IN RE: PETITION FOR SPECIAL HEARING

SE/S Eastern Avenue and Mariner's Point Drive 15th Election District 5th Councilmanic District

(Eastern Ave. and Mariner's Point Dr.)

Fairwinds Home Owners Assoc., Inc. Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-400-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, the Fairwinds Home Owners Assoc., Inc., requesting a special hearing for the subdivision known as "Fairwinds", located off Eastern Avenue at Mariner's Point Drive. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the Final Development Plan to delete the proposed 4 ft. wide footpath and allow in lieu thereof an existing 8 ft. wide footpath.

Appearing at the hearing on behalf of the special hearing request were Peter Weston, President of the Fairwinds Home Owners Association, along with others who supported the special hearing request, namely Paul Llufrio, Ruth Ann Mintians, Shannon Jeffords and Tom Carski, the original developer of the property. Rick Chadsey, the professional engineer who prepared the site plan of the property also attended the hearing as did Deborah Dopkin, attorney at law, representing the homeowner's association. Ms. Charlene Dunn and Patricia Arthur appeared in opposition to the special hearing request.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is the Fairwinds residential subdivision located along Frog Mortar Creek and Gar Gut in the Middle River area of Baltimore County. The subject property is the site of a residential subdivision consisting of 90 single-family homes. The development plan as

originally approved showed a 4 ft. wide footpath which traversed the subdivision on the west side of the property between the residential lots existing at that location and the water's edge. The 4 ft. wide path actually passes just to the rear of those residential lots, and in many instances shares a common boundary line with the rear yards of those homeowners. The homes within this subdivision have now been built and the developer is at the final stages of either installing this 4 ft. wide footpath or, as has been requested pursuant to this special hearing request, substituting in lieu of that 4 ft. wide path an existing 8 ft. wide footpath that has been on the property for many years.

The matter was brought up at a homeowners association meeting and the decision was made by the homeowners association to move forward with this request. Not all of the homeowners who reside within this subdivision are in favor of this substitution. Charlene Dunn and Patricia Arthur are opposed to continuing with the existing 8 ft. wide footpath and wish to see the 4 ft. wide footpath installed. They are concerned that the cost of maintaining the 8 ft. wide footpath would be more expensive than the smaller 4 ft. wide footpath and, accordingly, cause the residents to pay higher maintenance fees. They also stated that the 8 ft. path has not been properly maintained. They ask that the special hearing be denied and the 4 ft. wide footpath be installed.

Others who reside in the community had a different opinion, many have grown accustomed to the 8 ft. wide footpath and like the fact that it is twice the width of the 4 ft. proposal. In addition, the 8 ft. path is closer to the water's edge and affords better views. Furthermore, for environmental reasons, since the 8 ft. wide footpath is already existing, there would be no disturbance to existing vegetation if its continued use is allowed. On the other hand, if the developer is to install the 4 ft. wide footpath, existing vegetation would have to be disturbed in

DA PROZIVED FOR FILING

order to complete its installation. Furthermore, the 4 ft. wide footpath passes immediately to the rear of many of the lots in this community which would affect the privacy that those residents currently enjoy.

At the conclusion of the hearing, I made a site visit to the property and walked the 8 ft. wide footpath, as well as observed the area behind the homes where the 4 ft. wide footpath is proposed to be installed. After considering the testimony and evidence offered by those both for and against this proposal and my site visit to the property, I find it to be the best practice to continue with the existing 8 ft. wide footpath and that the 4 ft. wide proposal be abandoned. Installing the 4 ft. wide footpath would involve the loss of existing vegetation in the area where it is proposed to be located. Furthermore, inviting pedestrian traffic behind the rear of the homes of those residents where it passes would infringe on their quiet enjoyment of their properties. Furthermore, the width of the 4 ft. path is hardly large enough to allow 2 individuals to pass comfortably. This is especially true if those individuals happen to be walking pets at that time. Meanwhile, the 8 ft. wide footpath is more than adequate to allow individuals to pass one another on the path or to allow them to walk 2 or 3 abreast.

I did notice during my visit to the property, that the 8 ft. wide footpath was in need of maintenance, given that an appropriate walking surface has not yet been laid down. The developer indicated at the hearing that he has not made final improvements to the 8 ft. wide footpath until such time as this issue was resolved. However, since this issue has been resolved by way of this special hearing, I shall require that appropriate maintenance efforts be undertaken by the developer to make the 8 ft. wide footpath more user friendly. This would require a proper walking surface, such as wood chips, and a method by which individuals can cross over the observation piers that lead down to the water's edge.

