3/3/03

IN RE: PETITION FOR SPECIAL EXCEPTION SE/S of Old Hanover Road, 1,400' NE centerline of Hanover Pike 4th Election District 3rd Councilmanic District (13943 Old Hanover Road)	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-312-X
Gayle M. & James D. Blum, III, *Legal Owners* **and** The Millennium School, *Lessee* *Petitioners*	* * *	

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, James and Gayle Blum. The special exception request involves property located at 13943 Old Hanover Road, located in the Boring area of Baltimore County. The property is zoned R.C.2. The special exception request is for the approval of a private school, grades K-12, with a maximum student population of 156.

Appearing at the hearing on behalf of the special exception request were Mr. & Mrs. Blum, owners of the property, Geoffrey Schultz, representing McKee & Associates, the engineering firm who prepared the site plan of the property, and C. William Clark, attorney at law, representing the property owners. Other citizens appeared at the hearing on behalf of the Petitioners as is evidenced by their signatures on the Petitioners' Sign-In Sheet. Appearing in opposition to the Petitioners' request were many residents of the surrounding community. Those citizens also noted their attendance at the hearing by placing their signatures on the Citizens' Sign-In Sheet. Mr. Jack Dillon appeared on behalf of the Valleys Planning Council and Mr. Bob Walker appeared on behalf of the Hanover Road Association.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 16.76 acres, more or less, zoned R.C.2. The subject property is

located on the east side of Old Hanover Road in Boring. Mrs. Blum testified that she and her husband purchased the subject property last year. They are hopeful of constructing a private school on the property in the manner depicted on Petitioners' Exhibit No. 1, the site plan submitted into evidence.

As can be seen by reviewing the site plan, the Petitioners propose to construct five separate buildings on the subject property, all of which will be inter-connected by breezeways. The purpose of constructing these separate buildings is to allow the school to expand over time and to provide a more private learning environment for the students who choose to attend this school. Mrs. Blum, as well as Ms. Teresa Ankney, provided extensive testimony regarding this particular type of private school. Mrs. Blum has named the school, the "Millennium School" and attempted to explain to those in attendance the curriculum she intends to offer. It is Mrs. Blum's vision to provide a learning environment for children who are able to learn more easily utilizing visual methods of teaching as opposed to the more traditional verbal methods. Mrs. Blum indicated that there are other schools of this type around the country; however, none that she is aware of in Maryland. She is hopeful of starting this new school in order to address the needs of this particular type of student as well as other students who would be interested in attending her private school.

The development of the property as a private school would occur on the front half of the property, given that the rear portion of the site contains a 100-year floodplain, forest buffers and forest conservation easements. Access to the property is provided by a 65 ft. wide strip of land that is sandwiched between the property owned by the Coghill and Amabile families. The primary method of access to the site is via Hanover Pike to Old Hanover Road. At maximum build-out, the school would have a student population of 156 students with staff and teachers

totaling 22. The access to the school utilizing Hanover Pike and Old Hanover Road was a major concern of the citizens who attended the hearing in opposition to this request.

These neighbors are concerned over the number of automobiles coming and going to this site at the time these children are dropped off for school in the morning and taken home at the end of the day. This is a private school which proposes to have no bus service. Accordingly, all children who attend the school will have to be transported to and from the site by their parents or other family members. At maximum build-out this would necessitate the transportation of 156 students to and from the property in the morning rush hour and the same amount of trips in the late afternoon hours. In addition, staff and faculty would also have to transport themselves to and from the site. The number of automobile trips impacting the intersection of Old Hanover Road and Hanover Pike was of great concern to the longtime residents of this area.

These citizens are very familiar with traveling Hanover Pike and specifically this particular intersection. The first problem identified by the citizens was that the roads that intersect Hanover Pike at this location, those roads being Old Hanover Road and Glen Falls Road, do not intersect in an opposite fashion. That is, the two roadways are staggered or offset slightly. In order for an intersection to operate efficiently, it is most preferable that the intersecting roads are aligned directly opposite one another. This makes accessing Hanover Pike all the more difficult for the general public.

Further compounding this misaligned intersection is the fact that Hanover Pike is one of the most heavily traveled commuter roadways during the morning and evening rush hours in Baltimore County. During these times, one commonly encounters a constant and lengthy stream of motorists travelling on this roadway. Merging into this stream of traffic can be very difficult. This is due to the high rate of speed that these vehicles are travelling and the lack of breaks in the

confluence of cars. The only disruption to this steady flow of commuter vehicles occurs when traffic is stopped by the traffic light at Hanover Pike and Emory Road to the north, or Hanover Pike and the terminus of 795 to the south. These breaks are infrequent and only allow a couple of vehicles to merge into this stream of traffic at the time of their occurrence. Those of us who have traveled this roadway during these times of the day are familiar with this traffic phenomenon.

This existing traffic situation is of great concern to the citizens, especially in light of the number of automobiles that would be transporting students to and from this school. The only practical means of access to the site requires these parents to have to utilize this particular intersection. The stacking and queuing of automobiles at this intersection would be tremendous. Compounding the problems already identified regarding this intersection is the limited amount of sight distance to the south of this intersection along Hanover Pike.

As a result of the problems identified with the aforementioned intersection, I find that the granting of this special exception for a private school at this particular location would have a greater detrimental impact at this R.C.2. zoned parcel of property than it would at a similarly zoned parcel of property located elsewhere in this area. Accordingly, the special exception request must be denied.

I applaud the efforts of Mrs. Blum to create a school that would address the needs of this particular student population. Based on the testimony presented, this appears to be a school which would greatly benefit Baltimore County and its citizens. However, for the reasons stated within the body of this Order, this particular location chosen by Mrs. Blum is not an appropriate location to operate this school. I am hopeful that Mrs. Blum will be successful in finding another location upon which to pursue this worthwhile endeavor.

Pursuant to the advertising, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief requested in the special exception shall be denied.

THEREFORE, IT IS ORDERED this 3rd day of March 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for special exception to approve a private school, grades K-12 with a maximum student population of 156, be and is hereby DENIED.

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

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

1/5/05

IN THE MATTER OF THE APPLICATION OF JAMES AND GAYLE BLUM – LEGAL OWNERS FOR VARIANCE ON PROPERTY LOCATED ON THE SE/S OF OLD HANOVER RD AT THE DISTANCE 1,400' NE OF THE CENTERLINE HANOVER PIKE, ROUTE 30 (13943 OLD HANOVER ROAD) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 03-312-X

* * * * * * * * *

OPINION

This matter is before the Board on an appeal from a decision of the Deputy Zoning Commissioner for Baltimore County in which he denied a request for special exception by order dated March 3, 2003. A timely appeal was filed before the Board, and a hearing was held on March 2, March 9, and June 9, 2004. James and Gayle Blum, herein referred to as Petitioners, were represented by Robert A. Hoffman, Esquire, and David H. Karceski, Esquire, of VENABLE, LLP. Peter M. Zimmerman, People's Counsel for Baltimore County, appeared on behalf of that Office. A public deliberation was held on September 30, 2004.

Statement of Facts

Petitioners are proposing to construct a private school, "The Millennium School," on a 16.76-acre parcel of land located off of Old Hanover Road in the Reisterstown area of Baltimore County. The school will have a maximum capacity of 156 students ranging from kindergarten through 12th grade. There will be approximately 22 faculty and staff members. The site consists of an open field with a considerable portion of the site to the north and northeast being heavily wooded in the area of a stream that runs across the property. A portion of the site is located within the limits of the rural village of Woodensburg, which includes property on the east and west sides of Hanover Pike. The area includes 30 to 35 homes, a Suburban Propane facility, and

a mixture of commercial uses. The Suburban Propane distribution facility is located on Old Hanover Road directly opposite the proposed school site. The site is located approximately 1500 feet from the intersection of Old Hanover Road and Hanover Pike. There is a slight offset for Glens Falls Road on the east side of Hanover Pike so that there is no exact intersection between Glens Falls Road and Old Hanover Road. This intersection is the closest to the site and it is controlled by a stop sign. The proposed school would not result in any changes or improvements to the Old Hanover Road /Hanover Pike intersection.

The Blums purchased the property several years ago with the express intention of creating a school that will offer a unique learning environment for its students and particularly those with Asperger's Syndrome, ADHD, and other non-verbal learning disorders. The proposed facility will consist of a series of five one-story frame buildings for classrooms, administrative offices, and a cafeteria with a warming kitchen and related parking. The school will not offer team sports nor will it have any ball fields or other similar recreational facilities. However, the Blums anticipate that the school will have a playground located in proximity to the school buildings. Mrs. Blum anticipated that the school would have a capacity of 156 students during the school year with a small summer program. She anticipated only occasional weekend or evening use for meetings or other school-related activities. The school buildings will be open to students beginning at 7:30 a.m. each day. The start of classes would be staggered with times ranging from 8:00 a.m. to 8:30 a.m. In the afternoons, dismissals from class would also be staggered with dismissal times running from 3:00 p.m. to 3:30 p.m. Aftercare services would be offered until 6:00 p.m. Most children were expected to arrive at the school within 15 minutes of the start of a class and a similarly prompt dismissal is expected in the afternoons for children who are not enrolled in aftercare.

Issues

People's Counsel raised four issues with respect to this matter.

1. The impact of the school on agriculture and/or natural resources both on-site and in the surrounding neighborhood.
2. The hazard of an adjoining fuel company.
3. The traffic safety and congestion.
4. Consistency with the purpose of the zone.

Testimony and Evidence

A. The agricultural issues.

People's Counsel presented several witnesses in support of its position with respect to the agricultural lands and resources on the site. Daniel Calhoun, an Upperco residence and member of the County Agricultural Board, testified about the value of the agricultural lands and resources in the surrounding and as to the detrimental impact of the loss of the Blum property to agriculture.

John J. Dillon, Jr., a veteran retired Baltimore County Planner and former Director of the Agricultural Preservation Program, testified with respect to agricultural concerns. He stated that the resources in this area, and particularly the prime and productive soils, were particularly valuable. He stated that there were about 80,000 acres of land zoned R.C. 2 in Baltimore County and that the proposed institutional use would not only destroy the agricultural value of the site but also have a negative effect on the surroundings. He stated that there was more property available in other areas which was less valuable and would be more appropriate for a school use, particularly those sites with existing buildings available for conversion and redevelopment.

Robert Slaterbeck, the owner of adjacent property, testified concerning the adverse effect on his farm. Mr. Robert Walker also testified with respect to the position of the Hanover Road Community Association which was against the school.

B. Traffic Safety and Congestion.

The majority of the testimony in this case revolved around the question of traffic to and from the site. Petitioners presented Kenneth Schmid as their traffic expert. The Valleys Planning Council retained John J. Seitz to counter Mr. Schmid's testimony, and People's Counsel called on Steven Weber, Division Chief in the Bureau of Traffic Engineering of the County to also counter Mr. Schmid's testimony.

Mr. Schmid conducted a study of vehicles during the peak hour periods in the morning and afternoon to determine the volume of traffic on Maryland Route 30, and on Old Hanover Road turning left or right onto Maryland Route 30. The traffic counts observed by Mr. Schmid were consistent with those generally observed by Baltimore County's Department of Public Works according to Mr. Weber. Mr. Schmid also measured the sight distances for drivers turning left from westbound Old Hanover Road onto southbound Hanover Pike and for drivers turning right onto northbound Hanover Pike from Old Hanover Road. He felt that the sight distances were adequate for cars going just over 50 miles an hour. Mr. Weber and Mr. Seitz questioned whether or not Schmid's calculations were correct in that they did not meet the current standard for sight distances outlined in the American Association of State Highway and Transportation Officials (AASHTA), a policy and geometric design of highways and streets. Petitioner contends that this standard applies only to the design of new streets and is not applicable to existing roads and intersections such as the one at issue. Mr. Schmid then considered the impact of the proposed school. He followed the standard procedures as outlined

in the State Highway Administration guidelines for traffic impact reports /studies. He conducted an analysis of the intersection using the "critical lane" technique. Using the generation rates suggested by the Institute of Transportation Engineers Trip Generation, 7th Edition, "Land Use: 536-Private School K-12," he found that there would be average daily trips of 387. He estimated that during the morning peak hours of 7:45 a.m. to 8:45 a.m. there would be 75 trips into the site and 48 out of the site. He then estimated during the afternoon peak hours of 2:45 p.m. and 3:45 p.m. there would be 36 trips into the site and 50 out of the site. In predicting trip distribution, Schmid felt 90 percent of the traffic into the site would use the Hanover Pike. He estimated 75 percent would come from the south, 20 percent from the north, and 10 percent would use other roads.

Mr. Weber contended that the use of the Institute of Transportation Engineering's Trip Generation, 7th Edition, was incorrect in calculating the number of trips to and from the school since this particular study utilized schools that had bus transportation as well as private cars transporting students. In addition, Mr. Schmid did not take into consideration the number of trips generated by the 22 faculty members employed by the school.

Mr. Schmid also did an analysis of the cars coming out of Old Hanover Road onto Hanover Pike and the "gap time" that it took to clear the last car in line at the intersection. The results of this study were not clear and were contested by Mr. Weber. Mr. Weber conducted a study with respect to the delay time suffered by vehicles queuing up to exit Old Hanover Road onto Hanover Pike. From 7:15 a.m. to 8:10 a.m., the delay time, which would be the time a car spent in the queue until it could clear the intersection, went from 38 seconds to as high as 1 minute 32 seconds. In the evening from 4:00 p.m. to 6:00 p.m., the delay time went from 35 seconds to a high of 1 minute 16 seconds. While Mr. Schmid gave the intersection at Old

Hanover Road and Hanover Pike a rating of "B" in the morning during peak hours and a level of service at "A" during afternoon peak hours, Mr. Weber and Mr. Seitz rated the intersection "F".

Mr. Weber was concerned that the queuing up of vehicles waiting to enter Old Hanover Road from the school would hinder the traffic at that intersection. He estimated that the school would add approximately 126 vehicles to the westbound Old Hanover Road in addition to the existing 47 vehicles counted during the morning peak hour. He predicted that the parents would turn to local roads either driving north on Hanover Pike to Emory Road and using back roads to work their way south or turning north on Old Hanover Road to Piney Grove Road and again use back roads.

In addition, it was noted that the entrance to the site posed some problems because of the topography. In order to give adequate sight distance onto Old Hanover Road for cars exiting the site, there would have to be considerable landscaping of the property on both sides of the entrance. This was complicated by the fact that the school owns only a small piece of the property where the entrance would be erected and would not have the ability to landscape back the berms which appear to block the sight distance on both sides of the proposed entrance.

Mr. Weber did indicate that, if the school had adequate bus transportation for most of the students, he would feel that the traffic problem "would not be quite as difficult as it would be without bus transportation and extensive carpooling."

Randall Hironimus, the dispatcher for Suburban Propane company, testified with respect to the business conducted by that company across the street from the proposed site. He stated that Suburban had been in business since 1929. They provide service to approximately 6,000 customers, with storage tanks and a repair facility on the sight. Supplies are brought into the site generally on tractor-trailers and by rail. During the season of September through April, there are

two delivery trucks per day entering the site, in addition to the rail service which serves the site. Mr. Hironimus estimated that his drivers average 275 to 300 deliveries per month. He stated that the trucks were running all day long from 4:30 a.m. to 8:00 p.m. during the season. Hironimus also stated that they received deliveries by rail during the day and the cars would be shifted back and forth into their rail siding.

Various citizens in the area testified against the location of the school in the particular area.

Anna Zouck testified that she had a little service business, self-employed, where she did odd jobs for people driving, gardening, pet sitting, etc. She indicated that at times she took people from the area to BWI airport. It was her experience that getting out of Old Hanover Road onto Route 30 between the hours of 6:00 a.m. and 8:30 a.m. was almost impossible. She stated, "there is a steady stream of traffic and visibility to the left toward Reisterstown is almost two cars, so if you do see a break in traffic from Hampstead area – which you never do – oh well it's awful." She stated that at times she will drive 15 miles out of her way to avoid the intersection at Old Hanover Road and Route 30.

Robert Sewell, a neighbor living on Old Hanover Road near the proposed site, indicated that he felt that the intersection of Route 30 and Old Hanover Road was a dangerous situation and that, with the school, it would add to the backup of traffic on Old Hanover Road. He indicated that getting out of Old Hanover Road onto Route 30 was very difficult in the morning, particularly because of the limited view due to a gas and electric pole and shrubbery that was in the area.

Mr. Jack Dillon, Executive Director of the Valleys Planning Council, testified that he felt there were a number of problems with the location of the school. He felt that, with 156 students

plus 22 faculty members in a small parcel of land, traffic would be overbearing on Old Hanover Road. He stated that he felt it would be necessary to do extensive grading in order to make the driveway acceptable from the standpoint of being able to see coming out onto Old Hanover Road. He also stated that with respect to § 502.1, the Petitioner would fail to meet the necessary criteria under that section in order to be granted a special exception. He stated that, in his opinion, Petitioner could not meet the criteria under § 502.1A in that the establishment of the school would be detrimental to the safety and general welfare of the locality, particularly with respect to the traffic situation. Under § 502.1B, he felt that the school would create congestion on the roads and streets in the neighborhood. He also felt that, under § 502.1C, there could be a potential hazard from fire, panic or other danger in that the school was located across the street from a propane facility. While he acknowledged that there had only been one accident at the propane facility since it was established in 1929, he felt that there were other locations in the 75,000 to 80,000 acres of R.C. 2 property in the County where the school could be located without risking such a danger. He also felt, with respect to § 502.1D, that the school would overcrowd the land, since it was a large concentration on a small parcel of farmland. He also indicated that under § 502.1G, the location of the school was inconsistent with the zoning classification in that R.C. 2 was zoned for agriculture and that the school would be an interference with agriculture with respect to the movements on County roads of farm equipment and that it was inconsistent with the natural resources on the site, which were soils of very high production.

Finally, Mr. Dillon felt that the school would be detrimental to the environmental and natural resources of the site and vicinity, including forest, streams, wetlands, aquifers, and flood plains in an R.C. 2 area set forth in subsection I of § 502.1.

In the nature of rebuttal, Petitioner recalled Mrs. Blum to the stand. She testified that to lessen the concerns of the community she could start a carpooling operation and offer a shuttle service to the school. She would anticipate opening with three classes of 12 in each class for a total of 36 students. She felt that once she reached the mass of 60 students, she would offer one shuttle and if she reached 100 students, she would offer a second shuttle. The operation of the shuttles would be based upon where the students would be coming from. She anticipated that most would come from the park and ride in Owings Mills.

Decision

This is a very difficult matter for this Board to determine. The Blums are proposing to open a school for children who need a special type of education because of their disability. It is a very worthwhile project and deserves every consideration. Unfortunately, this Board feels that the traffic problem which would be generated by the school makes it very difficult for a special exception to be granted in this matter. While Petitioner's expert, Mr. Schmid, estimated that the school would generate approximately 75 trips into the site in the morning peak hours and 48 trips out of the site in the evening peak hours, this number seems very low to this Board. Mr. Schmid did not consider the trips generated by the faculty members and the table which he used with respect to his estimates considered a model where bus transportation was being used by the students.

While Mr. Weber indicated that, if a bus transportation was used at the school, he would probably change his opinion with respect to the traffic congestion, the Board is not convinced that this would be the case at this location. Mrs. Blum has indicated that she would utilize a bus holding 22 students for approximately every 100 students that attended the school. She would not provide transportation until the initial student body reached at least 60.

At this point, the Board has no idea as to whether or not carpooling and the utilization of the buses would alleviate the traffic congestion which would appear to be generated by the school. Considering Mr. Weber's report with respect to the delay time at the intersection of Old Hanover Road and Hanover Pike, and the testimony of residents in the area with respect to the delays endured at that intersection trying to either take a left turn going south on Hanover Pike or taking a right turn to go north. All indications are that is a very difficult intersection. In the estimation of the Board, the traffic that could be generated by the school would be detrimental to the health, safety and general welfare of the locality and would tend to create congestion in roads and streets therein as set forth in § 502.1A and B.

With respect to the creation of a potential hazard, the Board feels that subsection C pertains to the property in question and not the property across the street. Therefore, it does not feel that the school would create a potential hazard from fire, panic or other danger, even though it would be located across the street from the Suburban Propane company property.

The fact that the school owns a narrow piece of land that fronts on Old Hanover Road through which the entrance to the property would be constructed makes for another problem with respect to safety. In order for someone leaving the property to adequately see traffic coming down Old Hanover Road in either direction, extensive excavation would have to be done to give the sight distance in either direction. It is not clear that the school owns enough property in order for adequate clearing to be done in order for a driver to see in either direction when coming out of the proposed entranceway to the property.

The Court of Appeals, in *Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981)*, established a standard for the special exception and stated as to whether the "particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently

associated with such a special exception use irrespective of its location within the zone." [291 Md. at 15] There is no question that a school generates a great amount of additional traffic both on foot and by motor vehicle. Particularly in this location, all of the traffic would be generated by motor vehicles. In this situation, because of the intersection at Old Hanover Road and Route 30, the Board feels that traffic congestion generated by parents bringing students to school and picking them up would overburden that intersection. This is particularly true in view of the fact that it is an offset intersection with Glen Falls Road. The neighbors who testified stated that, even now, traffic backs up at Old Hanover Road and Hanover Pike to the extent that in many instances they take the back roads in order to avoid the traffic. The delay study performed by Mr. Weber's office indicates that even with three vehicles in a line the wait for a particular vehicle to clear the intersection can be up to 1 minute 32 seconds. Even assuming that Mr. Schmid's figures are correct and that 75 trips would be generated in the morning, this would tend to overburden that intersection and could generate some accidents of individuals who did not want to wait for a gap in the traffic in order to clear the intersection. The Board also considers the problem of landscaping at the school entrance to be an additional hazard.

Jack Dillon's testimony indicated that he felt there were other areas in the R.C. 2 zoned acreage in Baltimore County where a school of this nature would be much better located. The Board agrees with that testimony and regretfully feels that the special exception must be denied.

In denying the special exception, the Board does not reach the question raised by People's Counsel with respect to the provisions of BCZR 1A01.1 with respect to the detrimental effects to the primary agricultural uses in the vicinity and at the site.

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 5th day of January, 2005, that the Petition for Special Exception to approve the erection of a school on the subject property in an R.C. 2 zone be and is hereby **DENIED**.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY[1]

Lawrence S. Wescott, Chairman

Edward W. Crizer, Jr.

[1] While the third member of this panel, Donald I. Mohler III, publicly deliberated and participated in reaching the above unanimous decision of the Board, Mr. Mohler resigned from the Board prior to signature of this Opinion and Order. Therefore, this written decision has been signed by the two remaining panel members.

7/1/04

RECEIVED
JUL 0 1 2004
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF JAMES AND GAYLE BLUM FOR APPROVAL OF PETITION FOR SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 13943 OLD HANOVER ROAD	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
4th Councilmanic District 3rd Election District	*	
James and Gayle Blum, Legal Owners	*	Case No. 03-312-X
	*	

* * * * * * * * *

PETITIONERS' POST-HEARING MEMORANDUM

James and Gayle Blum ("the Blums"), legal owners and Petitioners, by Robert A. Hoffman and David H. Karceski with Venable LLP, its attorneys, respectfully submit this Post-Hearing Memorandum in support of their Petition for Special Exception, as follows:

INTRODUCTION

The Blums have filed a Petition for Special Exception for a school pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations ("B.C.Z.R."). The Deputy Zoning Commissioner for Baltimore County conducted a public hearing on the Petition for Special Exception and, on March 3, 2003, issued his Findings of Fact and Conclusions of Law, denying the requested special exception solely on the basis of traffic concerns raised by certain members of the community who attended the hearing. The Blums had not retained a traffic engineering expert to appear on their behalf at the hearing before the Deputy Zoning Commissioner. Following the denial of the Petition

for Special Exception, the Blums filed an appeal to the County Board of Appeals of Baltimore County ("Board of Appeals" or "Board").

On March 2, 2004, the Board of Appeals conducted a *de novo* hearing on the requested special exception relief, which hearing was continued on March 9, 2004, and concluded on June 9, 2004.[1] During this hearing, the Blums produced strong and substantial evidence through the testimony of experts, including Kenneth Schmid, traffic engineer, Robert Sheesley, environmental consultant, and David Martin, land planner, and other witnesses and through the introduction of various exhibits to demonstrate that the Board of Appeals should grant the requested Petition for Special Exception.

STATEMENT OF THE FACTS

The Blums are proposing to construct a private school, "The Millennium School," with a maximum capacity of 156 students ranging from Kindergarten through Twelfth Grade, on a 16.76 acre parcel of land located off of Old Hanover Road in the Reisterstown area of Baltimore County. (T., 3/02/04, pp. 5-10) *See also* Petitioners' Exhibit 1 (Plat to Accompany Petition for Special Exception) and Petitioners' Exhibits 2 and 3 (Quick Fact Sheet and The Millennium School Mission). The site consists of an open field with a considerable portion of the site to the north and northeast being heavily wooded in the area of a stream that runs across the property. (T., 3/02/04, p. 6); Petitioners' Exhibit 1. A portion of the site is located within the limits of the rural village of Woodensburg, which includes property on the east and west sides of Hanover Pike

[1] With their Memorandum, the Blums have provided to the Board of Appeals a copy of the hearing transcript.

(along Old Hanover Road and on Glen Falls Road) and includes 30-35 homes, the Suburban Propane facility, and a mixture of commercial uses. (T., 3/02/04, pp. 162-163) *See also* People's Counsel Exhibits 1, 25. The Suburban Propane distribution facility is located on Old Hanover Road directly opposite the site. (T., 3/02/04, p. 6); Petitioners' Exhibit 1.

The Blums purchased the property a couple of years ago with the express intention of creating a school that will offer a unique learning environment for its students and particularly those with Asperger's Syndrome, ADHD, and other non-verbal learning disorders. (T., 3/02/04, pp. 7-12, 34) While the impetus for creating this school is to serve children who have "learning differences," Mrs. Blum believes that many children could benefit from the learning environment she seeks to create. (T., 3/02/04, p. 10) The proposed school will offer a calm, quiet environment with class sizes of approximately 12 students for children who tend to be overly sensitive to sensory stimulation and who could benefit from a hands-on approach using real life experiences and social skills instruction. (T., 3/02/04, pp. 8-15); Petitioners' Exhibit 2. The rural village environment offered by the Old Hanover Road site is particularly suitable for this school, which will be a model for the Governor's Green School Program. (T., 3/02/04, pp. 12-15) Mrs. Blum expects that the school will be accredited by The Association of Independent Maryland Schools. Petitioners' Exhibit 2.

The Blums' experience in trying to educate three children of their own who have Asperger's Syndrome has convinced them that a need exists for this type of school. (T., 3/02/04, pp. 10, 27-36) The proposed school would mainly serve the Reisterstown

Road corridor, as far down as Owings Mills and over into Carroll County; however, students could also come from other locations. (T., 03/02/04, pp. 31-32) The need for this type of school was also confirmed by Dr. Karena Rush, a licensed pediatric psychologist with Sheppard Pratt Health System, who testified that, in her practice, she frequently sees children who could benefit from this type of a program and that there are no schools in the area with particular expertise in Asperger's Syndrome. (T., 3/02/04, pp. 46-49) Dr. Rush confirmed, as Mrs. Blum testified, that this school would be an appropriate learning environment for any child and not just those with non-verbal learning disorders. (T., 3/02/04, p. 48)

The proposed facility will consist of a series of five one-story frame buildings for classrooms, administrative offices, and a cafeteria (with warming kitchen), and related parking. Petitioners' Exhibit 1. The school will not offer team sports, nor will it have any ballfields or other similar recreational facilities; however, Mrs. Blum anticipates that the school will have a playground located in close proximity to the school buildings. (T., 3/02/04, pp. 18-19) Construction of the proposed facility will result in an impervious coverage area of only 6% of the gross area of the site. (T., 3/02/04, pp. 166, 168-169)

With regard to its operation, the school will have a capacity of 156 students during the school year with a smaller summer program. (T., 3/02/04, pp. 9, 12, 20) Mrs. Blum anticipates only occasional weekend or evening use for meetings or other school-related activities. (T., 3/02/04, pp. 19-20) The school buildings will be opened to students beginning at 7:30 a.m. each day. (T., 3/02/04, p. 16) The start of classes would be staggered with start times ranging from 8:00 a.m. to 8:30 a.m. (T., 3/02/04, pp. 16-17)

In the afternoons, dismissals from class would also be staggered with dismissal times from 3:00 p.m. to 3:30 p.m. (T., 3/02/04, pp. 16-17) Aftercare services would be offered until 6:00 p.m. (T., 3/02/04, p. 16) Most children are expected to arrive at school within 15 minutes of the start of class, and, a similarly prompt dismissal is expected in the afternoons for children who are not enrolled in aftercare. (T., 3/02/03, p. 17)

ARGUMENT

Before the Board of Appeals, the Blums Produced Strong and Substantial Evidence Demonstrating their Entitlement to the Special Exception for the School.

The Blums are seeking a Petition for Special Exception for approval to construct a school under B.C.Z.R. Section 1A01.2.C.23. In this *de novo* proceeding, the Blums must demonstrate to the Board that the proposed school will not be "detrimental to the primary agricultural uses in its vicinity," as articulated in Section 1A01.2.C, and that the proposed school will not result in any disqualifying adverse impact as outlined in B.C.Z.R. Section 502.1.

I. The Blum Demonstrated Compliance with B.C.Z.R. Section 502.1.

A. Special exception uses are presumed valid and acceptable.

According to the well-developed law of Maryland, a special exception is a "valid zoning mechanism" whereby a particular use is presumed to be valid and is presumed to be consistent with the general welfare, absent facts or circumstances sufficient to negate that presumption. *Schultz v. Pritts*, 291 Md. 1, 11, 432 A.2d 1319 (1981). Although *Schultz v. Pritts* is the seminal case on special exceptions, in several more recent decisions, the Court of Appeals and Court of Special Appeals have reiterated the standard

relating to the grant or denial of a special exception. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 541-543, 814 A.2d 469 (2002); *Lucas v. People's Counsel for Baltimore County*, 147 Md. App. 209, 237-239, 807 A.2d 1176 (2002); *Hayfields, Inc. v. Valleys Planning Council, Inc.*, 122 Md. App. 616, 640-641, 716 A.2d 311 (1998). As the Court of Appeals explained in *Rylyns Enterprises*:

> ...a special exception use is an additional use which the controlling zoning ordinance states will be allowed in a given zone unless there is showing that the use would have unique adverse affects [sic] on the neighboring properties within the zone.

372 Md. at 542.

Once a petitioner demonstrates that the proposed use satisfies the specific requirements of the applicable ordinance, the special exception must be granted unless "there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Id.* at 542 (*quoting Schultz*, 291 Md. at 11) (emphasis added).

To defeat a special exception, therefore, a protestant must do more than show that the use may have adverse effects that are common to the use generally. *Rylyns Enterprises*, 372 Md. at 542; *Schultz*, 291 Md. at 14, 22-23; *Lucas*, 147 Md. App. at 238-239. "The disqualifying adverse effect or effects must be more than mere annoyance. Classifying such uses as special exceptions or conditional uses (as opposed to permitted uses) assumes that those uses will include some adverse impacts." *Rylyns Enterprises*, 372 Md. at 542 (emphasis added). A disqualifying adverse impact, therefore, must be something more than what is ordinarily expected and it must be unique to that particular

location. *Id.* at 542. *See also Lucas*, 147 Md. App. at 238-239; *Hayfields*, 122 Md. App. at 640-641.

B. The Proposed School will not Result in any Disqualifying Adverse Impacts under B.C.Z.R. Section 502.1.

With this authority in mind, as outlined below, the Blums produced strong and substantial evidence at the hearing before the Board demonstrating that the proposed school satisfies the requirements of B.C.Z.R. Section 502.1:

Health, Safety, and General Welfare of the Locality

With the exception of traffic concerns, which are addressed below, the community raised no real concerns over any potential impact that the school would have on the surrounding locale. David Martin, expert land planner and licensed landscape architect testifying on behalf of the Blums, confirmed that the proposed school, as described by Mrs. Blum and shown on the site plan, would have no impact on the health, safety, and general welfare of the locality. (T., 3/02/04, pp. 23, 160-161) People's Counsel produced no testimony that would indicate otherwise.

Congestion in Roads

Undoubtedly, the primary concern raised by People's Counsel and their witnesses related to the impact that the proposed school would have on the roads and, particularly, on the intersection of Old Hanover Road and Maryland Route 30 (Hanover Pike). To reiterate the burden of proof outlined above, the Blums do not have to prove that construction of the school will result in *no* increase in the level of traffic in the area. Any use of the property, even a single-family home, would result in an increase in the number of vehicle trips to and from the property, which is currently vacant. Rather, for the Board

to deny the special exception, the evidence would have to demonstrate that the anticipated impacts are beyond what ordinarily would be expected to result from such a school. Some level of adverse impact is expected with any special exception use. The testimony and evidence presented to the Board, as discussed below, simply does not demonstrate that the proposed school will impact traffic conditions in a manner beyond what would ordinarily be expected, nor can the conditions be expected to be worse at this location than elsewhere in the RC 2 zone.

To evaluate the existing road conditions in close proximity to the site and to estimate the potential impact of the proposed school on those roads, the Blums retained Kenneth Schmid, expert traffic engineer. With regard to access from the site, Mr. Schmid testified that there is adequate right-of-way along Old Hanover Road to create appropriate sight distance. (T., 6/09/04, pp. 186-187) *See also* Petitioners' Exhibit 20 (Survey Plat of Entrance at Millennium School). As he explained, based on the posted speed limit of 30 miles per hour on Old Hanover Road, Baltimore County would require 400 feet of sight distance in each direction from the access point. (T., 6/09/04, p. 186) According to his measurements, this sight distance can be provided through "selective grading and tree trimming." (T., 6/09/04, p. 187) People's Counsel's traffic expert, Jon Seitz, expressed a "concern" as to whether appropriate sight distance could be obtained here, but did not perform his own measurements to determine one way or the other. (T., 3/09/04, p. 166) Mr. Schmid's testimony as to adequate sight distance was, therefore, unrefuted.

