guidelines. The Resource Conservation Area classification of the RC-20 portion of the Vandermast property is appropriate because it was within an area dominated by forest, where the overall density of dwelling units was less than one per five acres in 1985. Given that the official "maps" of Resource Conservation Areas in Baltimore County's Critical Area are areas zoned RC-20 or RC-50 on the official zoning map of the County, the RC-20 designation is correct as mapped on the Vandermast property.

X The growth allocation request package cannot be considered complete until all outstanding issues outlined in the January 4, 2000 and January 18, 2000 letters are adequately addressed (see attached DEPRM letters).

X Groundwater Management (GWM): The failing septic systems must be corrected by either extending public sewer to the properties or vacating the dwellings and pumping and removing or backfilling all septic systems.

Reviewer: Glenn Shaffer Date: January 18, 2000

A:\Zoning Petitions\cr99411

Baltimore County
Department of Environmental Protection
and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

January 4, 2000

Mr. Lyndon Hart
Morris & Ritchie Associates, Inc.
110 West Road Suite 245
Towson, MD 21204

RE: Vandermast Property
Revised Growth Allocation
Application and Findings Plan

Dear Mr. Hart:

This Department received the revised request for growth allocation to reclassify a portion of the Vandermast Property as Limited Development Area (LDA) on December 7, 1999 for review. This submittal, which included a "Documented Site Plan to Accompany Reclassification Petition" as well as a supporting document addressing many of the first round comments, was subsequently sent to the Growth Allocation Review Committee (GARC) for comment solely regarding its completeness and accuracy. Based on this second review, we offer the following comments:

1. The non-tidal wetlands between Vandermast Road and Lots 13-15 must be delineated and approved by DEPRM. This is in progress, according to Tim Madden's December 21, 1999 letter.
2. The buffer from the wetlands must be determined by slope analysis and approved by DEPRM. This is also in progress with a revised slope analysis forthcoming.
3. Note 11 on the plan states that a waiver to any slope increase to the buffer will be included in the "waiver" request to reduce the 300 foot buffer to 100 feet. This will require Planning Board approval in accordance with Section 26-208 of Baltimore County Code.
4. The limits of the proposed Critical Area Easement (CAE) must be clearly shown on the proposed condition plan. The minimum 100 and 300 foot buffer lines should be removed from the proposed condition plan for clarification and the entire area south of Goff Road and Vandermast Lane show as CAE. These buffer lines may remain on the existing conditions plan to illustrate the additional buffer being provided south of Goff Road and Vandermast Lane.
5. The land use designation of <u>all</u> adjacent properties must be labeled on the plan.
6. Piers should be labeled as existing to remain, existing to be removed, or proposed, as the case may be.
7. A minimum 35 foot setback must be provided form principal dwellings to any CAE, including reforestation areas.
8. Road widening and new road construction must be incorporated into the impervious surface calculations.

9. CBCA Commission staff have expressed preliminary concerns regarding the extent of forest interior dwelling bird habitat. By copy of this letter, I request that CBCA Commission staff accompany DEPRM staff to the site so that a final determination about the presence and limits of this habitat can be made. It is our intent to have this issue resolved prior to information of a GARC recommendation about whether to approve the growth allocation request.

Once these corrections are made and the plan is resubmitted, the GARC will consider the plan complete and a Community Input Meeting can be scheduled. All other GARC comments have been addressed either in the narrative or on the revised plan (rev. 12/3/99).

If there are any questions regarding these comments, please contact Mr. Glenn Shaffer or me at (410) 887-3980.

Sincerely,

Patricia M. Farr, Program Supervisor
Environmental Impact Review

c. Bud Clark, Nolan, Plumhoff & Williams
Timothy Madden, Morris & Ritchie Associates
Meredith Lathbury, CBCA Commission Staff
Jeffrey Long, Office of Planning

Vndmstgar2.doc11/gs

Baltimore County
Department of Environmental Protection
and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

January 18, 2000

Mr. Lyndon Hart
Morris & Ritchie Associates, Inc.
110 West Road Suite 245
Towson, MD 21204

RE: Vandermast Property
Revised Wetland Delineation

Dear Mr. Hart:

Mr. Glenn Shaffer of Environmental Impact Review (EIR) reevaluated the northeastern portion of the Vandermast Property to determine the accuracy of the non-tidal wetlands limit depicted on the revised site constraints plan presented to him at the January 4, 2000 meeting with Mr. Mark McMenamin of your office. Upon inspecting the site, Mr. Shaffer found no wetland flagging. However, the wetland area appears to be significantly larger than shown on this revised plan. This would affect the resultant buffer and possibly the layout of the proposed development. As promised, Mr. Shaffer left a voice mail message for Mr. McMenamin on January 6, 2000 indicating this discrepancy in the wetland limit. However, no acknowledgement of this message was made to EIR, nor has any revised slope analysis reflecting the additional wetland been submitted to date. Therefore, this letter is being sent to document these findings and alert your client to this outstanding issue.

Please contact Glenn Shaffer after flagging the wetlands in this area so that this delineation can be evaluated by Mr. Shaffer and revised if necessary prior to its surveying. After the wetlands are accurately delineated at this site, the proper buffer can be determined by slope analysis. The growth allocation request package cannot be considered complete until this and all other outstanding issues outlined in the January 4, 2000 letter to you are adequately addressed.

If there are any questions regarding this correspondence, please contact either Mr. Shaffer or me at (410) 887-3980.

Sincerely,

Patricia M. Farr, Program Supervisor
Environmental Impact Review

c. Mr. Bud Clark, Nolan, Plumhoff & Associates

Vndmstwdv doc12/gs

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

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7·23·99

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

RE: Baltimore County
Item No.
CR-99-411
VANDERMOST PROPERTY

Dear. Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Chief
Engineering Access Permits Division

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

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

JULY 16, 1999

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

RE: Property Owner: VANDERMAST PROPERTY

Location: DISTRIBUTION MEETING OF 4/99-10/99

Item No.: CR-99-411 REV 6/99 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:

CR-99-411 REV 6/99

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

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: February 6, 2004

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
R-98-370	*R-98-370 CYCLE III, 1998*	OZIEL ABBAS	PHILADELPHIA ROAD/ GOLDEN RING ROAD
CR-98-59-SPHXA	*CR098-59-SPHXA (Out of Cycle)*	AIGBURTH VALE, LOT 1	AIGBURTH ROAD AND DONNYBROOK LANE
CR-99-411	*CR-99-411 CYCLE V 1999*	VANDERMAST JOINT VENTURE	VANDERMAST LANE/ HOLLY NECK GOFF ROAD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

November 21, 2003

RE: *In the Matter of: Vandermast Joint Venture*
Case No. CR-99-411 / Order of Dismissal of Petition

Dear Mr. Clark:

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

Very truly yours,

Kathleen C. Bianco/tts

Kathleen C. Bianco
Administrator

Enclosure

c: Vandermast Joint Venture
Tim Madden /Morris & Ritchie
J. Carroll Holzer, Esquire
Carol Saffron-Brinks, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

IN THE MATTER OF THE APPLICATION OF VANDERMAST JOINT VENTURE by Ernest Vandermast III, Managing Partner FOR ZONING RECLASSIFICATION ON PROPERTY LOCATED AT 2209-2341 VANDERMAST LANE, NE/S HOLLY NECK RD	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	Case No. CR-99-411 Cycle V 1999

* * * * * * * * *

ORDER OF DISMISSAL OF PETITION

This case came to the Board on a Petition for Reclassification filed by C. William Clark, Esquire, on behalf of Petitioners for zoning reclassification on property located on the northeast side of Holly Neck Road known as 2209-2341 Vandermast Lane in the Fifth Election District of Baltimore County.

WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since a continuance was granted on February 24, 2000,

IT IS, THEREFORE, this 21st day of November, 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. CR-99-411 be and the same is declared moot, and the Petition **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

November 21, 2003

RE: *In the Matter of: Vandermast Joint Venture*
Case No. CR-99-411 / Order of Dismissal of Petition

Dear Mr. Clark:

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

Very truly yours,

Kathleen C. Bianco/tks

Kathleen C. Bianco
Administrator

Enclosure

c: Vandermast Joint Venture
Tim Madden /Morris & Ritchie
J. Carroll Holzer, Esquire
Carol Saffron-Brinks, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

IN THE MATTER OF THE APPLICATION OF VANDERMAST JOINT VENTURE by Ernest Vandermast III, Managing Partner FOR ZONING RECLASSIFICATION ON PROPERTY LOCATED AT 2209-2341 VANDERMAST LANE, NE/S HOLLY NECK RD	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	Case No. CR-99-411 Cycle V 1999

* * * * * * * * *

ORDER OF DISMISSAL OF PETITION

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WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since a continuance was granted on February 24, 2000,

IT IS, THEREFORE, this 21st day of November, 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. CR-99-411 be and the same is declared moot, and the Petition **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

TO: PATUXENT PUBLISHING COMPANY
May 6, 1999 & May 13, 1999 Issues - Jeffersonian
Half-Page Ad

Advertising costs should be divided between all petitioners.
Please forward billing to:

R-99-409	Barbara Ormord 210 Allegheny Avenue Towson, MD 21204	410-494-6201
R-99-410	Greg & Paul Canatella 201G Carroll Island Road Baltimore, MD 21220	410-335-5377
CR-99-411	Morris & Ritchie Associates, Inc. 110 West Road Suite 245 Towson, MD 21204	410-821-1690

NEWSPAPER AD MUST BE HALF-PAGE AD.

SEE ATTACHED SAMPLE FOR PROPER SET-UP OF AD. SEE ATTACHED PAPERS FOR CORRECT WORDING FOR ZONING RECLASSIFICATION CYCLE V (APRIL 1999 – OCTOBER 1999) AND CORRECT MAP.

PLEASE FORWARD TO ZONING REVIEW, PERMITS & DEVELOPMENT MANAGEMENT (ATTENTION CARL RICHARDS/SOPHIA JENNINGS), A CONTACT POSITIVE PRINT.

ANY QUESTIONS CONCERNING THIS AD, PLEASE CONTACT EITHER CARL RICHARDS OR SOPHIA JENNINGS IN ZONING REVIEW AT 410-887-3391.