NAJER PECEIVED FOR FILING

As to the special hearing request, it shall be granted to allow the Petitioner to utilize the 8 ft. wide walking path, thereby abandoning the proposal to install the 4 ft. wide path.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of July, 2001, that the Special Hearing Petition shall be GRANTED and the Final Development Plan amended to delete the proposed 4 ft. wide footpath and allow the existing 8 ft. wide footpath to remain, subject, however, to the following restriction:

1. That the Developer shall, within sixty (60) days from the date of this Order, install an appropriate base upon which pedestrians may walk, along this 8 ft. wide footpath. In addition, appropriate means to cross over the observation pier shall also be installed so as to enable any individual utilizing a wheelchair or pushing a stroller to cross over the observation piers without difficulty. Final approval of the method by which this is accomplished shall be at the discretion of the Department of Environmental Protection and Resource Management.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

TIMOTHY M./KÓTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

July, **8**, 2001

Deborah C. Dopkin, Esquire 409 Washington Avenue, Suite 920 Towson, Maryland 21204

Re: Petition for Special Hearing

Case No.: 01-400-SPH

Property: Eastern Ave. and Mariner's Point Dr.

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Luthy 16 fro co

Timothy M. Kotroco

Deputy Zoning Commissioner

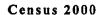
TMK:raj Enclosure





For You, For Baltimore County







Copies to:

Peter Weston, President Fairwinds Home Owners Assoc., Inc. P. O. Box 454 Lutherville, MD 21093

Rick Chadsey 1020 Cromwell Bridge Road Towson, MD 21286

Ms. Charlene Dunn Ms. Patricia Arthur 9 Hidden Cove Court Baltimore, MD 21220



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Eastern Avenue and Mariner's Point Drive which is presently zoned DR 5.5/DR 16/BL

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

First Amended Final Development Plan to delete proposed 4' wide foot path and permit existing 8' wide foot path to remain in lieu thereof.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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 perjury, that I/we is the subject of t | are the legal of | ffirm, under to wner(s) of th | the penalties of e property which |
|--|--|----------------|--|------------------|----------------------------------|--------------------------------------|
| Contract Purchaser/Les | see: | | Legal Owner | <u>(s):</u> | | |
| | | | Fairwinds H | ome Owners | Associat | ion, Inc. |
| Name - Type or Print | | | Name - Type or Pri | nt M | | |
| Signature | | | by: \overline{\chi_0}\o | J. 4.1 | 1011 a | <u> </u> |
| | | | Peter Westo | | nt | |
| Address | | Telephone No. | Name - Type or Pri | nt | | |
| City Attorney For Petitioner: | State | Zip Code | | | Partners | ship(410-686-177 |
| - | | | <u>P.O. Box 45</u> Address | <u>4</u> | | Telephone No. |
| Deborah C. Donkin | | | Lutherville | , | MD | 21093 |
| Name Type or Print Signature | Dophin | | ^{City} Representati | ve to be Co | State ntacted: | Zip Code |
| Deborah C. Dopkin, | P.A. | | Deborah C. D | opkin, Esa | uire | |
| Semmely 8 40 Washington Avenu | ue, Súite 9 | 20 (410-494-80 | 080) <mark>Name</mark> 080)409 Washingt | on Avenue, | Suite 92 | 20 (410-494-8080 |
| Maryland Maryland | 21204 | Telephone No. | Address Towson, | MD | 2 | Telephone No. 21204 |
| S. A. | State | Zip Code | City | | State | Zip Code |
| The state of the s | | | | OFFICE US | E ONLY | |
| Mo | | | ESTIMATED L | ENGTH OF | - I. | |
| Case No. 01-40 | 0-SPH | | UNAVAILABLE | FOR HEAR | | 201 201 |
| Q ! | ······································ | Do | iowad By | _ | <u>+</u> 4 | 13/01 |

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR., AND ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS 1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

Description to Accompany Special Hearing for Fairwinds

January 30, 2001

Beginning at a point on the southerly right-of-way of Eastern Avenue, said point being South 44 degrees 50 minutes West 185 feet more or less, from a point formed by the intersection of the centerlines of Eastern Avenue and Stevens Road thence leaving said point of beginning, along the following courses:

- 1. South 28 degrees 45 minutes 18 seconds East 151.01 feet, thence
- 2. North 59 degrees 01 minutes 06 seconds East 189,95 feet, thence
- 3. South 27 degrees 48 minutes 22 seconds East 1,035.92 feet, thence
- 4. South 12 degrees 53 minutes 22 seconds East 39.95 feet, thence
- 5. South 83 degrees 19 minutes West 156.63 feet, thence
- 6. South 01 degrees 30 minutes 22 seconds East 145.16 feet, thence
- 7. South 26 degrees 04 minutes 22 seconds East 341.78 feet, thence
- 8. South 40 degrees 38 minutes 38 seconds West 365.07 feet, thence
- 9. South 17 degrees 28 minutes 22 seconds East 318.47 feet, thence
- 10. South 37 degrees 36 minutes 38 seconds West 106,27 feet, thence
- 11. South 53 degrees 41 minutes 38 seconds West 97.00 feet, thence
- 12. North 81 degrees 08 minutes 22 seconds West 81.00 feet, thence
- 13. North 56 degrees 58 minutes 22 seconds West 33.00 feet, thence
- 14. North 24 degrees 48 minutes 22 seconds West 63.00 feet, thence
- 15. North 55 degrees 48 minutes 22 seconds West 101.00 feet, thence
- 16. North 66 degrees 13 minutes 22 seconds West 58.00 feet, thence
- 17. North 11 degrees 33 minutes 22 seconds West 171.00 feet, thence
- 18. North 07 degrees 28 minutes 22 seconds West 90.00 feet, thence
- 10. No il 10 degrado 20 minuto 22 decentos vecas concest, tricinas
- 19. North 19 degrees 43 minutes 22 seconds West 49.00 feet, thence
- 20. North 11 degrees 13 minutes 22 seconds West 135.00 feet, thence
- 21. North 24 degrees 38 minutes 22 seconds West 133.00 feet, thence
- 22. North 53 degrees 03 minutes 22 seconds West 64.00 feet, thence
- 23. North 32 degrees 33 minutes 22 seconds West 147.00 feet, thence
- 24. North 02 degrees 58 minutes 38 seconds East 385.00 feet, thence
- 25. North 80 degrees 22 minutes 22 seconds West 125.35 feet, thence
- 26. North 24 degrees 31 minutes 22 seconds West 270,40 feet, thence
- 27. North 04 degrees 46 minutes 22 seconds West 97.00 feet, thence
- 28. North 24 degrees 01 minutes 22 seconds West 120.40 feet, thence
- 29. North 59 degrees 02 minutes 58 seconds East 156.69 feet, thence