From various maps introduced at the hearing, the site access point appears to be approximately 1,500 feet from the intersection of Old Hanover Road and Hanover Pike, which is slightly offset from Glen Falls Road on the east side of Hanover Pike. *See, e.g.,* Petitioners' Exhibit 16 (1000' Scale Zoning Map). This intersection is the closest to the site, and it is controlled by a stop sign. The proposed school would not result in any changes or improvements to the Old Hanover Road/Hanover Pike intersection. To get a sense of how this intersection currently functions, Mr. Schmid conducted a count of vehicles turning in each direction to determine the "peak hour," the results of which were introduced as Petitioners' Exhibit 7. According to this study, conducted on February 11, 2004, the morning peak hour, in which the volume of traffic is at its heaviest, occurs between 7:00 a.m. and 8:00 a.m., with the afternoon peak hour occurring between 4:30 p.m. and 5:30 p.m. (T., 3/02/04, pp. 56-57); Petitioners' Exhibit 7. The accuracy of these counts was not disputed. In fact, one of People's Counsel's traffic experts, Stephen Weber, acknowledged that Mr. Schmid's traffic counts as presented in Petitioners' Exhibit 7 were "consistent" with those observed by Baltimore County's Department of Public Works. (T., 3/09/04, pp. 15, 17)

Mr. Schmid also measured the "intersection sight distance" for drivers turning left from westbound Old Hanover Road onto southbound Hanover Pike, which he considered to be "the most critical movement" to his analysis. (T., 3/02/04, p. 67) "Intersection sight distance," as he explained, is the distance a driver needs to be able to enter an intersection from a stopped position and to accelerate without other drivers having to react. (T., 3/02/04, pp. 68-69) His field measurements were submitted as Petitioners'

Exhibit 9. At the posted speed of 40 miles per hour on Hanover Pike, Mr. Schmid concluded that the required sight distance was 294 feet to the left and 441 feet to the right. (T., 3/02/04, pp. 71-72); Petitioners' Exhibit 9. His measurements of existing intersection sight distance exceeded what would be required. Petitioners' Exhibit 9. Therefore, Mr. Schmid concluded that there was sufficient "intersection sight distance," even at higher speeds, to make the left turn movement safely. (T., 3/02/04, pp. 72-73)

Mr. Schmid also measured the "stopping sight distance" for vehicles making a right turn from westbound Old Hanover Road to northbound Hanover Pike. (T., 6/09/04, pp. 180-182) As Mr. Schmid described "stopping sight distance," this measurement determines whether a driver traveling north along Hanover Pike has sufficient distance to observe a vehicle making a right turn from Old Hanover Road onto Hanover Pike in order to slow or stop to avoid a collision with that vehicle. (T., 6/09/04, p. 181) According to Mr. Schmid's measurements, there is 440 feet of "stopping sight distance" on Hanover Pike at this location. (T., 6/09/04, p. 182) Mr. Schmid confirmed that this sight distance was "adequate for just over fifty mile [sic] an hour speed." (T., 6/09/04, p. 182)

Mr. Schmid's findings in this respect are consistent with the fact that few accidents are occurring at this intersection. (T., 6/09/04, pp. 182-183) Mr. Schmid reviewed the accident data as compiled by the Maryland State Highway Administration (SHA) from January 2000 through April 2003 for the Old Hanover Road/Hanover Pike intersection. (T., 3/02/04, pp. 85-86); Petitioners' Exhibit 11. There were only five accidents during this time period, and only two of them were listed as "intersection

related." (T., 3/02/04, pp. 85-86); Petitioners' Exhibit 11. From this information, Mr. Schmid concluded that drivers are not experiencing operational problems with this intersection. (T., 3/02/04, p. 86) Mr. Schmid's interpretation of the accident data was further supported by Mr. Weber, who testified that "[he] didn't see anything that would cause any concern from that standpoint." (T., 3/09/04, pp. 79-80)

Mr. Weber and Mr. Seitz, however, contend that the Old Hanover Road/Hanover Pike intersection does not meet the current standard for sight distance as outlined in the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets*. This standard applies only to the design of new streets and is not applicable to existing roads and intersections, such as the one at issue in this case. (T, 3/02/09, pp. 109-111) *See also* Petitioners' Exhibit 17:

> The fact that new design values are presented herein does not imply that existing streets and highways are unsafe, nor does it mandate the initiation of improvement projects. The publication is not intended as a policy for resurfacing, restoration, or rehabilitation (3R) projects. For projects of this type, where major revisions to horizontal or vertical curvature are not necessary or practical, existing design values may be retained. Specific site investigations and crash history analysis often indicate that the existing design features are performing in a satisfactory manner.

Baltimore County's *Bureau of Development Plans Review Policy Manual* appears to recognize this and requires traffic engineers only to "use current AASHTO policy as a guideline," which Mr. Schmid did in conjunction with an examination of the accident data and his own field investigation.

Having fully investigated existing conditions, which were largely not disputed by Mr. Weber or Mr. Seitz, Mr. Schmid then considered the impact of the proposed school. Following the standard procedures as outlined in the SHA Guidelines for Traffic Impact

Report/Studies, Mr. Schmid considered the existing conditions described above, factored in the anticipated increase in traffic due to the proposed school, and conducted an analysis of the intersection using the "critical lane" technique. (T., 3/02/04, pp. 59-65) *See also* Petitioners' Exhibits 8, 18. "Critical lane" is a methodology used by the State Highway Administration and other jurisdictions in Maryland to predict development impacts on intersections. (T., 3/02/04, p. 65)

As Mr. Schmid explained, his analysis took into account the following factors:

- determined "morning peak hour" for school was 7:45 a.m. - 8:45 a.m. and the "afternoon peak hour" was 2:45 p.m. - 3:45 p.m. (T., 3/02/04, pp. 58-61)

  school opens doors for students at 7:30 a.m., with staggered start times from 8:00 a.m. to 8:30 a.m. and end times from 3:00 p.m. to 3:30 p.m., with aftercare until 6:00 p.m.

  most students arrive within 15 minutes of start time

- used trip generation rates as suggested by Institute of Transportation Engineers *Trip Generation*, 7th Edition, "Land Use: 536 - Private School (K-12)" with result of average daily trips of 387 (T., 3/02/04, pp. 58-62); Petitioners' Exhibits 7 and 8.

- estimated that, during morning peak hour of 7:45 a.m. – 8:45 a.m., there would be 75 trips into the site and 48 out of the site (Petitioners' Exhibit 8)

- estimated that, during afternoon peak hour of 2:45 p.m. – 3:45 p.m., there would be 36 trips into the site and 50 out of the site (Petitioners' Exhibit 8)

- predicted trip distribution: 90% of traffic into site will use Hanover Pike (70% from south, 20% from north), 10% other roads (T., 3/02/04, pp. 63-64)

The results of the "critical lane" analysis, as performed by Mr. Schmid, indicate that the intersection of Old Hanover Road and Hanover Pike will operate at a level of service "B"

during the morning peak hour and a level of service "A" during the afternoon peak hour. (T., 3/02/09, pp. 65-66); Petitioners' Exhibit 8. The access point into the site from Old Hanover Road will operate at a level of service "A" during both the morning and the afternoon peak hours. (T., 3/02/04, pp. 65-66); Petitioners' Exhibit 8. According to SHA, these levels of service are considered to be more than acceptable. (T., 3/02/04, p. 65)

Mr. Weber and Mr. Seitz raised two points of contention with Mr. Schmid's analysis. Their primary argument was that Mr. Schmid had used the wrong methodology for analyzing the Old Hanover Road/Hanover Pike intersection. Instead of the "critical lane" methodology, they opined that, for this unsignalized intersection, he should have used the "Highway Capacity Manual" method. Use of this alternative method, however, is contrary to the SHA's Guidelines for Traffic Impact Reports/Studies, which requires that the "critical lane" technique be used "for preparing a traffic impact report for developments which will affect the State Highway system," and suggests that any other methods be used to "supplement" rather than "replace" the critical lane technique. Petitioners' Exhibit 18, pp. 1-2. According to these Guidelines, this method is to be used for all intersections, whether or not they are signalized. (T., 6/09/04, pp. 174-175); Petitioners' Exhibit 18. Aware that the issue had been raised during the cross-examination of Mr. Weber earlier in the day, Mr. Seitz freely acknowledged during direct testimony that the "critical lane" methodology is the "normal model" for performing traffic impact studies in Maryland without regard to the type of intersection. (T., 3/09/04, pp. 168-169)

Neither Mr. Weber, nor Mr. Seitz, though, performed a "critical lane" analysis for the Old Hanover Road/Hanover Pike intersection. Instead, both chose to perform an analysis under the "Highway Capacity Manual" method for unsignalized intersections and predicted a level of service of "F" for westbound Old Hanover Road. People's Counsel Exhibits 11, 19. As Mr. Schmid explained, the method these witnesses chose to use greatly "overestimates" the actual delay experienced at an intersection, sometimes by as much as three times. (T., 6/09/04, pp. 178-180) By way of example, using the "Highway Capacity Manual" method suggested by Mr. Weber and Mr. Seitz, Mr. Schmid conducted an analysis of the current level of service for westbound Old Hanover Road at Hanover Pike. (T., 6/09/04, p. 177-179) His results, under that methodology, projected an average delay of 84 seconds, which would mean the intersection is currently failing, as compared with the actual observed average delay of 27 seconds. (T., 6/09/04, pp. 179-180)

Mr. Weber's own delay study, introduced as People's Counsel Exhibit 9, adds further support to the inaccuracy of the "Highway Capacity Manual" method. From Mr. Weber's study, the largest queue that was observed consisted of only three vehicles and, even during the busiest time of the day, this queue occurred only infrequently. People's Counsel Exhibit 9. This study certainly does not suggest that an average delay of 84 seconds is currently occurring.

Mr. Weber and Mr. Seitz also criticized Mr. Schmid for, in their opinion, underestimating the number of cars that will be going in and out of the school on any given day. As Mr. Schmid explained, to obtain his trip generation rate, he used a

nationally-recognized resource, the Institute of Transportation Engineers (ITE) *Trip Generation* manual. (T., 3/02/04, pp. 58-62); Petitioners' Exhibit 7. He matched the proposed use with a recognized land use study, Land Use: 536, Private School (K-12), compared it with other studies for closely-related land uses, such as Land Use: 534, Private School (K-8), and made a judgment that the trip generation rate was appropriate. (T., 6/09/04, pp. 169-174); Petitioners' Exhibits 7, 19A/B.

Compare this well-reasoned, supported position with that of Mr. Weber. Despite acknowledging that his own department uses the ITE manual "as the basis for determining what trip generation would be expected from a particular use," Mr. Weber chose not to use the manual, but, instead, came up with his own, admittedly, "subjective" estimate of the number of trips that would be generated by the proposed school. (T., 3/09/04, pp. 14, 66) Mr. Weber estimated that the 156 students would generate "approximately 140 trips" during the morning peak hour. (T., 3/09/04, p. 14) Mr. Weber offered no basis for this rate, and, in fact, it amounts to no more than a guess.

Mr. Schmid's analysis is well-reasoned and accurately estimates the potential impact of the proposed school on the surrounding roadways. If the Board, however, believes that Mr. Schmid has, in any way, underestimated the potential impacts from the school, Ms. Blum suggested, in her testimony before the Board, that she would be willing to commit to a program whereby the school would initiate and coordinate car-pooling among students and to use up to three shuttle buses from strategic locations throughout the area in an effort to reduce traffic on the roads. (T., 6/09/04, pp. 163-165) While the corresponding reduction in traffic has not been quantified, the Blums submit that this

proposal would further reduce what they believe will be minor impacts. Mr. Weber openly acknowledged in his testimony that if buses were used, "I would not anticipate any problems from a traffic standpoint." (T., 3/09/04, pp. 51-52) The Blums, therefore, suggest that, if the Board views that the proposed school would result in "congestion in the roads" at this location sufficient to deny the special exception, any such issue could be solved through the imposition of a condition in this respect.

Potential for Fire, Panic or other Danger

As David Martin, expert land planner and landscape architect, testified, the proposed school buildings would meet the applicable building code, and the Blums have proposed no operations inside the school facility that would result in an unsafe condition in terms of fire, panic or other danger. (T., 03/02/04, p. 165) People's Counsel presented no evidence or testimony to the contrary.

There was a great deal of concern, however, expressed by the community that the Suburban Propane distribution facility might pose a danger to the students and faculty of The Millennium School. The Blums appreciate all of the heartfelt concern that the community has for their welfare and that of their students. However, as the Court of Appeals has described the burden of proof relating to the grant of a special exception, the Blums only have the burden of proving that their particular use will not pose a danger to the neighboring properties, not the other way around.

Overcrowding of the Land

David Martin testified that the proposed improvements, as shown on Petitioners' Exhibit 1, would result in a total impervious coverage area of only 6% of the entire gross

area of the site. (T., 3/02/04, pp. 166, 168-169) The RC 2 zone has no actual limitation on coverage by impermeable surfaces. (T., 3/02/04, pp. 168-169) Although not directly applicable, when compared to coverage limitations contained in other Resource Conservation zones, the 6% coverage proposed at the Blum site is "well below" that permitted in these other zones (RC 4 zone - 10%; RC 5 zone - 15%). (T., 3/02/04, pp. 168-169) Mr. Martin, therefore, concluded that the proposal would not overcrowd the land, nor result in an undue concentration of population. (T., 3/02/04, pp. 168-169)

For People's Counsel, Mr. Dillon testified that he thought the proposal would overcrowd the land and/or result in an undue concentration of population because the school would result in a "large concentration on a relatively small parcel." (T., 6/09/04, pp. 63-64) In his testimony, he indicated that he could not think of any other school of a similar size on "such a small parcel." (T., 6/09/04, p. 64) On cross-examination, however, Mr. Dillon's recollection was refreshed that The Montessori School, located on Falls Road, has over 300 students (twice the number of the proposed school) on an approximately 7 acre site (half the size of the Blum parcel). Mr. Dillon then attempted to differentiate The Montessori School on the basis that the children were smaller in size that those at The Millennium School. (T., 6/09/04, pp. 97-98) The Blums are at a loss to explain how the size of the children has any bearing on issue of whether this school will overcrowd the land or cause an undue concentration of population.

Interfere with Adequate Provisions of Public Services

With regard to any potential impact on adequate provisions for "schools, parks, water, sewerage, transportation or other public requirements, conveniences or

improvements," the Blums produced the testimony of Robert Sheesley, expert environmental consultant, David Martin, expert land planner, and Kenneth Schmid, expert traffic engineer, whose testimony on transportation and traffic issues is addressed above.

Being RC 2 zoned land, the site does not have access to public water and sewer and is served by well and septic. Robert Sheesley testified that he performed various tests and analyses regarding water consumption and available water resources to analyze any potential impact on the surrounding community. (T., 3/02/04, p. 128) Mr. Sheesley, first, explained that this area, generally, has adequate water with wells having sustainable yields of between three and twelve gallons per minute. (T., 3/04/04, p. 129) He then explained that he had performed a water balance assessment, the results of which were introduced as Petitioners' Exhibit 14, which demonstrated to his satisfaction that, with an anticipated 2 million gallons of excess groundwater per year, there will be more than sufficient water available to support the proposed school and to protect the flow of water into the unnamed tributary on site. (T., 3/02/04, pp. 130-135)

Mr. Sheesley further testified that the site plan shows a septic reserve area being provided for the school, and he confirmed that the "soils on site are very well drained Manor soils that traditionally have no problem supporting a sewerage disposal system." (T., 3/02/04, p. 136) In terms of sewerage disposal, Mr. Sheesley conservatively estimated that discharge for the school would be approximately 1,700 gallons per day or the equivalent of three single-family homes. (T., 3/02/04, pp. 138-139)

Mr. Martin indicated that the proposed private school will "provide a benefit to the public school system of Baltimore County" by filling a need that is currently unserved or underserved. (T., 3/02/04, pp. 166-167)

Interfere with Adequate Light and Air

As the site plan indicates, the closest point of any one of the proposed buildings to the property line is 150 feet. *See* Petitioners' Exhibit 1. Further, David Martin confirmed that the buildings proposed on site, which will be one story, would comply with the height restriction of 35 feet. (T., 3/02/04, pp. 169-170) Certainly, no one could reasonably argue this proposal would result in an interference with any other property owner's light and air.

Inconsistent with RC 2 Zoning Classification

See Section II below.

Inconsistent with Impermeable Surface/Vegetative Retention Provisions

As discussed above, David Martin confirmed that the RC 2 zone has no limitation on impermeable surface, nor any vegetative retention requirements. (T., 3/02/04, pp. 168-169) By way of comparison, however, the 6% figure for proposed impervious area is "well below" the limitation on coverage by impermeable surfaces contained in the RC 4 zone (10%) and the RC 5 zone (15%). (T., 3/02/04, pp. 168-169) Further, the proposed facility has been placed in the field portion of the site and well away from the stream and extensive forest buffer areas. (T., 3/02/04, pp. 137, 169)

Detrimental to Environmental and Natural Resources

Section 502.1.I requires that the proposed use not "be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains." On this issue, the Blums presented the testimony of Robert Sheesley. As Mr. Sheesley explained, the school and its related improvements are proposed to be placed in the cleared area on site, sufficiently far away from the stream and outside of the existing forests. (T., 3/02/04, pp. 137-138) These natural resources, therefore, will not be impacted by the development. (T., 3/02/04, pp. 137-138) Additionally, Mr. Sheesley confirmed that there will continue to be more than sufficient groundwater to "maintain the base level flow" in the stream and to support the associated wetland and floodplains even under drought conditions. (T., 3/02/04, pp. 134-135); Petitioners' Exhibit 14. In his opinion, therefore the proposed school would not have an adverse impact on the environmental or natural resources on site or in the area. (T., 3/02/04, p. 135)

Instead of rebutting this testimony, People's Counsel stated his intention to argue to the Board that B.C.Z.R. Section 502.1.I should be read to require a petitioner to demonstrate that the proposed special exception would not have an impact on any "prime and productive soils" on site. If this argument were taken to its logical conclusion, a property owner would never be permitted to develop anything on a RC 2 zoned property if it has prime and productive soils. Such a requirement simply does not exist, nor should it be read into Section 502.1.I.

People's Counsel own Exhibit 26, an excerpt from the *Master Plan 2010*, provides support for the Blums on this point. On Page 237 of this exhibit, the drafters of the *Master Plan 2010* recognized that no such requirement exists, but suggest that the County ought to reevaluate the zoning and development regulations applicable to the Agricultural Preservation Areas and consider adding a requirement to B.C.Z.R. Section 502.1 that development impacts on prime and productive soils be considered. However, when it passed Bill No. 74-2000 (which added subsection I to Section 502.1), after adoption of the *Master Plan 2010*, the Baltimore County Council chose not to follow this suggestion.

II. The Proposed School will not be Detrimental to the Primary Agricultural Uses in the Vicinity, nor Inconsistent with the Property's RC 2 Zoning Classification.

According to B.C.Z.R. Section 1A01.2.C., in order for a special exception use to be approved in the RC 2 zone, the Board must find that "the use would not be detrimental to the primary agricultural uses in its vicinity." The Board must also find that the proposed use will not be inconsistent with the property's RC 2 zoning classification. B.C.Z.R. § 502.1.G.

As stated in B.C.Z.R. Section 1A01.1.B, the purpose of the RC 2 zoning classification is to "foster conditions favorable to a continued agricultural use of the productive agricultural area of Baltimore County by preventing incompatible forms and degrees of urban uses." While agricultural operations are to receive "preferential treatment," the Baltimore County Council recognized that it is neither desirable, nor possible, for every RC 2 zoned property to be put to agricultural use. For this reason, the

Council permitted other types of uses by right and by special exception, one of those special exception uses being "schools." B.C.Z.R. §§ 1A01.2.A (Preferred uses permitted as of right), 1A01.2.B (Uses permitted by right), and 1A01.2.C (Uses permitted by special exception). Therefore, as long as a petitioner demonstrates that the proposed use will not be *detrimental* to the primary agricultural uses in the vicinity, a property owner is entitled to a special exception for a listed use.[2]

As the testimony and evidence clearly demonstrates, the Blum property is removed physically from the adjacent agricultural uses to the northeast and south. The clearest evidence of physical separation is the aerial photograph submitted as People's Counsel Exhibit 1. From this photograph, it is obvious that the tree lines, forest, and streams insulate this property from the neighboring properties. As is evident from the aerial photograph and as testified to by Mr. Sheesley and Mr. Martin, the Blum property relates spatially and operationally more to the existing homes and businesses that front Old Hanover Road and to the rural village of Woodensburg. (T., 3/02/04, pp. 144-145, 148, 161-165)

Having considered the proposed use as described by Mrs. Blum, having reviewed the site plan, and having visited the site and viewed the surrounding area, both expert witnesses opined that the school would have no impact on the agricultural uses in the

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[2] People's Counsel seeks to have the Board expand this standard to include a requirement that the proposed use *support* the surrounding agricultural uses. The Zoning Regulations do not impose such a burden on the Blums, nor do they give the Board the authority to deny the requested special exception on this basis. For any special exception use (with the exception of the "agricultural-support uses" listed under Section 1A01.2.C.29), including a school, if the petitioner demonstrates *no detriment*, and all other requirements of Section 502.1 are met, the petitioner is entitled to its requested special exception. It should be emphasized that the Blum property is not currently being farmed, nor has it been farmed for some time. (T., 3/02/04, pp. 21, 161) Contrary to People's Counsel's suggestion, approval of this special exception would not take agricultural property "out of production." At this time, it is not "in production."

vicinity, nor would the proposed use be inconsistent with the purposes of the property's RC 2 zoning classification, which permits such a use by special exception. (T., 3/02/04, pp. 161-165, 167-168) In fact, Mr. Martin indicated his belief that the Baltimore County Council fully recognized that there would be a need for schools in the rural areas of the County. (T., 3/02/04, p. 167) As Mr. Martin testified, the school is proposed to be located in a "transition" area between agriculturally-used land and the rural village of Woodensburg. (T., 3/02/04, p. 168) In his mind, this factor makes this site a "better" location for the school than elsewhere in the RC 2 zone in terms of any potential impact on agricultural uses. (T., 3/02/04, p. 168) *See also* People's Counsel Exhibits 1, 25.

The only other contention raised that could have any impact on the agricultural uses in the vicinity is that additional cars will be on the surrounding roadways and might hamper the movement of farm vehicles between farms. On this issue, Mr. Sheesley stated his opinion that the feared conflict with farm vehicles is not likely to occur at this location:

> with the location directly adjacent to an already established community where you have residential developments and businesses, commercial and otherwise, and the fact that the access to the site and then back off the site is relatively quickly going to a major road where these extra vehicles are not going to be traveling back country roads, chasing equipment off the road, it doesn't meet any of the criteria that concern me with respect to having a negative impact on agricultural....

(T., 3/02/04, pp. 144-145) There is at least one local farmer, Joseph Lippy, who agrees with Mr. Sheesley. Petitioners' Exhibit 4.

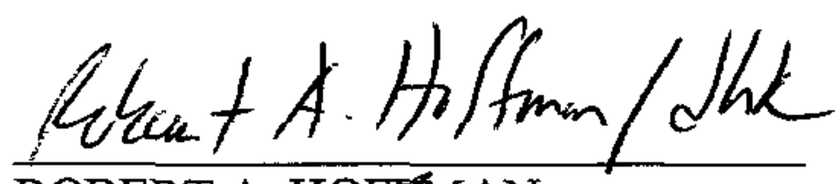
This concern over an increase in traffic, which will only occur twice daily during the week and only during the school year, is not a sufficient reason to deny the special exception, especially in light of the testimony of Ms. Blum, who offered to initiate car

pooling assistance and bus service to alleviate any perceived problems. (T, 6/09/04, pp. 163-165) Viewing the evidence and testimony presented by the Blums with the proper standard in mind, the Blums have clearly demonstrated that the proposed school will not adversely impact the agricultural uses in the vicinity and, therefore, is not inconsistent with the purposes of the RC 2 zoning classification.

CONCLUSION

During the three days of testimony before the Board of Appeals, the Blums demonstrated, through strong and substantial evidence, that they are entitled to the requested special exception. The Blums, therefore, respectfully request that the Board of Appeals approve the Petition for Special Exception for the proposed private school.

Respectfully submitted,



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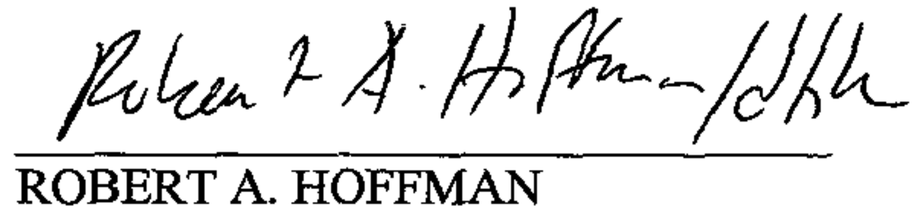
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July, 2004, a copy of the foregoing PETITIONERS' POST-HEARING MEMORANDUM was mailed to Peter M. Zimmerman, Esquire, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.



ROBERT A. HOFFMAN

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BALTIMORE COUNTY
BOARD OF APPEALS

RE: PETITION FOR SPECIAL EXCEPTION SE/S of Old Hanover Road, 1,400' NE c/line of Hanover Pike (13943 Old Hanover Road) 4th Election District, 3rd Councilmanic District	* * *	BEFORE THE COUNTY BOARD OF APPEALS FOR
Legal Owner(s): Gayle M & James D. Blum, III Contract Purchaser(s): The Millennium School Petitioners	* *	BALTIMORE COUNTY Case No. 03-312-X

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

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

I. Statement of the Case

Gayle M. and James D. Blum III, owners, and the Millennium School, Lessee, filed for a special exception for a school on about 17 vacant acres zoned R.C. 2 (Agricultural) at 13943 Old Hanover Road. It is in the Hanover Pike Corridor area of western Baltimore County. The R.C. 2 zone allows a special exception for "Schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories or colleges." BCZR 1A01.2.C.23.

The Deputy Zoning Commissioner denied the petition by written opinion and order dated March 3, 2003. The Blums then filed an appeal, upon which the County Board of Appeals has just concluded a three-day *de novo* public hearing.

II. Question Presented

Does the proposed use satisfy all of the special exception standards with respect to public safety, health, and welfare; congestion in roads and streets; potential hazard from fire, panic or other danger; overcrowding of land; purposes of the property's zoning

classification; detriment to the environmental and natural resources of the site and vicinity; and detriment to agriculture in the vicinity?

III. Statement of Facts

The basic facts are essentially undisputed. The controversy surrounds the inferences to be drawn from those facts, and their interpretation and analysis.

a. The Proposal

The proposed school will specialize in the education and needs of children with a condition called Asperger's Syndrome and/or related conditions. It will span grades kindergarten through twelfth grade, with each grade having a small class of 12 students. Students may come from a wide geographic area. A staff of twenty-two is proposed as sufficient for the attention to these students, although no details have been provided. Classes will begin at 8:30 A.M. School will let out at about 3:30 P.M. There was initially no plan for carpooling. Mrs. Blum in "rebuttal" belatedly testified that she would encourage voluntary carpooling, but without any realistic basis or plan to achieve it.

b. The Property, The Neighborhood, and Area Zoning

The property is comprised mainly of field and woods. It is zoned for agriculture and has historically been used for agriculture. The location and characteristics of the property give rise to many issues, especially detriment to natural resources and agriculture onsite and in the vicinity, danger from the neighboring Suburban Propane Company, traffic hazards and congestion, and consistency with the purpose of the zone generally. There were introduced road maps, zoning maps, tax maps, soils maps, aerial

photos, and the Hanover Pike Corridor Study. These all provide excellent data to understand the situation.

The property is situated at the border of the rural village of Woodensburg, which has a smattering of houses and modest businesses. It is shown on page 8 of the Corridor Study. The greater neighborhood, as described by Planner John J. Dillon, Jr. includes the Hanover Pike Corridor from Reisterstown north to Arcadia, as shown on Page 7 of the study. Mr. Dillon also described it as extending to the Carroll County line in the west and to a ridge line which runs well east of the property, along or near Butler Road.

The Woodensburg village map shows the access point to the Blum property at the edge of the village. The main body of the property is just outside the village. Across Old Hanover Road is the fuel company on land zoned for manufacturing. To the north, east, and south, for miles around, the area is agricultural and zoned R.C. 2. Two substantial properties in the immediate neighborhood, comprising close to 300 acres, are in the state/county agricultural easement program. The soils on the property and in the area are predominantly prime and productive soils, grades I or II out of seven grades. The property itself has mainly Manor soils, as shown on the soils map. The greater neighborhood extends along Hanover Pike from Reisterstown

The location gives rise to traffic issues because of a combination of factors. Old Hanover Road is a low intensity two-lane local road. It flows, however, into nearby Maryland Route 30, Hanover Pike, also a two-lane road but the congested main artery in the area. The problems involve the difficulty and hazards of access at the Old Hanover-Hanover intersection; the complication of railroad tracks and involvement of freight

trains; the aggravating factor of truck traffic from Suburban Propane Company; the compound problem of an offset intersection with Glens Falls Road, and the concern that frustrated drivers will turn to inadequate local rural roads to travel indirectly to and from the site. There is also a change in grade at the narrow access point to the site, and that grading would be required to try to address site distance issues.

IV. Statutory Context

The special exception standards include several which are particular to the R.C. 2 zone. Before discussing the contributions of various witnesses, it is helpful to understand the statutory framework. With respect to the general standards of BCZR 502.1, our emphasis is on the following:

"BCZR 502.1 Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the **locality** involved; (emphasis supplied)

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other danger

D. Tend to overcrowd land and cause undue concentration of population;

* * *

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

* * *

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4. R.C.5 or R.C.7 Zone."

The legislative findings and purposes pertinent to the R.C.2 zone are necessarily relevant to the inquiry. BCZR 1A01.1A and B state as follows:

" BCZR 1A01.1 General provisions.

A. Legislative statement of findings.

1. Declaration of findings. It is found:

a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. That the agricultural industry is an integral part of the Baltimore economy and that continued conversion of agricultural land will continue to undermine this basic industry;

c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land.

d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but incompatible with the agricultural use of the surrounding area;

e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;

f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and

g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes. The R.C. 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a

continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses."

In the R.C. 2 zone, there also comes into play BCZR 1A01.2C, which provides:

> "BCZR 1A01.2C. Uses permitted by special exception. The following uses, only, may be permitted by special exception in any R.C. 2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its **vicinity**; . . ." (emphasis supplied).

There has been debate about whether the words "locality" or "vicinity" under BCZR 502.1A and 1A01.2.C relate to the site itself as well as surrounding properties. Our office has been of the view that "vicinity," like "locality" under BCZR 502.1A, surely includes the site itself. The Court of Appeals addressed the meaning of "locality" in Ruark v. Engineers' Union 157 Md. 576 (1929). There, it interpreted a statute which set a wages standard on "the current rate of per diem wages in the locality where the work is performed ..." Remarkably, the great Simon E. Sobeloff argued the case for Baltimore City. The Court wrote, at 157 Md. 584-86:

> "While 'locality' is a word of relative meaning, its context commonly determines its meaning ... , and it has been held to mean neighborhood, vicinity, or the whole or part of a political unit. .... Nor has the use of the word 'locality' been found incompatible with the certainty required in a statute imposing criminal penalties, since Section 3 of the Interstate Commerce Act declares it 'unlawful" for any common carrier to make or give any undue or unreasonable preference or advantage to any particular person, company, corporation or *locality* or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation or *locality* or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever,' and section 10 denounces the penalties for a violation of this section .... Another illustration is found in the similar provisions incorporated in the Public Service Commission Act of Maryland ...." (Citations omitted).

"Thus it appears that the word 'locality" has a place in important and enforced legislation; and whatever may be the scope of its varying significance, its meaning in a particular statute is susceptible of being determined from the context, since the words of a statute are to be understood in the sense in which they best harmonize with the subject of the enactment and the object which the legislature had in view. **When so read it is quite evident that, in the statute before the court, 'locality' imports the area which embraces not only the actual site where the public work is to be performed but also such adjoining territory within which there then prevails a current rate of daily wages for the particular work to be done. In other words, 'locality' defines a region, with the public undertaking as an axis or focal point throughout which region the daily wage of the particular class to which the worker belongs is uniform."** (Emphasis supplied).

In Conley v. Valley Motor Transit Co. 139 F.2d 692, 693 (6th Cir. 1943), the Court discussed "locality, vicinity, neighborhood" and related words. The opinion stated:

> "In ordinary and common usage, the word 'locality' is synonymous in meaning with the words 'place, vicinity, neighborhood and community. ... But, as the Supreme Court has said, the words 'locality' and 'neighborhood' are 'elastic and dependent upon circumstances, may be equally satisfied by areas measured by rods or by miles.' Connolly v. General Construction Co. 269 U.S. 385 ....

Clearly, in an agricultural zoning case, the words "locality" and "vicinity" refer to a rural region, with the site itself as the axis or focal point.

Nevertheless, in Valleys Planning Council v. Hayfields, Inc. 122 Md. App. 616, 641-49 (1998), the Court of Special Appeals held that onsite effects are excluded. The Court of Appeals has yet to rule on this issue, so it is still open. In light of legislative intent, Ruark, and the federal cases, the Court of Appeals would likely take the inclusive approach and give broad scope to the inquiry.

In any event, more recent legislation has removed any doubt about the matter. The County Council in Bill 74-2000 added Section 502.1I, which clarifies that in R.C. 2 and other designated R.C. zones, the special exception inquiry with respect to impact on

environmental and natural resources includes the site as well as the vicinity, "... including forests, streams, wetlands, aquifers, and floodplains ..." The word "including", of course, is ordinarily illustrative and depends on the context. It may be used as a word of illustration, enlargement, or limitation. The Court said in Housing Authority v. Bennett 359 Md. 356, 371 (2000):

> Although this Court has stated that '[o]rdinarily, the word 'including' means comprising by illustration and not by way of limitation ... we have also recognized that, '[w]hile "include" or "including" may introduce illustrations of a general term, the words may also signal an expansion in meaning of previous language.