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE APRIL 1999 – OCTOBER 1999 ZONING RECLASSIFICATION CYCLE V

BY ORDER OF
CHARLES L. MARKS, CHAIRMAN, BALTIMORE COUNTY BOARD OF APPEALS
ARNOLD F. KELLER, III, DIRECTOR, OFFICE OF PLANNING AND COMMUNITY CONSERVATION

ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS
FOR THE ZONING RECLASSIFICATION CYCLE V
APRIL 1999 – OCTOBER 1999

WESTERN SECTOR

ITEM #1

Property Owner:	Bare Hills Associates & Callahan Investors, Inc. & Callahan Family Limited Partnership
Case No./Hearing Date:	R-99-409; Wednesday, September 8, 1999 at 10:00 a.m.
Contract Purchaser:	MIE Acquisition, Inc.
Location:	S/end Clarkview Road, approximately 1250' S of Falls Road; also W/S Falls Road, 600' S of Hollins Lane
Existing Zoning:	M.L.R. & D.R.-3.5
Election District:	3rd
Councilmanic District:	2nd
Acres:	M.L.R. – 3.67; M.L. – 17.4
Proposed Zoning:	M.L.R. & M.L.
Attorney:	Robert A. Hoffman
Misc.:	Open Plan

NORTHERN SECTOR

No Petitions Were Filed In This Sector

CENTRAL SECTOR

No Petitions Were Filed In This Sector

EASTERN SECTOR

ITEM #2

Property Owner:	Greg Lee Canatella & Paul Lee Canatella
Case No./Hearing Date:	R-99-410; Thursday, September 23, 1999 at 10:00 a.m.
Contract Purchaser:	N/A
Location:	NWC Carroll Island Road & Bowleys Quarters Road (123 Carroll Island Road)
Existing Zoning:	C.B.
Election District:	15th
Councilmanic District:	5th
Acres:	1.733
Proposed Zoning:	B.L. or M.L.
Attorney:	N/A
Misc.:	Open Plan; Critical Area

ITEM #3

Property Owner:	Vandermast Joint Venture
Case No./Hearing Date:	CR-99-411; Wednesday, September 29, 1999 at 10:00 a.m.
Contract Purchaser:	N/A
Location:	NW/S Holly Neck Road, 500' W of Fantat Road (2209-2341 Vandermast Lane)
Existing Zoning:	R.C.-20
Election District:	15th
Councilmanic District:	5th
Acres:	48.42
Proposed Zoning:	R.C.-5
Attorney:	C. William Clark
Misc.:	Documented Plan; Critical Area; Floodplain; Prior Zoning Cases #97-567-SPH, 95-412-SPH

SAMPLE ONLY

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1993 - APRIL, 1994 ZONING RECLASSIFICATION CYCLE II

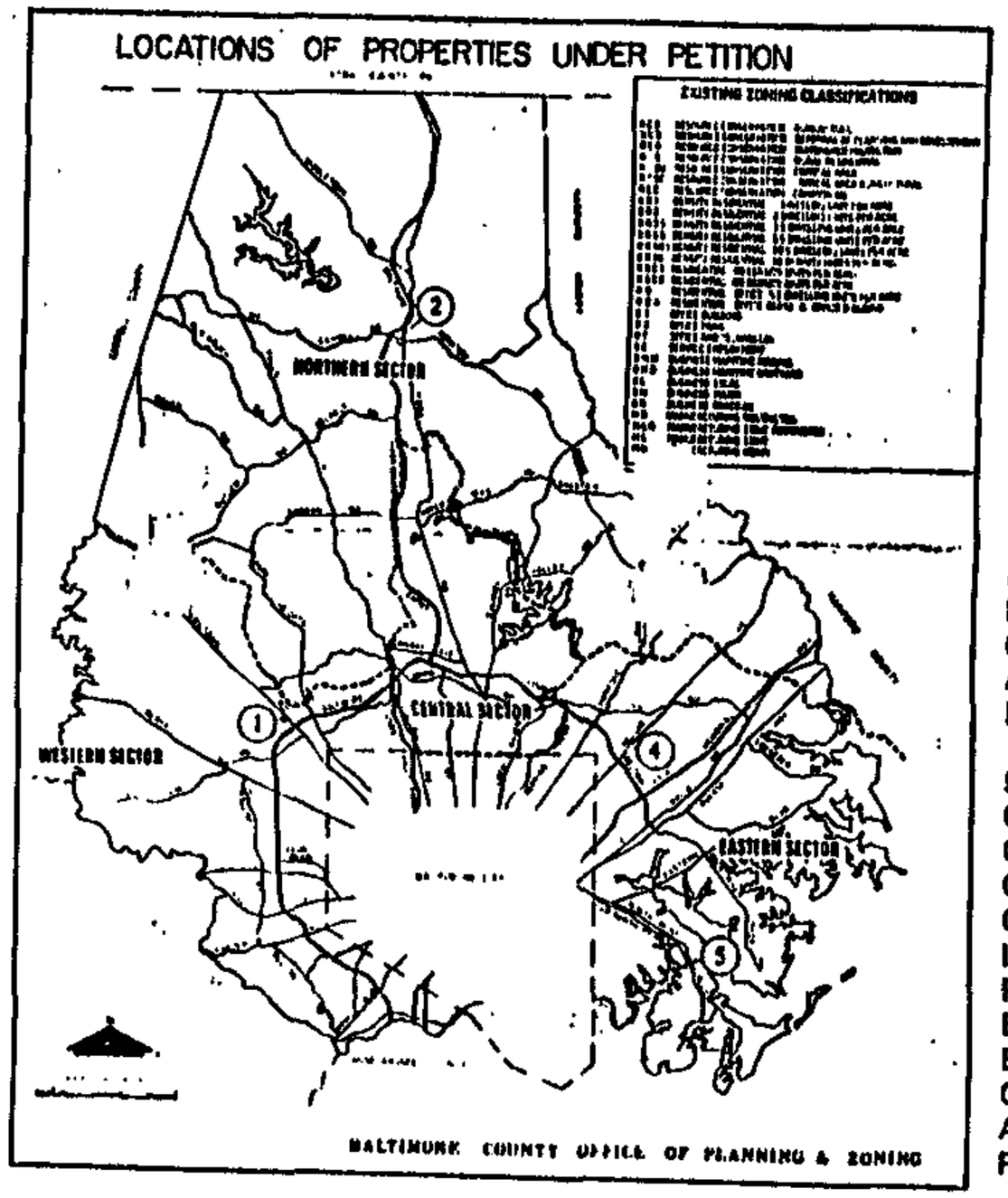
WESTERN SECTOR

1. Property Owner: J.F.O. Holding Corporation & Josephine Owings Grinnings
Case No./Hearing Date: R-94-141; 3/9/94
Contract Purchaser: J. Patrick Gill
Location: SW/S Reisterstown Road, 540' SE of centerline Mt. Wilson Lane, opposite Castleton Avenue (#1838-1850 Reisterstown Road)
Existing Zoning: R.O.
Election District: 3rd
Councilmanic District: 3rd
Acres: 5.81 +/- or 5.25 +/-
Proposed Zoning: B.L.

NORTHERN SECTOR

2. Property Owner: Harford Joint Venture
Case No./Hearing Date: R-94-142; 3/23/94
Contract Purchaser: N/A
Location: N/S Everett Road, W/S York Road (Monkton Centre)
Existing Zoning: R.C.-5
Election District: 7th
Councilmanic District: 3rd
Acres: .90 +/-
Proposed Zoning: B.M.-C.R.

3. Property Owner: The Prosser Company, Inc.
Case No./Hearing Date: CR-94-143; 4/6/94
Contract Purchaser: N/A
Location: SE/S Long Green Pike and NW/S Glen Arm Road (12107 & 12109
Long Green Pike and 5328 Glen Arm Road)
Existing Zoning: R.O. & R.C.-5
Election District: 11th



Councilmanic District: 6th
Acres: 5.2 +/-
Proposed Zoning: M.L.

CENTRAL SECTOR

No Petitions in the Central Sector

EASTERN SECTOR

4. Property Owner: State Highway Administration
Case No./Hearing Date: R-94-144; 4/20/94
Contract Purchaser: White Marsh Dinner Theatre, Inc.
Location: NW/S Belair Road, corner NE/S White Marsh Boulevard (8204
Belair Road)
Existing Zoning: D.R.-5.5
Election District: 14th
Councilmanic District: 6th
Acres: .61 +/-
Proposed Zoning: B.M.

5. Property Owner: Beachwood II Limited Partnership & Cignal Development
Corporation
Case No./Hearing Date: R-94-145; 5/4/94
Contract Purchaser: N/A
Location: E/S Morse Lane between Lynhurst and Shore Roads (Beachwood)
Existing Zoning: D.R.-1
Election District: 15th
Councilmanic District: 7th
Acres: 27.309
Proposed Zoning: D.R.-3.5 or D.R.-5.5 or D.R.-10.5

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

BY ORDER OF
WILLIAM HACKETT, CHAIRMAN BALTIMORE COUNTY BOARD OF APPEALS
P. DAVID FIELDS, DIRECTOR BALTIMORE COUNTY PLANNING AND ZONING

TO: ESSEX TIMES
May 6, 1999 & May 13, 1999 Issues – Essex Times
Half-Page Ad

Advertising costs should be divided between all petitioners.
Please forward billing to:

R-99-409	Barbara Ormord 210 Allegheny Avenue Towson, MD 21204	410-494-6201
R-99-410	Greg & Paul Canatella 201G Carroll Island Road Baltimore, MD 21220	410-335-5377
CR-99-411	Morris & Ritchie Associates, Inc. 110 West Road Suite 245 Towson, MD 21204	410-821-1690

NEWSPAPER AD MUST BE HALF-PAGE AD.

SEE ATTACHED SAMPLE FOR PROPER SET-UP OF AD. SEE ATTACHED PAPERS FOR CORRECT WORDING FOR ZONING RECLASSIFICATION CYCLE V (APRIL 1999 – OCTOBER 1999) AND CORRECT MAP.

PLEASE FORWARD TO ZONING REVIEW, PERMITS & DEVELOPMENT MANAGEMENT (ATTENTION CARL RICHARDS/SOPHIA JENNINGS), A CONTACT POSITIVE PRINT.

ANY QUESTIONS CONCERNING THIS AD, PLEASE CONTACT EITHER CARL RICHARDS OR SOPHIA JENNINGS IN ZONING REVIEW AT 410-887-3391.