- 30. North 30 degrees 56 minutes 45 seconds West 181.36 feet to a point on the southerly right-of-way of Eastern Avenue, there running along said right-of-way the following courses:
- 31. North 59 degrees 03 minutes 54 seconds East 309.36 feet, thence
- 32. North 58 degrees 44 minutes 18 seconds East 82.77 feet to the point of beginning.

Containing 29.61 acres of land, more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.



| BALTIMORE COUNTY, I OFFICE OF BUDGET & FINA MISCELLANEOUS RECI | NCE | No. | 92807 |
|--|-----------|---------------|--------------|
| DATE 4 3 01 | ACCOUNT | 1-001-1706-1 | (150 |
| | AMOUNT \$ | 250.00 | 1 |
| RECEIVED Deborah (| · Dapkin | P.A | |
| FOR Eastern Aven | ace & Mi | rriber's Poin | F. Dvive |
| Clairwinds t | Your Jun | or Assoc, The |) O 1-400-SP |

PAYMENT ACTUAL Recept Tot

Recept Tot 250.00 250.00 CK .00 CA Baltimore County, Haryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING **CHANGE OF DATE**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson</u>. Maryland on the property identified herein as follows:

Case: #01-400-SPH

Eastern Avenue & Mariner's Point Drive.
SE/S Eastern Avenue, W Stevens Road
15th Election District -- 5th Councilmanic District
Legal Owner(s): Fairwinds Home Owners Association Inc.

Special Hearing: to amend the Final Development Plan of Fairwinds to permit an existing 8-foot wide path to remain in lieu of the proposed 4-foot wide path.

Hearing: Friday, June 1, 2001 at 11:00 a.m. in Room 407; County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

5(486 May 17.

C469359

5/166 May 17

CERTIFICATE OF PUBLICATION

| 5[17] ,2001 | | |
|---|--|--|
| THIS IS TO CERTIFY, that the annexed advertisement was published | | |
| in the following weekly newspaper published in Baltimore County, Md., | | |
| once in each ofsuccessive weeks, the first publication appearing | | |
| on <u>5 17 ,20 Cl</u> . | | |
| The Jeffersonian | | |
| ☐ Arbutus Times | | |
| ☐ Catonsville Times ☐ Towson Times | | |
| Owings Mills Times | | |
| ☐ NE Booster/Reporter | | |
| ☐ North County News | | |
| | | |
| 11/10/10/10 | | |

J. WULLMAN-LEGAL ADVERTISING

CERTIFICATE OF POSTING

Sent

| | RE: Case No. 01-400-5PH |
|--|---|
| | Petitioner Developer: FAIRWINTS, ETAL |
| | GO D. DOPKIN |
| | Date of Hearing Closing 6/1/0/ |
| Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 | |
| Attention: Ms. Gwendolyn Stephens | |
| Ladies and Gentlemen: | |
| This letter is to certify under the penalties were posted conspicuously on the propert | of perjury that the necessary sign(s) required by law y located at MARINERS POINT TRIVECU |
| | EASTERN BLVD, |
| The sign(s) were posted on | /15/0 (Month, Day, Year) |
| | Sincerely, Signature of Sign Poster and Date) |
| ZONING HOTICE | PATRICK M. O'KEEFE |

FAIRWINDS FAIRWINDS

////nl

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366; CELL-410-905-8571

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before 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.

Revised 2/20/98 - SCJ

NOTE TO FILE

To: File

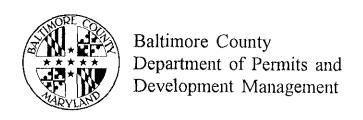
From: Jeff Perlow, Planner II

RE: 01-400-SPH (Eastern Avenue & Mariner's Point Drive)

This is to inform all persons scheduling this petition for a heaving date that Deborah C. Doptin, esquire, the attorney for the petitioners, will not be available on the following dates:

May 10,2001 May 22,2001

Please do not schedule heaving on the above dater!