In the present case, it is apparent that a key natural resource on agricultural property is the soil, and that impact on the soil and agricultural resources onsite is within the scope of the inquiry. Mr. John Dillon and Daniel Colhoun also gave uncontradicted testimony on this point, which should brook no reasonable debate.

Indeed, it has always been elementary that access in and out of the site is a key issue in a special exception case. How can there be any legitimate argument that the impact on soils and agricultural resources is not germane? The proposition is absurd, notwithstanding the Hayfields opinion.

Special Exception Standards and Burden of Proof in the Case Law

The Court of Appeals' decision in Schultz v. Pritts 291 Md. 1 (1981) calls for a determination of whether the "particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md. at 15. Judge Rita Davidson, the author of the opinion, did not place any geographic limit on the

territorial extent of the "zone." In rural areas, which are less densely settled than urban areas, it is especially appropriate to give wide latitude to consideration of the zone. This is also consistent with the broad purposes of the R.C. 2 zone described above.

It is to be remembered that Petitioners have the burden of proof. The Court also said in Turner v. Hammond 270 Md. 41, 55 (1973):

> While the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements he does not have the burden of showing affirmatively that his proposed use accords with the general welfare. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden.

Many cases have cited or quoted Turner on this point. Judge Charles Moylan reiterated it in an important recent case. Futoryan v. Mayor & City Council 150 Md. App. 157, 172 (2003). He also recognized and discussed in depth the "locational comparison" aspects of the Schultz standard and its application.

There are various types of adverse effects to be considered. Traffic access, congestion, and safety are fundamental issues which may be addressed both by expert and citizen testimony. Eger v. Stone 253 Md. 533 (1969). Schultz involved traffic access for a funeral home. People's Counsel v. Mangione 85 Md. App. 718 (1991) involved, among other issues, access to a convalescent home from an interior residential street, albeit in suburban Lutherville. The aesthetic and qualitative impacts on the character of the neighborhood are also legitimate considerations. Board of County Comm'rs v. Holbrook 314 Md. 210 (1988) recognized such an impact of a single mobile home on an adjacent single-family residence. Mangione also addressed a variety of impacts on nearby

homes. People's Counsel v. Country Ridge Shopping Center 144 Md. App. 580 (2002) involved the adverse effects of a pawnshop to a revitalization area along Back River Neck Road in Essex. Lucas v. People's Counsel for Baltimore County 147 Md. App. 209 (2002) involved R.C.2 zoning in the Greenspring Valley and dealt with various impacts to the area and agriculture of a proposed airstrip for a helicopter. Schultz resulted in a remand. Futoryan, Eger, Mangione, Holbrook, Country Ridge, and Lucas all involved zoning board denials of special exceptions, which denials were sustained in the final appellate court decisions. The only example cited above where the appellate court found the evidence compelling for the special exception was Turner.

V. Argument

a. Introduction

The key issues are: 1. impact on agriculture and/or natural resources, both onsite and in the surrounding neighborhood; 2. the hazard of an adjoining fuel company; 3. traffic safety and congestion; and 4. consistency with the purpose of the zone. The last issue is comprehensive and overlaps with the more particular standards. All of the issues are interrelated also to the broader issue of public safety, health, and welfare. The legislatively adopted 2010 Master Plan, which includes the Hanover Pike Corridor Study is a part, also comes into play in an advisory mode.

Although more testimony dealt with traffic than any other subject, we begin with a discussion of agriculture and natural resources. First of all, this is an agricultural zone case. Secondly, the array of relevant legislative provisions call for heightened attention to these matters. Thirdly, during the hearing, it appeared that our position as to impact on

agriculture and natural resources warranted further explanation. After this initial discussion, we will proceed in order to the other issues.

b. Agriculture, and Environmental and Natural Resources

It is critical to recognize that the legislative findings and purposes of the R.C. 2 zone take an ecological approach to protection of agriculture and natural resources. BCZR 1A01.1A underlines the value of productive soils, the integral nature of the agricultural industry, the loss due to conversion of productive agricultural land; the problem of sporadic urban intrusion which not only destroys the productive site area but also is incompatible with the surrounding agricultural area, and the idea that urban forms of development should occur in the less productive agricultural areas. BCZR 1A01.1B emphasizes the concept that the zone should "...foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County."

In this context, it has always been our position that the inquiry into public safety, health, and welfare of the locality (BCZR 502.1A), the purpose of the zone (BCZR 502.1G) demands review of both onsite and offsite impacts, and that the additional inquiry into detriment to agriculture in the vicinity (BCZR 1A01.2C) simply reinforced this broad scope. The references in Schultz and other cases to adverse effects upon the neighborhood and to adjoining and surrounding properties were particular to those cases and were never intended, explicitly or implicitly, to rule out for all cases the effects on the site itself. The 1998 Hayfields decision gave a terribly cramped interpretation of special exception standards which does not square with the legislative intent of the zone. Fortunately, the County Council in 2000 added BCZR 502.1I to provide explicitly for

onsite as well as offsite impacts on natural resources and the environment in Resource Conservation Zones. The legislative findings for the R.C. 2 zone reflect that productive soils and agriculture land are the most important natural resources for the purpose of that zone.

This statutory foundation explains our emphasis, to the point of reiteration, that the Blum property's soils are predominantly prime and productive Class II Manor Soils, a high quantitative and qualitative ranking in the USDA Soil Survey classification system. This also underlies our presentation concerning the proximity of large farms accepted into Baltimore County's agricultural easement program which operates under authority of State law. See Md. Ann. Code Agriculture Article, Title 2, Subtitle 5. Properties must have prime soils in order to qualify for acceptance into the program.

Given the interrelated, ecological nature of agricultural land, resources, and industry, onsite and offsite impacts are inextricably intertwined. It is the natural resource version of John Donne's famous poetic line: "Ask not for whom the bell tolls, it tolls for me." The loss of agricultural land is an insidious, incremental process.

There was a gap in Petitioners' case. Robert Sheesley, Petitioners' environmental expert, confined his direct testimony to a discussion of water balance assessments. Pet. Exh. 14. Under cross-examination, he conceded the prime quality of the soils on the Blum property but had not analyzed the relevance to the special exception. David Martin, Petitioners' landscape architect and site planner, did not focus on agricultural issues. Whether by strategy or inadvertence, Petitioners disregarded the significance and implications of the agricultural character of the area.

In contrast, Daniel Colhoun, an Upperco resident and member of the Baltimore County Agricultural Board, testified vividly about the about the value of the agricultural lands and resources onsite and in the surrounding area, and to the detrimental impact of the loss of the Blum property to agriculture. John J. Dillon, Jr., the veteran retired Baltimore County planner and former director of the Agricultural Preservation program, devoted the majority of his testimony to agricultural concerns. By the time he testified, on the third day of hearing, the Board no doubt noticed that his testimony reinforced and to some extent overlapped earlier testimony by Mr. Colhoun as well as area citizens. Mr. Dillon built carefully and slowly to the point that the resources in this area are particularly valuable; that there are about 80,000 acres of land zoned R.C. 2 in Baltimore County; that the proposed institutional use will not only destroy the agricultural value of the site, but also have a negative effect on the surroundings; that many R.C. 2 zoned areas exist which are not so prime and productive; that other areas which are less valuable, and already more suburban, would be more appropriate for a school use; and that sites with existing buildings available for conversion or redevelopment would, other things being equal, be better candidates. Mr. Robert Slaterbeck, the owner of the adjacent property, had already testified concerning the adverse effect on his farm. Mr. Robert Walker also testified incisively on behalf of the Hanover Road Community Association.

The Hanover Pike Corridor Study, P.C. Exh. 25, is also pertinent. As part of the Master Plan adopted by the County Council by resolution, it serves as a guide and has an advisory function. It states:

> Retaining the agricultural integrity of the area, as advocated in Baltimore County Master Plan 1989-2000, while realistically providing for transportation demands is a major issue. Page 26.

The Master Plan indeed identifies the neighborhood as an Agricultural Preservation area, which places it in the highest priority for preservation. It is shown on the Rural County Map on Page 233 of the Plan, and referred to as part of the Upperco/Worthington/Sparks area on Page 235. P.C. Exh. 26.

The Petitioners had no real answer to these facts and testimony, other than to try to downplay it and get the Board to ignore it or dismiss it. They also suggested that the 1993 Hanover Pike Study identified the area for consideration of potential golf course use. Evidently, nothing has come of this idea.

The material facts relevant to the particular adverse impact on agriculture and natural resources are uncontradicted. The relevance should be clear under all of the legislation cited above. We did not intend to test the limits of the Board's patience on this issue. Rather, we felt that a strong foundation needed to be laid to make what should be an obvious point, but has nevertheless been a subject of contention since before the Hayfields decision. Prime and productive soils and agricultural lands have to be taken seriously in special exception cases in the agricultural zone. The County Council obviously agreed enacting the aforementioned Bill 74-2000.

c. The Suburban Propane Company

It is unusual to have a high-intensity industrial use in an agricultural area. The "1000-scale" zoning map for the Reisterstown region shows this to be the only site zoned for manufacturing in the middle of an R.C. 2 area. P.C. Exh. 22. John Dillon confirmed,

and the Board could itself take notice, that manufacturing zones in the middle of rural areas are few and far between.

The manufacturing zone across the Old Hanover Road from the subject property evidently reflects the longstanding use of the Suburban Propane Company. Randall Hieronymous, a company worker, testified that along with the industrial use onsite, it generates about 275-300 truck trips per month. Additionally, numerous railroad deliveries are made at the company each month. There is also the complication that the trucks have to stop at the nearby railroad crossing on their way to Hanover Pike.

Of all the places to put a school, common sense dictates that one of the worst places to choose is a site across from a fuel company. The potential for an explosion, onsite or from a truck, may be rare; but the severity of the hazard and injury in case of accident is huge. Indeed, a fuel storage and distribution facility in proximity to residential use arguably comes within the scope of ultrahazardous activities under tort law. Cf. Yarema v. Exxon Corp. 69 Md. App. 124, 153-56 (1986), cert denied 309 Md. 47 (1987), dealing with property damage from underground fuel storage tanks leaks.

d. Traffic Safety and Congestion

The Petitioners presented Kenneth Schmid as their traffic expert. Valleys Planning Council retained Jon Seitz, who countered Schmid's assumptions, methodology, and conclusions. People's Counsel called on Stephen Weber, Division Chief in the Bureau of Traffic Engineering, who gave his overview.

Seitz identified a number of shaky assumptions in Schmid's testimony. First of all, his A.M. peak hour of 7:45 A.M. to 8:45 A.M. did not square with Mrs. Blum's

description of staggered starting times from 8:00 A.M. to 8:30 A.M. Secondly, he utilized ITE trip generation statistics based on limited and irrelevant data to deduce unrealistically low rates of .48 in and .31 out for the morning peak hour. (In particular, the ITE data involved schools which used busing or carpooling, both of which are not realistic for Millennium School.). Thirdly, his trip distribution assumptions of 70% from and back to the south on Hanover Pike seemed low. Fourthly, his measurement of Hanover Pike sight distance from 10 feet off the roadway instead of 14.4 feet appeared inconsistent with AASHTO standards. Fifthly, his testimony did not adequately take into account the "85th percentile speed" analysis and the consequences for additional required sight distance. Sixthly, he did not give adequate consideration to the hazards of the offset intersection with Glens Falls Road. Seventhly, he disregarded concerns about access problems at the site because of topography. Seitz concluded, based on more reasonable assumptions, that the trip generation would be much greater, that there would be long delays and frustration at the Hanover Pike intersection, that the properly recalculated intersection sight distance is not adequate, and that the local roads which might otherwise absorb some of the congestion do not have adequate horizontal and vertical geometry or meet modern highway safety design standards. Mr. Seitz thus more than countered Mr. Schmid's expert opinions.

Mr. Weber then testified to his independent conclusions that the site poses particular safety and congestion problems. His field investigation disclosed 1,063 southbound vehicles in the morning peak hour (7:30A.M. – 8:30 A.M.) on Hanover Pike, about 1 every 3.4 seconds. Given the speeds and sight distances on the Pike, Weber

posited a 5.4 second gap necessary for entrance when vehicles are traveling at 50 MPH (the ten miles over the speed limit used for design purposes) and noted that sufficient gaps would occur only intermittently. He noted there are already delays in entering Hanover Pike from Old Hanover Road of up to a minute and a half, with queues of up to 3 vehicles. He estimated, however, that the school would add about 126 vehicles to westbound Old Hanover Road to the existing 47 during the morning peak hour, almost quadruple the volume. This would result in substantial delays. Quantitatively, this is more than enough to meet federal traffic signal warrant standards for intersections, although for other reasons a signal would not be appropriate here. Weber predicted that parents would turn to local roads, either driving north on Hanover Pike to Emory Road and using the signal there to come back, or north on Old Hanover Road to Piney Grove, Longnecker and Butler Roads, both of which routes involve detours of over four miles and would place a significant additional volume on quiet rural roadways, especially the latter. Alternatively, parents might try to enter Hanover Pike using shorter gaps than normal and run a higher risk of error and accident. This would be especially problematic because of poor sight distance to the south. Mr. Weber also provided documentation of delay times and vehicles in queue. P.C. Exh.. 9. Separately, he showed that Schmid's gap study does not hold together because the total time covered for an assumed one hour period comes to 1.71 hours. P.C. Exh. 8. He also did an analysis of intersection level of service computations for Old Hanover Road and Hanover Pike, suing Schmid's data. P.C. Exh. 11. This showed an F level of service westbound during the AM and PM peak hours.

There were also significant contributions from various citizens in the neighborhood. They illustrated the major problems already experienced in the area. In addition to giving real-life examples of problems identified by the experts, they reviewed the difficulties associated with the truck traffic and the railroad crossing. Anna Zouck, a long-time Upperco resident, operated a business and devoted some of her energies to transporting citizens in the area. She gave especially compelling and colorful descriptions of existing problems and the difficulties to be expected from the addition of a school. Robert Sewell, a neighbor on Old Hanover Road, objected to the likely increase in noise and traffic congestion. He also provided a detailed description of the problems relating to trucks and the railroad crossing, as well as the access difficulties at the site itself.

The record in its entirety shows that Petitioners have not met their burden to show that their will be no adverse impact on traffic safety and congestion. Schmid's testimony did not rest on adequate facts and reasons. See People's Counsel v. Beachwood 107 Md. App., 627, 650 (1995). Seitz, on the other hand, convincingly pointed to shortcomings in Schmid's assumptions and analysis. Seitz demonstrated objectively that there were serious problems which Schmid failed to take into account.

Fortunately, in this event, the matter does not come down to a battle between experts hired by Petitioners and the Valleys Planning Council. Stephen Weber, whose impartiality is unquestioned, gave expert testimony --- supported by facts, reasons, and common sense --- that the introduction of an institutional use at this sensitive rural location in an area already under stress would compound safety and congestion problems. All of the citizen testimony corroborated Mr. Weber's observations.

It is also significant that the Hanover Pike Corridor Study speaks in detail on Pages 26-28 about safety and congestion problems on Hanover Pike. It includes a review of accident data, fatalities, the frequency of truck involvement, and the majority of situations involving driveway and intersection conflicts. The Study also identifies the hazard of the Hanover Pike/Glens Falls/Old Hanover offset intersection. Page 33.

Meanwhile, the Petitioners do not reside in the immediate neighborhood and were not in a position to contradict this testimony. In their enthusiasm to establish the Millennium School, they resorted at the end to a speculative suggestion that they would volunteer to have some form of shuttle service. This was an afterthought, and neither realistic nor persuasive.

e. Public Safety, Health and Welfare; Purpose of the Zone

The specific problems discussed above relate to the more expansive standards involving public safety, health, and welfare and the purpose of the zone. The R.C. 2 zone has a specific character, function, and purpose. Special exception uses for institutions such as schools must be viewed through the lens of legislative findings and intent. It is particularly inappropriate to place a school in an Agricultural Preservation area with prime soils, on a site which also is across from a fuel company, and which borders a local road in a traffic network also stressed by passenger, truck, and train traffic.

Conclusion

We appreciate the patience of the Board of Appeals throughout the three-day hearing. We trust that the factual description presented here is consistent with the Board's recollection. There are undoubtedly additional details which have escaped our

recollection. Nevertheless, we trust that we have accurately described the broad outlines of the case and explained the relevance of our emphasis on the soils and the quality of agricultural land onsite and in the surrounding area.

Baltimore County has made a major effort to protect its agricultural resources. The R.C. 2 zone is one of the centerpieces of this effort and has been recognized nationally. The special exception review process provides one way to exercise care in the protection of the land. In this particular case, while we may assume that the Millennium School is, in the abstract, a worthy undertaking, the Petitioners have chosen the wrong place for it. A good deal of zoning, after all, involves the discernment not of the moral value of the proposed use, rather simply whether it is the right thing in the wrong place, or the proverbial "pig in the parlor instead of the barnyard." Does the Millennium School belong at this site on Old Hanover Road? The answer is no. The case for a special exception was not proven, and in addition, met overwhelming evidence in opposition. The case is not close. The CBA should, indeed must, deny the special exception.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
400 Washington Avenue
Towson, MD 21204
410-887-2188

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2004, a copy of the People's Counsel for Baltimore County's Memorandum was mailed, postage prepaid, to John Dillon, Valley Planning Council, P.O. Box 5402, Towson, MD, 21285, Bob Walker, Hanover Road Association, P.O. Box 70, Boring, MD 21020, and to Robert A Hoffman, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 30, 2004

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: In the Matter of: Gayle M & James D. Blum, III
Case No.: 03-312-X

Dear Ms. Bianco:

Enclosed please find the Memorandum of People's Counsel for Baltimore County along with three additional copies of such for filing with regard the above-referenced case.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel

PMZ\rmw

cc: Robert A Hoffman, Esquire
John Dillon, Valley Planning Council
Bob Walker, Hanover Road Association

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 3, 2003

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 03-312-X
Property: 13943 Old Hanover Road

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been denied 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 Office 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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. & Mrs. James D. Blum, III
15272 Dover Road
Reisterstown, MD 21136

Geoffrey C. Schultz
McKee & Associates, Inc.
5 Shawan Road, Suite 1
Cockeysville, MD 21030

Bob Walker
Hanover Road Association
14625 Hanover Pike
Reisterstown, MD 21136

Jack Dillon
Valleys Planning Council
P. O. Box 5402
207 Courtland Avenue
Towson, MD 21285-5402

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 3, 2003

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 03-312-X
Property: 13943 Old Hanover Road

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been denied 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 Office 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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. & Mrs. James D. Blum, III
15272 Dover Road
Reisterstown, MD 21136

Geoffrey C. Schultz
McKee & Associates, Inc.
5 Shawan Road, Suite 1
Cockeysville, MD 21030

Bob Walker
Hanover Road Association
14625 Hanover Pike
Reisterstown, MD 21136

Jack Dillon
Valleys Planning Council
P. O. Box 5402
207 Courtland Avenue
Towson, MD 21285-5402

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 13943 Old Hanover Road

which is presently zoned RC-2

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a private school, grades K through 12 with a maximum student population of 156.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, 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:

The Millennium School (Lessee)
Gayle M. Blum (Officer)
Name - Type or Print

x
Signature

15272 Dover Road (410) 429-5321
Address Telephone No.

Reisterstown, MD 21136
City State Zip Code

Legal Owner(s):

James D. Blum, 3rd
Name - Type or Print

x
Signature

Gayle M. Blum
Name - Type or Print

x
Signature

15272 Dover Road (410) 429-5321
Address Telephone No.

Reisterstown, MD 21136
City State Zip Code

Attorney For Petitioner:

C. William Clark
Name - Type or Print

x
Signature

Nolan, Plumhoff & Williams
Company

502 Washington Avenue (410) 823-~~1700~~ 7800
Address Telephone No.

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Geoffrey C. Schultz
McKee & Associates, Inc.
Name

5 Shawan Road, Suite 1 (410) 527-1555
Address Telephone No.

Cockeysville, MD 21030
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 1/7/03

FOR FILING

Case No. 03-312-X

Date 3/03/03

By

REV 09/15/98

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

STATE OF MARYLAND
JAMES WILLIAM MCKEE
NO 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

January 7, 2003

ZONING DESCRIPTION OF
13943 OLD HANOVER ROAD
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the southeast side of Old Hanover Road (60-foot wide right-of-way), said point being 1,400 feet northeast of the center of Hanover Pike (MD State Route No. 30); thence running 1) South 41 degrees 49 minutes 23 seconds East, 270.12 feet, 2) South 46 degrees 27 minutes 15 minutes West, 146.24 feet, 3) South 42 degrees 37 minutes 11 seconds East, 66.16 feet, 4) South 85 degrees 54 minutes 00 seconds East, 1,489.40 feet, 5) North 01 degrees 19 minutes 30 seconds, West, 181.85 feet, 6) North 46 degrees 57 minutes 37 seconds West, 1,014.36 feet, 7) South 48 degrees 10 minutes 37 seconds West, 168.73 feet, 8) South 48 degrees 10 minutes 37 seconds West, 299.40 feet, 9) South 48 degrees 10 minutes 37 seconds West, 150.00 feet, 10) South 48 degrees 10 minutes 37 seconds West, 33.14 feet, 11) South 46 degrees 27 minutes 15 seconds West, 216.91 feet, 12) North 41 degrees 49 minutes 23 seconds West, 255.12 feet, 13) North 02 degrees 18 minutes 57 seconds East, 21.53 feet to the southeast side of Old Hanover Road; thence running along said southeast side, 14) South 46 degrees 27 minutes 15 seconds West, 65.02 feet to the place of beginning.

CONTAINING 728,323 square feet or 16.72 acres, more or less as recorded in Deed Liber 16502, folio 352.

312

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20116

DATE 3/28/03

ACCOUNT 001-006-6150

AMOUNT $ 400.00

RECEIVED FROM: James and Gayle Blum

FOR: Appeal

03-312 X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10303

DATE 1/7/03 ACCOUNT 001-000-6150

AMOUNT $ 35.00

RECEIVED FROM: Gayle Dhm
[illegible]

ITEM # 312

FOR: 050 Special Exception

Taken by: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

[redacted]
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: #03-312-X
13943 Old Hanover Road
S/east side of Old Hanover Road at the distance 1,400 feet northeast of Hanover Pike, Route 30 of the centerline
4th Election District
3rd Councilmanic District
Legal Owner(s): James and Gayle Blum
Contract Purchaser: The Millennium School, Gayle Blum
Special Exception: to approve a private school, grades K through 12 with a maximum student population of 156.
Hearing: Friday, February 21, 2003 at 2:00 p.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.
2/016 Feb. 6 C586207

CERTIFICATE OF PUBLICATION

2/6/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/6/, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-312-X

Petitioner/Developer:

James + Gayle Blum

Date of Hearing/Closing: 2-21-03

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 of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at the open field between the addresses of 13941 and 13945 Old Hanover Rd. Reisterstown 21136

January 31, 2003
(Month, Day, Year)

Sincerely,

Stacy Gardner 1-31-03
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
(Address)
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000
(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-312-X

James and Gayle Blum - LEGAL OWNERS

13943 Old Hanover Road, Reisterstown, MD 21136

4th ELECTION DISTRICT APPEALED: 3/26/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

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

Attention: Kathleen Bianco
Administrator

RE: Case No.: 03-312-X

Petitioner/Developer:

_____

This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 13943 Old Hanover Rd.

The sign was posted on 4/8, 2003

By: _____
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING 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 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.

For Newspaper Advertising:

Item Number or Case Number: 03-312-X

Petitioner: THE MILLENNIUM SCHOOL

Address or Location: 13943 OLD HANOVER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES D. BLUM, 3RD.

Address: 15272 DOVER ROAD
REISTERSTOWN, MD. 21136

Telephone Number: (410) 429-5321

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

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

January 22, 2003

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: 03-312-X
13943 Old Hanover Road
S/east side of Old Hanover Road at the distance 1,400 feet northeast of the centerline of Hanover Pike, Route 30.
4th Election District – 3rd Councilmanic District
Legal Owner: James and Gayle Blum
Contract Purchaser: The Millennium School, Gayle Blum

Special Exception to approve a private school, grades K through 12 with a maximum student population of 156.

Hearings: Friday, February 21, 2003 at 2:00 p.m. in Room 407. County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: C. William Clark, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson 21204
James and Gayle Blum, 15272 Dover Road, Reisterstown 21136
The Millennium School, Gayle Blum, 15272 Dover Road, Reisterstown 21136
Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road., Suite 1, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 6, 2003.**
(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.

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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

Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

September 17, 2003

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-312-X **IN THE MATTER OF: JAMES AND GAYLE BLUM**
-Legal Owners /Petitioners 13943 Old Hanover Road
4th Election District; 3rd Councilmanic District

3/03/03 – Order of the D.Z.C. in which Petition for Special Exception was DENIED.

which had been assigned to be heard on 9/24/03 has been **POSTPONED**, without objection, at the request of Petitioner due to unavailability of key witness; and has been

REASSIGNED FOR: **TUESDAY, MARCH 2, 2004 at 10:00 a.m. /Day #1 and**
TUESDAY, MARCH 9, 2004 at 10:00 a.m. /Day #2

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellants /Petitioner : Mr. and Mrs. James D. Blum III
Counsel for Petitioners : Robert A. Hoffman Esq.
Geoffrey C. Schultz /McKee & Associates, Inc.

Jack Dillon /Valleys Planning Council
Bob Walker /Hanover Road Association
William T. Newton

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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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

June 11, 2004

NOTICE OF DELIBERATION

IN THE MATTER OF:
***JAMES AND GAYLE BLUM* – Petitioners /Legal Owners**
Case No. 03-312-X

Having heard this matter over a 3-day hearing (3/02; 3/09; and 6/09/04), public deliberation has been scheduled for the following date /time:

DATE AND TIME : TUESDAY, AUGUST 17, 2004 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due on Friday, July 1, 2004
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners : Robert A. Hoffman, Esquire
Appellants /Petitioners : Mr. and Mrs. James D. Blum III

Geoffrey C. Schultz /McKee & Associates, Inc.

Jack Dillon /Valleys Planning Council
Bob Walker /Hanover Road Association
William T. Newton

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Copy to: 4-1-7

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 14, 2003

C. William Clark
Nolan, Plumhoff, & Williams
502 Washington Avenue
Towson, MD 21204

Dear Mr. Clark:

RE: Case Number: 03-312-X, 13943 Old Hanover Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 7, 2003.

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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Gayle M. Blume, Millennium School, 15272 Dover Road, Reisterstown, MD 21136
Geoffrey Schultz, McKee & Associates, 5 Shawan Rd, Ste. 1, Cockeysville, MD 21030

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Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: January 21, 2003

Item No(s).: 306, 312-315

Dear Ms. Hart:

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code; the NFPA 1 & 101, 2000 editions, prior to occupancy or beginning of operation.

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

cc: File

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on Recycled Paper

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.17.03

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 312 JRF

Dear. Mr. Zahner:

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,

Kenneth A. McDonald Jr., 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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS | TGT

DATE: February 20, 2003

SUBJECT: Zoning Item 312
Address 13943 Old Hanover Road

Zoning Advisory Committee Meeting of: January 21, 2003

A useage letter must be submitted soil evalutions must be conducted. MDE must approve the water supply for the school. Contact GWM for more information.

Reviewer: Sue Farinetti Date: February 7, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 21, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 13943 Old Hanover Road

INFORMATION:

Item Number: 03-312

Petitioner: James & Gayle Blum

Zoning: RC 2

Requested Action: Special Exception

RECEIVED
FEB 21 2003
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning's comments concerning the subject request are as follows:

1. The primary access to the school site will be indirectly from the intersection of Route 30 and Old Hanover Road. One of three key issues identified by the Hanover Pike Corridor Study (adopted by the Baltimore County Council on April 19, 1993) was the "need to address the rapid increase of traffic, especially heavy trucks along Hanover Pike and the safety and accessibility issues which are a result in part, of the inadequacy of the current road to accommodate those volumes." This traffic safety issue continues to date. As such, this office is concerned about the limited sight distance at the Route 30/Old Hanover Pike intersection and suggests further discussions between the petitioner and MDOT in order to address the access/safety issues at the intersection.
2. The adjoining property is enrolled in the Maryland Agricultural Land Preservation Program. The Planning Office recommends appropriate fencing or supplemental landscaping to separate the two land uses in order to minimize possible conflicting activities

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham
AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 28, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For January 27, 2003
Item Nos. 305, 306, 307, 308, 310,
311, 312, 313, 314, 315, 316, 320,
321, 322, 323, 324, and 325

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

RWB:HJO:jrb

cc: File

Robert L. Ehrlich Jr.
Governor
Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

January 21, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda, 01/27/03 re: case numbers 03-305-SPH, 03-306-X, 03-307-SPH, 03-308-A, 03-309-A, 03-310-A, 03-311-A, 03-312-X, 03-313-SPH, 03-314-XA, 03-315-SPH, 03-316-SPHX, 03-317-A, 03-318-A, 03-319-A, 03-320-A, 03-321-A, 03-322-A, 03-323-SPHA, 03-324-A, 03-325-A**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/16/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

RE:	PETITION FOR SPECIAL EXCEPTION 13943 Old Hanover Rd; SE side Old Hanover Rd, 1400ft NE ctrline Hanover Pike, Rt 30 4th Election District 3rd Councimanic District Legal Owners:James D, 3rd & Gayle M. Blum Contract Purchaser(s):The Millennium School, Gayle M. Blum, Officer Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-312-X

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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
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 22nd day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21230 & C. William Clark, Nolan, Plumhoff & Williams, 502 Washington Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

March 18, 2003

James and Gayle Blum
15272 Dover Road
Reisterstown, Maryland 21136

Mr. Arnold Jablon, Director
Dept. of Permits & Develop. Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: *Appeal* to Order Denying
Petition for Special Exception
Case No. 03-312-X
Property: 13943 Old Hanover Road

Dear Mr. Jablon:

Please accept this letter as our formal request to file an appeal to the Board of Appeals to the order denying our request for a special exception on our property located at 13943 Old Hanover Road; Reisterstown, Maryland 21136. We are enclosing a copy of the decision rendered in the above-captioned case. We are also enclosing a check in the amount of $400 payable to Baltimore County. Please let us know if you need additional information from us.

Sincerely,

James and Gayle Blum
Property Owners

RECEIVED
MAR 2 6 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Cc: County Board of Appeals; Old Court House; Room 49;
400 Washington Ave.; Towson, MD 21204

Balto Co Deputy Zoning Commissioner; Suite 405; County Courts Bldg;
401 Bosley Avenue; Towson, MD 21204

Enclosures:
Check in the amount of $400
Copy of Order denying Petition for Special Exception (Case no. 03-312-X)

3/26/03
pick up

March 18, 2003

James and Gayle Blum
15272 Dover Road
Reisterstown, Maryland 21136

Mr. Arnold Jablon, Director
Dept. of Permits & Develop. Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: *Appeal* to Order Denying
Petition for Special Exception
Case No. 03-312-X
Property: 13943 Old Hanover Road

Dear Mr. Jablon:

Please accept this letter as our formal request to file an appeal to the Board of Appeals to the order denying our request for a special exception on our property located at 13943 Old Hanover Road; Reisterstown, Maryland 21136. We are enclosing a copy of the decision rendered in the above-captioned case. We are also enclosing a check in the amount of $400 payable to Baltimore County. Please let us know if you need additional information from us.

Sincerely,

James and Gayle Blum
Property Owners

Cc: County Board of Appeals; Old Court House; Room 49;
400 Washington Ave.; Towson, MD 21204

Balto Co Deputy Zoning Commissioner; Suite 405; County Courts Bldg;
401 Bosley Avenue; Towson, MD 21204

Enclosures:
Check in the amount of $400
Copy of Order denying Petition for Special Exception (Case no. 03-312-X)

MAR 20 2003

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 31, 2003

Mr. and Mrs. .James Blum, III
15272 Dover Road
Reisterstown, MD 21136

Dear Mr. and Mrs. Blum:

RE: Case No. 03-312-X, 13943 Old Hanover Road

Please be advised that an appeal of the above-referenced case was filed in this office on March 26, 2003. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:

c: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
People's Counsel

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petition for Special Exception
13943 Old Hanover Road
S/east side of Old Hanover Road at the distance 1,400 feet northeast of the centerline of Hanover Pike, Route 30
4th Election District – 3rd Councilmanic District
Legal Owner: James and Gayle Blum
Case No.:03-312-X

Petition for Variance (January 7, 2002)

Zoning Description of Property

Notice of Zoning Hearing (January 22, 2003)

Certification of Publication (February 6, 2003)

Certificate of Posting (posted by Stacy Gardner) on January 31, 2002

Entry of Appearance by People's Counsel (January 22, 2003)

Petitioner(s) Sign-In Sheet
One Sheet

Protestant(s) Sign-In Sheet
None

Citizen(s) Sign-In Sheet
Two Sheets

Zoning Advisory Committee Comments

Petitioners' Exhibits:
1. Plat to accompany Petition for Special Exception
2. Quick Fact Sheet
3. The Millennium School Mission
4. Pictures

Protestants' Exhibits:
1. Copy of 1000' scale map
2. Tax Assessment Map
3. Aerial Photo
4. Petition signed by 22 residents opposed

Miscellaneous (Not Marked as Exhibits):
1. Letter to Commissioner

Deputy Zoning Commissioner's Order (March 3, 2003 - DENIED)

Notice of Appeal received on March 26, 2003 from James and Gayle Blum

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner Timothy Kotroco
Arnold Jablon, Director of PDM

date sent 3/31 rlh

APPEAL

Petition for Special Exception
13943 Old Hanover Road
S/east side of Old Hanover Road at the distance 1,400 feet northeast of the centerline of Hanover Pike, Route 30
4th Election District – 3rd Councilmanic District
Legal Owner: James and Gayle Blum
Case No.:03-312-X

RECEIVED
MAR 3 1 2003
BALTIMORE COUNTY
BOARD OF APPEALS

✓ Petition for ~~Variance~~ Special Exception (January 7, 2002)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (January 22, 2003)

✓ Certification of Publication (February 6, 2003)

✓ Certificate of Posting (posted by Stacy Gardner) on January 31, 2002

✓ Entry of Appearance by People's Counsel (January 22, 2003)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
Two Sheets

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibits:
1. Plat to accompany Petition for Special Exception
2. Quick Fact Sheet
3. The Millennium School Mission
4. Pictures

Counsel for Petitioners
(entered appearance 3/02/04 on record)
Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

✓ Protestants' Exhibits:
1. Copy of 1000' scale map
2. Tax Assessment Map
3. Aerial Photo
4. Petition signed by 22 residents opposed

✓ Miscellaneous (Not Marked as Exhibits):
1. Letter to Commissioner

✓ Deputy Zoning Commissioner's Order (March 3, 2003 - DENIED)

✓ Notice of Appeal received on March 26, 2003 from James and Gayle Blum

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner Timothy Kotroco
Arnold Jablon, Director of PDM

Mr. & Mrs. James D. Blum, III
15272 Dover Road
Reisterstown, MD 21136

Jack Dillon
Valleys Planning Council
P. O. Box 5402
207 Courtland Avenue
Towson, MD 21285-5402

Bob Walker
Hanover Road Association
14625 Hanover ~~Pike~~ Road
~~Reisterstown, MD 21136~~ Upperco MD 21155

Geoffrey C. Schultz
McKee & Associates, Inc.
5 Shawan Road, Suite 1
Cockeysville, MD 21030

See add'l names

VE

Case No. 03-312-X

In the Matter of: James & Gayle Blum -Petitioners

SE – For approval of a private school, grades K-12, with a maximum student population of 156.