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE APRIL 1999 – OCTOBER 1999 ZONING RECLASSIFICATION CYCLE V

BY ORDER OF
CHARLES L. MARKS, CHAIRMAN, BALTIMORE COUNTY BOARD OF APPEALS
ARNOLD F. KELLER, III, DIRECTOR, OFFICE OF PLANNING AND COMMUNITY CONSERVATION

ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS
FOR THE ZONING RECLASSIFICATION CYCLE V
APRIL 1999 – OCTOBER 1999

WESTERN SECTOR

ITEM #1

Property Owner:	Bare Hills Associates & Callahan Investors, Inc. & Callahan Family Limited Partnership
Case No./Hearing Date:	R-99-409; Wednesday, September 8, 1999 at 10:00 a.m.
Contract Purchaser:	MIE Acquisition, Inc.
Location:	S/end Clarkview Road, approximately 1250' S of Falls Road; also W/S Falls Road, 600' S of Hollins Lane
Existing Zoning:	M.L.R. & D.R.-3.5
Election District:	3rd
Councilmanic District:	2nd
Acres:	M.L.R. – 3.67; M.L. – 17.4
Proposed Zoning:	M.L.R. & M.L.
Attorney:	Robert A. Hoffman
Misc.:	Open Plan

NORTHERN SECTOR

No Petitions Were Filed In This Sector

CENTRAL SECTOR

No Petitions Were Filed In This Sector

EASTERN SECTOR

ITEM #2

Property Owner:	Greg Lee Canatella & Paul Lee Canatella
Case No./Hearing Date:	R-99-410; Thursday, September 23, 1999 at 10:00 a.m.
Contract Purchaser:	N/A
Location:	NWC Carroll Island Road & Bowleys Quarters Road (123 Carroll Island Road)
Existing Zoning:	C.B.
Election District:	15th
Councilmanic District:	5th
Acres:	1.733
Proposed Zoning:	B.L. or M.L.
Attorney:	N/A
Misc.:	Open Plan; Critical Area

ITEM #3

Property Owner:	Vandermast Joint Venture
Case No./Hearing Date:	CR-99-411; Wednesday, September 29, 1999 at 10:00 a.m.
Contract Purchaser:	N/A
Location:	NW/S Holly Neck Road, 500' W of Fantat Road (2209-2341 Vandermast Lane)
Existing Zoning:	R.C.-20
Election District:	15th
Councilmanic District:	5th
Acres:	48.42
Proposed Zoning:	R.C.-5
Attorney:	C. William Clark
Misc.:	Documented Plan; Critical Area; Floodplain; Prior Zoning Cases #97-567-SPH, 95-412-SPH

SAMPLE ONLY

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

RECLASSIFICATION & REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1993 - APRIL, 1994 ZONING RECLASSIFICATION CYCLE II

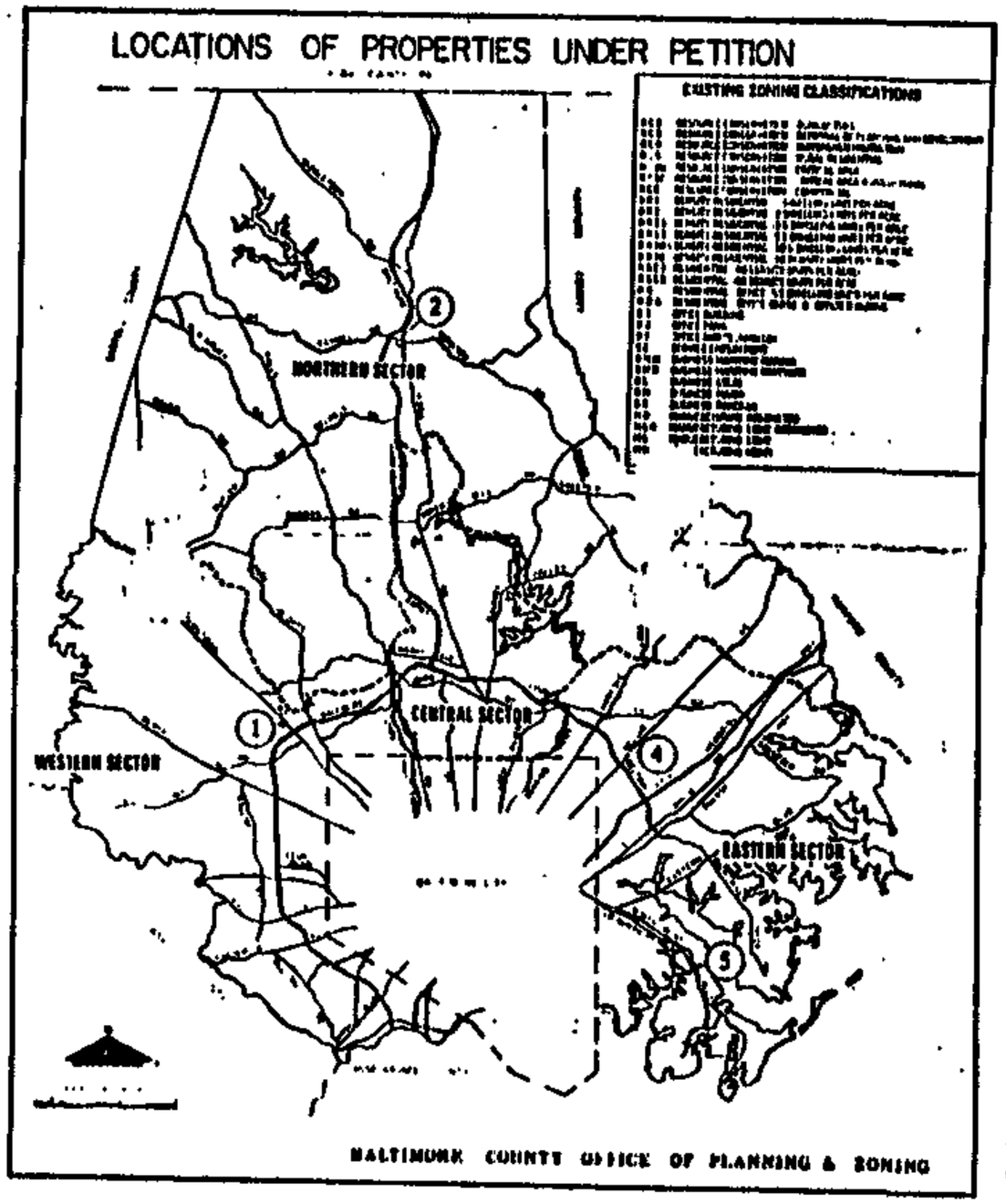
WESTERN SECTOR

1. Property Owner: J.F.O. Holding Corporation & Josephine Owings Grinnings
Case No./Hearing Date: R-94-141; 3/9/94
Contract Purchaser: J. Patrick Gill
Location: SW/S Reisterstown Road, 540' SE of centerline Mt. Wilson Lane, opposite Castleton Avenue (#1838-1850 Reisterstown Road)
Existing Zoning: R.O.
Election District: 3rd
Councilmanic District: 3rd
Acres: 5.81 +/- or 5.25 +/-
Proposed Zoning: B.L.

NORTHERN SECTOR

2. Property Owner: Harford Joint Venture
Case No./Hearing Date: R-94-142; 3/23/94
Contract Purchaser: N/A
Location: N/S Everett Road, W/S York Road (Monkton Centre)
Existing Zoning: R.C.-5
Election District: 7th
Councilmanic District: 3rd
Acres: .90 +/-
Proposed Zoning: B.M.-C.R.

3. Property Owner: The Prosser Company, Inc.
Case No./Hearing Date: CR-94-143; 4/6/94
Contract Purchaser: N/A
Location: SE/S Long Green Pike and NW/S Glen Arm Road (12107 & 12109
Long Green Pike and 5328 Glen Arm Road)
Existing Zoning: R.O. & R.C.-5
Election District: 11th



Councilmanic District: 6th
Acres: 5.2 +/-
Proposed Zoning: M.L.

CENTRAL SECTOR

No Petitions in the Central Sector

EASTERN SECTOR

4. Property Owner: State Highway Administration
Case No./Hearing Date: R-94-144; 4/20/94
Contract Purchaser: White Marsh Dinner Theatre, Inc.
Location: NW/S Belair Road, corner NE/S White Marsh Boulevard (8204
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LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

BY ORDER OF
WILLIAM HACKETT, CHAIRMAN BALTIMORE COUNTY BOARD OF APPEALS
P DAVID FIELDS, DIRECTOR BALTIMORE COUNTY PLANNING AND ZONING

4/17/99

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

Newton A. Williams

DIRECT DIAL:
(410) 823-7856

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

TELECOPY COVER PAGE

DATE: April , 1999 CLIENT MATTER NO: CWC

TO: Tim Madden

FIRM: Morris and Ritchie

RE: Vandermast Property, Required Revisions

FAX TELEPHONE NUMBER: 1 410 792 7395 PHONE: 410 792 9792

TELEPHONE NUMBER TO CONFIRM RECEIPT: Same

TOTALS NUMBER OF PAGES (INCLUDING COVER SHEET): One

FROM: **Bud Clark**

Tim:

Carl Richards and Sophie at Zoning have called, and we need to :

1. Check if we have used the right Petition Form, although we got it from Zoning earlier this year;
2. We need elevations and plans for the proposed housing types on the site;
3. We need to better show the areas to be reclassified on both Sheets 1 and 2.
4. Finally, the Site Plan should read " 15C5" not 15C15.

Sophie indicates we are soon going to the ads and after that we will be subject to a revision fee and open hearing amendment. Could you please contact Sophie promptly. Thanks.

Best regards,

Bud

Bud

Fax CC: Carl Richards and Sophie , 410 887 5708

RECEIVED
APR 16 1999
99920
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

VANDERMAST PROPERTY
JUSTIFICATION FOR RECLASSIFICATION

The County Council erred in the 1988 Comprehensive Map process by placing RC-20 zoning on a portion of the subject property, because the assumptions and premises relied upon by the council were invalid, and because the Council failed to take into account the following, then existing, facts:

The Vandermast property, in total, consisted of four lots of record with boundaries as recorded in the Land Records of Baltimore County. The RC-20 placed on the subject portion crossed over the boundary lines of those lots, thereby split zoning them.

As of the time of the Comprehensive Zoning, there existed more than one principal dwelling on each of the lots, and portions thereof, re-zoned which then exceeded the number permitted by the RC-20 zone (1A05.4E) and on the remaining portions zoned RC-5. None were for bona fide tenant farmers.

CR-99-411

ENVIRONMENTAL IMPACT STATEMENT

TO ACCOMPANY THE

DOCUMENTED SITE PLAN

RECLASSIFICATION PETITION

FOR THE

VANDERMAST PROPERTY

BALTIMORE COUNTY, MARYLAND

Prepared by:

Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204

Mr. Timothy F. Madden, ASLA, AICP
Principal Planner
MRA Project No. 10833

March 1, 1999

1088
LYNDON O. HART
STATE OF MARYLAND

FOR
TIMOTHY F. MADDEN, ASLA, AICP

CR-99-411

TABLE OF CONTENTS

I. Summary of Project

II. Discussion of Probable Impacts

- A. Site Clearing and Grading
- B. Site Drainage and Runoff
- C. Wildlife Habitat
- D. Noise
- E. Air
- F. Vehicular Traffic
- G. Visual Impact

III. Discussion of Unavoidable Adverse Impacts

IV. Alternatives to the Proposed Project

V. Assessment of Long-term Effects and Commitment of Resources

I. SUMMARY OF THE PROJECT

The redevelopment of the Vandermast property involves the replacement of twenty waterfront dwellings that exist in a dense grouping of dwellings, with the remainder sprinkled across the remainder of the waterfront. These twenty dwellings are all served by septic systems which are failed. The twenty units have been affirmed as legal dwellings by zoning order. The twenty existing dwellings will be removed and replaced with fifteen fee simple lots if the requested rezoning is approved. The new lots will meet the RC-5 regulations. They will be developed under improved site conditions. If the rezoning is approved, the following environmental conditions will result:

A. All dwellings will be connected to public sewer. All existing failed septic systems will be properly removed.

B. The number of dwellings onsite will be reduced from twenty, down to fifteen.

C. Onsite areas which are currently un-vegetated will be properly stabilized; some areas will even be reforested.

D. All impervious surfaces on the property will be minimized. Water Quality Best Management Practices will be employed to treat stormwater runoff from all impervious surfaces before such runoff enters the receiving waters. Improved water quality from this site will be realized.