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

April 17, 2001

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-400-SPH
Eastern Avenue & Mariner's Point Drive
SE/S Eastern Avenue, W Stevens Road
15th Election District — 5th Councilmanic District
Legal Owner: Fairwinds Home Owners Association Inc

Special Hearing to amend the Final Development Plan of Fairwinds to permit an existing 8-foot wide path to remain in lieu of the proposed 4-foot wide path.

HEARING: Friday, May 25, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ Director

C: Deborah C Dopkin, 409 Washington Avenue, Suite 920, Towson 21204 Peter Weston, President, Fairwinds Home Owners Association Inc, P O Box 454, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 10, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 11, 2001 Issue - Jeffersonian

Please forward billing to:

Deborah C Dopkin 409 Washington Avenue Suite 920 Towson MD 21204

410 494-8080

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-400-SPH
Eastern Avenue & Mariner's Point Drive
SE/S Eastern Avenue, W Stevens Road
15th Election District — 5th Councilmanic District
Legal Owner: Fairwinds Home Owners Association Inc

<u>Special Hearing</u> to amend the Final Development Plan of Fairwinds to permit an existing 8-foot wide path to remain in lieu of the proposed 4-foot wide path.

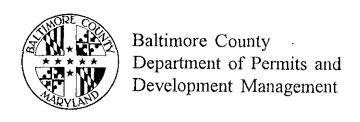
HEARING: Friday, May 25, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Yauul Eshwa Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

April 25, 2001

NOTICE OF ZONING HEARING CHANGE OF DATE

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

CASE NUMBER: 01-400-SPH
Eastern Avenue & Mariner's Point Drive
SE/S Eastern Avenue, W Stevens Road
15th Election District – 5th Councilmanic District
Legal Owner: Fairwinds Home Owners Association Inc

Special Hearing to amend the Final Development Plan of Fairwinds to permit an existing 8-foot wide path to remain in lieu of the proposed 4-foot wide path.

HEARING: Friday, June 1, 2001 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon CD2

Director

C: Deborah C Dopkin, 409 Washington Avenue, Suite 920, Towson 21204 Peter Weston, President, Fairwinds Home Owners Association Inc, P O Box 454, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 17, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 17, 2001 Issue - Jeffersonian

Please forward billing to:

Deborah C Dopkin 409 Washington Avenue Suite 920 Towson MD 21204

410 494-8080

NOTICE OF ZONING HEARING CHANGE OF DATE

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

CASE NUMBER: 01-400-SPH

Eastern Avenue & Mariner's Point Drive SE/S Eastern Avenue, W Stevens Road

15th Election District – 5th Councilmanic District

Legal Owner: Fairwinds Home Owners Association Inc

Special Hearing to amend the Final Development Plan of Fairwinds to permit an existing 8-foot wide path to remain in lieu of the proposed 4-foot wide path.

HEARING: Friday, June

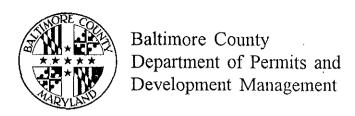
Friday, June 1, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

May 25, 2001

Deborah C Dopkin, Esquire 409 Washington Avenue Suite 920 Towson MD 21204

Dear Ms. Dopkin:

RE: Case Number: 01-400-SPH, Eastern Avenue & Mariner's Point Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 3, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Gりて Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

Enclosures

c: Peter Weston, President, Fairwinds Home Owners Association, Inc, Post Office Box 454, Lutherville 21093 People's Counsel



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

April 17, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 16, 2001

Item No.: See Below

Dear Ms. Stephens:

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:

379, 383, 395, 396, 397, 398, 399, 400, 402, 404, 405, 406, 407, 409, and 411

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 18, 2001

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

SE/S Eastern Avenue

INFORMATION:

Item Number:

01-400

Petitioner:

Fairwinds Home Owners Association, Inc.

Zoning:

DR 5.5, DR 16 & BL

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to replace the proposed 4-foot wide path on the first amended development plan with the existing 8-foot wide path.

Prepared by: Market Cumple.

Section Chief: Jeffey W. Long



Parris N Giendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 4.12.01

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

RE:

Baltimore County

Item No. 400

JHP

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/VS 150. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

/ J. Hell

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

| TO: | Arnold Jablon | | |
|---|--|--|--|
| FROM: | R. Bruce Seeley My | | |
| DATE: | April 19, 2001 | | |
| SUBJECT: | Zoning Item #400 <u>Eastern Avenue and Mariner's Point Drive</u> <u>Fairwinds</u> | | |
| Zor | ning Advisory Committee Meeting of April 16, 2001 | | |
| 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). | | |
| · · · · · · · · · · · · · · · · · · · | 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). | | |
| | The subject request was approved by DEPRM last summer. | | |
| | | | |

Reviewer: Glenn Shaffer Date: April 19, 2001

RECEIVED

APR 2 4 2001

DEPT. OF PUBLITS AND DEVELOPMENT ACCORDED TO





RE: PETITION FOR SPECIAL HEARING Eastern Avenue and Mariner's Point Drive, SE/S Eastern Ave, W Stevens Rd 15th Election District, 5th Councilmanic

Legal Owner: Fairwinds Home Owners Association, Inc. Petitioner(s)

* BEFORE THE

ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

Case No. 01-400-SPH

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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 26th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

July 18, 2001

Mr. Thomas E. Carski Fairwinds Joint Venture Box 451 Lutherville, Maryland 21093

> Re: Petition for Special Hearing Case No.: 01-400-SPH

> > Property: Eastern Ave. and Mariner's Point Dr.