3/03/03 – Decision of the D.Z.C. in which Petition for Special Exception was DENIED.

4/24/03 -Notice of Assignment sent to following; assigned for hearing on Wednesday, September 24, 2003 at 10:00 a.m.:

Mr. and Mrs. James D. Blum III
Geoffrey C. Schultz /McKee & Associates, Inc.
Jack Dillon /Valleys Planning Council
Bob Walker /Hanover Road Association
William T. Newton
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

9/16/03 – Letter from Gayle Blum requesting postponement of 9/24/03 hearing; unavailability of key witness on scheduled date due to conflict. Spoke with P. Zimmerman and J. Dillon regarding request. T/C to Ms. Blum – engineer, Geoffrey Schultz – medical reasons /wife.

9/17/03 – Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, March 2, 2004 and Tuesday, March 9, 2004, beginning at 10 a.m., days 1 and 2.

3/02/04 – Board convened for day #1 (Wescott, Crizer, Mohler); Robert A. Hoffman, Esquire, entered his appearance on the record for Mr. and Mrs. Blum, Petitioners /Appellants. Concluded day #1; to convene on 3/09/04 at 10 a.m. for hearing day #2 as assigned.

3/09/04 – Board convened for day #2 (4-7-1); concluded day #2; require additional day in which to conclude this hearing. Earliest available date on Board's docket is 6/09/04; notice to be sent.

3/10/04 – Notice of Assignment /Day #3 sent to parties; assigned for Wednesday, June 9, 2004 at 10:00 a.m. (earliest date available on schedule at this point in time). FYI copy to Wescott, Crizer, Mohler.

6/09/04 – Board convened for day #3 (Wescott, Crizer, Mohler); concluded hearing this date; closing briefs due from parties on Friday, July 1, 2004. Deliberation to be assigned; working on possible dates.

6/11/04 – Notice of deliberation sent to parties (confirmed availability of D on 8/17/04; S and E already sitting on 8/17/04); assigned for Tuesday, August 17, 2004 at 9:00 a.m.; fyi copy to Wescott, Mohler, Crizer.

6/30/04 – Memorandum of People's Counsel filed by Peter M. Zimmerman and Carole Demilio.

7/01/04 – Petitioners' Post-Hearing Memorandum filed by Robert Hoffman and David Karceski on behalf of Gayle and James Blum.
- Copies to 4 and 1 this date; copy to be provided to 7 on 7/02/04

8/16/04 – T/C to Mr. Hoffman, Elizabeth O'Hara (VPC) and Bob Walker – due to illness of a Board member, the deliberation on 8/17/04 must be postponed and reassigned to another date. Notice to be sent out this date. Copy via FAX and USPS to Messrs. Hoffman and Walker and to Ms. O'Hara (Mr. Dillon on vacation).

9/29/04 – Public deliberation; unanimous decision of the Board (Wescott, Crizer and Mohler) that special exception request is denied; written Opinion and Order to be issued; appellate period to run from date of written Order.

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:	James and Gayle Blum Case No.: 03-312-X	
DATE:	September 30, 2004	
BOARD/PANEL:	Lawrence S. Wescott Edward W. Crizer, Jr. Donald L. Mohler III	LSW EWC DLM
RECORDED BY:	Theresa R. Shelton / Legal Secretary	

PURPOSE: To deliberate the Petition for Special Exception filed by James Blum and Gayle Blum, for a private school, grades K through 12 with a maximum student population of 156.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

1A01.1General provisions.

A. Legislative statement of findings.

1. Declaration of findings. It is found:

a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

- ✓ Does this regulation have an effect on agricultural land in area?
- ✓ Soil types 1 and 2
- ✓ Does vicinity include the site or the area surrounding site
- ✓ Hayfields case – vicinity did not include site
- ✓ This was clarified by the County Council – would have mentioned specific type of soils; highly productive soils – these types are soils are not are not specifically mentioned
- ✓ Not persuaded that school would be a detriment to the soil

Regulation 502.1

C. Create a potential hazard from fire, panic or other danger;

- ✓ Propane plant/tractors/trains
- ✓ Propane was the least compelling argument
- ✓ Baltimore County has 160 public school that are next to 7/11's Coscos – somewhere where there is commercial activity going on
- ✓ The school does not create the hazard the propane facility creates a possible hazard with or without a school – not a relevant argument

D. Tend to overcrowd land and cause undue concentration of population; Board finds NO ISSUE with D

E. **Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;** Board finds NO ISSUE with E

G. **Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]**
Board finds NO ISSUE with G

H. **Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]**
Board finds NO ISSUE with H

I. **Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. [Bill No. 74-2000]**
Board finds NO ISSUE with I

Regulation 502.1

502.1 Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. **Be detrimental to the health, safety or general welfare of the locality involved; AT ISSUE**

B. **Tend to create congestion in roads, streets or alleys therein; AT ISSUE**

- ✓ Two conflicting expert testimonies
- ✓ Petitioner's expert did not take into consideration the 22 faculty members
- ✓ 48 trips in/35 trips out
- ✓ charter included busing and carpooling
- ✓ Mr. Webster's testimony felt that the number of students and faculty would generate more traffic
- ✓ Shultz vs. Pritz argument
- ✓ Adverse affect – would traffic at that location have worse affect there then someplace else in zone
- ✓ Intersection 30 – offset
- ✓ Entrance to school has limited access/grading problem/site problem
- ✓ Some grading would have to be done to allow for site in both directions
- ✓ Competing experts on both sides; different strategy and data used
- ✓ Clearly this is a busy area; not easy to navigate in best of circumstances
- ✓ Access/Egress
- ✓ Traffic Engineering Consultant testified that site distance was adequate; that intersection can handle the traffic
- ✓ How do you mandate buses and carpooling?
- ✓ Entrance to school would have to be graded for site distance and there is only so much entrance to work with

DECISIONS BY BOARD MEMBERS: Unanimous decision to deny the Petitioner's request; does not pass 502.1.b (traffic hazard); also does not pass Schultz vs. Pritz.

FINAL DECISION: That the Petition for Special Exception filed by James Blum and Gayle Blum, for a private school, grades K through 12 with a maximum student population of 156 is **DENIED**.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton
County Board of Appeals

William E. Carlson

4343 Osborne Road
P.O. Box 29
Boring, Maryland 21020

JK 2/21

24

February 20, 2003

VIA FACSIMILE TRANSMISSION (410.887.3468) and FIRST CLASS MAIL

Lawrence E. Schmidt, Zoning Commissioner
Office of the Zoning Commissioner
Council District 3 - Room 407
401 Bosley Avenue
Towson, Maryland 21204

Re: Opposition to Grant of Special Exception for K-12 Private School
at 13943 Old Hanover Road
Case #03-312 X - Special Exception Hearing February 21, 2003 at 2:00 p.m.

Dear Commissioner Schmidt:

I write in opposition to a Special Exception being granted to construct a K-12 private school on the 16-acre parcel located at 13943 Old Hanover Road (on the southeast side of Old Hanover Road, east of Hanover Pike/Route 30).

The use of this property as a school (which presumably would be a "private preparatory school" in the terms of the Zoning Regulations) would be detrimental to the primary agricultural uses in the vicinity of this R.C.2-zoned property. The proposed use would be detrimental to the safety and general welfare of this area, create congestion in the roads in this area, overcrowd the land, be inconsistent with the purposes of the R.C.2 zoning classification, interfere with adequate provisions for well water and septic sewerage in the immediate area, and be detrimental to the environmental and natural resources of the site and the vicinity.

The four or five-building complex housing 156 students and two dozen or more staff, complete with parking lots and ancillary facilities, given the relatively small size of this parcel, would dramatically and negatively impact the adjacent agricultural uses and community. The use would stick out like a sore thumb and be an obvious anomaly in an otherwise rural area. To permit this school to be located at this particular site would create undesirable land use patterns in this area, initiate urban sprawl, negatively impair the utility of the existing rural-based road system, consume prime agricultural land, and disrupt the "R.C." framework for orderly development.

I do not speak out against any and all schools being granted Special Exceptions in Resource Conservation zones when appropriate (particularly because I am a parent of young children); however, this site is not a suitable location.

Note should also be made of the horrendous impact that the school would have upon the traffic load and patterns in this rural, agricultural area, particularly at the over-burdened intersection of Old Hanover Road and Hanover Pike/Route 30. The developer proposes three solutions to the admitted traffic burden: (1) a school crossing guard at the intersection of Old Hanover Road and Route 30 (!!), (2) directing parents, teachers, and employees to go north four miles to the stop-lighted intersection at Route 30 and Emory Road (rather than proceeding a few hundred yards to the south to join up with Route 30), and (3) staggering the start times of each grade (which, as a parent, I doubt that parents of children at this school would accept). Turning left from Old Hanover Road onto Route 30 now takes up to five minutes between 7:00 a.m. and 9:00 a.m. and between 4:30 p.m. and 6:00 p.m. I shudder to think what 170 additional cars will do!

Please deny this request for a Special Exception for a private school, grades K-12.

Please include this letter in the file for Case #03-312 X.

Very truly yours,

William E. Carlson

WEC:jlm

cc: Hanover Road Association, Inc.
Arnold Jablon, Director of Permits and Development Management *(VIA FAX: 410.887.2824)*

Hanover Road Association
P. O. Box 70
Boring, MD 21020
HanoverRoadAssoc@aol.com
410-526-9389
fax: 410-526-9032

President:
Bob Walker

Vice President:
George Harman

Secretary:
Rob Holtz

Treasurer:
Carol Isaac

Board of Directors:
Norma Allman
Glen Elseroad
Dorothy Griffin
Bill Lofgren
George Neubeck
Libby Southall
Bert Wilhelm

February 21, 2003

Pro[redacted]x #4

Dear Commissioner,

For your consideration, a neighbor asked me to present you this informal petition that was posted at the Boring Post Office on Wednesday, Feb. 19 and Thursday, Feb. 20, 2003. It has the signatures of 22 local residents opposed to the special exception for the Millennium School.

Thank you.

Bob Walker

Bob Walker

DEAR BORING RESIDENTS,

PLEASE SEE THE ARTICLE POSTED NEAR THE MAIL SLOT. IT HAS COME TO MY ATTENTION THAT A SPECIAL EXCEPTION HEARING WILL BE HELD TO BUILD A PRIVATE SCHOOL ON OLD HANOVER RD.

AS A RESIDENT OF BORING, I AM HIGHLY AGAINST THIS. IF YOU AGREE, PLEASE SIGN & FILL IN THE INFORMATION BELOW. IT WILL BE TAKEN TO THE HEARING ON FRIDAY, 2/21.

SIGN NAME	PRINT NAME	ADDRESS
Amy S Goldberg	AMY S. GOLDBERG	4227 OSBORN RD.
Joan Pfeiffer	JOAN PFEIFFER	4226 OSBORN RD
Anna M Zook	Anna W. Zook	14814 Old Hanover Rd.
Barb Brown	Barb Brown	4938 Pleasant Grove
Linda Barker	LINDA BARKER	14813 OLD HANOVER RD
Donna Bill	Donna Bill	14901 Old Hanover Rd.
Michele Engelskirch	MICHELE R. ENGELSKIRCH	14217 LONGNECKER RD. 21136
Janine Gerling-Dunsmore	JANINE GERLING-DUNSMORE	4701 OSBORN RD REISTERSTOWN RD BORING, MD 21020
Suzanne Sichel	SUZANNE SICHEL	4923 Pleasant Grove Rd.
Michael Sichel		4929 Pleasant Grove Rd. West. Md-21136
L. GARY YAMIN		16 MANOPA CT. 21136
Z. Doug Yamin		
Pauline E. Church	PAULINE E. CHURCH	P.O. BOX 65 BORING, MD 21020
Robert J Collison	ROBERT COLLISON	PO BOX 63 BORING MD
Elizabeth Southall	ELIZABETH SOUTHALL	5026 FRYE RD, UPPERCO, MD 21155
George Smith	GEORGE Smith	15316 Old HANOVER
Irene Smith	Irene Smith	15316 Old Hanover Rd
Errol Ecker	ERROL ECKER	BOX 66 BORING MD 21020

Megin Carlson [redacted]gan W. Carlson [redacted]343 Osborne Rd.

Denise Walter 14415 Old Hanover Rd.

Philippa Pessagno Philippa Pessagno 14200 OLD Hanover Rd

Philippa Pessagno

PLEASE PRINT CLEARLY

CASE NAME BLUM/MILLENNIUM School
CASE NUMBER 03-312-X
DATE 2/21/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
C. WILLIAM CLARK	502 WASHINGTON AVE	TOWSON MD 21204	cwclark@nolanplumhoff.com
GEOFFREY C SCHULTZ	5 SHAWAN ROAD	HUNT VALLEY MD 21030	
Jim Blum	15272 Dover Rd.	Reisterstown MD 21136	
TERESA ANKNEY	401 Elm St	FREDERICK MD 21701	
Kerry Craven	3513 Roland Ave	Balto MD 21211	MaryKerry@aol.com
Judy Blum	15272 Dover Rd	Reisterstown Md 21136	VineyardsAtHome@aol.com
Robin Libowitz	3736 Thoroughbred Lane	Owings Mills, Md 21117	cazimere@aol.com

PLEASE PRINT CLEARLY

CASE NAME BLUM/MILLENIUM SCHOOL
CASE NUMBER 03-312-X
DATE 2/21/03

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Bob Walker	14625 Hanover Rd.	Upperco MD 21155	rbw14625@aol.com
Gail Frantz	13955 Old Hanover Rd	Reisterstown 21136	guineabirda@aol.com
Harry Frantz	"	"	
Betty Coghill	13941 Old Hanover Rd.	Reisterstown MD 21136	
Mary-Jo Wolf	13823 Hanover Pike	Reisterstown Md 21136	
William T. NEWTON	PO BOX 896 Reisterstown	MD 21136	
BOB SEWELL	13918 OLD HANOVER RD	REISTERSTOWN MD 21136	MYWAYBOB@COMCAST.NET
Ann A Wyrick	14814 Old Hanover	Upperco/Boring 21020	

PLEASE PRINT CLEARLY

CASE NAME BLUM/MILLENNIUM SCHOOL
CASE NUMBER 03-312-X
DATE 2/21/03

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
~~Robin Urbanitis~~	~~3736 Thoroughbred Lane~~	~~Owings Mills, MD 21117~~	~~Carmerc@aol.com~~
ROBERT SLATERBECK	13929 OLD HANOVER RD	REISTERSTOWN MD 21136	BSLAT@STARPOWER.NET
Cathy Slaterbeck	" " " "	Reisterstown MD 21136	" "

DATE: [redacted]3/04

PEOPLE'S COUNSEL'S SIGN-IN SHEET

CASE NAME: BUM

CASE NO.: 03-312-X

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify	Name / Address Phone Number	Community Group You Represent / Basis of Your Concerns
	Linda Barker 410-429-4019 14813 Old Hanover Rd	Boring, Md. - traffic
	Harold W. Frantz, Jr. 13953 Old Hanover Rd.	traffic
	Betty Coghill 13941 Old Hanover Rd.	Traffic
	Cathy Slaterbeck 13929 Old Hanover Rd	traffic
	Bob Walker 14625 Hanover Road 21155	traffic/loss of ag land
	DORIS F. ELDS REGISTERED 21136 14021 OLD HANOVER RD	OLD HANOVER RD Community
	PHILIPPA PESSAGNO 21131 14200 OLD HANOVER RD	" " " "
	BOB SEWELL 13918 OLD HANOVER RD	" " " "
	R SLATERBECK 13929 OLD HANOVER RD	" "
	DAN COLHOUN 16301 TRENTON CHURCH RD UPPERCO MARYLAND.	BALTO Co Agr BOARD
	Anna W. Zouck 14814 Old Hanover Rd. Upperco, Md. 21155	Old Hanover Rd. Community - traffic
	Jon Seitz, TRG, Inc. 204 N. George St. York PA 17401 717-846-4660	Traffic
	Jack Dillon The Valley Planning Council	

Verified 3-02-04 Verified 3-09-04 Verified 6-09-04

Evidence for Petitioners

✓ ✓ 1. Site Plan
✓ ✓ 2. Quick Fact Sheet
✓ ✓ 3. The Millennium School Mission
✓ ✓ 4. Letter from Joseph Lippy
✓ ✓ 5. Curriculum Vita Karena S. Rush, PH.D.
✓ ✓ 6. Resumé of Kenneth W. Schmid
✓ ✓ 7. Peak Hour Turning Movement Count
✓ ✓ 8. Peak Hour Analysis
✓ ✓ 9. Sight Distance Layout
✓ ✓ 10. Gap Study Chart
✓ ✓ 11. Accident Report
✓ ✓ 12. Gap Study
✓ ✓ 13. Robert W. Sheesley Resumé
✓ ✓ 14. Water-Balance Assessments
✓ ✓ 15. Curricula Vitae for David C. Martin
✓ ✓ 16. Zoning Map
✓ ✓ 17. A Policy on Geometric Design of Highways and Streets
✓ 18. State Highway Administration (Guidelines for Traffic)
✓ 19 a. Land Use: 534 Private School (K-8)
✓ b. Trip Generation per Student
✓ 20. Survey Plat of Entrance at Millennium School

Pet Ex #2

QUICK FACT SHEET

The Millennium School will consist of grades Kindergarten through Grade 12, enrolling approximately 156 students.
The average class size is 12 students.

The curriculum is the Core Knowledge Curriculum accompanying a social skills curriculum which is integrated though out the student's day.

Ecology and environmental studies will be integrated throughout the curriculum. Millennium will incorporate the Governor's Green School program. Our students will learn about the environment and what they can do to protect it.

Computers are integrated into the curriculum at every level and students become proficient in their use.

Faculty members are trained in a variety of educational strategies. Above all, they must appreciate and enjoy each student's uniqueness.

Parent education seminars are offered to reinforce educational strategies and underscore the parent's participation in their child's educational programming.

Extracurricular Activities include a variety of field trips designed to
parallel and reinforce concepts learned in the classroom.

Sports are generally self-competitive whereby the student challenges
him/herself; pushing their own limits to achieve personal satisfaction and increased self-esteem. Horseback riding, swimming, archery, gymnastics and rock wall climbing will be offered off-site.

Other activities include: music lessons, journalism club, computer club, art
projects, theatre group, cooking, sewing, hands on horticulture, electronics,
observing and interacting with animals, archeology and chess club.

We plan to locate our facilities in a rural setting facilitating the integration of nature and animals into the curriculum.
Classrooms are uncluttered and aesthetically designed to accommodate deep thought and concentration. Natural light is utilized whenever possible.

The Millennium School is affiliated with community professionals who are interested and committed to the study of children and how they learn.
It is anticipated that the Millennium School will be granted accreditation by The Association of Independent Maryland Schools (AIMS).

Petition #3

The Millennium School Mission

At The Millennium School, students develop a love of learning; a respect, appreciation and understanding of others; and pride in their own potential and accomplishments in a nurturing and supportive environment. Ethics and morality are taught on a cognitive level with an emphasis on how they benefit both self and society. Pro-social skills are targeted with the intent that the student will learn to communicate for personal advantage and understand why it is in his/her self interest. Whenever possible, the concrete accompanies the conceptual. Students learn by doing and programming includes numerous opportunities for social interactions; both planned and spontaneous. The core curriculum is competency based. Students must achieve in order to proceed and their education is individually programmed to both challenge and motivate them. They proceed at an accelerated but individual pace. The emphasis is on intellectual and character development with a focus toward economic and social competency in the years after graduation. Extracurricular activities are created to provide opportunities for students to cultivate skills and acquire knowledge in their area of interests so they will be prepared to pursue their passions with confidence, responsibility and understanding of the world they live in. Students are physically active at key times during the school day. The Millennium School faculty recognizes the challenges of cultivating the uniqueness of its students while simultaneously ensuring they have the skills necessary to navigate successfully in today's world.

Pet. Ex. #4

Lippy Brothers, Inc.

334 Lees Mill Road
Hampstead, MD 21074
(410)374-9708 or (410)239-3950
Fax (410)239-4974

February 10, 2004

Mr. James Blum
15272 Dover Road
Reisterstown, MD 21136

Dear Mr. Blum:

We have discussed your request concerning the construction of the school on the property near Suburban Propane. At this time we see no interference with our farming operation if you proceed with the construction.

Sincerely,

H. Joseph Lippy

H. Joseph Lippy

Pet. Ex #5

CURRICULUM VITA
KARENA S. RUSH, PH.D.

DEMOGRAPHIC INFORMATION

Home Address:
1310 Argonne Drive
Baltimore, Maryland 21218
410-261-5050

Work Address:
Sheppard Pratt Health System
Adolescent Neuropsychiatry Unit A7
6501 N. Charles Street
Baltimore, Maryland 21285
410-938-3539
krush@sheppardpratt.org

EDUCATION AND TRAINING

Post-Doctoral Fellowship	The Johns Hopkins University School of Medicine Kennedy Krieger Institute, Pediatric Psychology	2000
Ph.D.	Louisiana State University Clinical Psychology	2000
M.A.	Louisiana State University Psychology	1997
Ed.M.	Harvard University Human Development and Psychology Specialization: Early Childhood Risk and Prevention	1994
A.B.	Bryn Mawr College Psychology, Honors degree, Cum Laude	1991

CERTIFICATION

December 2001, Licensed Psychologist in the State of Maryland #03789

PROFESSIONAL EXPERIENCE

Psychologist	Sheppard Pratt Health System Department of Child and Adolescent Psychiatry Adolescent Neuropsychiatry Unit Baltimore, Maryland	2002-present
Adjunct Faculty	Department of Psychology Towson University Towson, Maryland	2000-present

Psychologist	The Kennedy Krieger Institute Neurobehavioral Unit Johns Hopkins University School of Medicine Baltimore, MD	2001-2002
Supervising Psychologist	The Kennedy Krieger Institute Pediatric Feeding Disorders Unit Johns Hopkins University School of Medicine Baltimore, MD	2001-2002
Case Manager	The Kennedy Krieger Institute Neurobehavioral Unit Johns Hopkins University School of Medicine Baltimore, MD	2000-2001
Post-doctoral Fellow	The Kennedy Krieger Institute Johns Hopkins University School of Medicine Baltimore, MD	1999-2000
Pre-doctoral Intern	The Kennedy Krieger Institute Johns Hopkins University School of Medicine Baltimore, MD	1998-1999
Associate to a Psychologist IV	Pinecrest Developmental Center Pineville, LA	1995-1998
Acting School Psychologist	Louisiana School for the Deaf Baton Rouge, LA	1995
Research Assistant	Pennington Biomedical Research Center Baton Rouge, Louisiana	1994-1995
Therapist	Harvard University-Ruggles Street Center Cambridge, Massachusetts	1993-1994
Autism Therapist	Home Programming Alexandria, VA	1986-1993

EDUCATIONAL ACTIVITIES

Instructor	Towson University Courses: Ethical, Legal, & Professional Issues in Clinical Psychology, Introduction to Psychology, Behavior Modification, Internship in Psychology, Practicum in Counseling Psychology	2000-present

Instructor	Louisiana State University Course: Introduction to Psychological Counseling	1997
Teaching Assistant	Louisiana State University Courses: Abnormal Psychology Introduction to Psychology Sensation and Perception	1995-1997

ORGANIZATIONAL ACTIVITIES

Treasurer, Maryland Association for Behavior Analysis, 2001- present

Advisory Board Member:
The Millennium School
The Maryland Asperger Advocacy & Support Group

Professional Societies Membership:
American Psychological Association
Association for the Advancement of Behavior Therapy
Association for Behavior Analysis
Maryland Association for Behavior Analysis

Consultantships:
Behavior Analyst, ABA home programming for children with Autism, Baltimore, Maryland, 2001- present

Psychological Consultant, Metro Enterprises, Association for Retarded Citizens, Baton Rouge, LA, 1997-1998

EDITORIAL ACTIVITIES

Guest Reviewer:
The Journal of Applied Behavior Analysis
Research in Developmental Disabilities
American Journal of Mental Retardation

RECOGNITION

Honors:
Mid-Atlantic Regional Scholar, 1987, 1988, 1989, & 1990, Bryn Mawr College Alumni Association

Honors in Psychology, 1991, Bryn Mawr College, Bryn Mawr, PA

Invited Talks:

Rush, K.S. (2001). Strategies for Working with Exceptional Children. Part I: ADHD. Part II: Aspergers Disorder. St. Thomas Aquinas School, Baltimore, Maryland.

Mortenson, B.P., Rush, K.S., & Duhon, G. (1997). Effective interventions in the classroom. East Baton Rouge School System, Baton Rouge, LA.

Rush, K.S. (1996). Behavioral Interventions: The ABC's of changing your child's behavior. Baton Rouge Foster Care Association, Baton Rouge, LA.

RESEARCH ACTIVITIES

Publications:

Peer-Reviewed Scientific Articles:

Rush, K.S., Bowman, L.G., Eidman, S.L., Toole, L.M., & Mortenson, B.P. (in press). Assessing psychopathology in individuals with developmental disabilities. Behavior Modification.

Hagopian, L.P., Long, E.S., & Rush, K.S. (in press). Preference Assessment Procedures for Individuals with Developmental Disabilities. Behavior Modification.

Kurtz, P.F., Chin, M.D., Huete, J.M., Tarbox, R.S., O'Connor, J.T., Paclawskyj, T.R., & Rush, K.S. (in press). Functional analysis and treatment of self injurious behavior in young children: A summary of 30 cases. Journal of Applied Behavior Analysis.

Toole, L., Bowman, L., Thomason, J., Hagopian, L., & Rush, K. (2003). Observed increases in positive affect following a levels treatment. Behavioral Interventions.

Hagopian, L.P., Rush, K.S., Richman, D.M., Kurtz, P.F., Contrucci, S.A. & Crosland, K. (2002). The development and application of individualized levels systems for the treatment of severe problem behavior. Behavior Therapy.

Hagopian, L.P., Rush, K.S., Lewin, A.B., & Long, E.S., (2001). Evaluating the predictive validity of a single-stimulus engagement preference assessment. Journal of Applied Behavior Analysis, 34, 475-485.

Rush, K.S., Crockett, J., & Hagopian, L.P. (2001). An analysis of the selective effects of NCR with punishment targeting screaming and SIB associated with positive affect. Behavioral Interventions, 16, 127-135.

Paclawskyj, T.R., Matson, J.L., Rush, K.S., & Smalls, Y. (2001). The validity of the Questions About Behavioral Function (QABF). Journal of Intellectual Disabilities, 45, 484-494.

Paclawskyj, T.R., Matson, J.L., Rush, K.S., Smalls, Y., & Vollmer, T.R. (2000). Questions About Behavioral Function (QABF): A behavioral checklist for functional assessment of aberrant behavior. Research in Developmental Disabilities, 21, 223-229.

Matson, J.L., Rush, K.S., Hamilton, M., Anderson, S.J., Bamburg, G., & Baglio, C.S. (1999). Characteristics of depression as assessed by the Diagnostic Assessment for the Severely Handicapped-II (DASH-II). Research in Developmental Disabilities, 20, 305-313.

Paclawskyj, T.R., Rush, K.S., Matson, J.L. & Cherry, K.E. (1999). Factor structure of the Matson Evaluation of Social Skills for Individuals with Severe Retardation (MESSIER). The British Journal of Clinical Psychology, 38, 289-294.

Professional Presentations:

Rush, K.S., Spencer, S., Mortenson, B.P., Harris, S., & Wilkins, J. (2003). The effects of picture communication on verbal responding for two individuals with *developmental disabilities*. Poster presentation at the 29th annual convention of the Association for Behavior Analysis, San Francisco.

Kuhn, S.A., Hagopian, L.P., Long, E.S., Rush, K.S., & DeLeon, I.G. (2003). Enhancing function-based interventions with the use of stimuli that compete with reinforcement maintaining problem behavior. Symposium presented at the 29th annual convention of the Association for Behavior Analysis, San Francisco.

Wilke, A., Rush, K.S., Boney, B., Hagopian, L.P. and Zamora, M. (2003). Use of response blocking to treat clothing destruction for a developmentally disabled individual with OCD. Poster presentation at the 29th annual convention of the Association for Behavior Analysis, San Francisco.

Long, E.S., Hagopian, L.P., Lieving, G.A., & Rush, K.S. (2002). Alternative Reinforcement Schedule Effects. Symposium presented at the 28th annual convention of the Association for Behavior Analysis, Toronto.

Spencer, A., Cataldo, M., Eidman, S. & Rush, K. (2002). From Classroom to Session Room: Maintenance and Acquisition of Skills and Adaptive Behaviors in an Inpatient Setting for Individuals with Severe Behavior Disorders. Poster presented at the 28th annual convention of the Association for Behavior Analysis, Toronto.

Rush, K.S., Hagopian, L.P., & Lewin, A. (2001). Evaluating the concurrent and predictive validity of a duration-based preference assessment. Symposium presented at the 27th annual convention of the Association for Behavior Analysis, New Orleans, LA.

Zamora, M.M., Rush, K.S., and Harris, S. (2001). A response class hierarchy of language: A demonstration of the suppression of verbal communication during the use of a Picture Exchange Communication System (PECS). Poster presented at the 4th annual convention of the Maryland Association for Behavior Analysis, Baltimore, MD.

Ruffin, G., Rush, K.S., & Hagopian, L.P. (2001). Combined behavioral and pharmacological intervention for the treatment of cyclical self-injury. Poster presented at the 27th annual convention of the Association for Behavior Analysis, New Orleans, LA.

Hornberger, G.A., Paclawskyj, D., & Rush, K.S., (2001). Assessment of the convergent validity of the Questions About Behavioral Function (QABF) and analog functional analysis with a child population. Poster presented at the 27th annual convention of the Association for Behavior Analysis, New Orleans, LA.

Ruffin, G., Arnold, K., Rush, K.S., and Hagopian, L.P. (2001). Targeting inappropriate social behavior using differential reinforcement. Poster presented at the 27th annual convention of the Association for Behavior Analysis, New Orleans, LA.

Crocetti, D., Boney, B., Rush, K., & Hagopian, L. (2001). Treatment of elopement maintained by automatic reinforcement using competing items. Poster presented at the 27th annual convention of the Association for Behavior Analysis, New Orleans, LA.

Boney, B., Long, E., Crocetti, D., Rush, K., & Hagopian, L. (2001). An analysis of a response class hierarchy. Poster presented at the 27th annual convention of the Association for Behavior Analysis, New Orleans, LA

Hagopian, L., Rush, K., Richman, D., Kurtz, P., Contrucci, S., & Crosland, K. (2000). Treating severe problem behavior using functional analysis-based levels systems. Symposium presented at the108th annual convention of the American Psychological Association, Washington, D.C.

Kurtz, P.F., Huete, J.M., Rush, K.S., Paclawskyj, T., & Chin, M. (2000). Applications of functional analysis methodology in the assessment of emerging self-injurious behavior in young children. Symposium presented at the 26th annual convention of the Association for Behavior Analysis, Washington, D.C.

Perry, A., Rush, K., & O'Connor, J. (2000). Increasing delay to reinforcement with functional communication training. Poster presented at the 26th annual convention of the Association for Behavior Analysis, Washington, D.C.

Rush, K., Kurtz, P., Lieblein, T., Tarbox, R., & Newman, S. (2000). The utility of stimulus choice assessments with young children. Poster presented at the 26th annual convention of the Association for Behavior Analysis, Washington, D.C.

Eidman, S., Sorenson, R., O'Connor, J., & Rush, K. (2000). A mands analysis and treatment in an outpatient setting. Poster presented at the 26th annual convention of the Association for Behavior Analysis, Washington, D.C.

Rush, K.S., Lieblein, T., Kurtz, P., & Newman, S. (1999). The reliability and validity of stimulus choice assessments with a 13 month old. Poster presented at the 2nd annual convention of the Maryland Association for Behavior Analysis, Baltimore, MD.

Hagopian, L.P., Rush, K.S., Richman, D., Contrucci, S., Hendrickson, D.J., & Crosland, K. (1999). Levels treatment packages based on functional analysis outcomes. Symposium presented at the 25th Annual Convention of the Association for Behavior Analysis, Chicago, IL.

Rush, K.S., Hagopian, L.P., & Perry, A.S. (1999). The eliciting effects of reinforcer removal in a functional analysis tangible condition. Poster presented at the 25th Annual Convention of the Association for Behavior Analysis, Chicago, IL.