E. The fifteen new dwellings proposed on this site will be, on average, farther away from the shoreline than the twenty existing dwellings are now.

F. Shoreline area which is currently not well vegetated and stabilized will be reforested and placed within a conservation easement.

G. The shoreline, now a place where uncontrolled dumping does occur, will be secured and protected from such activities by fee simple, owner-occupied control and security.

H. Almost half of the site area will be retained in open space parcels.

I. There will be more forested area on the property, as a result of rezoning approval, then there exists today.

II. DISCUSSION OF PROBABLE IMPACTS

Potential for environmental impacts arising from this project are discussed in the following paragraphs.

A. Site Clearing and Grading

The house sittings and roadway grades designed for this project will serve to minimize grading and disturbance of the site. Clearing for home-building will be limited to the immediate area. Massive land clearing will not be practiced on this project. The design team will request a wavier from further road improvements and widening as a means to minimize disturbance from such work. Through the development process and permitting requirements the installation and maintenance of appropriate sediment and erosion control measures will be assured. These activities will service to minimize impacts from site clearing and grading.

B. Site Drainage and Runoff

Runoff from all new, impervious surfaces will be managed to provide water quality improvements by means of infiltration, bioretention and vegetative practices. All roof runoff from the fifteen proposed dwellings will be directed to infiltration devices. Runoff flowing from newly developed land to the shoreline will be directed into vegetated swales and/or buffer strips which runoff across the slope. This will reduce the opportunity for erosion and will reduce the transportation of silt and nutrients from developed surfaces onsite to the tidal waters. Care will be taken in the selection of all storm drainage outfall points to insure that sensitive slopes and receiving waters are not disturbed.

C. Wildlife Habitat

There are no known rare, threatened or endangered species habitat on the subject property. Wildlife issues of main concern in regard to this proposed development will be any potential reduction in the quantity and quality of forest cover as well as the disturbance of transitional corridors along the shoreline and throughout the site. Wildlife movement along the shoreline will be enhanced by the establishment and protection for a minimum 100 foot wide buffer. This shoreline buffer does not currently exist, with many of the existing dwellings located close to the shore.

The wooded ravine area to the south of the proposed development area will remain undisturbed. Reforestation of additional areas on the periphery of this area will serve to further enhance its qualities for wildlife use. We believe that habitat qualities on this site will be improved after the proposed development has been established beyond the existing conditions.

D. Noise

Noise emanating from the established development will be greatly reduced below what noise is produced on the property today. This is due to the fact that there are twenty dwellings today which will be demolished and replaced with only fifteen dwellings. This is also due to the fact that the new development will obviate the need for from the weekly septic pump out operations which, if the requested rezoning is not approved, will continue, weekly.

E. Air

Air quality is expected to increase once the proposed development is established, due to two major reasons:

1. The number of dwellings which produce air pollution will be reduced from twenty to fifteen.
2. Cleaner burning fuels, less dust from unstabilized surfaces and the elimination of air borne pollutants from failed septic systems will act to greatly improve air quality.

F. Vehicular Traffic

The number of average daily trips generated from the established development will be well below the traffic generated from the site today. According to the Baltimore County "Summary of the Generation Rates" issued by the Department of Public Works in April of 1992, the proposed development will generate 150 trips, while the existing conditions generate 300 trips per day, plus the weekly truck traffic associated with the maintenance of the onsite failed septic systems.

G. Visual Impact

No aspect of this property will be more greatly enhanced than its visual qualities, if the proposed development is approved and established. The existing conditions appear to be unsightly, cluttered, ill-maintained and disorganized. What is proposed is well landscaped, well maintained, new, high-end residential development in a well secured enclave.

III. DISCUSSION OF UNAVOIDABLE ADVERSE IMPACTS

During demolition and construction activities, there will be certain unavoidable, yet minimizable, impacts that the developer will have to deal with. These include the generation of dust and noise, temporary disturbance of wildlife habitat, temporary removal of same, vegetative cover, and disruption of drainage patterns. All of these temporary construction impacts can be controlled by intelligent planning and design of such activities. The final, established development will eliminate not add to the unavoidable adverse impacts associated with human habitation of land.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

There is one clear alternative to the approval of the requested rezoning. That is, the continuation of the existing conditions. The existence and continued use of twenty dwellings has been confirmed by zoning order. If the petition is not favorably acted upon, these twenty dwellings will continue to be inhabitated. The failing septic system conditions will be maintained by pump-out operations, as is permitted by court order. This site is a desirable place to live, under its present condition, because it offers very low cost housing, very close to the shoreline. These conditions would continue, should the rezoning not be approved.

V. ASSESSMENT OF LONG-TERM EFFECTS AND COMMITMENT OF RESOURCES

The long-term effects from the established community of fifteen single family dwellings, as proposed on the documents Site Plan will create much less environmental impacts when compared to the continuation of existing conditions. More, higher quality wildlife habitat, improved water quality enhancement practices, improved visual qualities, the elimination of serious health concerns, as well as a reduction in onsite density will all result from the established development which will proceed if the subject zoning petition is approved.

TFM:mak\s\10833\impact.rpt\030199

VANDERMAST JOINT VENTURE by Ernest Vandermast III, Managing Partner
2209-2341 Vandermast Lane, NE/s
Holly Neck Goff Road

CR-99-411
Cycle V 1999

15th Election District
5th Councilmanic District

Reclassification: From RC-20 to RC-5 for Residential Dwellings
48.42 acres /Documented Site Plan

March 1, 1999 — Petition for Reclassification filed by C. William Clark, Esquire, on behalf of Vandermast Joint Venture, Legal Owner/Petitioner.

C. William Clark, Esquire — Counsel for Petitioner
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

Vandermast Joint Venture — Petitioner
by Ernest Vandermast III Managing Partner
47 Babbidge Road
Fallmouth, ME 04105

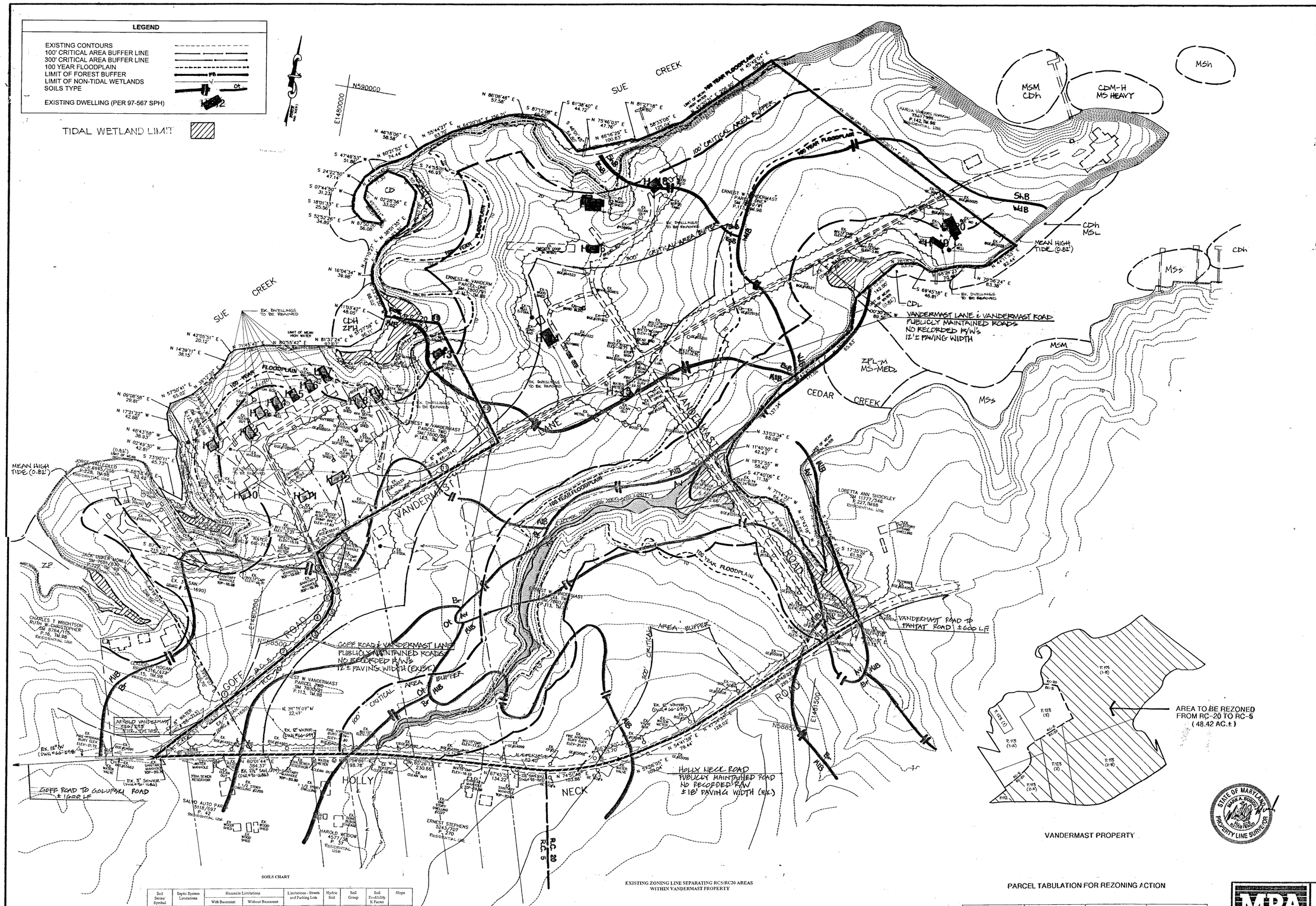
Tim Madden
Morris & Ritchie
110 West Road
Towson, MD 21204

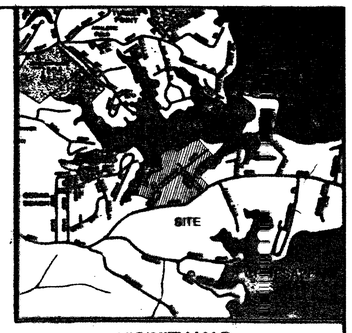
J. Carroll Holzer, Esquire — Counsel for Back River Neck Community Association and Carl Maynard, individual
508 Fairmount Avenue
Towson, MD 21286