Dear Mr. Carski:

Pursuant to your inquiry and upon reviewing my order dated July 6, 2001, I wish to clarify the restrictions contained in the order.

Specifically, my order requires the developer to make the 8 ft. wide footpath more user friendly. As I walked along the path, I felt that in certain areas where the fishing pier and walking path intersect that if the grade of the path was raised slightly it would make the step from the ground to the pier more comfortable for walkers. Someone pushing a stroller could more easily make the transition as well.

This could be easily accomplished by adding a thick bed of wood chips in order to raise the grade of the path at those intersections where it is necessary.

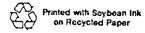
Additionally, since monies were to be transferred by the developer to the HOA that would have been used to construct the 4 ft. wide path, I order that these alterations to the existing path, that I have suggested, be done using those funds with any of the remaining balance then transferred to the HOA.

Very truly yours

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj



Case Number 01-400-59-H

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

| Name | Address | City, State | Zip Code |
|-------------------------------------|---------------------------------------|---|--------------|
| Charlene Duny PATRICIA L. ARTHUR | 9 Hidden Cove Ct | BMd 2- | 21220 |
| PATRICIA L. ARTHUR | 9 Hidden Cove Ct | BalkHD | 21220 |
| | | | |
| | | | |
| | | | |
| | , | | |
| | | | |
| | | , | |
| | | | |
| | <u> </u> | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | · · · · · · · · · · · · · · · · · · · | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | Revised | 4/17/00 |

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
|--|-------------------------------|
| PAUL LLUFRIO | 15 MARINERS WALK W |
| PETAL WESTON | 105 MALINERS AT. DINE |
| Rath Dan Wintigns | 20 mariners Walk Way |
| Shannon Jeffords | 219 Marines Point Dr. |
| TON CARSKI | 514 Houston Cano |
| Deborah Dopkin | |
| PICK CHAISEY | 1070 CROMWELL BELOVE Rd. ZIZZ |
| CICE CINTIDEY | 1070 CROMWEY BRIDGE Kd. 2129 |
| | |
| | |
| | · |
| | |
| | |
| | , |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| And the second s | |
| | |
| | |



Baltimore County, Department of Environmental Protection and Resource Management

401 Bosley Avenue, Suite 416 Towson, Maryland 21204

July 10, 2000

Mr. Tom Carski PO Box 454 Lutherville, MD 21093

Re: Fairwinds Boardwalk SC 92-284

Dear Mr. Carski:

This Department has considered your request to eliminate the required construction of a boardwalk outside of the 100' Tidal Buffer. The original plan was to replace the existing pathway that is within the Buffer with the boardwalk. You have expressed your concern, along with those of some of the residents of Fairwinds, that the construction of the boardwalk would invite potential problems into the community. You indicate that the boardwalk would be a thoroughfare for nonresidents to gain access to the pier areas and would place these persons in close proximity to the adjacent homes. In addition, you stated that a majority of the owners preferred not to construct the boardwalk, but to keep the trail in its present location.

Recent inspections of the property and review of the plans by Mr.Glenn Shaffer of this Department and me showed that the trail was in existence as a vehicular access at the time of development. This trail is considerably smaller now and is in good repair. There have been no recent encroachments into the Buffer in the form of cutting understory vegetation. Requests from the community to maintain this trail by installing woodchip base and by minimal clearance pruning have been allowed by us. It seems that the current layout and use pattern in the Buffer is working to the benefit of all concerned and is less invasive than the vehicular access was in the past. For this reason, we will not require the construction of the boardwalk provided that you file for and receive approval of a Final Development Plan (FDP) that reflects this change. Any future maintenance work or other disturbance within the Buffer requires written permission from this Department.

Please contact me at 410/887-3980 when you have an approved FDP.

Sincerely,

Patricia M. Farr

Supervisor

Environmental Impact Review

Pex Ex#2

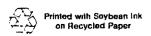












Location:

Chase Elementary School cafeteria

11701 Eastern Avenue

Chase, MD

Meeting Agenda:

- Welcome
- Introduction to William Shaughnessy (HOA Attorney)
- Introduction to candidates
- Each candidate will be allowed 1 minute to speak
- Election
- Vote tally
- Discussion of walking path
- Walking path vote
- Vote tally
- Installation of Board

Mr. Tom Carski called the meeting to order at 7:15 PM.

Mr. Carski introduced himself as the Fairwinds developer and stated his goal for the meeting was to elect the initial board for the Fairwinds HOA. The initial board will assume the duties of the HOA from Mr. Carski.