Rush, K.S., Hagopian, L.P., Neidert, P.L., & Breen, L.E. (1999). A comparison of paired-choice and verbal choice preference assessments. Poster presented at the 25th Annual Convention of the Association for Behavior Analysis, Chicago, IL.

Hendrickson, D.J., Rush, K.S., & Hagopian, L.P. (1998). A levels treatment package based on functional analysis. Poster presented at the 1st annual convention of the Maryland Association for Behavior Analysis, Baltimore, MD.

Rush, K.S., & Roane, H.R. (1997). Functional Analysis Workshop: Training in analogue assessment. Workshop conducted at the annual convention of the American Association on Mental Retardation, Region V, New Orleans, LA.

Rush, K.S., Roane, H.R., & Paclawskyj, T. (1997). Questions about Behavior Functioning (QABF): An instrument to assess functional properties of problem behaviors. Symposium at the American Association on Mental Retardation, Region V, New Orleans, LA.

Mortenson, B.P. Rush, K.S. & Duhon, G. (1997). The use of weekly performance feedback to increase teacher implementation of an academic intervention. Poster presentation at the 23rd annual convention of the Association for Behavior Analysis, Chicago, IL.

Pet. Ex. #6

Professional Resume of
Kenneth W. Schmid
11022 Pfeffers Road
Kingville, MD 21087

EXPERIENCE

January 1993 – Present

Traffic Concepts, Inc.
325 Gambrills Road, Suite E
Gambrills, MD 21054

Owner, Vice-President

Provides traffic engineering consultant services to the public and private sectors including:

Expert testimony before the County Zoning Officer and Board of Appeals for Special Exception and Rezoning cases. Development of Feasibility Analysis including access alternatives and the assessment of the impact of pertinent Adequate Public Facilities legislation of local governments on potential development sites. Development of Traffic Impact Studies including critical lane, highway capacity, and signal warrant analysis; recommendations of road improvements necessary to meet various Adequate Public Facility criteria and leading negotiations with government agencies to secure waivers for Adequate Public Facilities legislation. Design and preparation of traffic signal, maintenance of traffic, pavement marking, and road improvement concept plans. Preparation of technical and price proposals.

December 1989 – January 1993

Ronald W. Johnson Associates, Inc.
2661 Riva Road, Suite 420
Annapolis, MD 21401

Chief – Traffic Engineering Division

Started and developed the traffic engineering division at this consulting firm. Duties included: Directing the activities of the Traffic Engineering Division. Providing expert testimony at over 30 Special Exception, Rezoning, and Appeal cases. Development of more than 130 feasibility and Traffic Impact Studies. Design and preparation of traffic signal designs, maintenance of traffic, and road improvement concept plans.

December 1986 – November 1989

Anne Arundel County
Department of Public Works
Traffic Engineering Division
Annapolis, MD 21401

Traffic Engineer III and IV

Supervised the daily operations of the Development and Operation Section of the Traffic Engineering Division. This included full responsibility for reviewing and recommending approval or denial of Rezoning and Special Exception cases, subdivisions, and building permit applications. Supervised the activity of three engineers, seven traffic analysts. Duties included traffic control design and implementation throughout the County, for example traffic control design for the Baltimore & Annapolis Hiker/Biker trail.

July 1984 – December 1986

Maryland State Highway Administration
District #5 Office
Annapolis, MD 21401

Traffic Engineer III

Duties included traffic signal design, construction inspection, and conducting various traffic engineering studies in order to make recommendations to the District Traffic Engineers.

May 1981 – July 1984

Maryland State Highway Administration
Office of Traffic and Safety
Hanover, MD 21076

Traffic Engineer I and II

Duties included developing signal design and signalization plans, reviewing signal design plans submitted by consultants, and developing equipment and construction design specifications. The development of traffic signal and traffic signal system timing often required the consideration of pedestrians and bicycle routes throughout the major highway system.

EDUCATION

Baltimore Polytechnic Institute, 1976 graduate

Essex Community College, 1976 – 1978

University of Maryland, 1981 graduate
Bachelor of Science – Civil Engineering

Various Continuing Education courses in the traffic engineering and highway design field.

PUBLICATIONS

Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety

AFFILIATIONS

Institute of Transportation Engineers, 1985 – Present

National Federation of Independent Businesses, 1993 – Present

Accepted as an expert in the traffic engineering field in the following jurisdictions:

Baltimore City
City of Annapolis
City of Elkton
City of Frederick
City of Salisbury
Town of Bel Air
Town of Bowie
Town of Easton
Anne Arundel County
Baltimore County
Calvert County
Caroline County
Carroll County
Cecil County
Charles County
Frederick County
Harford County
Howard County
Kent County
Prince George's County
Queen Anne's County
St. Mary's
Talbot County

REFERENCES:

Mr. Harry Blumenthal
Blumenthal & Delavan, P.A.
170 Jennifer Road, Suite 240
P.O. Box 868
Annapolis, MD 21401-6484
(410) 573-2900

Alan Hyatt
Hyatt, Peters & Weber
1919 West Street
Annapolis, MD 21401
(410) 266-0626

Mr. Gary Westholm
Powell and Westholm, Inc.
2661 Riva Road, Suite 300
Annapolis, MD 21401
(410) 974-6850

Lawrence Elliott
MSHA – District 5
138 Defense Highway
Annapolis, MD 21401
(410) 841-5450

Pet. Ex. #7

PEAK HOUR TURNING MOVEMENT COUNT

INTERSECTION: MD 30 @ OLD HANOVER ROAD **COUNTY:** BALTIMORE

COUNT BY: M. METTLE **DATE:** FEBRUARY 11,2004

WEATHER: CLEAR **DAY:** WEDNESDAY

	MD 30 NORTHBOUND			MD 30 SOUTHBOUND			GLEN FALLS RD. EASTBOUND			OLD HANOVER RD. WESTBOUND			
TIME	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	TOTAL
AM													
7:00-7:15	3	44	1	0	291	0	1	1	11	8	0	0	360
7:15-7:30	0	61	3	2	325	1	1	1	12	15	0	1	422
7:30-7:45	1	66	3	4	286	1	0	0	13	10	0	2	386
7:45-8:00	1	75	10	1	265	1	2	2	16	7	0	1	381
8:00-8:15	2	73	5	1	251	0	1	0	5	11	0	2	351
8:15-8:30	1	72	4	0	211	0	0	1	5	8	0	1	303
8:30-8:45	7	88	7	2	214	1	0	1	6	5	1	1	333
8:45-9:00	3	77	4	0	176	0	1	1	10	8	0	0	280
9:00-9:15	4	68	5	0	124	1	0	0	5	5	0	0	212
9:15-9:30	4	69	3	0	140	4	1	0	5	5	1	1	233
PEAK HR 7:00-8:00 TOTALS	5	246	17	7	1167	3	4	4	52	40	0	4	
PM													
2:00-2:15	2	87	1	0	83	0	1	1	5	3	0	0	183
2:15-2:30	4	122	3	1	78	0	0	0	6	7	0	1	222
2:30-2:45	5	148	9	0	81	1	0	0	6	5	2	0	257
2:45-3:00	1	150	10	1	73	0	0	0	2	6	1	2	246
3:00-3:15	6	184	7	0	97	3	1	1	9	5	0	1	314
3:15-3:30	8	207	9	2	89	0	2	1	5	4	0	0	327
3:30-3:45	8	203	15	0	109	1	1	0	4	7	0	0	348
3:45-4:00	8	217	11	0	124	0	1	0	4	4	0	1	370
4:00-4:15	10	176	7	2	91	3	0	1	4	7	5	5	311
4:15-4:30	5	218	17	1	89	1	3	1	7	4	0	0	346
4:30-4:45	5	225	14	0	89	0	0	0	4	3	0	1	341
4:45-5:00	4	248	14	0	89	1	0	0	2	5	2	3	368
5:00-5:15	9	248	9	2	82	2	2	1	1	2	0	3	361
5:15-5:30	5	286	12	0	103	0	3	0	4	4	0	0	417
5:30-5:45	11	224	14	0	67	2	0	0	4	5	0	3	330
5:45-6:00	12	250	14	0	61	1	0	0	6	11	1	0	356
PEAK HR 4:30-5:30 TOTALS	23	1007	49	2	363	3	5	1	11	14	2	7	

TRAFFIC CONCEPTS, INC.
325 GAMBRILLS ROAD, SUITE E
GAMBRILLS, MARYLAND 21054
(410) 923-7101
FAX (410) 923-6473

M:\03-1308\count3

Land Use: 536
Private School (K–12)

Description

Private schools in this land use primarily serve students attending kindergarten through the 12th grade, but may also include those beginning with pre–K classes. These schools may also offer extended care and day care. Students may travel a long distance to get to private schools. Elementary school (Land Use 520), middle school/junior high school (Land Use 522), high school (Land Use 530) and private school—K–8 (Land Use 534) are related uses.

Additional Data

Some of the schools included in this land use provided bus service. One study reported that carpooling was used instead of bus service.

Peak hours of the generator—

The weekday a.m. peak hour of the generator typically coincided with the peak hour of the adjacent street traffic; therefore, only one a.m. peak hour, which represents both the peak hour of the generator and the peak hour of the adjacent street traffic, is displayed. The weekday p.m. peak hour varied between 2:30 p.m. and 4:00 p.m.

The sites were surveyed from the 1980s to the 2000s in Delaware, Florida, Maryland, Oregon and Washington.

Source Numbers

283, 355, 370, 536, 571

Millenium School
Summary of Trip Generation Calculation
For 156 Students of Private School (K-12)
March 01, 2004

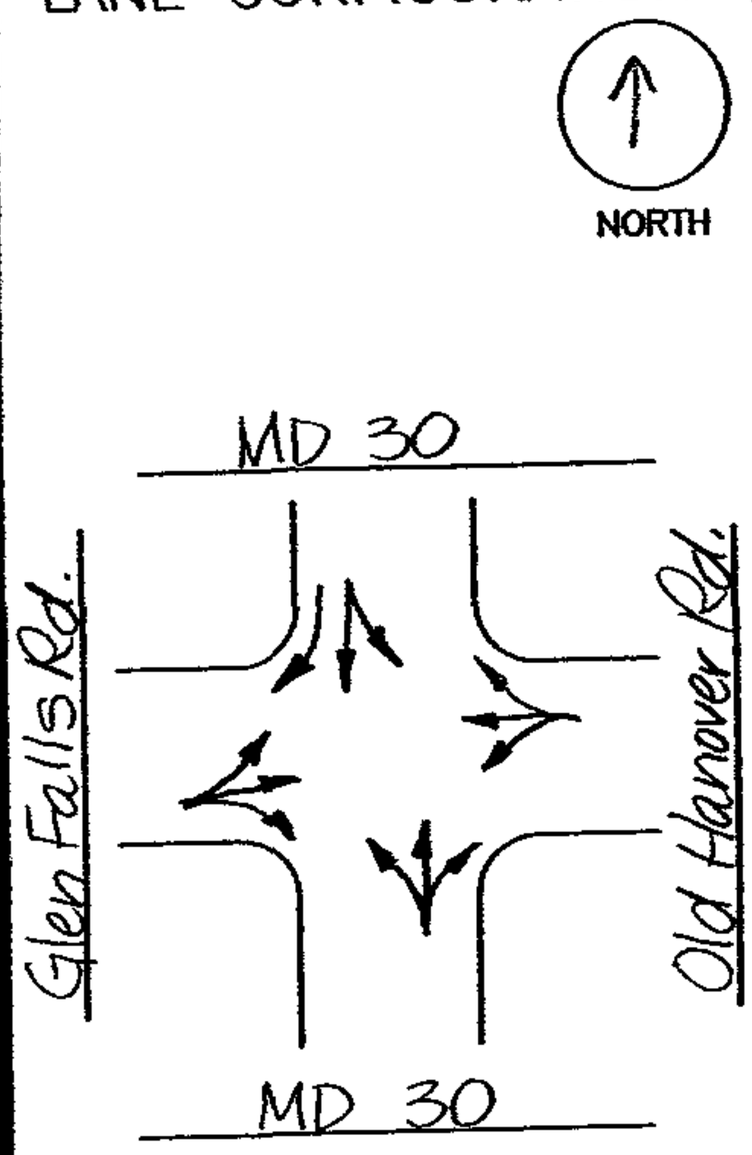
	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	2.48	0.00	1.00	387
7-9 AM Peak Hour Enter	0.48	0.00	1.00	75
7-9 AM Peak Hour Exit	0.31	0.00	1.00	48
7-9 AM Peak Hour Total	0.79	0.90	1.00	123
4-6 PM Peak Hour Enter	0.07	0.00	1.00	11
4-6 PM Peak Hour Exit	0.10	0.00	1.00	16
4-6 PM Peak Hour Total	0.17	0.41	1.00	27
AM Pk Hr, Generator, Enter	0.48	0.00	1.00	75
AM Pk Hr, Generator, Exit	0.31	0.00	1.00	48
AM Pk Hr, Generator, Total	0.79	0.90	1.00	123
PM Pk Hr, Generator, Enter	0.23	0.00	1.00	36
PM Pk Hr, Generator, Exit	0.32	0.00	1.00	50
PM Pk Hr, Generator, Total	0.55	0.74	1.00	86
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0
Sunday 2-Way Volume	0.00	0.00	1.00	0
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

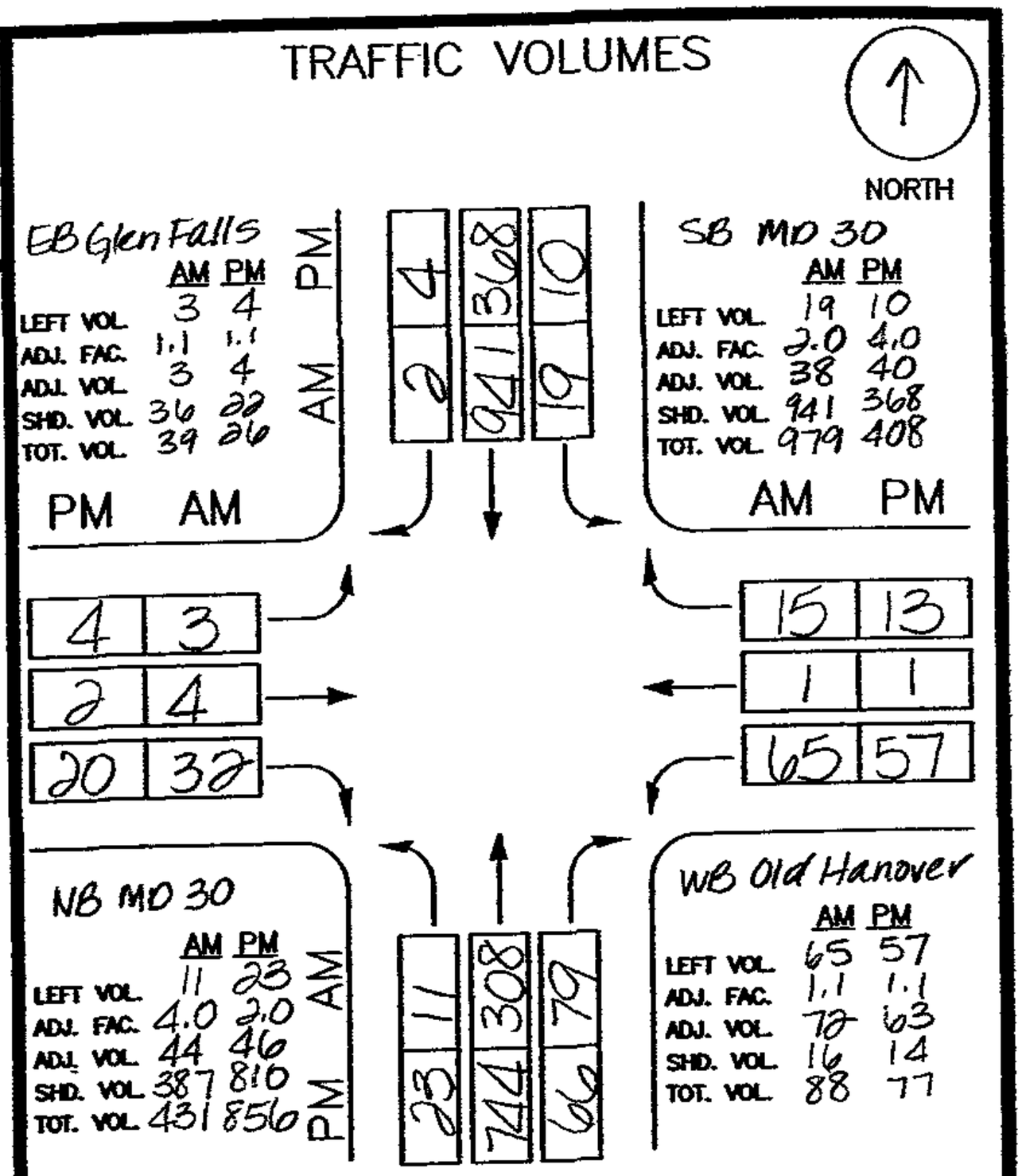
TRIP GENERATION BY MICROTRANS

TRAFFIC CONCEPTS, Inc.

LANE CONFIGURATION



TRAFFIC VOLUMES



AM - 7:45-8:45 PM - 2:45-3:45

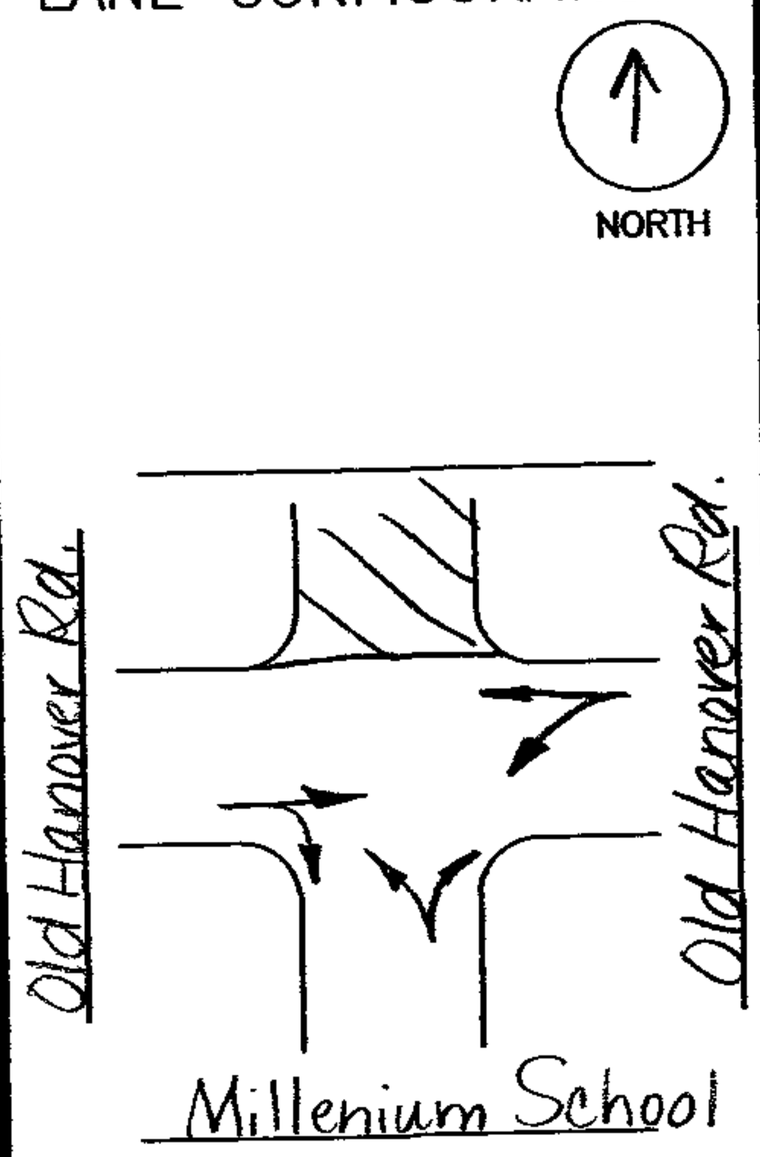
		TOTAL VOLUME * LUF + OPPOSING LEFTS * LUF =	CRITICAL LANE VOLUME	LEVEL OF SERVICE
AM	NB	431 * 1.0 + 19 * 1.0	450	
	SB	979 * 1.0 + 11 * 1.0	990*	
	EB	39 * 1.0 + 65 * 1.0	104*	B
	WB	88 * 1.0 + 3 * 1.0	91	1094
PM	NB	856 * 1.0 + 10 * 1.0	866*	
	SB	408 * 1.0 + 23 * 1.0	431	
	EB	26 * 1.0 + 57 * 1.0	83*	A
	WB	77 * 1.0 + 4 * 1.0	81	949

CRITICAL LANE ANALYSIS

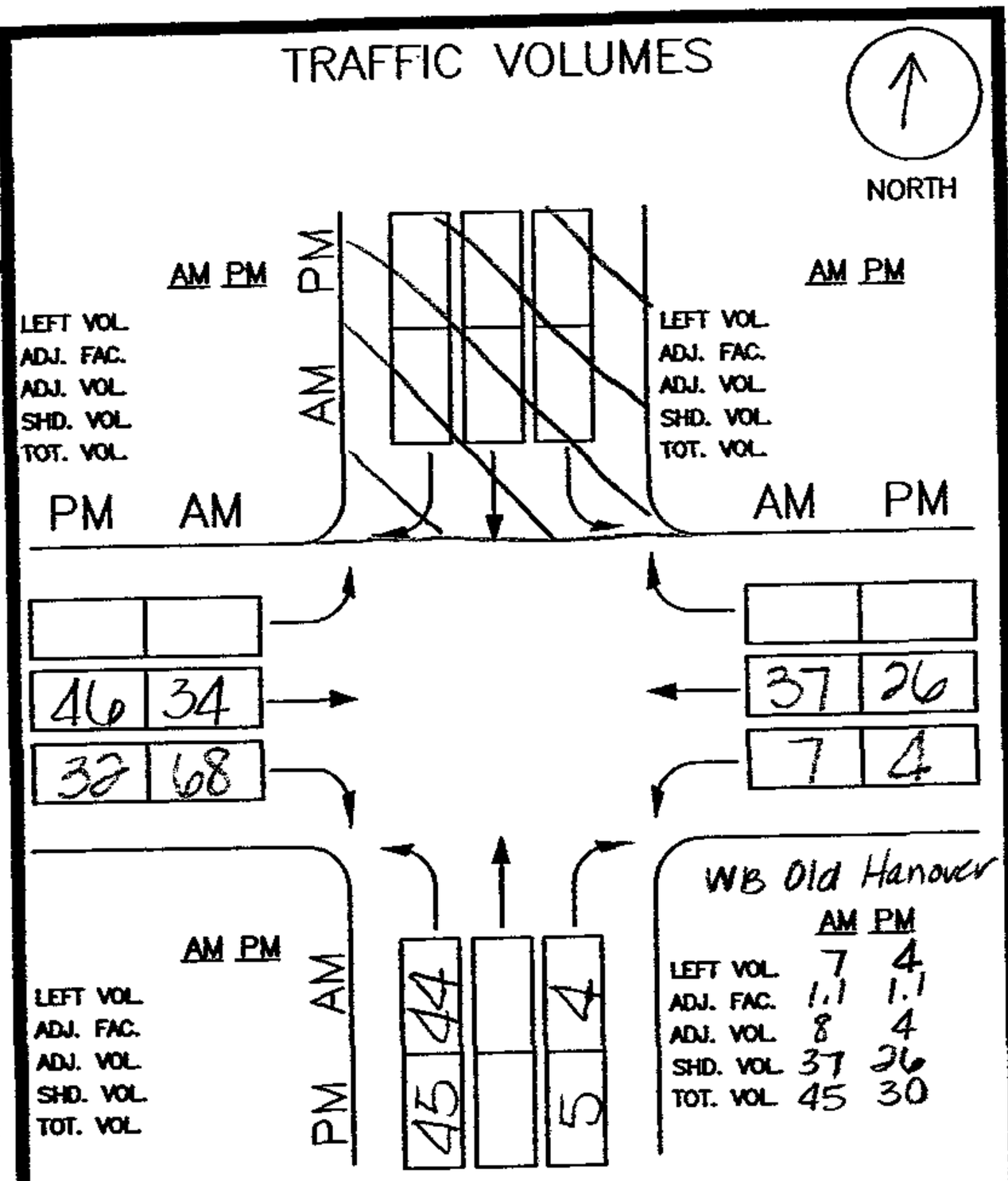
Prepared By: J. Hohman Condition: Future (w/school)

TRAFFIC CONCEPTS, Inc.

LANE CONFIGURATION



TRAFFIC VOLUMES



AM- 7:45-8:45 PM- 2:45-3:45

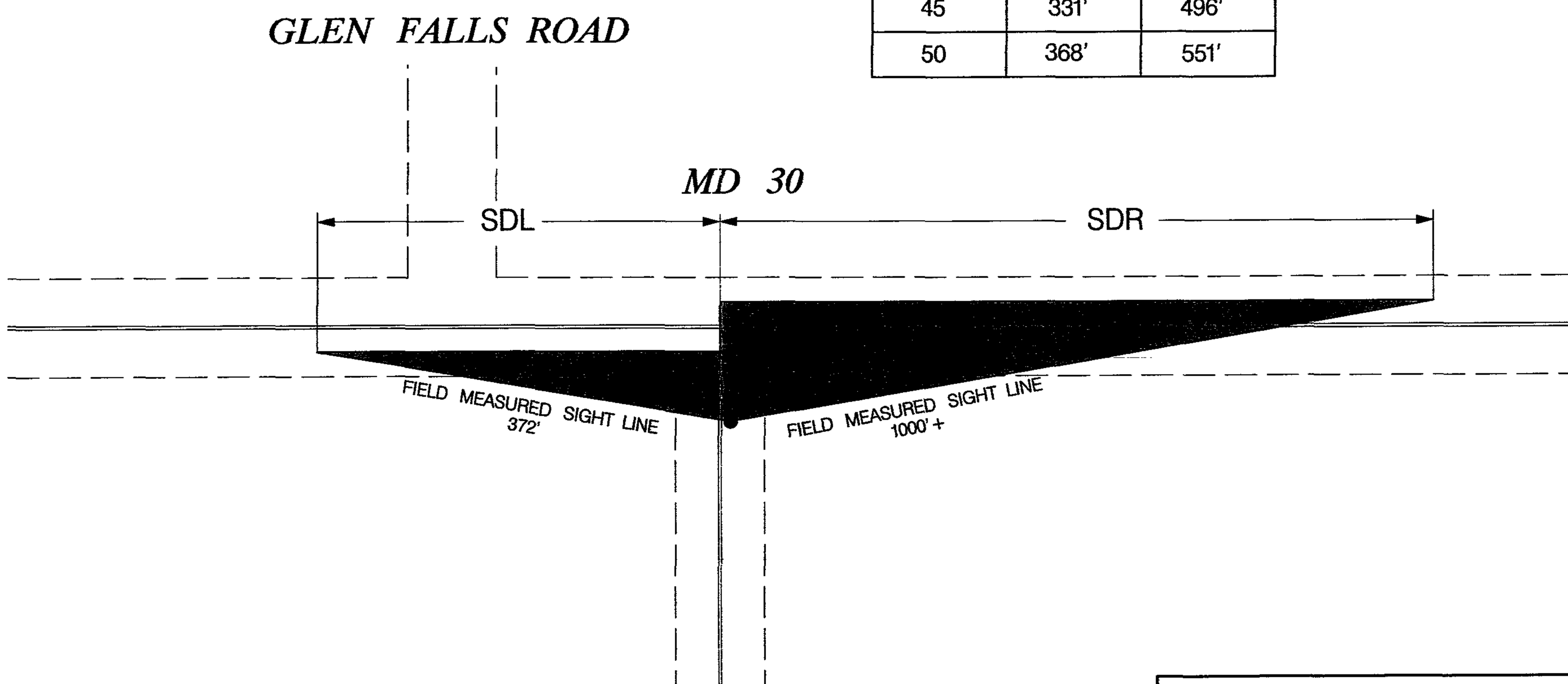
		TOTAL VOLUME * LUF + OPPOSING LEFTS * LUF =	CRITICAL LANE VOLUME	LEVEL OF SERVICE
AM	NB	(44 + 4) * 1.0	48*	
	SB	–	–	
	EB	(34+68) * 1.0 + 7 * 1.0	109*	A
	WB	45 * 1.0	45	157
PM	NB	(45+5) * 1.0	50*	
	SB	–	–	
	EB	(46+32) * 1.0 + 4 * 1.0	82*	A
	WB	30 * 1.0	30	132

CRITICAL LANE ANALYSIS

Prepared By: J. Hohman Condition: Future (w/school)

Pet. Ex. #9

SIGHT DISTANCE REQUIRED (FOR LEFT TURN)		
SPEED (MPH)	SDL	SDR
35	257'	386'
40	294'	441'
45	331'	496'
50	368'	551'



SIGHT DISTANCE

MD 30 AND OLD HANOVER ROAD

BALTIMORE COUNTY

FEB, 2004 *SCALE: NONE*

M:\1300\03-1308\sitedistance.dgn Mar. 01, 2004 14:08:07

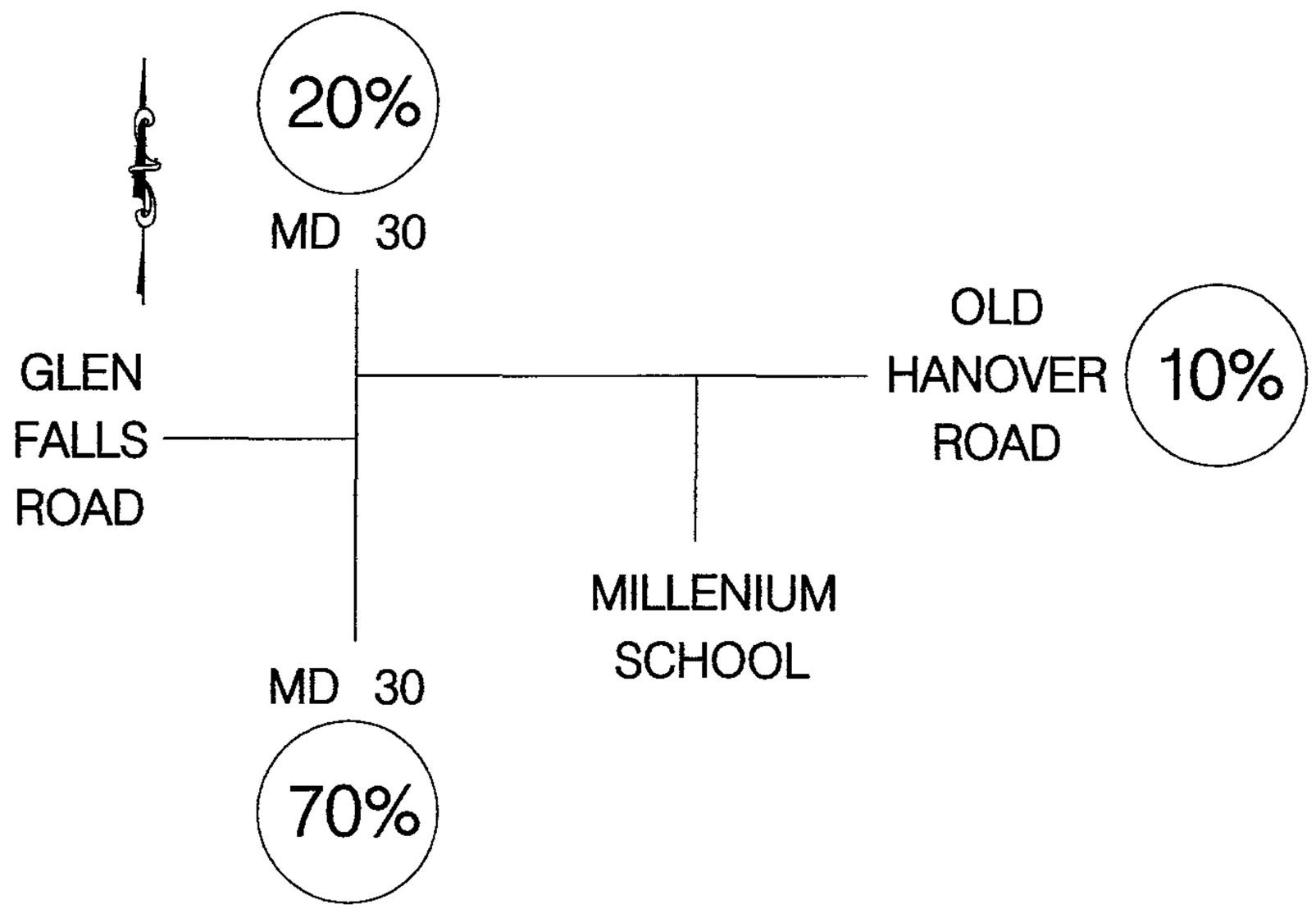
Pet. Ex. #8

TRIP GENERATION

	AM* IN	AM* OUT	PM* IN	PM* OUT	ADT
PRIVATE SCHOOL					
PER STUDENT	0.48	0.31	0.23	0.32	2.48
156 STUDENTS	75	48	36	50	387

*INDICATES PEAK HOUR OF THE GENERATOR RATES AM PEAK 7:45–8:45 PM PEAK 2:45–3:45

TRIP DISTRIBUTION



CRITICAL LANE ANALYSIS

FUTURE VOLUMES WITH MILLENIUM SCHOOL

	AM CLV(LOS)	PM CLV(LOS)
MD 30 @ OLD HANOVER ROAD/ GLEN FALLS ROAD	1094(B)	949(A)
OLD HANOVER ROAD @ SITE ACCESS	157(A)	132(A)

CLV – CRITICAL LANE VOLUME

LOS – LEVEL OF SERVICE

Pet. Ex. #10

GAP STUDY

	AVAILABLE GAPS			
	7–10* SECONDS	11–14** SECONDS	15–18*** SECONDS	19&ABOVE**** SECONDS
7:45 – 8:45 AM	55	31	21	96
2:45 – 3:45 PM	74	57	54	121