James Earl Kraft
Baltimore County Board of Education
Mail Stop 1102-J

People's Counsel for
Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /PDM
Arnold Jablon, Director /PDM





VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

1. Owner/Applicant:
   Vandermast Joint Venture
   Managing Partner:
   Mr. Michael W. Vandermast, III
   47 Bainbridge Ct.
   Falmouth, MD 21733-2404
   Phone: 207-797-5660

2. Plan Preparer:
   Morris & Ritchie Associates, Inc.
   110 West Road Suite 245
   Towson, MD 21204
   Phone: 410-821-1690
   MRA Contact: Thomas Fadden, Principal
   Lynda Hart

3. Attorney for Applicant:
   C. William Clark and
   Newton P. Williams
   c/o Nolan, Plumhoff & Williams
   502 Washington Ave. Suite 700
   Towson, MD 21204
   Phone: 410-823-7800

4. Site Data:
   A. Existing Airways, Zoning, and Land Use:
      (1) Gross Acreage: ±60.17 Ac.
      (2) Existing Zoning: RC-20 (±48.42 Ac.) RC-5 (±11.75 Ac.)
      (3) Critical Area Designation: RCA (RC-20 zone) LDA (RC-5 zone)
      (4) Existing Use: Residential
      (5) Existing Allowable Density:
          RC-20 (1 DU per 20 acres @ 48.42 acres) 2 DU
          RC-5 (1 DU per 5 acres @ 11.75 acres) 2 DU
          Total Allowable Density 4 DU
      (6) Existing density: 20 DU (per 97-567 SPH)
      (7) Tax Account No's: 15-1522000100 15-1522000234
          15-1522000132 15-1522000235
      (8) Property Information:
          a. Deed References: 10661/463
             7800/91
             526/295 (Contract of Sale)
          b. Councilmanic District: 5
          c. Census Tract: 4510
          d. Election District: 15
          e. ADC Map Location: Map 46, Grids 1-B, 1-C, 2-B, 2-C
          f. Topo and Zoning Map: SE 2-J, SE 2-K
          g. Tax Map: TM 68 - Grids 20,21 / Parcels 113, 123
             TM 108 / Grid 21 / Parcel 112
   B. Proposed Development: A private gated community with fifteen (15) minimum 1 acre Single Family Detached Lots with individual private piers, with the balance of the site being dedicated as Open Space and roadway.
5. Water Service: An existing 8" public water main extends from Holly Neck Road along Goff Road to Vandermast Lane, and extended from Goff Road along Vandermast Lane to the Hoffman Property. An existing 2" public water line extends along Vandermast Lane from Goff Road to the Hoffman Property and the Movit and Valecito Properties.
6. Sewer Service: Public sewer exists on the property, but all existing dwellings are currently served by individual septic systems and private wells and public water. The owner was given an option by the Baltimore County Department of Health to either connect the existing houses to the existing public pressure sewer line located in Goff Road on the western end of the site, or to have the septic systems pumped once per week until connection with the public sewer system occurs. At the present time all septic systems in use are being pumped on a weekly basis.
   An existing 2" public low pressure sewer main extends along Goff Road from Holly Neck Road to Vandermast Lane. A 1.5" low pressure sewer main extends west along Vandermast Lane to the Movit and Valecito Properties.
7. Existing Site Access: Existing access to the site occurs from Holly Neck Road via Goff Road and the southeast corner of the site. Vandermast Lane, which bisects the Vandermast Property, runs east from Goff Road, past the intersection of Vandermast Road, to the Hoffman Property at the east end of the site.
8. Stormwater Management: There are currently no stormwater management provisions found on the site.
9. The site lies within the 1000-foot Chesapeake Bay Critical Area. A waiver to the 300-foot structure setback requirement will be requested. Sixteen (16) of the twenty (20) existing dwellings lie within the 300-foot buffer.
10. There are no known historically significant features or structures found on the site.
11. There are no known rare and/or endangered plants or animals found on the site.
12. The 100-year floodplain is found on the site lies at the 8.3 elevation.
13. No moratorium or basic services failures exist within the areas servicing this property.
14. Previous zoning actions:
    a. 1988 Baltimore County Comprehensive Rezoning - changed ±48.42 acres of the ±60.17 acre property from RC-5 to RC-20
    b. 95-412 SPH: Dismissed.
    c. 97-567 SPH: Affirmed non-conforming use, recognizing the existence of twenty (20) dwelling units on the site.
15. Zoning History:

Current:	RC-5	±11.75 ac.
	RC-20	±48.42 ac.
1992:	RC-5	±11.75 ac.
	RC-20	±48.42 ac.
1988:	RC-5	±11.75 ac.
	RC-20	±48.42 ac.
1984:	RC-5	±60.17 ac.
1980:	RC-5	±60.17 ac.
1976:	RC-5	±60.17 ac.
1971:	RDP	±60.17 ac.
1955:	R-R40-4	±60.17 ac.

16. The site fronts along Sue Creek and Cedar Creek. Both are tidal tributaries of Middle River.

SOILS CHART

Soil Series/ Symbol	Septic System Limitations	Homesite Limitations: With Basement	Homesite Limitations: Without Basement	Limitations - Streets and Parking Lots	Hydric Soil	Soil Group	Soil Erodibility K Factor	Slope
Alluvialland Av	Severe: High water table, flooding hazard	Severe: High water table, flooding hazard	Severe: High water table, flooding hazard	Severe: High water table, flooding hazard	Yes	D	N/A	N/A
Barclay Br	Severe: High water table, somewhat poor natural drainage	Sever: High water table, somewhat poor natural drainage	Sever: High water table, somewhat poor natural drainage	Sever: High water table, somewhat poor natural drainage	No	C	High 0.43	N/A
Elsinboro EsB	Slight	Slight	Slight	Moderate: Slope	No	B	High 0.37	3 to 8%
Mattapex MlB	Severe: Moderately slow permeability	Moderate: Moderately High water table	Slight	Moderate: Moderately High water table	No	C	High 0.37	2 to 5%
Othello Ot	Severe: High water table, poor natural drainage; moderately slow permeability	Severe: High water table, poor natural drainage	Severe: High water table, poor natural drainage	Severe: High water table, poor natural drainage	Yes	C/D	High 0.37	2 to 5 %
Sassafras SlB	Slight	Slight	Slight	Moderate: Slope	No	B	Moderate 0.28	2 to 5 %
Woodstown WgB	Moderate: moderately high water table	Moderate: moderately high water table	Slight	Moderate: moderately high water table; slope	No	C	Moderate 0.28	2 to 5%

EXISTING ZONING LINE SEPARATING RC5/RC20 AREAS WITHIN VANDERMAST PROPERTY

SEGMENT	BEARING	DISTANCE
1	North 43°29' 05" East	106.52'
2	North 40°32' 56" East	119.89'
3	North 36°52' 12" East	101.22'
4	North 30°15' 23" East	28.12'
5	North 16°23' 22" East	35.87'
6	North 02°17' 26" West	25.33'
7	North 17°39' 00" West	23.39'
8	North 35°03' 34" West	70.49'
9	North 31°19' 43" West	27.25'
10	North 45°33' 50" East	108.49'
11	North 50°29' 31" East	464.00'
12	North 36°05' 23" West	360.25'
13	South 87°33' 37" West	142.24'

PARCEL TABULATION FOR REZONING ACTION

PARCEL	RC - 5	RC - 20	TOTAL AREA
112	0.00 AC. ±	0.32 AC. ±	0.32 AC. ±
113 (1-A)	5.76 AC. ±	0.45 AC. ±	6.21 AC. ±
113 (1-B)	0.00 AC. ±	26.82 AC. ±	26.82 AC. ±
113 (2-A)	1.11 AC. ±	3.43 AC. ±	4.54 AC. ±
113 (2-B)	0.00 AC. ±	13.26 AC. ±	13.26 AC. ±
123 (1)	0.68 AC. ±	0.00 AC. ±	0.68 AC. ±
123 (2)	4.20 AC. ±	4.14 AC. ±	8.34 AC. ±
TOTAL	11.75 AC. ±	48.42 AC. ±	60.17 AC. ±

LOCATION PLAN

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

EXISTING CONDITIONS

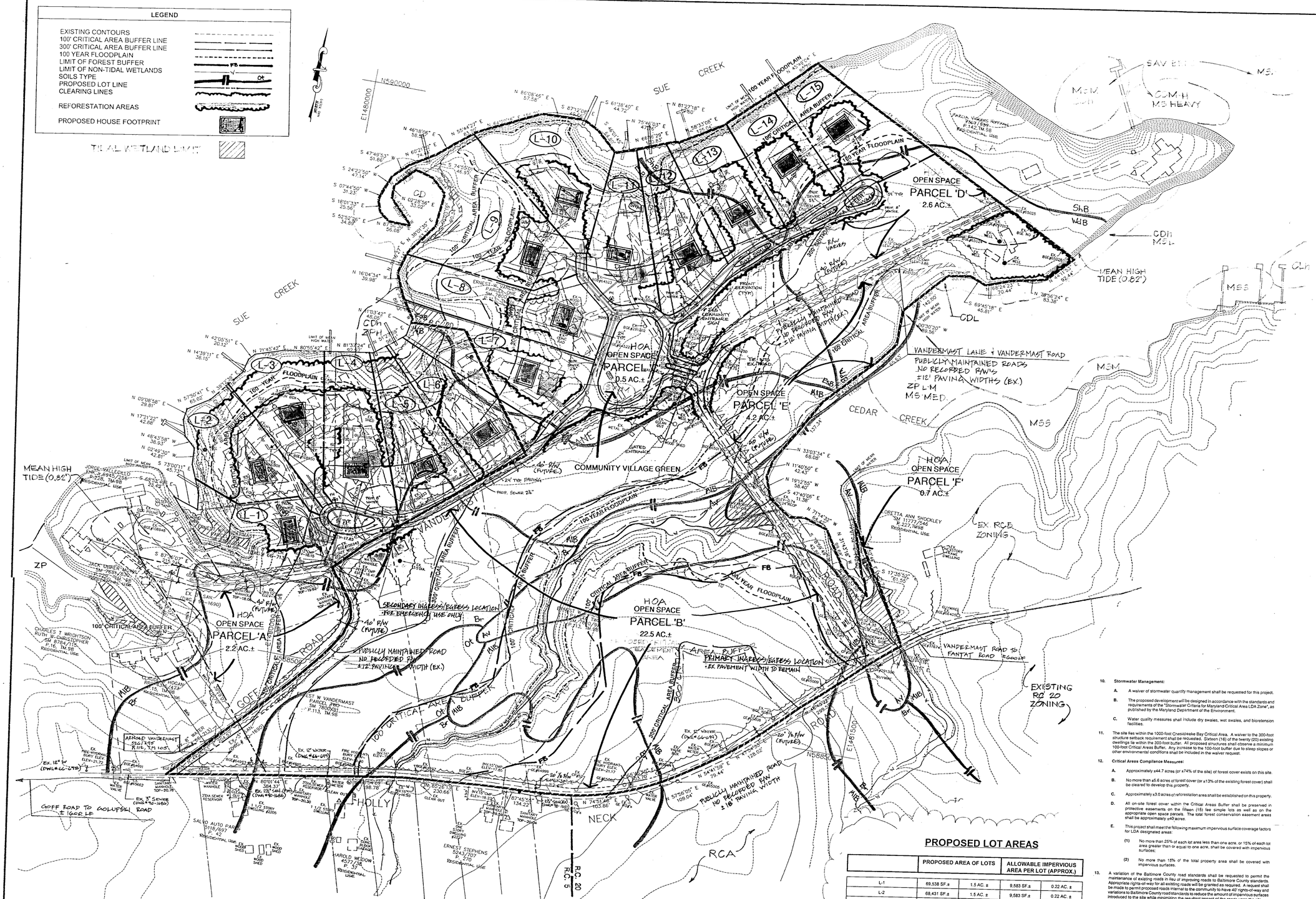
VANDERMAST PROPERTY

DATE	REVISIONS
4-27-99	REVISED PER ZONING COMMENTS
12-3-99	REVISED PER DEPRM/CARC COMMENTS 11-30-99 MTG.