His next topic was the financial status of the HOA. The present year's financial report is still in draft form. He expects to finalize report in the near future. There are two Reserve accounts which will be turned over to the HOA. Their approximate balances were as follows:

1) Pier Replacement Reserve account

+/- \$31,000.00 Balance

2) Parking Lot/Fishing Pier Reserve account

+/- \$26,000.00 Balance

He noted that these accounts are funded for seven year's worth of reserves rather than the customary five years, which are currently called for.

Miscellaneous HOA items of interest:

- Mr. Carski and Connie have prepared a preliminary cash flow statement for the HOA in order to facilitate the turnover.
- The grass cutting and fertilization contract for 2000 has been let. This is the only HOA contract in place for 2000.

Mr. Carski then went on to move toward the board election. He reported that initially there were 37 nominees for the HOA board elections and that as the meeting grew near the number dropped to 22 actual nominees. This indicates a high level of community involvement that bodes well for the future of the HOA.

He then reminded the audience that there were to be two sets of ballots – one for the HOA Board election and another for a final decision regarding the walking path. He then introduced Mr. Bill Shaughnessy, Attorney at Law. He was the drafter of the HOA covenants.

Peter 3A



Mr. Shaughnessy introduced himself as an attorney with Tydings and Rosenberg and proceeded to two administrative matters. They were:

- Proof of notice of the meeting was provided via a letter dated 01 February 2000 (attachment 1).
- There were 59 voting attendees at the meeting.
- Total votes by proxy were eight.
- Total required for a quorum is 25% or 23 votes. The quorum has been met.

He then moved on to his primary business regarding the HOA Board election and expressed great respect for both the number of nominees and everyone's desire to be involved with the process. He then explained the nominee introduction process and said that each nominee would be allowed one minute to introduce themselves. Following the introductions, the election would be held. The five highest vote recipients will be installed on the Board in the following manner:

- 1 ea. Three-year appointment going to the greatest number of votes
- 2 ea. Two-year appointments going to the people who got the second and third highest number of votes.
- 2 ea. One-year appointments going to the people who got the fourth and fifth highest number of votes.

The purpose of the staggered term length is to assure continuity by establishing a smooth rotation of the board members.

- Mr. Shaughnessy then opened the floor for a short question and answer session regarding the election.
- Q: Tom Carski is presently acting president of the HOA Board. Will he also be a one-year member of the newly elected board?
- A: No but he will be available for questions and advice after the new Board is installed.
- O: Will the person who gets the greatest number of votes be the Board President?
- A: No. Once the Board members are elected, they will decide amongst themselves who will be president.
- Q: Is the number of years in a Board member's term determined by how many votes that person got?
- A: Yes (see above)

Mr. Shaughnessy then went on to introduce each nominee.

The nominees were:

- 1. Greg Bussard: Withdrew his nomination
- 2. Timothy Coley: Not present
- 3. Frank Deppner: Stated that he has been president of a HOA before and, as such, has useful experience. He is also a retired person who would be able to devote as much time as is required to do the job well. He would bring flexibility and understanding to the job and is good at making team based, democratic decisions.
- 4. Fred Dorsey: Says Hello! and has a strong financial background.
- 5. Charlene Dunn: Withdrew her nomination



- 6. Mark Gomez: Owned a waterfront property in the past that had no HOA. He saw the property values drop there and wants to be part of the HOA process to keep that from happening at Fairwinds.
- 7. Dev Jagadesan: Not present
- 8. Karen Jamison: Said that Fairwinds is a great place to live and wants to see that it stays a great, safe place for kids, family and friends. She claims to bring good communications skills and is a good neighbor.
- 9. Judy Koetitz: Is a five-year resident of Fairwinds and wants to have a positive impact that ultimately helps keep property values up.
- 10. Paul Llufrio: Is for upholding the covenants of the HOA and resolving conflict without hostility. He will be there for a long time and wants to keep everything nice.
- 11. Bob Lowery: Is a four and a half-year resident of Fairwinds and WANTS to be a board member. He wants to maintain guidelines and integrity. He is also a boater and is interested in forming a Fairwinds Yacht Club.
- 12. Roy Megargel: Is a two and a half-year resident of Fairwinds and is a sailor. He plans to be away every summer on his boat (health permitting). He wants to keep the community up, improve property values and maintain the high quality of life at Fairwinds.
- 13. Steven Miller: Not present
- 14. John Mintiens: Is a doer, not a talker.
- 15. Bob Moll: Wants to help the community. As an architect, he feels he would better serve as a member of the architectural review board rather than on the board of directors.
- 16. Carl (Rusty) Pachilis: Wants to support the community and make it better by sharing ideas and making it a democracy. His primary concerns are support improving the beach, maintain the walking trail (and not build the boardwalk), maintain the docking facility and promote a community of boaters, and continue beautifying the community.
- 17. Al Pietras: Not present
- 18. Dick Rohrer: Is an engineer and in the past has been involved with HOAs in the capacity of treasurer, board member and architectural review board member. He wants to preserve the unique character of Fairwinds, keep it a nice place to live, and enforce the rules.
- 19. Davis Sigler: Wants to uphold the laws and continue to push the cleanup of the surrounding
- 20. Dennis Stevens: He has high expectations for the community and wants to keep it a good place to live. Although he is not a politician, his approach would be to get input from everyone and build consensus from that input.
- 21. Barbara Turska: Is a five-year resident of Fairwinds and likes the lifestyle there. She wants to help keep it that way.
- 22. Peter Weston: Spent seven years searching for the place he wanted to live in and has finally found it. He is happy with Fairwinds but would like to see the beach and walkway completed (or some compensation offered). He wants to keep the community safe and the water clean. He will do his best to accomplish these goals.