*GAP IN 2-WAY TRAFFIC REQUIRED FOR A SINGLE VEHICLE LEFT TURN FROM OLD HANOVER ROAD. (7–10 SECONDS)
**GAP IN 2-WAY TRAFFIC REQUIRED FOR 2 VEHICLES TO TURN LEFT FROM OLD HANOVER ROAD. (11–14 SECONDS)
***GAP IN 2-WAY TRAFFIC REQUIRED FOR 3 VEHICLES TO TURN LEFT FROM OLD HANOVER ROAD. (15–18 SECONDS)
****GAP IN 2-WAY TRAFFIC FOR 4 VEHICLES TO TURN LEFT FROM OLD HANOVER ROAD. (19 AND ABOVE SECONDS)

	LEFT TURN CAPACITY	FUTURE LEFT TURN DEMAND
7:45 – 8:45 AM	564	65
2:45 – 3:45 PM	834	57

Maryland State Highway Administration
Office of Traffic and Safety - Traffic Safety Analysis Division
SHA 52.1 ADC Combined Logmile History Output rev. 12/98-1

Name: Al Lewis
Date: 03/01/2004

Location: MD0030 @ Old Hanover Rd
County: Baltimore

Period. January 1, 2000 To Approx April 2003

Logmile: 002.53 At 000.00 Radius: 200 ft
Note(s):

LOGMILE	IR	DATE	SEVERITY	TIME	LIGHT	SUR FACE	ALC	FX OB	CLSN TYPE	MOVE V1 V2	PROBABLE CAUSE
MD0030											
2.51		082400	1 Inj.	6A	DAY	DRY		02	FXOBJ	NS ss	FELL ASLEEP, FAINTED, ETC.
2.51	✓	092902	PROPERTY	9P	NIGHT	DRY			OTHER	UU NS	FAIL TO OBSV STOP SIGN
2.52		102501	PROPERTY	4P	DAY	DRY	✓	10	FXOBJ	NS ss	FAIL TO GIVE FULL TIME/ATTENT
2.53		110900	1X PI	9P	DAY	DRY			OPDIR	NS SS	FAIL TO KEEP RIGHT OF CENTER
2.53	✓	050603	2 Inj.	6A	DAY	WET			ANGLE	WL NS	FAIL TO YIELD RIGHT OF WAY

Pet. Ex. #11

FXOB (01)=Bridge (02)=Building (03)=Culver/Ditch (04)=Curb (05)=Guardrail/Barrier (06)=Embankment (07)=Fence
(08)=Light Pole (09)=Sign Post (10)=Other Pole (11)=Tree/Shrubbery (12)=Construc. Barrier (13)=Crash Attenuator

03/01/2004

Page No. 1

Report#	Route	L_Mile	Date	DA	Time	Junc	S	OK	OK	OI	PI	W	L	S	VN	V1V2	CT	FR	FO	D1D2	M1M2	PC	CD1CD2	CP1	PMV	TC	LN	CC
9104982	MD0030	2.51	08242000	5	08	01	2	0	0	1	0	01	01	02	01	08	17	09	02	01	01	06	01			N	NO	03
9108111	MD0030	2.53	11022000	5	14	01	5	1	0	2	0	01	01	02	02	0209	06	01	05	0102	0101	15	01	01		N	N1	03
7761359	MD0030	2.52	10252001	5	16	01	1	0	0	0	0	01	01	02	01	02	17	09	10	01	01	07	02			N	N1	03
8967582	MD0030	2.51	09092003	1	21	02	1	0	0	0	0	01	03	02	02	0220	99	01		9901	5901	12	99	01		N	N1	03
9672521	MD0030	2.53	05062003	3	06	02	4	0	0	2	0	03	01	01	03	2121	14	01	04	0401	1201	11	01	01		N	N1	03

Occupants Killed: 1 Occupants Injured: 5 Pedestrians Killed: 0 Pedestrians Injured: 0

Traffic Concepts, INC.
325 Gambrills Road
Suite E
Gambrills, MD 21054

13381B
MD 30
North Of Glen Falls Rd.
Date Printed: 01-Mar-04

Installed By: M.W.M
Weather: Clear
County: Baltimore
Comments: 07622a
NB, SB

Start	0	5	7	9	11	13	15	17	19	21	23	25	27	29
Time	4	6	8	10	12	14	16	18	20	22	24	26	28	9999
02/05/04	7	0	0	0	3	0	0	0	1	0	0	0	0	16
00:15	8	1	2	2	1	1	1	0	2	0	1	0	1	13
00:30	7	0	1	0	0	2	0	1	0	0	1	1	0	17
00:45	5	0	0	1	1	1	1	1	1	0	0	0	0	15
	27	1	3	3	5	4	2	2	4	0	2	1	1	61
01:00	3	0	0	1	1	0	0	0	0	0	0	0	0	10
01:15	3	0	1	1	1	0	0	1	1	0	0	1	0	16
01:30	2	0	1	0	0	0	0	0	0	0	0	0	0	15
01:45	3	0	0	0	0	0	0	0	0	0	0	1	0	10
	11	0	2	2	2	0	0	1	1	0	0	2	0	51
02:00	3	0	0	0	0	0	1	0	0	0	0	0	0	11
02:15	3	1	0	0	0	0	0	1	0	1	0	0	0	11
02:30	4	0	0	1	0	0	0	0	0	0	0	1	1	16
02:45	2	0	0	0	0	0	1	0	0	0	0	0	0	10
	12	1	0	1	0	0	2	1	0	1	0	1	1	48
03:00	3	1	0	0	0	0	1	0	0	1	0	0	0	14
03:15	6	1	1	1	0	0	1	0	0	0	0	0	0	14
03:30	7	1	1	0	2	2	0	0	2	0	1	0	0	21
03:45	15	2	2	0	0	0	1	2	0	0	1	0	0	20
	31	5	4	1	2	2	3	2	2	1	2	0	0	69
04:00	23	3	2	1	0	1	0	1	1	0	1	0	0	16
04:15	28	4	0	1	2	1	2	0	0	4	0	0	1	17
04:30	31	8	2	1	3	3	1	1	2	0	0	1	1	16
04:45	54	4	4	3	1	6	2	1	1	1	1	0	0	20
	136	19	8	6	6	11	5	3	4	5	2	1	2	69
05:00	138	15	3	4	0	1	1	1	3	1	2	3	1	14
05:15	154	10	5	3	1	5	6	2	0	1	2	0	1	13
05:30	189	13	9	6	4	3	2	2	2	0	1	2	2	11
05:45	247	19	9	1	1	2	3	0	0	1	1	0	0	14
	728	57	26	14	6	11	12	5	5	3	6	5	4	52
06:00	210	17	13	8	1	3	1	0	1	0	0	1	1	11
06:15	262	23	13	2	4	5	5	1	1	0	3	0	2	12
06:30	246	24	8	5	6	4	2	4	2	2	1	1	2	16
06:45	242	16	12	8	2	3	3	2	2	2	0	0	3	12
	960	80	46	23	13	15	11	7	6	4	4	2	8	51
07:00	273	18	12	5	2	0	6	2	3	1	3	3	3	9
07:15	262	18	11	7	3	1	2	1	1	1	1	2	2	10
07:30	272	25	11	4	3	4	2	5	1	2	2	0	1	10
07:45	205	21	7	6	4	3	3	4	1	1	1	0	1	18
	1012	82	41	22	12	8	13	12	6	5	7	5	7	47
AM 08:00	158	7	7	2	4	2	0	1	1	2	1	0	1	9
08:15	180	15	7	4	7	4	3	4	3	2	2	1	0	17
08:30	193	9	15	7	3	4	4	2	7	2	5	3	1	17
08:45	163	13	6	7	3	3	2	4	4	4	3	0	2	16
	694	44	35	20	17	13	9	11	15	10	11	4	4	59
09:00	130	14	4	8	5	8	4	4	1	4	3	2	0	17
09:15	85	13	7	4	4	7	5	8	3	6	2	3	1	18
09:30	110	7	8	7	7	9	2	2	3	7	6	4	3	18
09:45	90	10	11	11	5	4	2	4	6	2	3	5	2	21
	415	44	30	30	21	28	13	18	13	19	14	14	6	74
10:00	97	7	5	3	8	3	3	2	4	4	2	3	2	20
10:15	99	14	4	3	2	4	3	1	3	7	5	3	1	20
10:30	87	11	10	8	3	5	2	4	3	9	1	5	2	21
10:45	75	8	4	8	3	6	9	4	8	3	3	3	2	16
	358	40	23	22	16	18	17	11	18	23	11	14	7	77
11:00	84	9	3	5	5	3	3	4	3	6	4	3	4	19
11:15	96	10	11	5	7	5	6	1	4	4	0	3	1	18
11:30	76	15	6	3	4	6	5	3	1	2	2	1	2	23
11:45	82	9	3	2	4	2	3	3	4	1	1	1	0	25
	338	43	23	15	20	16	17	11	12	13	7	8	7	85
Total	4722	416	241	159	120	126	104	84	86	84	66	57	47	743

Pet. Ex. #12

Traffic Concepts, INC.
325 Gambrills Road
Suite E
Gambrills, MD 21054

13381B
MD 30
North Of Glen Falls Rd.
Date Printed: 01-Mar-04

Installed By: M.W.M
Weather: Clear
County: Baltimore
Comments: 07622a
NB, SB

Start	0	5	7	9	11	13	15	17	19	21	23	25	27	29
Time	4	6	8	10	12	14	16	18	20	22	24	26	28	9999
12 PM	71	9	11	9	7	6	4	5	7	0	2	1	1	20
12:15	82	7	3	4	2	2	1	7	1	4	4	2	4	26
12:30	94	8	11	3	7	3	4	1	4	5	4	2	1	19
12:45	81	9	0	5	3	1	2	2	2	5	1	6	3	26
	328	33	25	21	19	12	11	15	14	14	11	11	9	91
13:00	110	10	8	10	3	1	5	3	3	4	2	4	3	22
13:15	87	13	7	8	3	4	4	3	1	2	3	0	1	19
13:30	74	9	6	6	4	3	5	4	5	1	5	0	1	22
13:45	80	16	5	7	5	3	1	1	3	6	9	1	1	20
	351	48	26	31	15	11	15	11	12	13	19	5	6	83
14:00	127	10	10	7	7	4	4	2	3	5	3	4	2	18
14:15	128	14	8	8	7	5	4	4	2	7	5	1	2	18
14:30	127	12	9	9	6	4	7	5	5	2	0	1	0	19
14:45	148	10	9	7	7	5	10	7	0	3	5	7	5	12
	530	46	36	31	27	18	25	18	10	17	13	13	9	67
PM 15:00	139	14	11	4	10	6	11	2	7	3	6	4	1	14
15:15	163	16	12	8	8	4	12	3	2	2	6	2	0	18
15:30	182	11	13	10	8	9	5	4	4	2	1	2	2	13
15:45	131	11	10	4	3	3	5	3	5	0	0	0	1	9
	615	52	46	26	29	22	33	12	18	7	13	8	4	54
16:00	207	24	10	8	6	9	4	7	0	1	1	0	7	12
16:15	236	20	8	3	1	5	2	6	5	2	1	3	4	13
16:30	237	14	16	7	4	6	6	3	6	3	2	0	3	15
16:45	223	15	10	9	9	0	4	1	5	5	2	4	4	11
	903	73	44	27	20	20	16	17	16	11	6	7	18	51
17:00	236	23	15	10	3	2	4	3	4	6	4	4	1	11
17:15	255	29	12	2	6	5	3	5	0	1	5	3	4	11
17:30	206	29	13	4	3	3	7	6	0	7	1	8	0	13
17:45	190	25	5	4	4	4	3	7	2	2	2	2	1	13
	887	106	45	20	16	14	17	21	6	16	12	17	6	48
18:00	190	16	12	11	2	3	8	2	4	4	13	0	0	9
18:15	233	25	7	9	2	2	10	2	1	6	0	3	0	13
18:30	224	19	11	5	4	7	3	3	1	1	0	3	0	14
18:45	159	20	14	7	4	4	3	5	4	2	1	2	2	14
	806	80	44	32	12	16	24	12	10	13	14	8	2	50
19:00	137	12	10	8	3	2	5	1	3	2	3	1	0	17
19:15	81	10	9	9	4	4	4	5	2	3	3	2	4	15
19:30	90	3	15	5	4	1	7	3	1	2	3	2	2	18
19:45	83	12	8	7	4	2	2	6	2	4	3	1	3	17
	391	37	42	29	15	9	18	15	8	11	12	6	9	67
20:00	46	16	5	4	2	3	1	2	1	0	2	1	2	23
20:15	93	10	8	3	4	3	2	4	2	0	1	2	1	23
20:30	66	6	4	3	5	4	6	2	2	2	4	1	3	19
20:45	70	9	8	2	2	3	2	2	0	3	2	1	2	19
	275	41	25	12	13	13	11	10	5	5	9	5	8	84
21:00	58	5	5	3	2	4	4	4	1	4	1	0	1	22
21:15	49	8	2	2	2	4	2	0	1	2	3	2	0	26
21:30	36	8	5	5	0	2	4	4	2	5	3	1	1	19
21:45	36	9	5	2	4	5	1	3	1	2	2	1	3	18
	179	30	17	12	8	15	11	11	5	13	9	4	5	85
22:00	39	3	3	3	0	3	1	1	2	0	3	0	1	21
22:15	36	7	4	3	2	2	1	2	3	1	1	0	0	26
22:30	30	3	5	3	3	4	1	2	0	0	1	1	3	20
22:45	15	7	2	3	2	1	1	1	0	0	1	2	0	22
	120	20	14	12	7	10	4	6	5	1	6	3	4	89
23:00	18	3	2	1	1	3	1	2	0	0	0	3	0	21
23:15	15	3	0	2	3	3	2	1	2	0	0	2	0	23
23:30	14	3	0	3	1	1	4	0	1	2	1	1	1	19
23:45	7	0	3	2	0	2	1	0	0	0	2	1	1	24
	54	9	5	8	5	9	8	3	3	2	3	7	2	87
Total	5439	575	369	261	186	169	193	151	112	123	127	94	82	856
Grand Total	10161	991	610	420	306	295	297	235	198	207	193	151	129	1599

ROBERT W. SHEESLEY
ECO SENSE, INC.
8354 Chestnut Farm Lane
Ellicott City, Maryland 21043

BACKGROUND

Mr. Sheesley has over twenty nine years of experience in government, regulatory ,and permitting processes with a specialty in environmental matters. During the past eight years Mr. Sheesley has acted as a private consultant to real estate developers, banking institutions, and local and state governments providing assistance on land use issues, government regulation, permitting requirements and negotiation, environmental sanitation, and natural resource identification and characterization.

In most of the positions that Mr Sheesley has held, he was responsible for, or participated in, public forums, community involvement, consensus building, and working with many competing interests. Such involvement includes building a Department, establishing a regional solid waste recycling program, siting solid and hazardous waste facilities, establishing watershed management policy, alternative road and highway alignments, waterway dredging projects, and regional environmental management strategies.

QUALIFICATIONS

- Eight years as a private consultant.
- Over twenty nine years of experience in environmental protection and resource management.
- Proven skills in program planning, personnel supervision, and budget management.
- Demonstrated political interaction skills and consensus building.
- Skilled in legislative and regulatory processes.
- Skilled in effecting public participation, consensus building, addressing competing interests, conflict resolution, problem solving

GOVERNMENT AND REGULATORY EXPERIENCE

- Planned, developed, and administered the Baltimore County, Maryland Department of Environmental Protection and Resource Management.
- Coordinated the development of Baltimore County Programs in the following disciplines:

  Watershed Management
  Wetland Protection
  Coastal Waterway Improvement
  Groundwater Protection
  Forest Management Strategy
  Solid Waste Recycling
  Agricultural Protection
- In Howard County, Maryland, reorganized, staffed, and administered the Bureau of Environmental Health, Maryland Department of Health.
- President of the Maryland Conference of Environmental Health Directors Association (1984 - 1987).
- Coordinated statewide effort to provide consistency and standardization of local environmental health programs in the State of Maryland.
- Member, Governors Task Force:

  Maryland Non Tidal Wetlands Act;
  Forestry Management Regulation;
  Greenways Program.
- Member of the Board of Directors Chesapeake Bay Trust
- Member, Maryland Association of County's Subcommittees:

  Managing Municipal Sewage Sludge
  Maryland Solid Waste Regulation
- Member , Governor's Council on Toxic Substances (assisted the Deputy State Health Officer for Baltimore County.

PET EX 13

EDUCATION

B.S. Health and Biology, Towson State University, Towson, Md.

Master of Health Science, Environmental Sciences, Johns Hopkins University, School of Hygiene and Public Health, Baltimore, Md.

Master of Administrative Science, Johns Hopkins University, Homewood Campus, Baltimore, Md.

EMPLOYMENT HISTORY

Present: **Private Consultant,**
Performs consulting services related to government process; land use and construction issues; natural resource identification, value and function; environmental site assessments; stream restoration, watershed evaluation, storm water management and sediment control; addressing regulatory issues, alternative analysis, negotiation of permit conditions; site design; private sewage and water systems; waste management issues; groundwater contamination problems; project management, and dispute resolution

1987 - 1990: **Director,** Baltimore County Department of Environmental protection and Resource Management, Baltimore County, Maryland.

1984 - 1987: **Director,** Bureau of Environmental Health, Howard County, Md. Maryland State Department of Health.

1981 - 1984: **Chief,** Water Quality and Waste Management, Baltimore County Bureau of Environmental Service, Department of Health.

1979 - 1981: **Supervisor,** Land Development Review Section, Baltimore County Bureau of Environmental Services, Department of Health.

1970 - 1979: **Sanitarian,** Baltimore County Bureau of Environmental Services, Department of Health. Resolved community environmental health concerns, conducted assessments of private water and sewage systems, landfills, groundwater contamination problems, air pollution, food establishments, and land use issues; initiated regulatory action as required.

PROFESSIONAL REGISTRATION

Registered Sanitarian - State of Maryland
#197

2/27/2004

Pet. Ex. #14

WATER-BALANCE ASSESSMENTS FOR PROPOSED MILLENNIUM SCHOOL NEAR WOODENSBURG, BALITMORE COUNTY, MARYLAND

Described below are the pre-development water budget and the drought-year, post-development groundwater budget for the proposed Millennium School in western Baltimore County. The property lies within the watershed of an unnamed stream that discharges into Slade Run. Slade Run is a tributary of the Gunpowder Falls watershed.

Data from the table titled "Base Flow Hydrograph Separation Analyses", prepared by P A. Hammond (Maryland Department of the Environment, Water Management Administration) in 2001 were used in preparing the groundwater budget. More specifically, data reported by Hammond for the stream gauging station on Slade Run near Glyndon (USGS Gauging Station 01583000) in Baltimore County were used in the analysis.

Pre-Development Water Budget

The pre-development water budget is the condition currently existing on the Millennium property. The values are given in gallons per year (gpy).

The Millennium property that is being considered for development encompasses approximately 16.76 acres and has the following average annual pre-development water budget.

Annual Precipitation	20,980,300 gpy
Evaporation/Transpiration and Surface Runoff Loss	15,315,600 gpy
Groundwater Recharge	5,664,700 gpy

The annual average precipitation gain is the total amount of water entering the 16.76 acres via rainfall and snow-melt [46.1 inches/year (Period of Record is 1948-1980, Hammond, 2001)]. The evaporation/transpiration loss is the portion of the precipitation that returns to the atmosphere due to evaporation and transpiration by vegetation. Surface runoff is the annual precipitation that runs directly off the land surface and into streams during periods of rainfall and snowmelt. Surface runoff plus evaporation/transpiration equals 33.5 inches or 73% of total precipitation. The average annual groundwater recharge is 12.6 inches or 27% of total precipitation and is the precipitation that soaks into the ground and reaches the zone of water saturation. Essentially, all of the groundwater recharge flows slowly underground to streams and maintains the base flow of the streams.

Post Development Drought-Year Groundwater Budget

Described below is the drought-condition groundwater budget following full development of the 16.76-acre property. Drought conditions occur on the average of once every 10 years. The drought-year budget takes into account the loss of groundwater recharge due to diminished precipitation, the loss of recharge due to construction of impervious surfaces, the amount of ground water that is needed to maintain critical base flow in streams, the quantity of

ground water withdrawn from wells on the property, and the amount of extracted ground water that is returned to the groundwater system via the septic-system drain fields.

Pre-Development Drought Year Groundwater Recharge	+3,049,200 gpy
Drought-Year Loss due to impervious surfaces	-209,200 gpy
Ground Water Required to Maintain $7Q_{10}$ Stream Flow	-591,600 gpy
Withdrawal for Water Supply	-340,600 gpy
Return of Water Via Septic System	+272,400 gpy
Excess Ground Water	+2,180,200 gpy

The drought-year groundwater recharge lost due to development is 9.1 percent. Groundwater recharge through septic-system drain fields is estimated to be 80 percent of the average daily groundwater withdrawal from wells (W. Viessman and M. Hammer, "Water Supply and Pollution Control", Fourth Edition, 1985). The percent of drought-year groundwater recharge lost due to development is the sum of the loss due to impervious surfaces and well withdrawal minus the ground water returned through the septic system divided by the pre-development groundwater recharge multiplied by one hundred.

$$\left(\frac{209{,}200\,gpy + 68{,}200\,gpy}{3{,}049{,}200\,gpy}\right)100 = 9.1\%$$

During a drought, it is estimated that approximately 6.7 inches of precipitation becomes groundwater recharge (Hammond, 2001). Below is the calculation of the drought-year recharge.

$$\frac{6.7\,in./yr.}{12\,in./ft}(16.76\,ac.)(43{,}560\,sq.ft./ac.)(7.4805\,gal./cu.ft.) = 3{,}049{,}200\,gal./yr.$$

Impervious surfaces were estimated to be 1.15 acres of the 16.76-acre Millennium School property and includes 12,200 square feet of building footprints and approximately 38,000 square feet of paved roadway and parking spaces. Below is the calculation for the drought-year loss due to impervious surfaces. Not considered in the analysis was the stormwater that becomes groundwater recharge within the stormwater management structure or the recharge from stormwater that flows from impervious surfaces onto grassed areas.

$$\frac{6.7\,in./yr.}{12\,in./ft}(1.15\,ac.)(43{,}560\,sq.ft./ac.)(7.4805\,gal./cu.ft.) = 209{,}200\,gal./yr.$$

The annual groundwater recharge required to maintain the seven-day low stream flow occurring on the average of once every 10 years ($7Q_{10}$) in Slade Run is 1.3 inches (Hammond, 2001). The required total groundwater contribution from the Millennium property needed to maintain the critical base flow in streams is shown below.

$$\frac{1.3\,in./yr.}{12\,in./ft}(16.76\,ac.)(43{,}560\,sq.ft./ac.)(7.4805\,gal./cu.ft.) = 591{,}600\,gal./yr.$$

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CURRICULA VITAE
DAVID L. MARTIN, L.A.

Director of Land Planning / Landscape Architecture
George William Stephens, Jr. & Associates

Professional Registration: Landscape Architect
Maryland - No. 776
Pennsylvania - No. 573-E

Education:
The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:
American Society of Landscape Architects, Member
Urban Land Institute, Associate

Professional practice includes 33 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been qualified as an expert in land planning, site planning, and zoning cases in Baltimore County, Howard County, Harford County, Bel Air, Aberdeen, Havre de Grace, Perryville MD. and Federal District Court of Baltimore.

Principal duties for G. W. Stephens, Jr. & Assoc. include supervision of site development and land planning, zoning interpretation, community input meetings, development plans, special exception petitions, variance request petitions and landscape plan preparation.

Mr. Martin has practiced in Maryland, Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including; Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Mr. Martin has practiced in the Baltimore Metropolitan Region since 1987 and significant projects include: Hollywoods, Monmouth Meadows, Greenbriar, Guzzo Property, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitemarsh, New England Motor Freight Trucking Facility, Cedar Land Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, and Ashland Market Place.

Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County during the 1992, 1996, & 2000 processes and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Committee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development regulations.

Pet. #17

A POLICY on GEOMETRIC DESIGN of HIGHWAYS and STREETS

2001

Second Printing

American Association of State Highway and Transportation Officials
444 North Capitol Street, N.W., Suite 249
Washington, D.C. 20001
(202) 624-5800
www.transportation.org

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Foreword

As highway designers, highway engineers strive to provide for the needs of highway users while maintaining the integrity of the environment. Unique combinations of design requirements that are often conflicting result in unique solutions to the design problems. The guidance supplied by this text, *A Policy on Geometric Design of Highways and Streets*, is based on established practices and is supplemented by recent research. This text is also intended to form a comprehensive reference manual for assistance in administrative, planning, and educational efforts pertaining to design formulation.

Design values are presented in this document in both metric and U.S. customary units and were developed independently within each system. The relationship between the metric and U.S. customary values is neither an exact (soft) conversion nor a completely rationalized (hard) conversion. The metric values are those that would have been used had the policy been presented exclusively in metric units; the U.S. customary values are those that would have been used if the policy had been presented exclusively in U.S. customary units. Therefore, the user is advised to work entirely in one system and not attempt to convert directly between the two.

The fact that new design values are presented herein does not imply that existing streets and highways are unsafe, nor does it mandate the initiation of improvement projects. This publication is not intended as a policy for resurfacing, restoration, or rehabilitation (3R) projects. For projects of this type, where major revisions to horizontal or vertical curvature are not necessary or practical, existing design values may be retained. Specific site investigations and crash history analysis often indicate that the existing design features are performing in a satisfactory manner. The cost of full reconstruction for these facilities, particularly where major realignment is not needed, will often not be justified. Resurfacing, restoration, and rehabilitation projects enable highway agencies to improve highway safety by selectively upgrading existing highway and roadside features without the cost of full reconstruction. When designing 3R projects, the designer should refer to TRB Special Report 214, *Designing Safer Roads: Practices for Resurfacing, Restoration, and Rehabilitation* and related publications for guidance.

The intent of this policy is to provide guidance to the designer by referencing a recommended range of values for critical dimensions. It is not intended to be a detailed design manual that could supercede the need for the application of sound principles by the knowledgeable design professional. Sufficient flexibility is permitted to encourage independent designs tailored to particular situations. Minimum values are either given or implied by the lower value in a given range of values. The larger values within the ranges will normally be used where the social, economic, and environmental (S.E.E.) impacts are not critical.

The highway, vehicle, and individual users are all integral parts of transportation safety and efficiency. While this document primarily addresses geometric design issues, a properly equipped and maintained vehicle and reasonable and prudent performance by the user are also necessary for safe and efficient operation of the transportation facility.

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Guidelines for Traffic Impact Report/Studies

Maryland State Highway Administration Engineering Access Permits Division Guidelines for Traffic Impact Reports/Studies

The purpose of a Traffic Impact Study (TIS), prepared for submittal to the Maryland State Highway Administration (SHA), is to review impacts of the proposed development on the State Highway System, generally in conjunction with the issuance of an access permit. The evaluation should consider traffic capacity, signalization and safety issues. This report will be used to determine the needed improvements in the vicinity of the site access and provide data to the State (and local jurisdictions) on what off-site improvements need to be considered.

The following are intended as guidelines for preparing a traffic impact report for developments which will affect the State Highway system. Traffic reports prepared for the counties should include analyses consistent with these guidelines when state roadways are involved. Some counties have guidelines of their own and these are not intended to replace those guidelines, but rather supplement them.

A TIS may be required for any development that generates more than 50 peak hour trips. For any TIS prepared as a requirement of local jurisdiction guidelines, with a lower threshold, SHA would expect the report to conform to these guidelines when State highways are involved.

Once it is determined that an impact study is required, a scoping meeting may be held with the developer or his consultant and the appropriate representatives of the SHA and/or local jurisdiction. It will be the responsibility of the consultant to initiate this meeting, working through SHA's Engineering Access Permit Division (EAPD). The purpose of this meeting is to discuss site specific information concerning the development. All interested parties should receive copies of the minutes from this meeting.

The study area should generally be in accordance with Local Adequate Public Facilities Ordinance (APFO) guidelines which may be modified during the scoping meeting in consultation with SHA. In the absence of local guidelines, the network should be analyzed to the nearest signalized public street intersection in all directions from each access point; generally not greater than one mile from the access point(s).

An Impact Study Report should include the following information:

1. Table of Contents
2. Introduction
   - Explanation of Project/Purpose of Report
   - Area Map showing site location
3. Existing Conditions
   - Traffic counts & analysis
   - Existing Lane Configuration Sketch
4. Background Conditions, without site
   - Annual Growth in traffic to build year, if appropriate.
   - Traffic generated by other approved developments.
   - Background Analysis (Background Traffic = Existing Traffic + Growth in Existing Traffic + Approved Development)
   - Background analysis with approved/funded highway projects
5. Projected Conditions, with site
   - Traffic generated by the proposed development (i.e. site generated traffic) at build out, and/or at any significant stage of development.
   - Total Traffic Analysis (Total Traffic = Existing + Growth + Approved Development + Site Generated)
   - Analyze total traffic with improvements
6. Conclusions/Recommendations
   - Explain results of analysis
   - The consultant/developer shall suggest reasonable improvements to mitigate

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the site traffic impacts. (The Level-of-Service (LOS) standard that should be achieved at State intersections is "D".)

7. Appendix
   - All work sheets, traffic counts and pertinent correspondence

The following is a more detailed explanation of the various aspects involved in preparing the report:

1. Existing traffic
   - Traffic counts are to be performed at each intersection to be analyzed, if current turning movement counts are not available. The most recent traffic volume counts, whether by SHA, consultant or local jurisdiction, may be used for the study.
   - Counts should, as a rule, not be more than 1 year old from when the report is prepared. Counts between 1 and 3 years old may be used if factored to the current year. Counts older than 3 years will not be accepted.
   - Peak hour counts are acceptable at intersections, generally 7-9 AM and 4-6 PM.
   - Counts are not to be taken on State or Federal holidays.
   - The presence of schools in the area must be considered when determining the date of counts.
2. Analysis
   - All intersections will be analyzed using the SHA critical lane technique and factors as described in the Appendix No. 1 of these guidelines. In certain circumstances other methodologies, including the Highway Capacity Manual (HCM), might be appropriate to identify operational problems.
   - If required, link analyses will be performed using HCM procedures. Link analyses are appropriate in rural areas when there are no signalized intersections or stop signs on the road being analyzed within the study area. For a two lane roadway, SHA will accept a V/C ratio of up to .90 of the LOS "E" capacity.
   - For analysis of freeways and interchanges, including merge, diverge and weaving areas, the HCM will be used.
3. Trip Generation and Distribution
   - Local trip generation rates should be used. If local rates are not available, the latest ITE Trip Generation Rates should be used. In the event ITE does not address the development, or is of a limited sample size, studies of similar uses may be used. Documentation of these studies should be submitted for verification.
   - There must be some discussion of the assumptions behind the distribution of generated trips (both site and approved development). The methodology to be used should be discussed at the scoping meeting.
4. Growth in Existing Traffic
   - Growth in existing traffic is described as a factor representative of travel growth outside the study area. This factor should be applied to the existing through traffic, and appropriate turning movements, before approved development traffic is applied. The volume should be compounded to the reasonable build out years, typically 3-10 years, depending on the build out schedule. For developments with a build out of less than 3 years, growth in existing traffic need not be applied. If a local jurisdiction does not require growth in existing traffic, then this factor should not be applied.
5. Approved Development Traffic
   - Approved development traffic is described as traffic generated by all approved developments within the area at the time of the report preparation. These sites can be obtained from the County and should be documented in the TIS.
6. Background Analysis
   - Background analysis includes existing traffic, plus growth in existing traffic, plus approved development. This analysis should take into consideration all transportation improvements expected to be in place within the study area. These improvements should include those which are already programmed or bonded by the state, local jurisdiction or developer(s). These improvements should be documented in the TIS.
7. Projected Conditions
   - Site traffic is described as traffic which will be generated by the development.
   - Total traffic is to be calculated after the site traffic is projected.
   - After total traffic is developed, an analysis of traffic operations, with projected future roadway improvement in place (i.e. improvements addressed in the background analysis), is to be performed.
   - After the analysis of total traffic is completed, all intersections and/or links within the study area resulting in a Level-of-Service worse than "D" must be identified and improvement(s) recommended.
8. Conclusions/Recommendations
   - Any improvement suggested as being implemented by "others" should indicate by whom. If funded by a public agency (i.e. the SHA, the Consolidated Transportation Program (CTP) or local jurisdiction equivalent), then a copy of

SHA State Highway Administration Maryland Department of Transportation Driven to Excel

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APPENDIX 1

CAPACITY PROCEDURES INTERSECTIONS
CRITICAL LANE ANALYSIS

INTRODUCTION

This section describes the procedures for the capacity analysis of intersections. They include some revision but rely heavily on early work in this area by McInerney and Petersen, and later efforts by JHK and Associates and material contained in the 1985 HCM. The methodology described will fit most intersection configurations and can be varied easily for special situations and unusual conditions. This method applies at isolated intersections or any other location where the operation is not radically affected by adjacent traffic signals. Modifications to this procedure or use of methods suggested for arterials are required in those instances.

DATA REQUIRED

The following data is necessary to ensure reasonable results:

- intersection turning movement counts or projections
- intersection geometrics
- lane assignments
- special operating characteristics

Additional information may be needed at some sites such as:

- pedestrian timing
- typical queue length
- lengths of turn lanes
- offsets or clearance times from adjacent signals

The procedures are based on typically occurring situations subject to modification based on the data described above. Further adjustments are possible based on observed impacts of factors such as frequent bus stops, very large truck volumes, bikeway influences and so forth.

PROCEDURES

General Case

1. Enter the available data on the worksheet.
2. Utilizing the appropriate Lane Use Factors determine the critical lane volume which controls the green time required for each signal phase.

1. For a two-phase signal operation the opposing lefts are added to the factored thru/right lane volume. The assumption is made that although they move on the same phase as thru traffic these left turns required green time within the phase. Two-phase signals will be assumed except where existing phasing is different or double left/right turn lanes are being provided. An additional phase or phases must be included in the latter cases.
2. Each major movement occurring during the signal phase is calculated separately with the larger sum being noted as critical in controlling the time required for the phase.
3. Where left turn phasing includes no overlaps, the left turn and thru phases must be calculated separately.
4. Where left turn phasing includes overlaps with the thru movements the procedures will be the same as described above for each phase.