JOB NO.:	10633
SCALE:	1" = 100'
DATE:	3/11/99
DRAWN BY:	SHJ
DESIGN BY:	LOH
REVIEW BY:	TFM
SHEET:	1 OF 2

CR-99-411 RW 12/99

Doc LLA



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

1. **Owner/Applicant:**
   Vandermast Joint Venture
   Managing Partner
   Mr. Ernest W. Vandermast, III
   47 Babbidge Rd.
   Falmouth, ME 04105-2404
   Phone: 207-797-5960

2. **Plan Preparer:**
   Morris & Ritchie Associates, Inc.
   110 West Road Suite 245
   Towson, MD 21204
   Phone: 410-821-1690
   MRA Contact: Tim Madden, Principal
   Lyndon Hart

3. **Attorney for Applicant:**
   C. William Clark and
   Newton P. Williams
   c/o Nolan, Plumhoff & Williams
   502 Washington Ave. Suite 700
   Towson, MD 21204
   Phone: 410-823-7800

4. **Site Data:**

   A. **Existing and Proposed Acreage, Zoning, and Land Use:**

   (1) **Gross Acreage:** ±60.17 Ac.

   (2) **Existing Zoning:** RC-20 (±48.42 Ac.)
   RC -5 (±11.75 Ac.)

   Proposed Zoning: RC -5 (±60.17 Ac.)

   (3) **Critical Area Designation:**

   Existing: RCA (RC-20 zone)
   LDA (RC-5 zone)

   Proposed: LDA (entire site)

   (4) **Existing Use:** Residential
   Proposed Use: Residential

   (5) **Density Calculations:**

   a. **Existing**

   RC-20 (1 DU per 20.0 acres @ ±48.42 acres) 2 DU
   RC-5 (1 DU per 1.5 acres @ ±11.75 acres) 7 DU
   Total Existing Allowable Density 9 DU

   Total Existing Density (per 97-567 SPH) 20 DU

   b. **Proposed**

   Allowable Density:
   RC-5 (1 DU per 1.5 acres @ ±60.17 acres) 40 DU

   Proposed Density: 15 DU

   (6) **Existing Critical Area Designation:** RCA (RC-20 zone)
   LDA (RC-5 zone)

   Proposed Critical Area Designation: LDA (entire site)

   (7) **Tax Account No's:** 15-1522000100 15-1522000234
   15-1522000730 15-1522000235

   (8) **Property Information:**

   a. **Deed References:** 10961/463
   7800/91
   5267/95 (Contract of Sale)

   b. **Councilmanic District:** 5

   c. **Census Tract:** 4510

   d. **Election District:** 15

   e. **ADC Map Location:** Map 46, Grids 1-B, 1-C, 2-B, 2-C

   f. **Topo and Zoning Map:** SE 2-J, SE 2-K

   g. **Tax Map:** TM 98 / Grids 20,21 / Parcels 113, 123
   TM 105 / Grid 2 / Parcel 112

   B. **Proposed Development:**

   A private gated community with fifteen (15) 1-acre (minimum lot size) Single-Family Detached Lots with individual private piers, with the balance of the site being dedicated as Open Space and roadway.

5. No moratorium or basic services failures exist within the areas servicing this property.

6. **Water Service:** All proposed lots will be connected to the existing 8" public water main located in Vandermast Lane. A fire flow test will be performed to insure adequate domestic and fire flow capabilities.

7. **Sewer Service:** All proposed lots will be connected to the existing 3" low pressure sewer line located at the intersection of Goff Road and Vandermast Lane.

8. **Site Access:** Minor alignment alterations to Goff Road and Vandermast Lane are proposed to ensure private access to the proposed community while maintaining continued access to existing adjacent properties using these roads. The proposed site plan will establish primary access to the site via Vandermast Road from Holly Neck Road. Goff Road is to be disconnected from Vandermast Lane, with provisions made for emergency access only. Access to the Hoffman Property will be maintained via the existing Vandermast Lane. A private entry gate will be located in the vicinity of the existing intersection of Vandermast Road and Vandermast Lane. Primary access to the fifteen (15) proposed lots will be via the private entry gate and the private road network within the community.

9. **Landscaping:** A waiver of the Baltimore County Landscaping Manual requirements shall be requested.

10. **Stormwater Management:**

    A. A waiver of stormwater quantity management shall be requested for this project.

    B. The proposed development will be designed in accordance with the standards and requirements of the "Stormwater Criteria for Maryland Critical Area LDA Zone", as published by the Maryland Department of the Environment.

    C. Water quality measures shall include dry swales, wet swales, and bioretension facilities.

11. The site lies within the 1000-foot Chesapeake Bay Critical Area. A waiver to the 300-foot structure setback requirement shall be requested. Sixteen (16) of the twenty (20) existing dwellings lie within the 300-foot buffer. All proposed structures shall observe a minimum 100-foot Critical Areas Buffer. Any increase to the 100-foot buffer due to steep slopes or other environmental conditions shall be included in the waiver request.

12. **Critical Areas Compliance Measures:**

    A. Approximately ±44.7 acres (or ±74% of the site) of forest cover exists on this site.

    B. No more than ±5.6 acres of forest cover (or ±13% of the existing forest cover) shall be cleared to develop this property.

    C. Approximately ±3.0 acres of reforestation area shall be established on this property.

    D. All on-site forest cover within the Critical Areas Buffer shall be preserved in protective easements on the fifteen (15) fee simple lots as well as on the appropriate open space parcels. The total forest conservation easement areas shall be approximately ±40 acres.

    E. This project shall meet the following maximum impervious surface coverage factors for LDA designated areas:

    (1) No more than 25% of each lot area less than one acre, or 15% of each lot area greater than or equal to one acre, shall be covered with impervious surfaces;

    (2) No more than 15% of the total property area shall be covered with impervious surfaces.

13. A variation of the Baltimore County road standards shall be requested to permit the maintenance of existing roads in lieu of improving roads to Baltimore County standards. Appropriate rights-of-way for all existing roads will be granted as required. A request shall be made to permit proposed roads internal to the community to have 40' rights-of-way and variations to Baltimore County road standards to reduce the amount of impervious surfaces introduced to the site while minimizing the resultant impact of the roads upon the site.

14. All existing forested areas shall be preserved in conservation easements, except for areas to be selectively cleared for proposed primary structures, roads, and utilities.

15. All existing structures on the site shall be removed.

16. All areas from which existing structures and roads are to be removed shall be revegetated as forest, except for the proposed community green space at the community entrance.

17. All septic systems shall be satisfactorily closed out and abandoned.

18. There are no known historically significant features or structures found on the site.

19. There are no known rare and/or endangered plants or animals found on the site.

20. All primary structures shall be built above the 9.3 elevation level (the 8.3 foot 100-year floodplain elevation plus one foot freeboard).

21. All proposed houses shall meet the required Baltimore County building and fire codes.

22. All proposed public and private roads are to be open section.

23. No slips for transient water craft are proposed.

24. This subdivision shall be a private, gated community. A contact station shall be constructed at the primary entrance to the community.

25. The tidal and non-tidal wetland delineation shown on this plan along the north side of Vandermast Lane and Goff Road is derived from a combination of sources, including the Baltimore County SAMP Study and field verification.

26. A Steep Slope and Erodible Soils Analysis was performed on the site by Morris & Ritchie Associates, Inc. in November, 1999.

27. The SAV beds shown on this plan have been delineated from the 1995 SAV survey data provided by DERM.

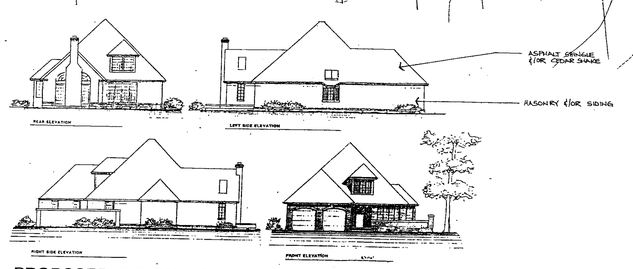
PROPOSED LOT AREAS

	PROPOSED AREA OF LOTS		ALLOWABLE IMPERVIOUS AREA PER LOT (APPROX.)	
L-1	69,538 SF.±	1.5 AC. ±	9,583 SF.±	0.22 AC. ±
L-2	68,431 SF.±	1.5 AC. ±	9,583 SF.±	0.22 AC. ±
L-3	61,075 SF.±	1.4 AC. ±	9,147 SF.±	0.21 AC. ±
L-4	56,287 SF.±	1.3 AC. ±	8,276 SF.±	0.19 AC. ±
L-5	52,632 SF.±	1.2 AC. ±	7,840 SF.±	0.18 AC. ±
L-6	55,497 SF.±	1.3 AC. ±	8,276 SF.±	0.19 AC. ±
L-7	68,659 SF.±	1.5 AC. ±	9,583 SF.±	0.22 AC. ±
L-8	71,661 SF.±	1.5 AC. ±	9,583 SF.±	0.22 AC. ±
L-9	103,706 SF.±	2.4 AC. ±	15,681 SF.±	0.36 AC. ±
L-10	75,735 SF.±	1.7 AC. ±	10,890 SF.±	0.25 AC. ±
L-11	59,237 SF.±	1.3 AC. ±	8,276 SF.±	0.19 AC. ±
L-12	60,407 SF.±	1.3 AC. ±	8,276 SF.±	0.19 AC. ±
L-13	51,925 SF.±	1.2 AC. ±	7,840 SF.±	0.18 AC. ±
L-14	55,666 SF.±	1.3 AC. ±	8,276 SF.±	0.19 AC. ±
L-15	64,749 SF.±	1.5 AC. ±	9,583 SF.±	0.22 AC. ±
OPEN SPACE PARCEL 'A'	95,832 SF.±	2.2 AC. ±		
OPEN SPACE PARCEL 'B'	980,100 SF.±	22.5 AC. ±		
OPEN SPACE PARCEL 'C'	21,780 SF.±	0.5 AC. ±		
OPEN SPACE PARCEL 'D'	113,256 SF.±	2.6 AC. ±		
OPEN SPACE PARCEL 'E'	182,952 SF.±	4.2 AC. ±		
OPEN SPACE PARCEL 'F'	30,492 SF.±	0.7 AC. ±		
RIGHT-OF-WAY / ROADWAY	252,648 SF.±	5.8 AC. ±		
TOTAL ALLOWABLE IMPERVIOUS AREA FOR SITE			3,933,468 SF.±	9.03 AC. ±
TOTAL AREA	2,622,312 SF.±	60.2 AC. ±		

ZONING

	EXISTING	PROPOSED
RC-5	11.75 AC. ±	60.17 AC. ±
RC-20	48.42 AC. ±	0.00 AC. ±
TOTAL	60.17 AC. ±	60.17 AC. ±

PROPOSED:
- EXISTING RC-20 AREA TO BE RECLASSIFIED TO RC-5 (±48.42 AC.)