Mr. Shaughnessy then went on to clarify one point regarding the Architectural review committee: Mr. Tom Carski is presently the acting Architectural review committee but will discuss timing of turning that function over to the HOA Board after the Board has been formed.

At 7:41 PM the ballots to elect the HOA Board were filled out and submitted for counting,

At 7:45 PM Discussion of the Walking Path began. Mr. Tom Carski led this discussion.



Background: The walking path was included in the original approved development plan and was part of the marketing plan as well. When the path was staked out in preparation for construction objections arose. Below is a partial summary of those objections:

- 1. The path is too close to some properties.
- 2. Traffic on the path would infringe on privacy and possibly lower values on those properties.
- 3. The path would facilitate easy access to Fairwinds by outsiders and would likely be used by kids for bicycling. This would result in several concerns first that speeding bicycles would cause an unsafe condition.
- 4. Outside usage by bicycles and others would place an unfair liability burden on the HOA.
- 5. Strangers in the community might cause security concerns.
- 6. When completed, the walking path with raised boardwalk-style sections would increase the maintenance costs to the HOA.

Mr.Carski then related the development history of the walking path. The walking path was included in the Final Development Plan (FDP) that was approved by Baltimore County. The walking path was a fairly sensitive part of the FDP largely do to the elimination of most sidewalks. Due to the delicate nature of the approved plan, there is no room for revision for the design of the path. It either is built as planned or not at all. Mr. Carski doesn't care if it is built or not – he will go with the wishes of the residents. If the residents want it, he will build it as planned. If they don't want it, he will write a check to the HOA for the \$9,700.00 construction budget amount if the County approves the removal of the path from the plan.

Mr. Carski reminded everyone that when they vote on whether or not to build the path, they should base their vote on the merits of the path – not on the money. If they vote for the path, he will build it. If they vote against the path he will present the request from the community to Baltimore County to not have the walking path constructed.

There was a period of discussion about the existing walking path. Mr. Carski provided some background on that also. The existing temporary walking path has been in place since well before Fairwinds was developed. Local fishermen used the path for access to the river for fishing. When development of Fairwinds proceeded, Baltimore County gave permission for temporary continued use of the path. The path passes through the Chesapeake Bay Critical Area buffer zone and may not be improved in any way. A past interpretation of the boundary land rules allowed for "horticultural pruning" to maintain safety on the existing trail. There was an incident in the recent past that violated this guidance and caused the re-interpretation to be rescinded by the Department of the Environment.

Mr. Carski then opened the floor to a general question and answer session about the property.

- Q: Does the buffer are go to the edge of the property line?
- A: The buffer zone starts at the edge of the foliage and is 100 feet from the water's edge.
- Q: Is the land along the buffer zone community property?
- A: That land is Fairwinds community property. Baltimore County originally wanted that area to remain public land but Mr. Carski fought to make it community property to limit public access and maintain privacy in the community.
- Q: Can the boardwalk/walking path stop at the first court? Can the walking path plan be modified?
- A: No. Baltimore County says all or nothing no in between.
- Q: All the advertising, plans and marketing stated that there would be a beach. What is there now falls far short of a "beach". What did you mean?



A: I meant a sandy area at the water's edge. That's what you have. That beach will never look like Ocean City.

Q: Will the beach be improved?

A: No. Originally, permission was given to clean up the beach. That meant clean up the broken glass, trash and other refuse. The parties involved cleaned up the trash but also destroyed marsh grass. That is against the law and makes the community subject to fines. That will not be permitted.

Q: Will the entire walking path take the form of a raised boardwalk?

A: No. Part will be raised boardwalk; part will be a path paved with wood chips or other surfaces. The object is to provide a good walking surface while reducing the likelihood of use by bicycles or rollerblades

Q: What is the expected life span of the piers?

A: The standard service life for a pier is 20 years. Normally they last much longer. The reserve account will be funded for the entire cost of pier construction.

Q: Before Tom turns over everything to the HOA will he ensure that any illegal changes or alterations are corrected?

A: No. He has acted on everything that has been reported to him. Throughout the construction he has handled change requests on a case-by-case basis. He has developed "standard" plans for deck and garage construction which are available to any homeowner who wishes to build either. If Tom approved any change in the past, he will stand by that change.

Q: Is it true that Baltimore County has the power to approve or reject plans independently of the HOA?

A: No. The HOA covenant sets the guidelines, the county issues construction permits, approval from both are needed to make any changes.

At 8:20 PM. the walking path ballots were filled out and submitted for counting.