Land Use: 534
Private School (K–8)

Description

Private schools in this land use primarily serve students attending kindergarten through the eighth grade, but may also include students beginning with pre–K classes. These schools may also offer extended care and day care. Students may travel a long distance to get to private schools. Elementary school (Land Use 520), middle school/junior high school (Land Use 522), high school (Land Use 530) and private school—K–12 (Land Use 536) are related uses.

Additional Data

Peak hours of the generator—

The weekday a.m. peak hour of the generator typically coincided with the peak hour of the adjacent street traffic; therefore, only one a.m. peak hour, which represents both the peak hour of the generator and the peak hour of the adjacent street traffic, is displayed. The weekday p.m. peak hour varied between 2:00 p.m. and 4:00 p.m.

The sites were surveyed in the early 1990s and the 2000s in Florida, Maryland, Texas and Oregon.

Source Numbers

355, 444, 516, 536

pt 19A

Private School (K-8)
(534)

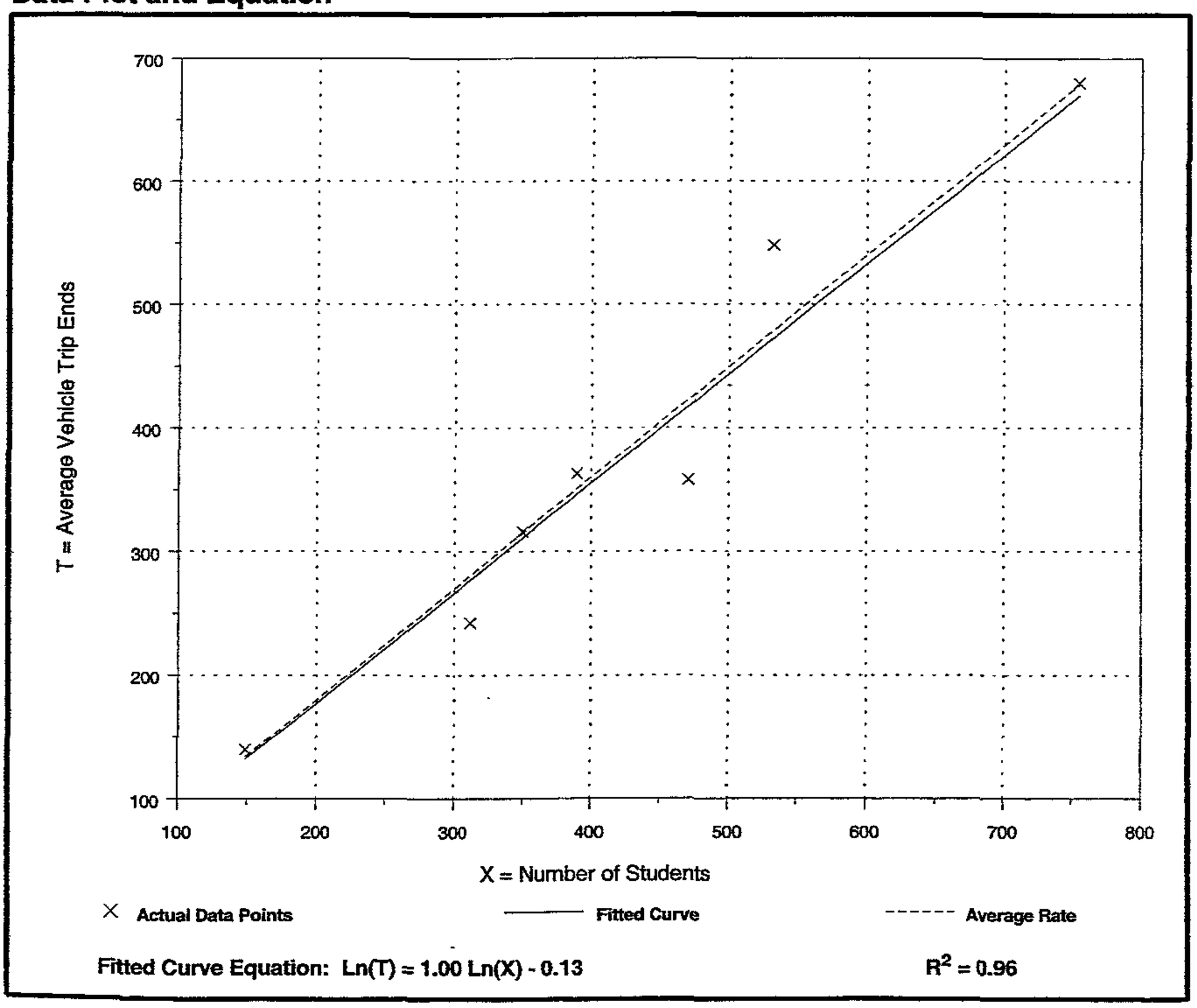
Average Vehicle Trip Ends vs: Students
On a: Weekday,
A.M. Peak Hour

Number of Studies: 7
Average Number of Students: 422
Directional Distribution: 55% entering, 45% exiting

Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.90	0.76 - 1.03	0.95

Data Plot and Equation



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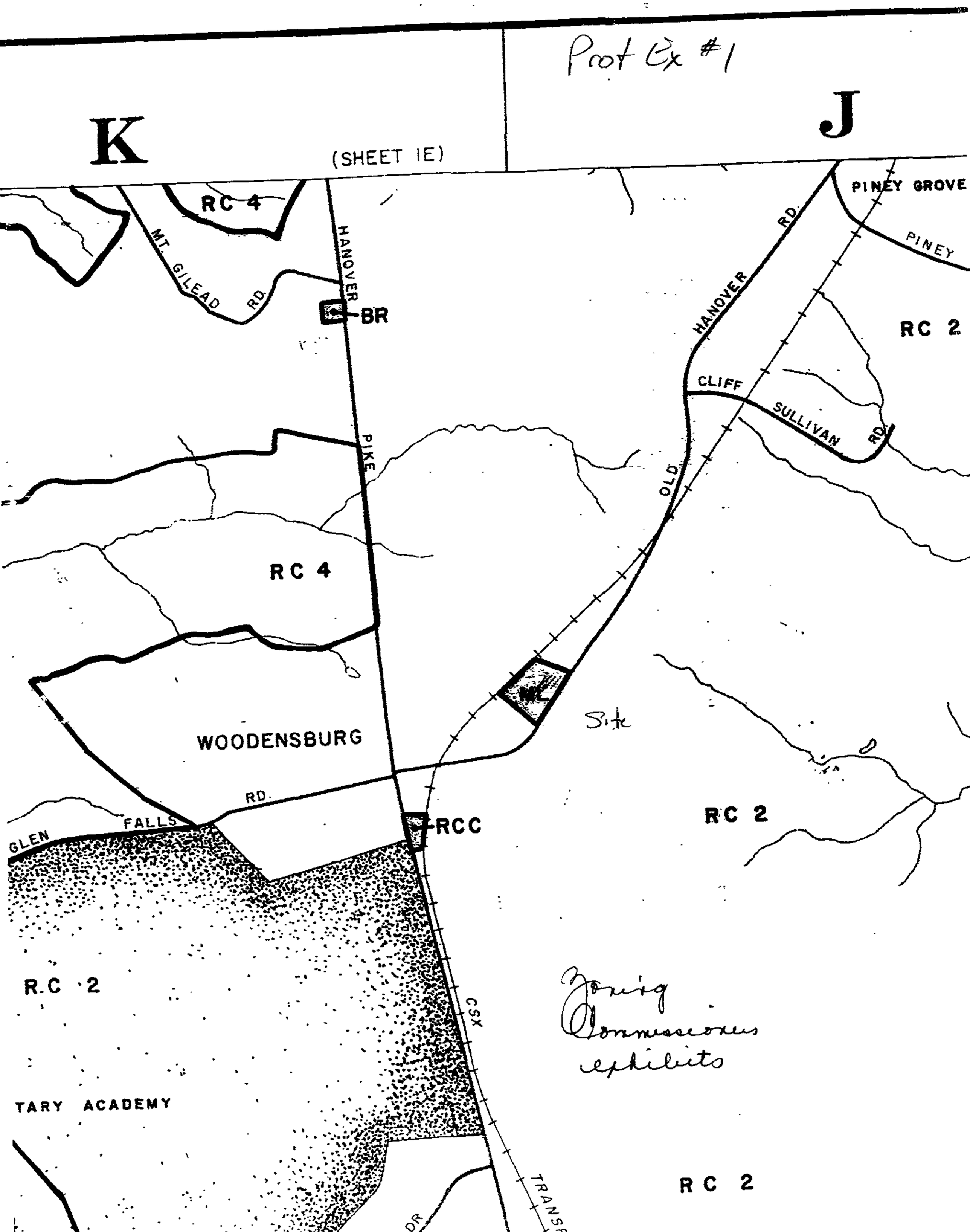
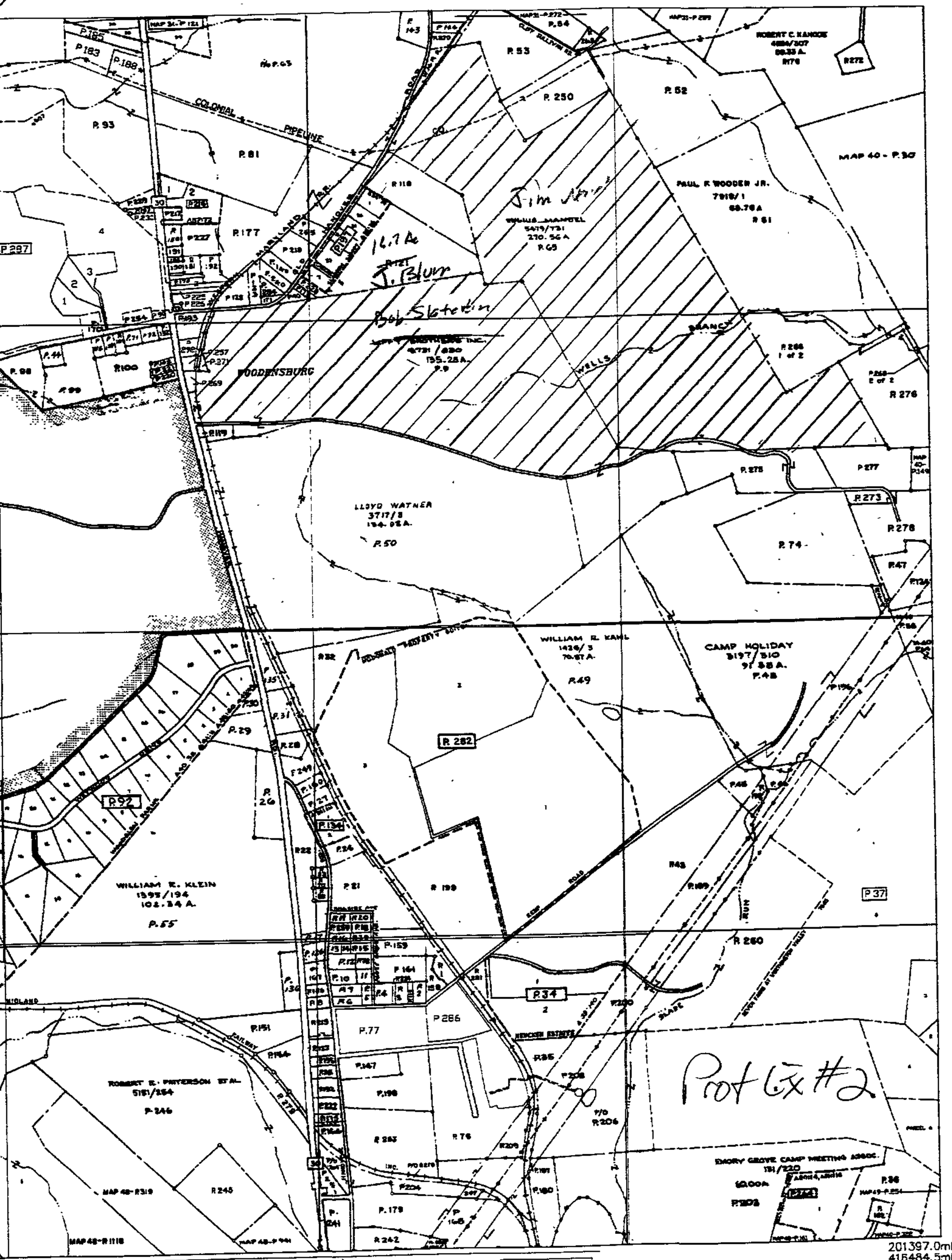
Prot Ex #1


K
J
(SHEET 1E)
RC 4
MT. GILEAD RD.
HANOVER
BR
PINEY GROVE
PINEY
HANOVER RD.
RC 2
CLIFF
SULLIVAN RD.
PIKE
OLD
RC 4
WOODENSBURG
Site
RD.
FALLS
GLEN
RCC
RC 2
R.C 2
CSX
Zoning Commission exhibits
TARY ACADEMY
RC 2
TRANSDR


COLONIAL PIPELINE
MARYLAND & PENNSYLVANIA R.R.
WOODENSBURG
WELLS BRANCH
LLOYD WATNER
3717/8
134.92 A.
P.50
WILLIAM R. KAHL
1426/3
70.87 A.
P.49
CAMP HOLIDAY
3197/310
91.88 A.
P.48
WILLIAM R. KLEIN
1395/194
102.34 A.
P.55
ROBERT E. PATTERSON ET AL
5151/154
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EMORY GROVE CAMP MEETING ASSOC.
131/220
60.00A
P.203
MAP 48-P.319
R 245
MAP 48-P.1118
MAP 48-P.941
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P.65
P.74
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P.276
P.277
P.273
P.278
P.275
P.118
P.143
P.54
MAP 40 - P.30
PAUL R. WOODER JR.
7919/1
68.78 A
R 51
ROBERT C. KANDOR
4884/307
R176
R272
Prof Ex #2
201397.0mN
416484.5mE
MARYLAND DEPARTMENT OF PLANNING
PROPERTY MAPPING SECTION
PROPERTY LINE
SUBDIVISION BOUNDARY
TOWN BOUNDARY
PRIVATE ROAD
STREAM LINE
CONTINUING OWNERSHIP
SCALE 1"=600' (RF 1:7200)
MDP
Maryland
Department of Planning
BALTIMORE COUNTY,
MARYLAND
MAP NO.
39
836-6
854
85'
603
606
609
612
600
(40)
(48)

Verified 3-09-04
Verified 3-02-04
Verified 6-09-04

Evidence for Peoples Council

✓✓✓ 1. Old Hanover Road Map
✓✓✓ 2. Soil Types Plat
✓✓✓ 3. a. Zoning Map 20 K
✓✓ b. Zoning Map 20 J
✓✓✓ 4. Tax Assessments
✓✓✓ 5. ADC Map
✓✓✓ 6. People's Counsel's Sign-In Sheet
✓✓ 7. A.D.C. Map w/ markings from Mr. Weber
✓✓ 8. 3-1-04 Gap Study by Mr. Weber
✓✓ 9. W/B Old Hanover Rd Delays at Hanover Pike
✓✓ 10. MUTCD 2000
✓✓ 11. Analysis of level of service computations
✓✓ 12. Curriculum Vita Jon A. Seitz, P.E.
✓✓ 13. Pictures of proposed site of Millenium School
✓✓ 14. Trip Generation, 7th Edition
✓✓ 15. Trip Generation Hand book
✗ ~~Policy on Geometric Design of Highways + Streets 2001~~
✓✓ 16. AASHTO Intersection Sight Distance Measurements
✓✓ 17. A Policy on Geometric Design of Highways + Streets 2001
✓✓ 18a. Transportation Resource Group, Inc. site code 2750101
✓✓ 18b. Tranportation Resource Group, Inc. site Code 2750102
✓✓ 19. Unsignalized Intersections Release 4.1d
✓ 20. AFADAVIT
✓ 20a VPC Inc.
✓ 21. Jack Dillon C.V.
✓ 22. 1000 ft scale titled "Reisterstown"
✓ 23. GIS Map produced 2-4-04
✓ 24. TAX Map 48
✓ 25. Hanover Pike Corridor Study
✓ 26 Master Plan 2010
✗ ~~27a-c~~ out
✗ ~~27D C-intarged~~ out
✓ 27 Updated Tax Map
✓ 28 ~~Hanover~~ Hanover Road Assoc. Inc. Rule 8

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search

STR

Account Identifier: **District -** 04 **Account Number -** 0419051452

Owner Information

Owner Name:	BLUM JAMES D,3RD BLUM GAYLE M	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	15272 DOVER RD REISTERSTOWN MD 21136-3882	**Deed Reference:**	1) /16502/ 352 2)

Location & Structure Information

Premises Address
OLD HANOVER RD

Zoning

Legal Description
16.72 AC SES
OLD HANOVER RD
2640 E WOODENSBURG

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
39	5	121						80	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		16.72 AC	05

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land:	5,590	6,270			
Improvements:	0	0			
Total:	5,590	6,270	6,042	6,270	
Preferential Land:	5,590	6,270	6,042	6,270	

Transfer Information

Seller: SMOOT CLAUSON G	**Date:** 06/12/2002	**Price:** $186,000	
Type: UNIMPROVED ARMS-LENGTH	**Deed1:** /16502/ 352	**Deed2:**	
Seller:	**Date:**	**Price:**	
Type:	**Deed1:**	**Deed2:**	
Seller:	**Date:**	**Price:**	
Type:	**Deed1:**	**Deed2:**	

Exemption Information

P.C. #4

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
AGRICULTURAL TRANSFER TAX

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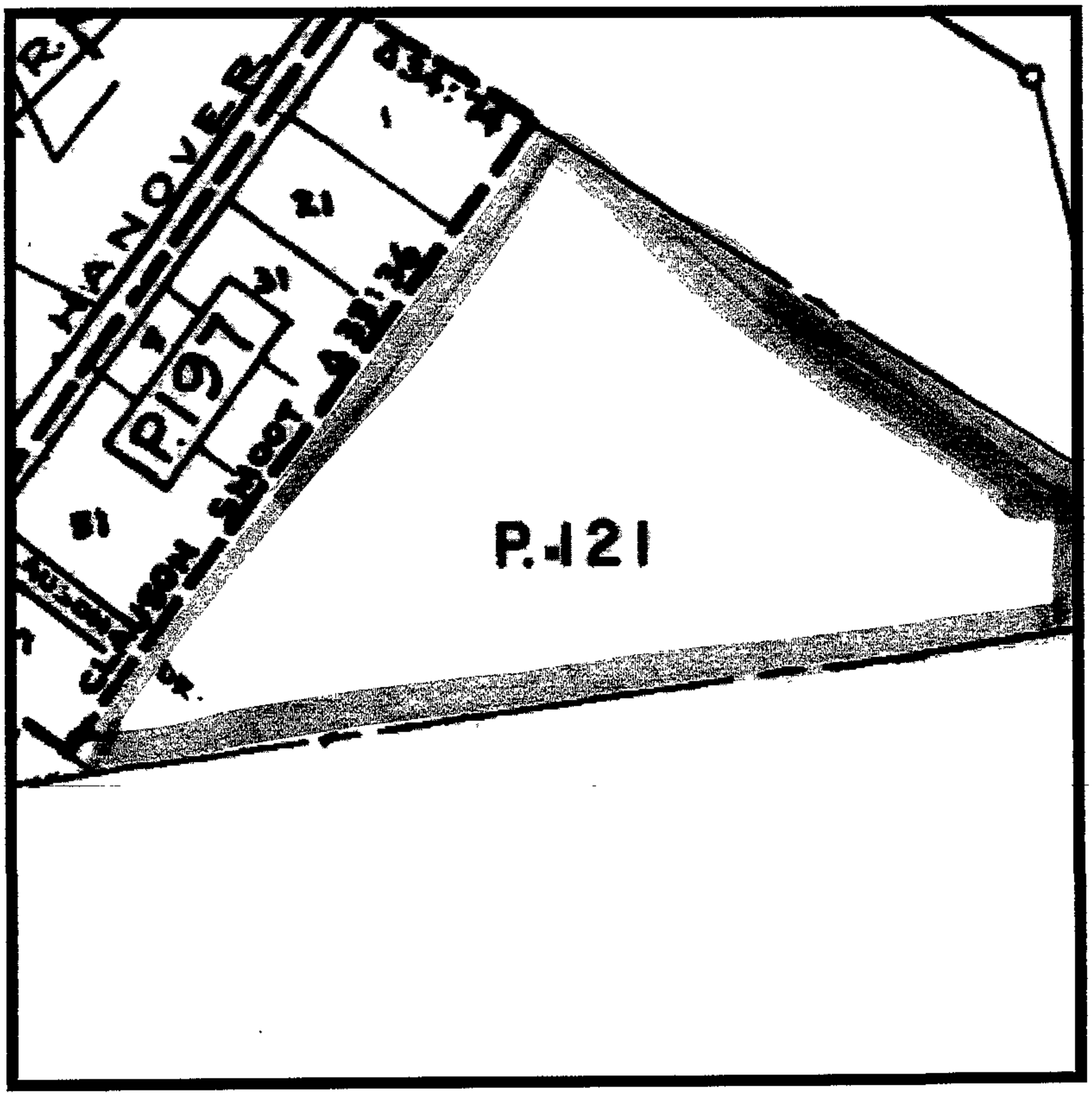
View Map
New Search

District - 04 **Account Number** - 0419051452



Property maps provided courtesy of the Maryland Department of Planning ©2001.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

P.C. #10

MUTCD 2000

Manual on Uniform Traffic Control Devices

millennium edition

December 2000

Errata No.1 dated June 14, 2001

An exact complete photo reprint plus addenda by
CLAITOR'S PUBLISHING DIVISION
P.O. Box 261333, Baton Rouge, LA 70826-1333
(800-274-1403 (in LA 225-344-0476)

e-mail: claitors@claitors.com
World Wide Web: http://www.claitors.com

Guidance:

The combination of Conditions A and B should be applied only after an adequate trial of other alternatives that could cause less delay and inconvenience to traffic has failed to solve the traffic problems.

Section 4C.03 Warrant 2, Four-Hour Vehicular Volume

Support:

The Four-Hour Vehicular Volume signal warrant conditions are intended to be applied where the volume of intersecting traffic is the principal reason to consider installing a traffic control signal.

Standard:

The need for a traffic control signal shall be considered if an engineering study finds that, for each of any 4 hours of an average day, the plotted points representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach (one direction only) all fall above the applicable curve in Figure 4C-1 for the existing combination of approach lanes. On the minor street, the higher volume shall not be required to be on the same approach during each of these 4 hours.

Option:

If the posted or statutory speed limit or the 85th-percentile speed on the major street exceeds 70 km/h (40 mph) or if the intersection lies within the built-up area of an isolated community having a population of less than 10,000, Figure 4C-2 may be used in place of Figure 4C-1.

Section 4C.04 Warrant 3, Peak Hour

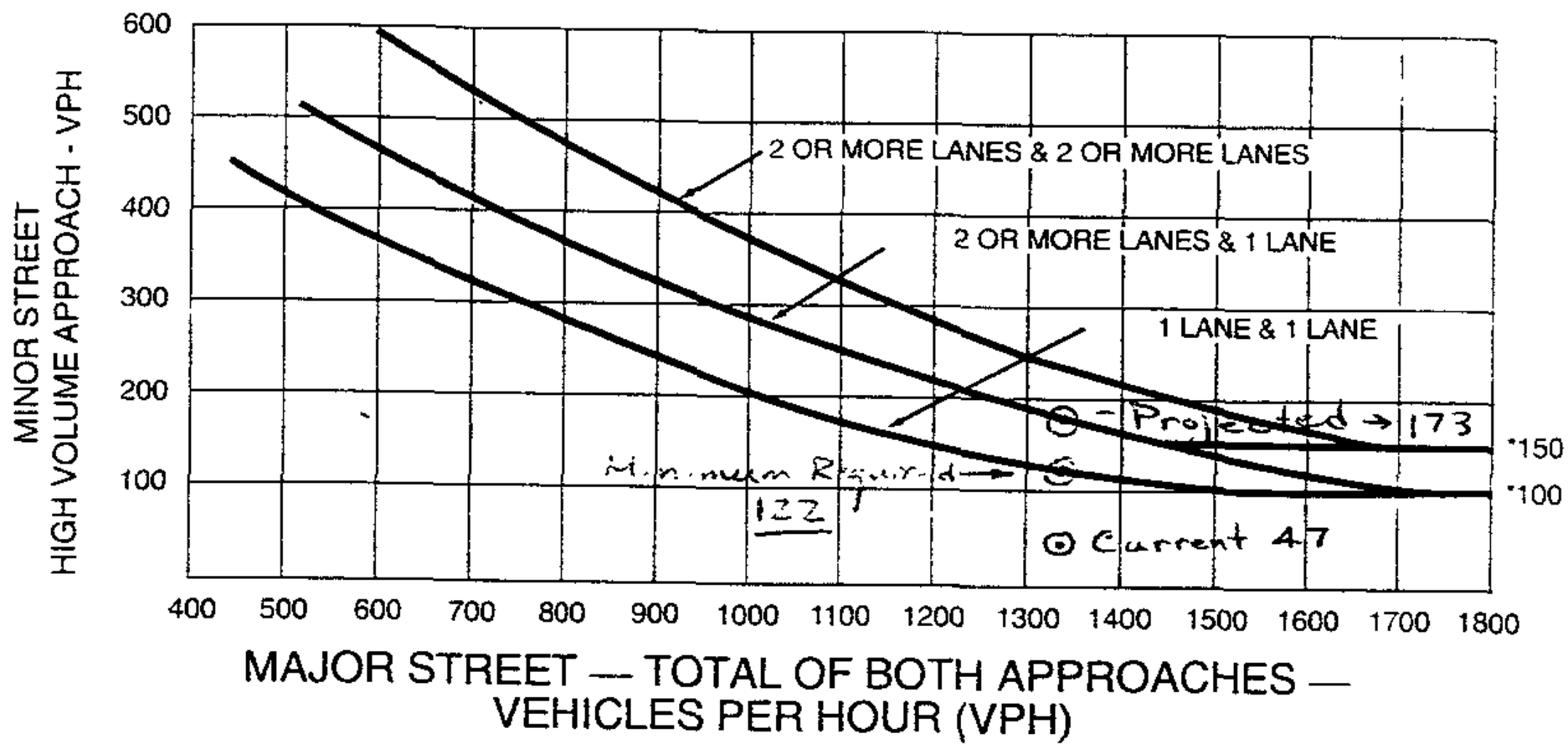
Support:

The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street.

Standard:

This signal warrant shall be applied only in unusual cases. Such cases include, but are not limited to, office complexes, manufacturing plants, industrial complexes, or high-occupancy vehicle facilities that attract or discharge large numbers of vehicles over a short time.

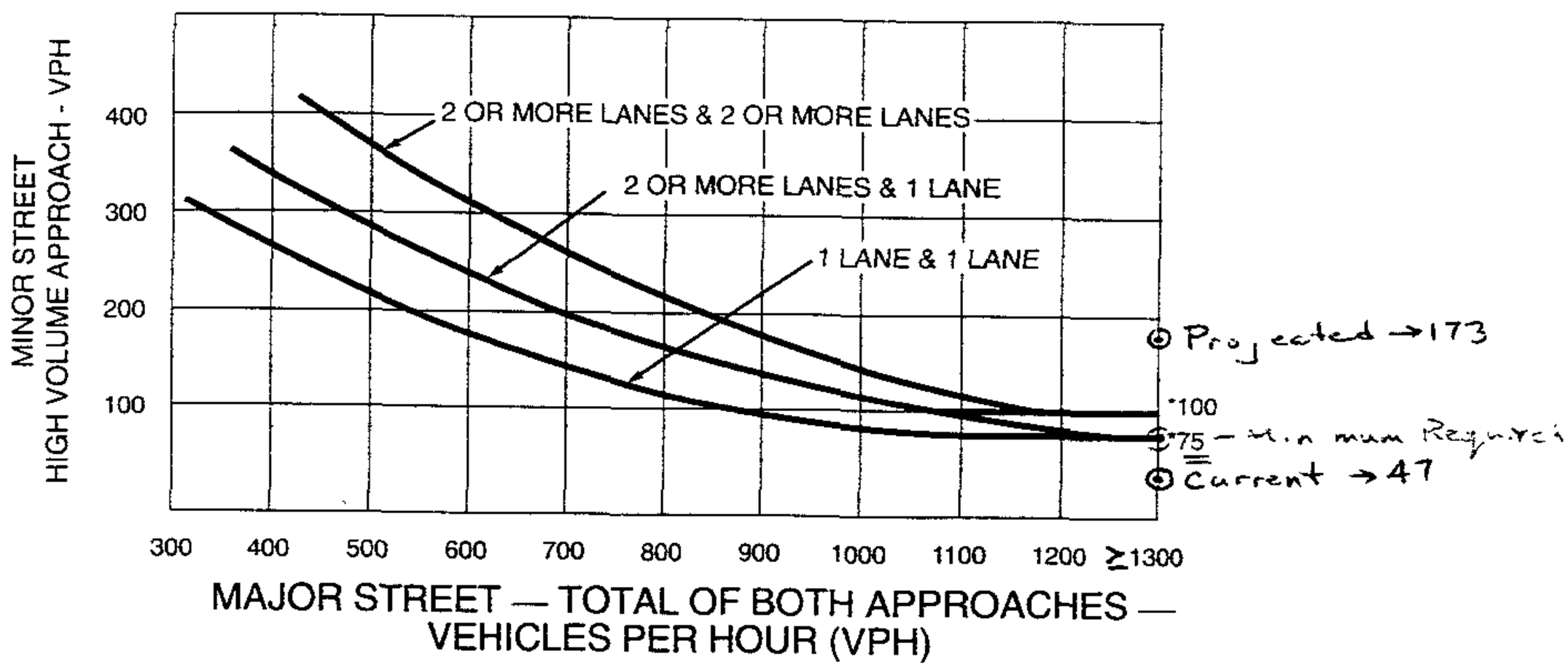
Figure 4C-3. Warrant 3, Peak Hour



*Note: 150 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor street approach with one lane.

Figure 4C-4. Warrant 3, Peak Hour (70% Factor)

(COMMUNITY LESS THAN 10,000 POPULATION OR ABOVE 70 km/h (40 mph) ON MAJOR STREET)



*Note: 100 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 75 vph applies as the lower threshold volume for a minor street approach with one lane.

The need for a traffic control signal shall be considered if an engineering study finds that the criteria in either of the following two categories are met:

A. If all three of the following conditions exist for the same 1 hour (any four consecutive 15-minute periods) of an average day:

1. The total stopped time delay experienced by the traffic on one minor-street approach (one direction only) controlled by a STOP sign equals or exceeds: 4 vehicle-hours for a one-lane approach; or 5 vehicle-hours for a two-lane approach, and

2. The volume on the same minor-street approach (one direction only) equals or exceeds 100 vehicles per hour for one moving lane of traffic or 150 vehicles per hour for two moving lanes, and

3. The total entering volume serviced during the hour equals or exceeds 650 vehicles per hour for intersections with three approaches or 800 vehicles per hour for intersections with four or more approaches.

B. The plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach (one direction only) for 1 hour (any four consecutive 15-minute periods) of an average day falls above the applicable curve in Figure 4C-3 for the existing combination of approach lanes.

Option:

If the posted or statutory speed limit or the 85th-percentile speed on the major street exceeds 70 km/h (40 mph), or if the intersection lies within the built-up area of an isolated community having a population of less than 10,000, Figure 4C-4 may be used in place of Figure 4C-3 to satisfy the criteria in the second category of the Standard.

Section 4C.05 Warrant 4, Pedestrian Volume

Support:

The Pedestrian Volume signal warrant is intended for application where the traffic volume on a major street is so heavy that pedestrians experience excessive delay in crossing the major street.

P.C. #11

ANALYSIS OF LEVEL OF SERVICE COMPUTATIONS FOR OLD HANOVER RD & HANOVER PIKE UTILIZING UNSIGNALIZED INTERSECTION CAPACITY ANALYSIS

(Utilizing data from the Traffic Concepts Critical Lane Analysis sheets)

AM Peak

	Northbound	Southbound	Eastbound	Westbound
Level-of-Service	B	A	C	F

PM Peak

	Northbound	Southbound	Eastbound	Westbound
Level-of-Service	A	A	C	F

P. C. #12

JON A. SEITZ, P.E.
TRANSPORTATION RESOURCE GROUP, INC.
PRINCIPAL, TRAFFIC ENGINEER

Education:

United States Military Academy, West Point, NY, B.S. in Engineering, 1985
United States Army Corps of Engineer Officer Advanced Course, Ft. Belvoir, VA
Civil Engineering, 1989

Registration:

Professional Engineer, Pennsylvania (No. 039625R)
Professional Engineer, Maryland (No. 21725)
Professional Engineer, Virginia (No. 019940)

Affiliations:

National Society of Professional Engineers (NSPE)
American Society of Highway Engineers (ASHE)
Current Director and Past President of The Engineering Society of York

Experience:

Years With This Firm: 13
Years With Other Firms: 6

Since joining Transportation Resource Group, Inc., Mr. Seitz, a Principal in the firm, has managed a wide range of transportation planning and traffic engineering projects. Mr. Seitz has prepared numerous engineering studies, including traffic impact and site access studies, signal design projects, intersection design and roadway design projects. Transportation Resource Group, Inc., completes approximately 50 traffic impact studies per year. As lead Engineer and Principal, Mr. Seitz is directly responsible for the quality control and quality assurance of each report. Mr. Seitz has provided expert testimony at numerous hearings and meetings.