PROPOSED TYPICAL HOUSE TYPE – CONCEPTUAL ONLY
(PROBABLE CUSTOM BUILT HOUSES)

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION
PROPOSED CONDITIONS
VANDERMAST PROPERTY

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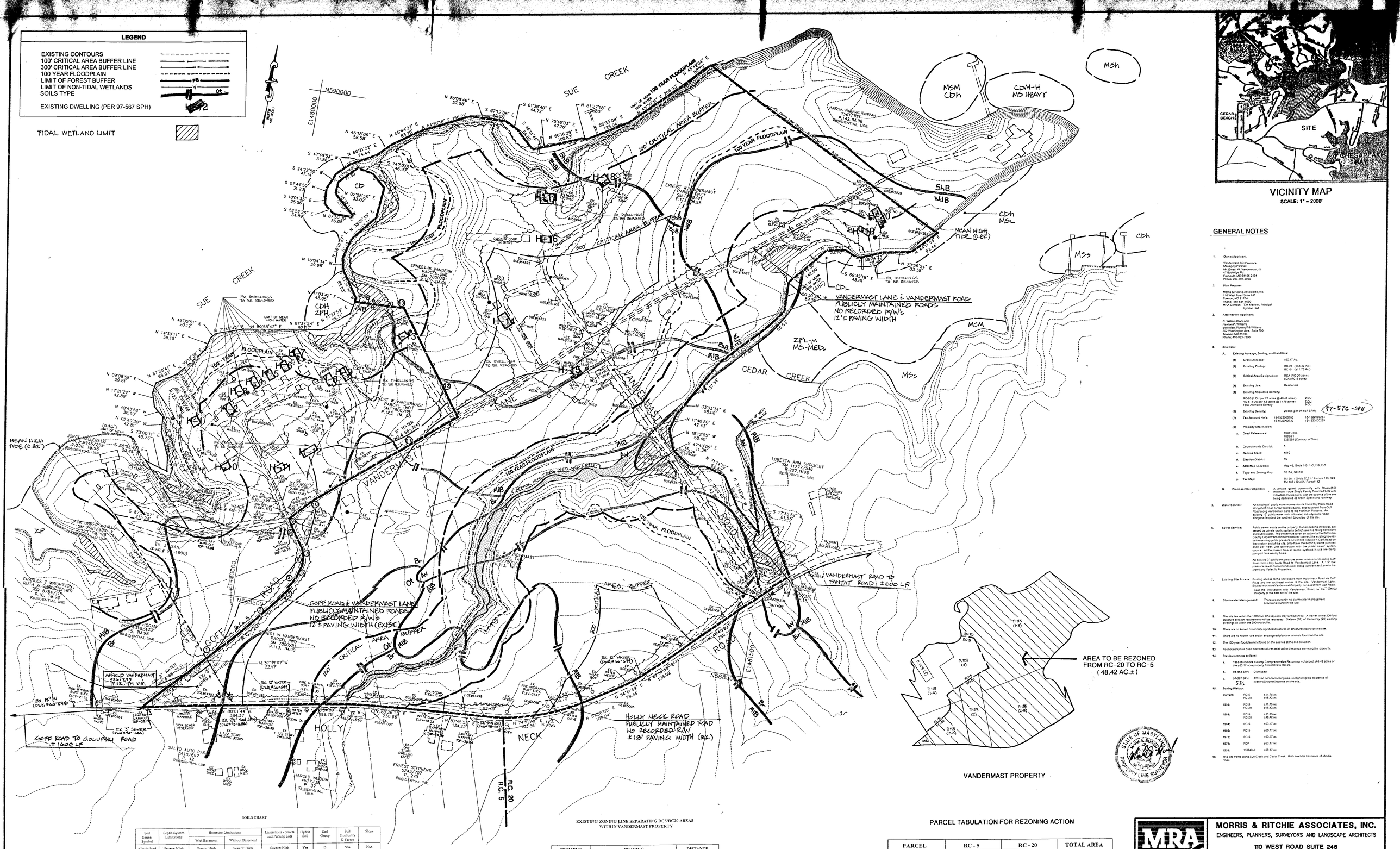
4-27-99	REVISED PER ZONING COMMENTS
12-3-99	REVISED PER LDE & MYSARC COMMENTS 11-30-11 MTY

JOB NO.:	16633
SCALE:	1" = 100'
DATE:	3/1/99
DRAWN BY:	BHJ
DESIGN BY:	LDH
REVIEW BY:	TFM
SHEET:	2 OF 2

LEGEND

- EXISTING CONTOURS
- 100' CRITICAL AREA BUFFER LINE
- 300' CRITICAL AREA BUFFER LINE
- 100 YEAR FLOODPLAIN
- LIMIT OF FOREST BUFFER
- LIMIT OF NON-TIDAL WETLANDS
- SOILS TYPE
- EXISTING DWELLING (PER 97-567 SPH)

TIDAL WETLAND LIMIT



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

1. Owner/Applicant:
   Vandermast Joint Venture
   Managing Partner
   Mr. Ernest W. Vandermast, III
   47 Bainbridge Rd.
   Falmouth, ME 04105-2404
   Phone: 207-797-5960

2. Plan Preparer:
   Morris & Ritchie Associates, Inc.
   110 West Road Suite 245
   Towson, MD 21204
   Phone: 410-821-1690
   MRA Contact: Tim Maritten, Principal
   Lyndon Hart

3. Attorney for Applicant:
   C. William Clark and
   Newton P. Williams
   c/o Nolan, Plumhoff & Williams
   700 Lafayette Building, Suite 700
   Towson, MD 21204
   Phone: 410-823-7800

4. Site Data:
   A. Existing Acreage, Zoning, and Land Use:
      (1) Gross Acreage: ±60.17 Ac.
      (2) Existing Zoning: RC-20 (±48.42 Ac.); RC -5 (±11.75 Ac.)
      (3) Critical Area Designation: RCA (RC-20 zone); LDA (RC-5 zone)
      (4) Existing Use: Residential
      (5) Existing Allowable Density:
      RC-20 (1 DU per 2.0 acres @ 48.42 acres) 2 DU
      RC-5 (1 DU per 1.5 acres @ 11.75 acres) 7 DU
      Total Allowable Density 9 DU
      (6) Existing Density: 20 DU (per 97-567 SPH) 97-567-SPH
      (7) Tax Account No's: 15-1522000100 15-1522000234; 15-1522000730 15-1522000235
      (8) Property Information:
      a. Deed References: 10961/463; 7500/91; 529/295 (Contract of Sale)
      b. Councilmanic District: 5
      c. Census Tract: 4510
      d. Election District: 15
      e. ADC Map Location: Map 46, Grids 1-B, 1-C, 2-B, 2-C
      f. Topo and Zoning Map: SE 2-J, SE 2-K
      g. Tax Map: TM 98 / Grids 20,21 / Parcels 113, 123; TM 105 / Grid 2 / Parcel 112
   B. Proposed Development: A private gated community with fifteen (15) minimum 1 acre Single Family Detached Lots with individual private piers, with the balance of the site being dedicated as Open Space and roadway.
5. Water Service: An existing 8" public water main extends from Holly Neck Road along Goff Road to Vandermast Lane, and eastward from Goff Road along Vandermast Lane to the Hoffman Property. An existing 12" public water main is located in Holly Neck Road along the length of the southern boundary of the site.
6. Sewer Service: Public sewer exists on the property, but all existing dwellings are served by private septic systems (which are in a failing condition) and public water. The owner was given an option by the Baltimore County Department of Health to either connect the existing houses to the existing public pressure sewer line located in Goff Road on the western end of the site, or to have the septic systems pumped once per week until connection with the public sewer system occurs. At the present time all septic systems in use are being pumped on a weekly basis.
   An existing 3" public low pressure sewer main extends along Goff Road from Holly Neck Road to Vandermast Lane. A 1.5" low pressure sewer main extends west along Vandermast Lane to the Mowll and Valiecito Properties.
7. Existing Site Access: Existing access to the site occurs from Holly Neck Road via Goff Road and the southeast corner of the site. Vandermast Lane, located within the Vandermast Property, runs east from Goff Road, past the intersection with Vandermast Road, to the Hoffman Property at the east end of the site.
8. Stormwater Management: There are currently no stormwater management provisions found on the site.
9. The site lies within the 1000-foot Chesapeake Bay Critical Area. A waiver to the 300-foot structure setback requirement will be requested. Sixteen (16) of the twenty (20) existing dwellings lie within the 300-foot buffer.
10. There are no known historically significant features or structures found on the site.
11. There are no known rare and/or endangered plants or animals found on the site.
12. The 100-year floodplain limit found on the site lies at the 8.3 elevation.
13. No moratorium or basic services failures exist within the areas servicing the property.
14. Previous zoning actions:
    a. 1988 Baltimore County Comprehensive Rezoning - changed ±48.42 acres of the ±60.17 acre property from RC-5 to RC-20.
    b. 95-452 SPH: Dismissed.
    c. 97-567 SPH: Affirmed non-conforming use, recognizing the existence of twenty (20) dwelling units on the site.
15. Zoning History:

Current:	RC-5	±11.75 ac.
	RC-20	±48.42 ac.
1992:	RC-5	±11.75 ac.
	RC-20	±48.42 ac.
1988:	RC-5	±11.75 ac.
	RC-20	±48.42 ac.
1984:	RC-5	±60.17 ac.
1980:	RC-5	±60.17 ac.
1976:	RC-5	±60.17 ac.
1971:	ROP	±60.17 ac.
1955:	R-Rad 4	±60.17 ac.