At 8:22 PM Mr. Shaughnessy announced the results of the HOA board election ballots; they were (in order on number of votes received):

• 3 year position: Carl (Rusty) Pachilis

2 year position: John Mintiens

• 2 year position: Fred Dorsey

1 year position: Frank Deppner

• 1 year position: Peter Weston

At 8:24 PM Mr. Carski continued the question and answer session while the walking path ballots were tallied.

Q: What happens to the front of the property when construction is complete and the trailer is removed?

A: An 8000 square foot strip shopping center will be built. As yet, the tenants are unknown but the architecture and design will maintain the community look.

Q: Does Stevens road run to the creek? Is that a public road?

A: The road goes to the end of the macadam. Beyond that point is the responsibility of the Stevens Point Neighborhood Association. The road is a county road but is not county maintained.

Q: Where is the Fairwinds property line along Stevens Road?

A: Fairwinds community property ends at the centerline of Stevens Road. Mr. Carski was not sure where it was at the point adjacent to the boat parking area.



Q: Do the Stevens road residents have any easements to permit parking on the Fairwinds side of the road?

A: No. Tom originally made an agreement with the Stevens Road residents to allow them to continue parking there until such time as the HOA elects its' own Board. After that time the new Board has the right to revisit the parking issue and change their mind.

After these questions there was general discussion regarding the future of the eastern Baltimore County development. Mr. Carski indicates that he believes big things are coming for the area and advised that the HOA keep in contact with Baltimore County Executive Dutch Ruppersburger to stay in touch with what is going on.

At 8:40 PM Mr. Shaughnessy announced the result of the walking path vote. The final vote was:

- 26 Votes for the walking path
- 36 Votes against the walking path.

The Homeowners request the walking path not be built. Mr. Carski will report the results of the vote to Baltimore County and will keep the Homeowners updated on the results of the request.

Mr. Shaughnessy adjourned the meeting at 8:41 PM

Fairwinds Homeowners Association P.O. Box 4996 Baltimore, MD 21220

February 1, 2000

Dear Fairwinds Homeowners,

The time is now growing near to turn the Fairwinds Homeowners Association over to you, the homeowners. The Election and General Meeting is scheduled for Monday, February 28, 2000 at 7:00 p.m. The Meeting will be held in the Chase Elementary School cafeteria located at 11701 Eastern Avenue (approximately 1 mile East of Fairwinds).

Attached is a list of those individuals seeking a position on the Board of Directors along with a Nominee information sheet for each. Please take the time to look through the information sheets prior to the meeting, as elections will be held at this first meeting. You may also want to bring them to the election to be able to place a face with the ideas of the person.

As per your Homeowners Declaration of Covenants, Conditions, and Restrictions, Article III, Section 2, there shall be one vote per lot (or household). As per the Bylaws of the Fairwinds Homeowners Association, Inc., Article IX, section 4, there must be a quorum of one fourth the membership at the meeting or by proxy. For proxy information contact Linda Shuman at 410-686-1806.

The agenda for the meeting is as follows:

- ♦ Welcome
- ♦ Introduction to William Shaughnessy (HOA Attorney)
- ♦ Introduction to candidates
- Each candidate will be allowed 1 minute to speak
- ♦ Election
- ♦ Vote tally
- Discussion of walking path
- ♦ Walking path vote
- ♦ Vote tally
- ♦ Installation of the Board

If you have any questions, feel free to contact the Fairwinds office at the above phone number.

Sincerely,

Thomas E. Carski President

38

Fairwinds Homeowners Association P.O. Box 4996 Baltimore, MD 21220

September 30, 1999

Dear Resident,

In making the transition to a Resident Managed Homeowners Association, the bylaws of the Association require that a nominating committee be formed. This committee has been formed and wishes to give all of the residents of Fairwinds an equal opportunity to nominate those individuals they feel will be best suited to manage the community as Members of the Board.

In order to facilitate this phase of the process; enclosed is a nominating ballot and return envelope. If you would like to nominate a resident to become a Board Member of the Association, please complete the application and return it in the envelope provided, no later than October 22, 1999 after which the nominations shall be closed.

When a nominating ballot is received, the Nominating Committee members will speak with each individual to be sure that they are willing to accept the nomination, and understand the responsibilities of a Board Member if they are elected.

As soon as a slate of nominees has been formulated, a list will be published along with the date, time, and location of the election.

Sincerely,

Fairwinds HOA Nominating Committee.

30

NOMINATING BALLOT

I wish to nominate the following person / persons to become Board Members of the Fairwinds Homeowners Association.

| Name | | |
|------------------------|---------------------------------------|--------------|
| Address | | |
| Telephone 410- | | |
| | | |
| Name | | |
| Address | | |
| Telephone 410 | | |
| Name | | |
| Address | | |
| Telephone 410- | | |
| Nama | | |
| Name | | <u> </u> |
| Address Telephone 410- | | |
| Telephone 410- | · · · · · · · · · · · · · · · · · · · | |
| | | |
| Name | | |
| Address | | |
| Telephone 410 | , , , , , , , , , , , , , , , , , , , | |
| | | |
| Name | | |
| Address | | |
| Address Telephone 410 | | |
| | | |
| Name | | |
| Address | | |
| Telephone 410- | | |



Pet ex 4