16. This site fronts along Sue Creek and Cedar Creek. Both are total tributaries of Middle River.

SOILS CHART

Soil Series/ Symbol	Septic System Limitations	Homesite Limitations		Limitations - Streets and Parking Lots	Hydric Soil	Soil Group	Soil Erodibility K Factor	Slope
		With Basement	Without Basement					
Alluvial/land Av	Severe: High water table; flooding hazard	Severe: High water table; flooding hazard	Severe: High water table; flooding hazard	Severe: High water table; flooding hazard	Yes	D	N/A	N/A
Barclay Br	Severe: High water table, somewhat poor natural drainage	Severe: High water table, somewhat poor natural drainage	Severe: High water table, somewhat poor natural drainage	Severe: High water table, somewhat poor natural drainage	No	C	High 0.43	N/A
Elkinboro ExB	Slight	Slight	Slight	Moderate: Slope	No	B	High 0.37	3 to 8%
Mattapex MIB	Severe: Moderately slow permeability	Moderate: Moderately High water table	Slight	Moderate: Moderately High water table	No	C	High 0.37	2 to 5%
Othello Ot	Severe: High water table, poor natural drainage; moderately slow permeability	Severe: High water table, poor natural drainage	Severe: High water table, poor natural drainage	Severe: High water table, poor natural drainage	Yes	C / D	High 0.37	2 to 5 %
Sassafras SlB	Slight	Slight	Slight	Moderate: Slope	No	B	Moderate 0.28	2 to 5 %
Woodstown WdB	Moderate: moderately high water table	Moderate: moderately high water table	Slight	Moderate: moderately high water table; slope	No	C	Moderate 0.28	2 to 5%

EXISTING ZONING LINE SEPARATING RCS/RC20 AREAS WITHIN VANDERMAST PROPERTY

SEGMENT	BEARING	DISTANCE
1	North 43°29' 05" East	106.52'
2	North 40°32' 56" East	119.89'
3	North 36°52' 12" East	101.22'
4	North 30°15' 23" East	28.12'
5	North 16°23' 22" East	35.87'
6	North 02°17' 26" West	25.33'
7	North 17°39' 00" West	23.39'
8	North 35°03' 34" West	70.49'
9	North 31°19' 43" West	27.25'
10	North 45°33' 50" East	108.49'
11	North 50°29' 31" East	464.00'
12	North 36°05' 23" West	260.25'
13	South 87°33' 37" West	142.24'

PARCEL TABULATION FOR REZONING ACTION

PARCEL	RC - 5	RC - 20	TOTAL AREA
112	0.00 AC. ±	0.32 AC. ±	0.32 AC. ±
113 (1-A)	5.76 AC. ±	0.45 AC. ±	6.21 AC. ±
113 (1-B)	0.00 AC. ±	26.82 AC. ±	26.82 AC. ±
113 (2-A)	1.11 AC. ±	3.43 AC. ±	4.54 AC. ±
113 (2-B)	0.00 AC. ±	13.26 AC. ±	13.26 AC. ±
123 (1)	0.68 AC. ±	0.00 AC. ±	0.68 AC. ±
123 (2)	4.20 AC. ±	4.14 AC. ±	8.34 AC. ±
TOTAL	11.75 AC. ±	48.42 AC. ±	60.17 AC. ±

LOCATION PLAN

MORRIS & RITCHIE ASSOCIATES, INC.
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DESIGN BY:	LCH
REVIEW BY:	TFM
SHEET:	1 OF 2

PROPOSED TYPICAL HOUSE TYPE - CONCEPTUAL ONLY

(PROBABLE CUSTOM BUILT HOUSES)

ZONING

	EXISTING	PROPOSED
RC-5	11.75 AC. ±	60.17 AC. ±
RC-20	48.42 AC. ±	0.00 AC. ±
TOTAL	60.17 AC. ±	60.17 AC. ±

PROPOSED:
EXISTING RC-20 AREA TO BE RECLASSIFIED TO RC-5 (±48.42 AC.)

PROPOSED LOT AREAS

	PROPOSED AREA OF LOTS		ALLOWABLE IMPERVIOUS AREA PER LOT (APPROX.)	
L-1	69,538 SF.±	1.5 AC. ±	9,583 SF.±	0.22 AC. ±
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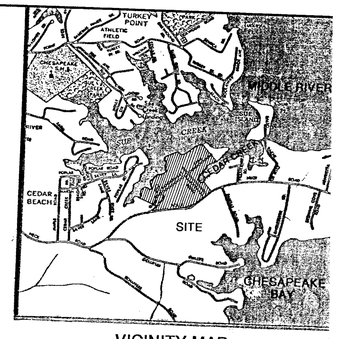
RIGHT-OF-WAY / ROADWAY	252,648 SF.±	5.8 AC. ±		
TOTAL ACREAGE			2,622,435 SF.±	60.17 AC. ±



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SCALE: 1" = 2000'

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Managing Partner
Mr. Ernest W. Vandermast, III
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Proposed Zoning: RC -5 (±60.17 Ac.)

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Proposed: LDA (entire site)

(4) **Existing Use:** Residential
Proposed Use: Residential

(5) **Density Calculations:**

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Proposed Density: 15 DU

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Proposed Critical Area Designation: LDA (entire site)

(7) **Tax Account No's:** 15-1522000100; 15-1522000234; 15-1522000730; 15-1522000235

(8) **Property Information:**

a. **Deed References:** 10961/463; 7800/91; 526/295 (Contract of Sale)

b. **Councilmanic District:** 5

c. **Census Tract:** 4510

d. **Election District:** 15

e. **ADC Map Location:** Map 46, Grids 1-B, 1-C, 2-B, 2-C

f. **Topo and Zoning Map:** SE 2-J, SE 2-K

g. **Tax Map:** TM 98 / Grids 20,21 / Parcels 113, 123; TM 105 / Grid 2 / Parcel 112

B. **Proposed Development:**

A private gated community with fifteen (15) 1-acre (minimum lot size) Single Family Detached Lots with individual private piers, with the balance of the site being dedicated as Open Space and roadway.

5. No moratorium or basic services failures exist within the areas servicing this property.

6. **Water Service:** All proposed lots will be connected to the existing 8" public water main located in Vandermast Lane. A fire flow test will be performed to insure adequate domestic and fire flow capabilities.

7. **Sewer Service:** All proposed lots will be connected to the existing 3" low pressure sewer line located at the intersection of Goff Road and Vandermast Lane.

8. **Site Access:** Minor alignment alterations to Goff Road and Vandermast Lane are proposed to ensure private access to the proposed community while maintaining continued access to existing adjacent properties using these roads. The proposed site plan will establish primary access to the site via Vandermast Road from Holly Neck Road. Goff Road is to be disconnected from Vandermast Lane, with provisions made for emergency access only. Access to the Hoffman Property will be maintained via the existing Vandermast Lane. A private entry gate will be located in the vicinity of the existing intersection of Vandermast Road and Vandermast Lane. Primary access to the fifteen (15) proposed lots will be via the private entry gate and the private road network within the community.

9. **Landscaping:** A waiver of the Baltimore County Landscaping Manual requirements shall be requested.

10. **Stormwater Management:**

A. A waiver of stormwater quantity management shall be requested for this project.

B. The proposed development will be designed in accordance with the standards and requirements of the "Stormwater Criteria for Maryland Critical Area LDA Zone", as published by the Maryland Department of the Environment.

C. Water quality measures shall include dry swales, wet swales, and bioretension facilities.

11. The site lies within the 1000-foot Chesapeake Bay Critical Area. A waiver to the 300-foot structure setback requirement shall be requested. Sixteen (16) of the twenty (20) existing dwellings lie within the 300-foot buffer. All proposed structures shall observe a minimum 100-foot Critical Areas Buffer. Any increase to the 100-foot buffer due to steep slopes or other environmental conditions shall be included in the waiver request.

12. **Critical Areas Compliance Measures:**

A. Approximately ±44.7 acres (or ±74% of the site) of forest cover exists on this site.

B. No more than ±5.6 acres of forest cover (or ±13% of the existing forest cover) shall be cleared to develop this property.

C. Approximately ±3.0 acres of reforestation area shall be established on this property.

D. All on-site forest cover within the Critical Areas Buffer shall be preserved in protective easements on the fifteen (15) fee simple lots as well as on the appropriate open space parcels. The total forest conservation easement areas shall be approximately ±40 acres.

E. This project shall meet the following maximum impervious surface coverage factors for LDA designated areas:

(1) No more than 25% of each lot area less than one acre, or 15% of each lot area greater than or equal to one acre, shall be covered with impervious surfaces;

(2) No more than 15% of the total property area shall be covered with impervious surfaces.

13. A variation of the Baltimore County road standards shall be requested to permit the maintenance of existing roads in lieu of improving roads to Baltimore County standards. Appropriate rights-of-way for all existing roads will be granted as required. A request shall be made to permit proposed roads internal to the community to have 40' rights-of-way and variations to Baltimore County road standards to reduce the amount of impervious surfaces introduced to the site while minimizing the resultant impact of the roads upon the site.

14. All existing forested areas shall be preserved in conservation easements, except for areas to be selectively cleared for proposed primary structures, roads, and utilities.

15. All existing stuctures on the site shall be removed.

16. All areas from which existing structures and roads are to be removed shall be revegetated as forest, except for the proposed community green space at the community entrance.

17. All septic systems shall be satisfactorily closed out and abandoned.

18. There are no known historically significant features or structures found on the site.

19. There are no known rare and/or endangered plants or animals found on the site.

20. All primary structures shall be built above the 9.3 elevation level (the 8.3 foot 100-year floodplain elevation plus one foot freeboard).

21. All proposed houses shall meet the required Baltimore County building and fire codes.

22. All proposed public and private roads are to be open section.

23. No slips for transient water craft are proposed.

24. This subdivision shall be a private, gated community. A contact station shall be constructed at the primary entrance to the community.

25. The tidal and non-tidal wetland delineation shown on this plan along the north side of Vandermast Lane and Goff Road is derived from a combination of sources, including the Baltimore County SAMP Study and field verification.

26. A Steep Slope and Erodible Soils Analysis was performed on the site by Morris & Ritchie Associates, Inc. in November, 1999.

27. The SAV beds shown on this plan have been delineated from the 1995 SAV survey data provided by DEPRM.

MRA
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DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

PROPOSED CONDITIONS

VANDERMAST PROPERTY

DATE	REVISIONS
4-27-99	REVISED PER ZONING COMMENTS
12-5-99	REVISED PER DEPRM/OARC COMMENTS (11-30-99 MTY)

JOB NO.: 16899
SCALE: 1" = 100'
DATE: 3/1/99