Places where Mr. Seitz has qualified as an expert witness:

- Prince George's County – Special Exception (Zoning Hearing Examiner)
- Baltimore County – Hearing Officer Hearing (Zoning Commissioner)
- East Lampeter Township, Lancaster County – Zoning Hearing Board
- Peach Bottom Township, York County – Zoning Hearing Board
- Carlisle Borough, Cumberland County – Zoning Hearing Board
- Springettsbury Township, York County – Zoning Hearing Board
- City of York, York County – City Council and Mayor
- Mt. Joy Township, Adams County – Zoning Hearing Board
- Silver Spring Township, Cumberland County, Board of Supervisors

Representative List of Mr. Seitz's Projects

- Harley Davidson, York, PA
- Exel Logistics Industrial Park, Carlisle, PA
- Dauphin Meadows Landfill, Dauphin, PA
- Insurance Institute for Highway Safety Speed Study, MD
- George Street Two-Way Conversion Project, York, PA
- NVR Manufacturing, Thurmont, MD
- Tecport Technology Park, Harrisburg, PA

Pennsylvania Department of Transportation Projects

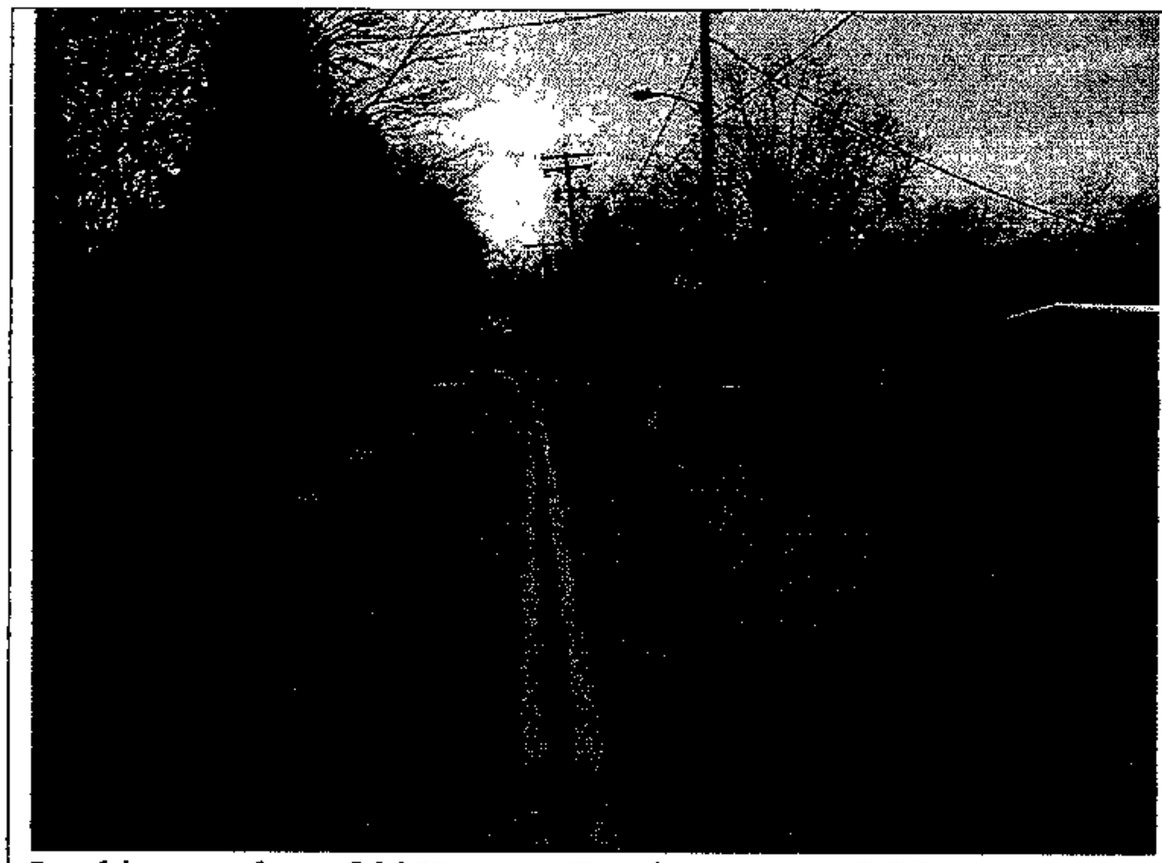
- Lewistown Narrows – U.S. 22/322 – District 2-0
- S.R.0072 Bridge Replacement – District 8-0
- Pennsylvania State – Bicycle/Pedestrian Counts – Statewide
- Laurel Valley Transportation Improvement Project – District 9-0
- S.R.0074 Signal Project – District 9-0
- Johnstown Flood National Memorial Project – District 9-0
- Development of ITS for the Harrisburg Metropolitan Area – District 8-0
- T-338 Clarke Bridge Replacement – District 2-0

Training Courses

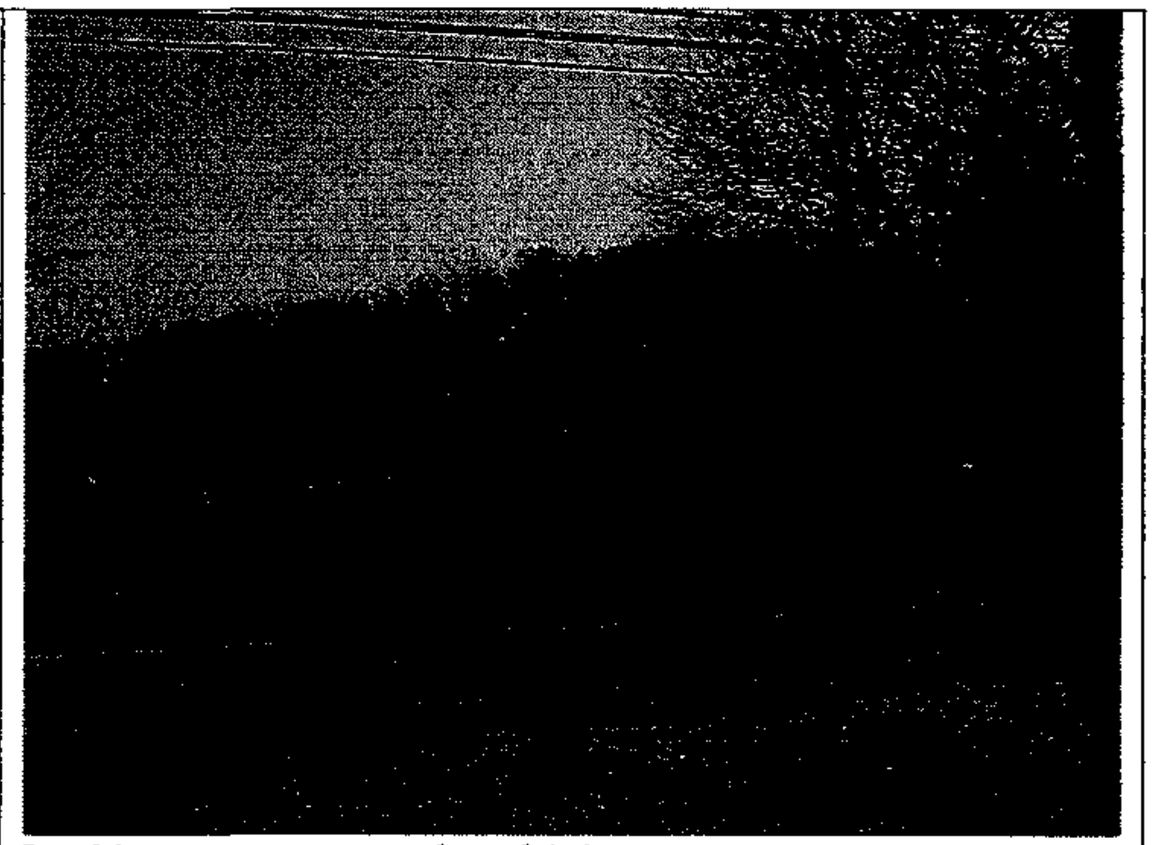
- Access Management
- Construction Inspection
- Intersection Design
- Road Safety Audits
- Site Impact Analysis
- Traffic Calming
- Work Zone Safety
- AASHTO Roadside Design Guide
- Practical Highway Hydrology

P. C. #13

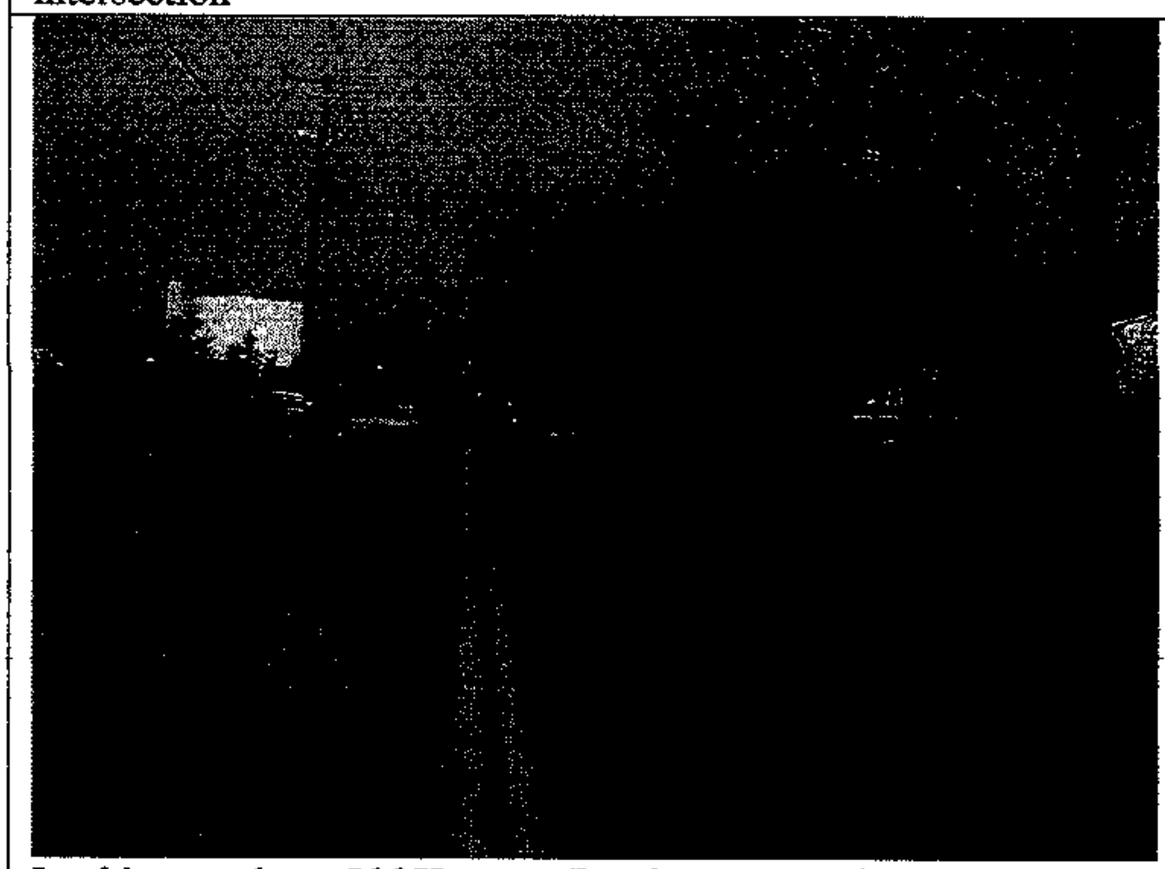
Millenium School



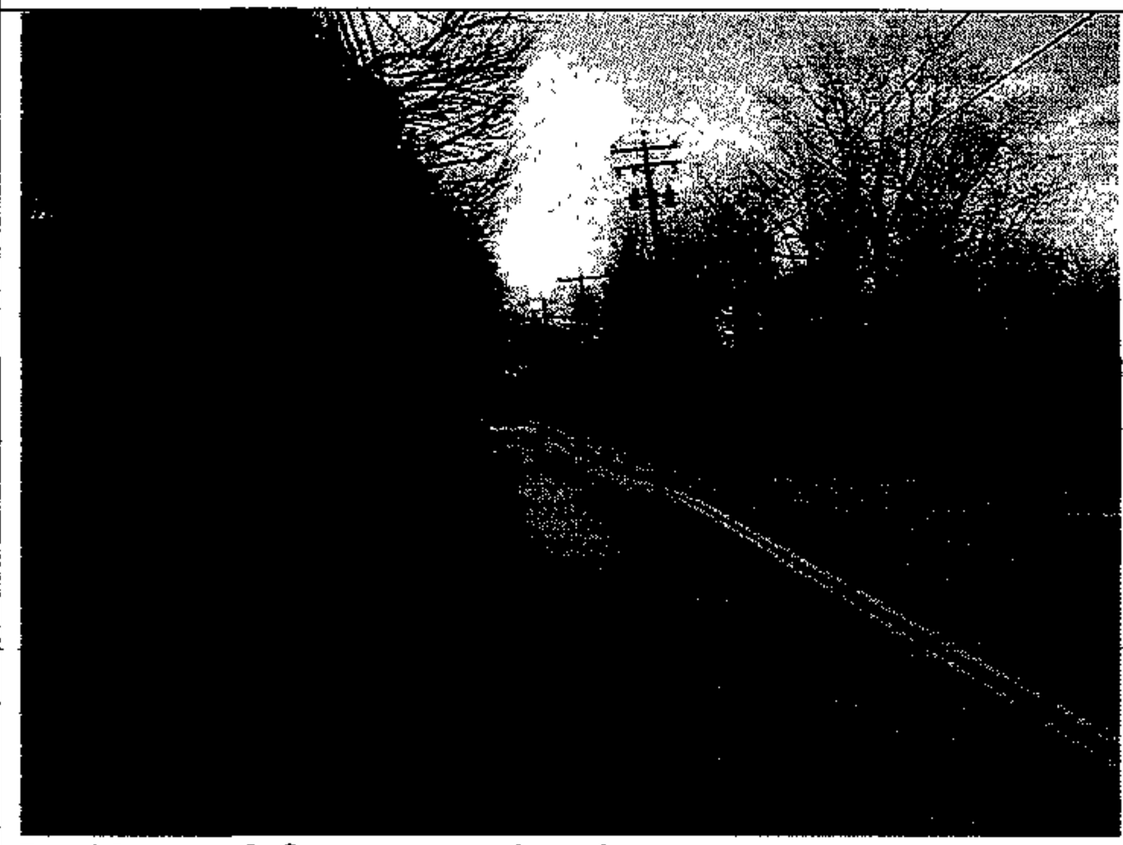
Looking south on Old Hanover Road at proposed driveway intersection



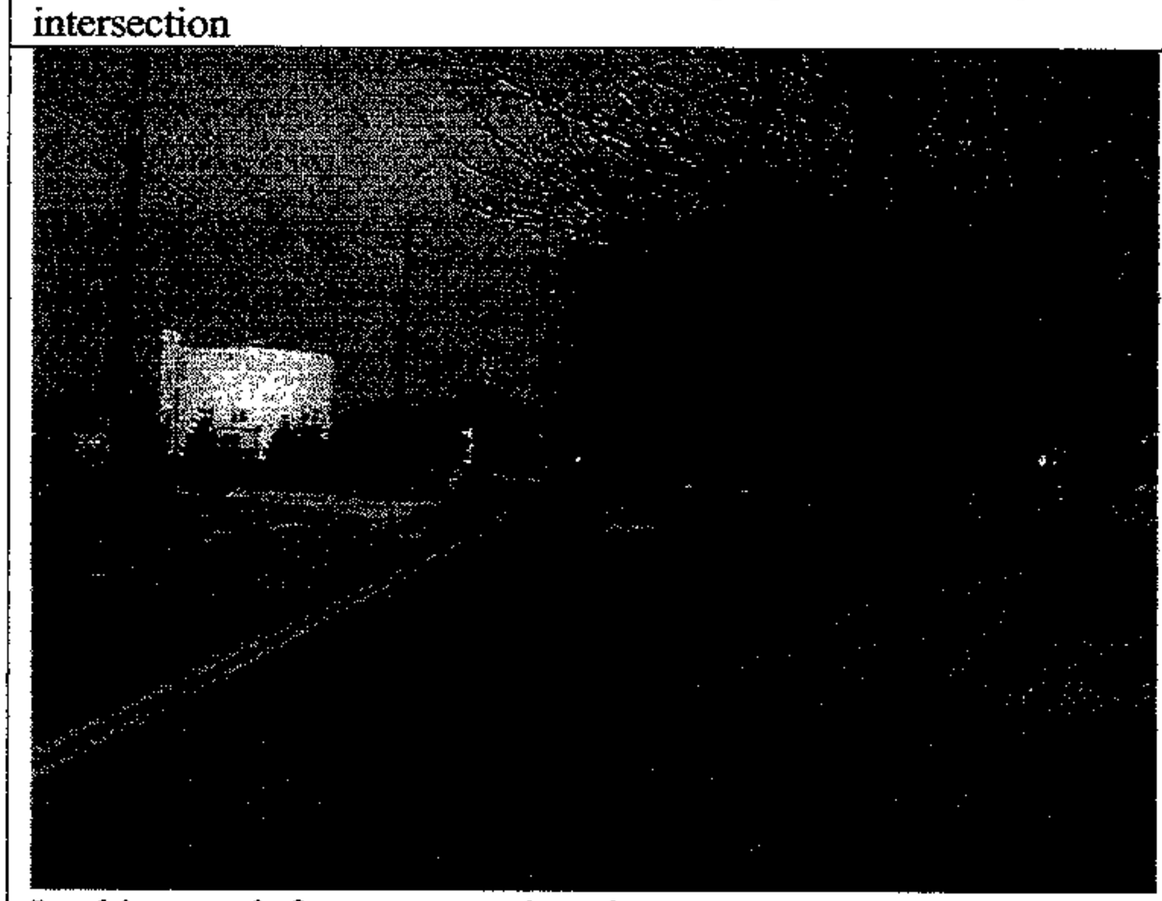
Looking east at proposed road / site



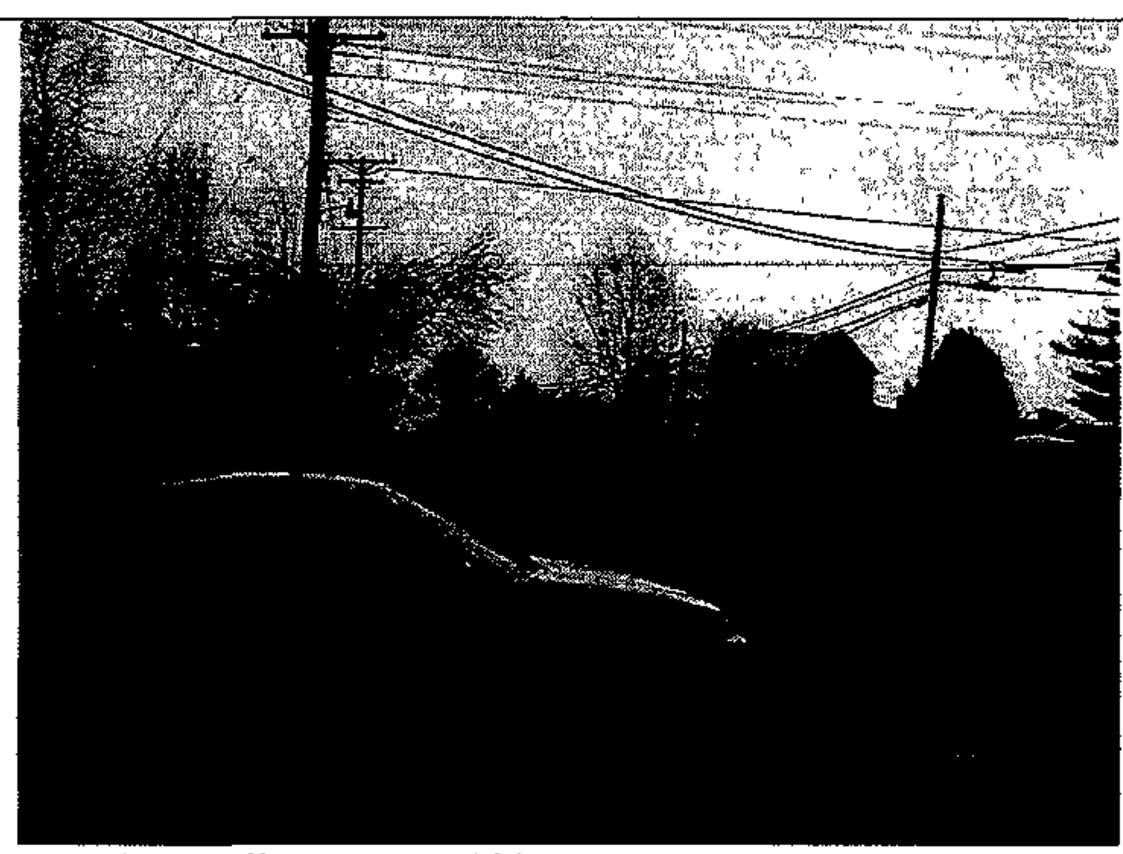
Looking north on Old Hanover Road at proposed driveway intersection



Looking south from proposed road

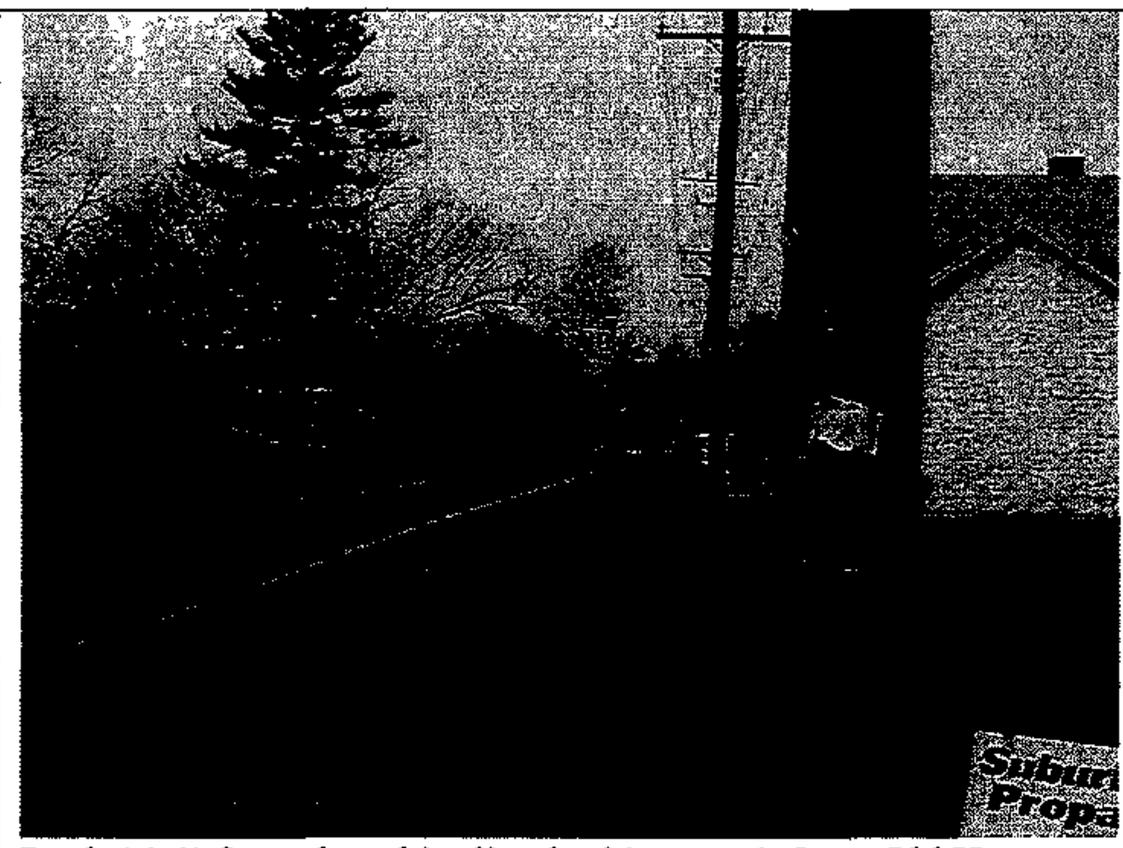


Looking north from proposed road



Vehicle traveling west on Old Hanover Road (stop sign) at the intersection of Hanover Street / Glen Falls Road.

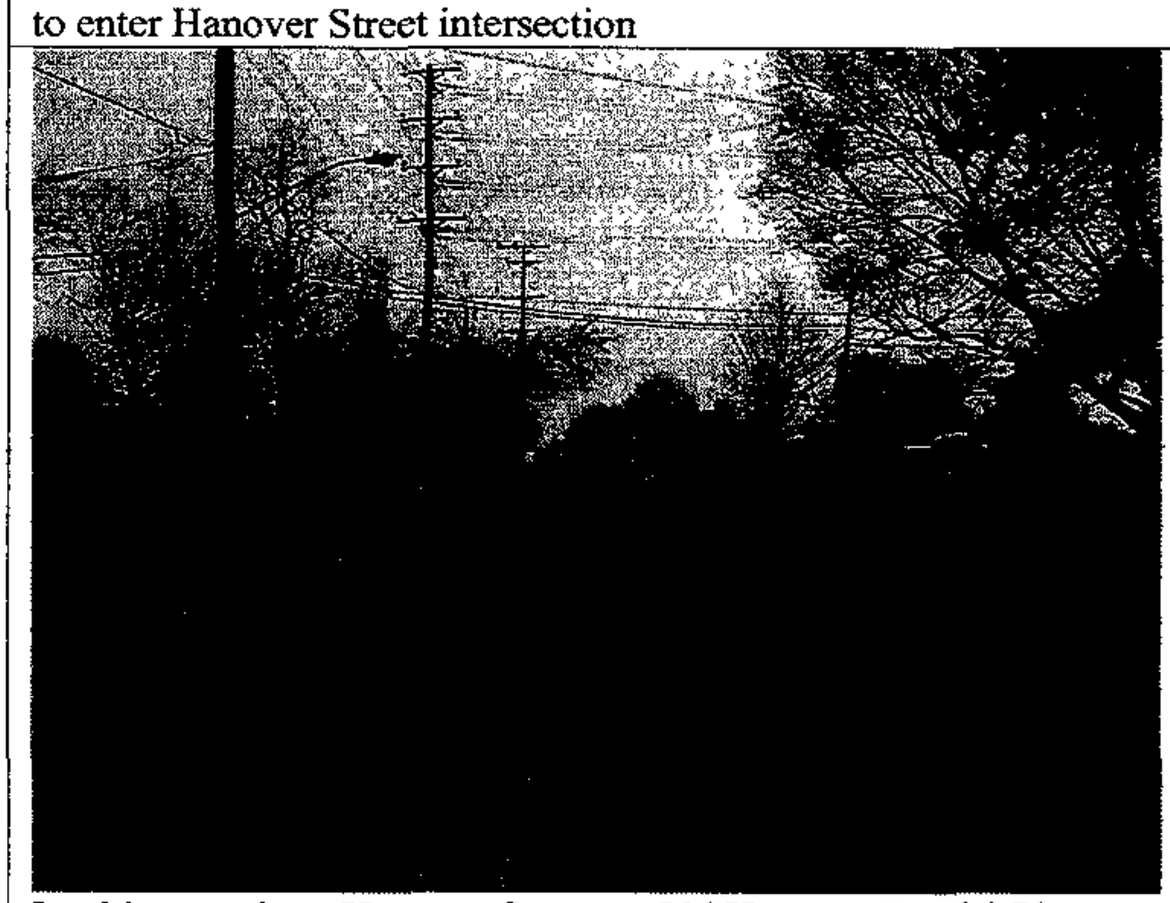
Back 14.4' from the white line looking south from Old Hanover Road at Hanover Street



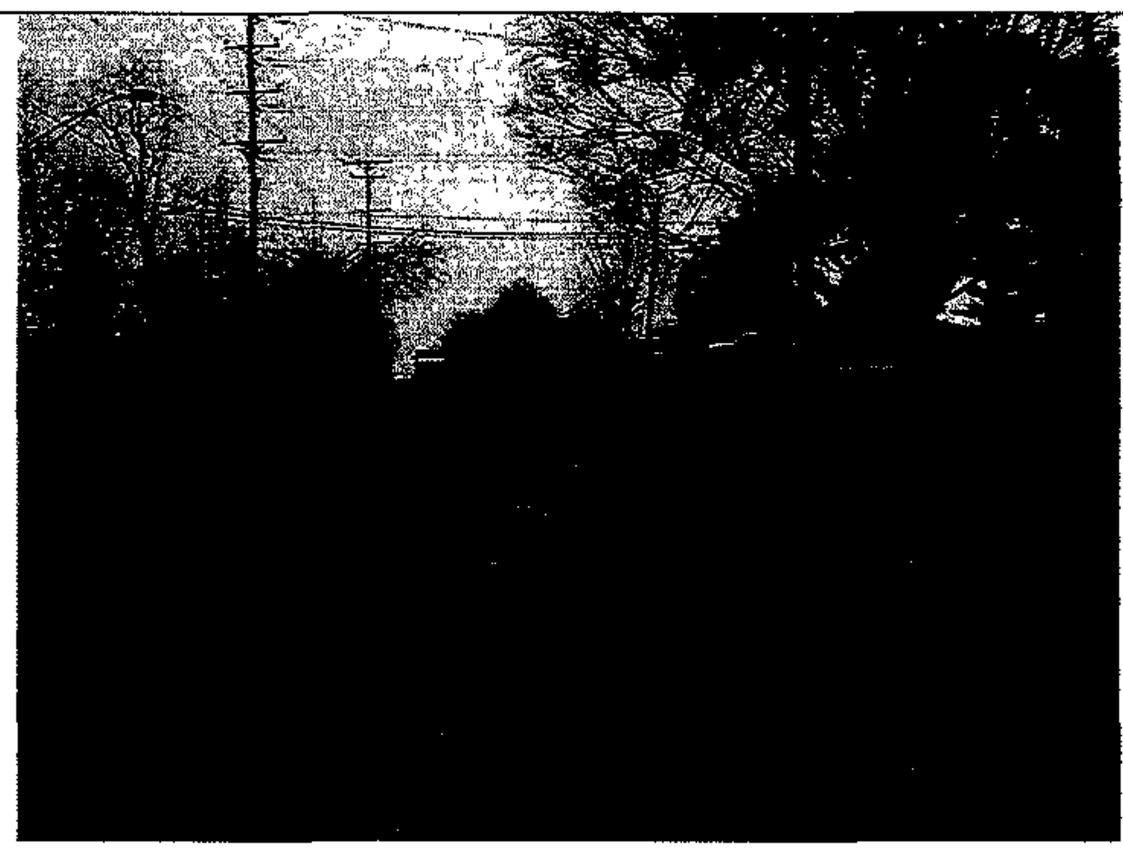
Back 14.4' from the white line looking north from Old Hanover Road at Hanover Street

Looking south from Old Hanover Road. Point where vehicle sits to enter Hanover Street intersection

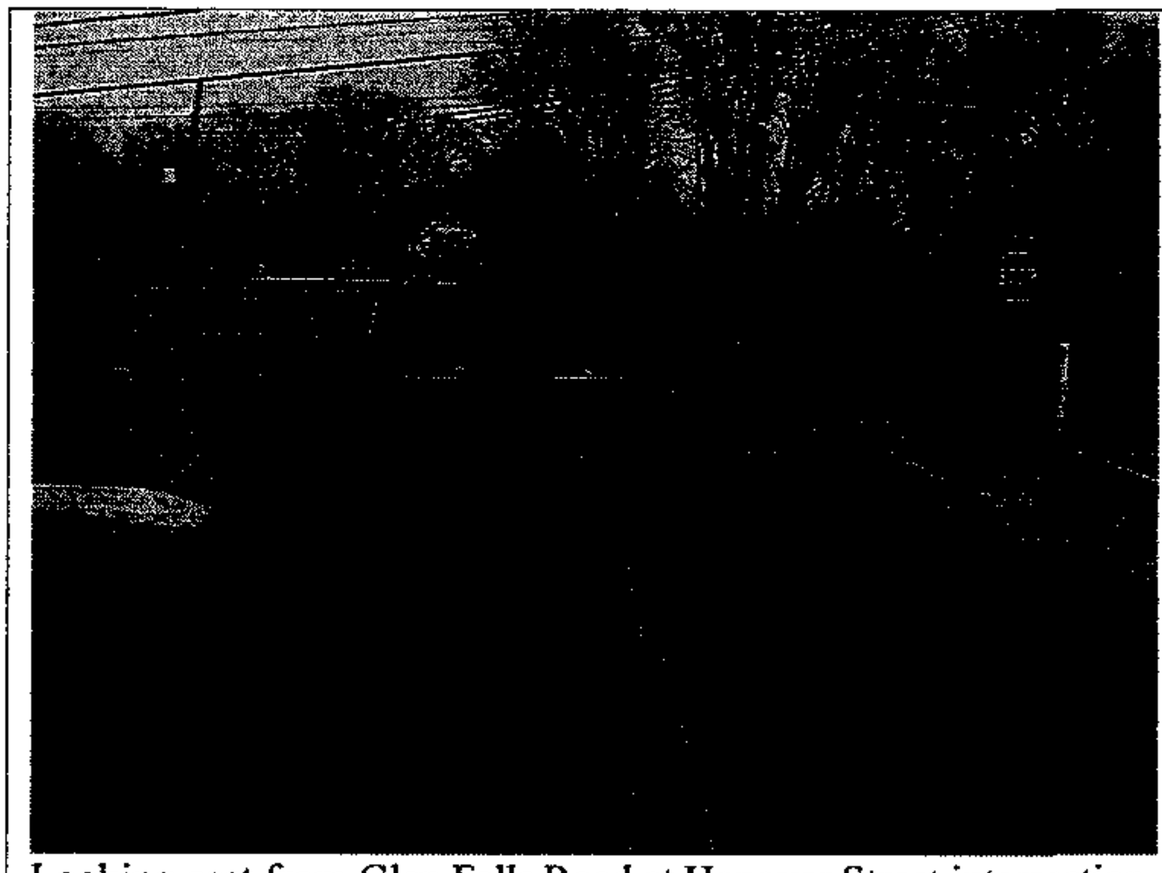
Looking west from Old Hanover Road at Hanover Street intersection



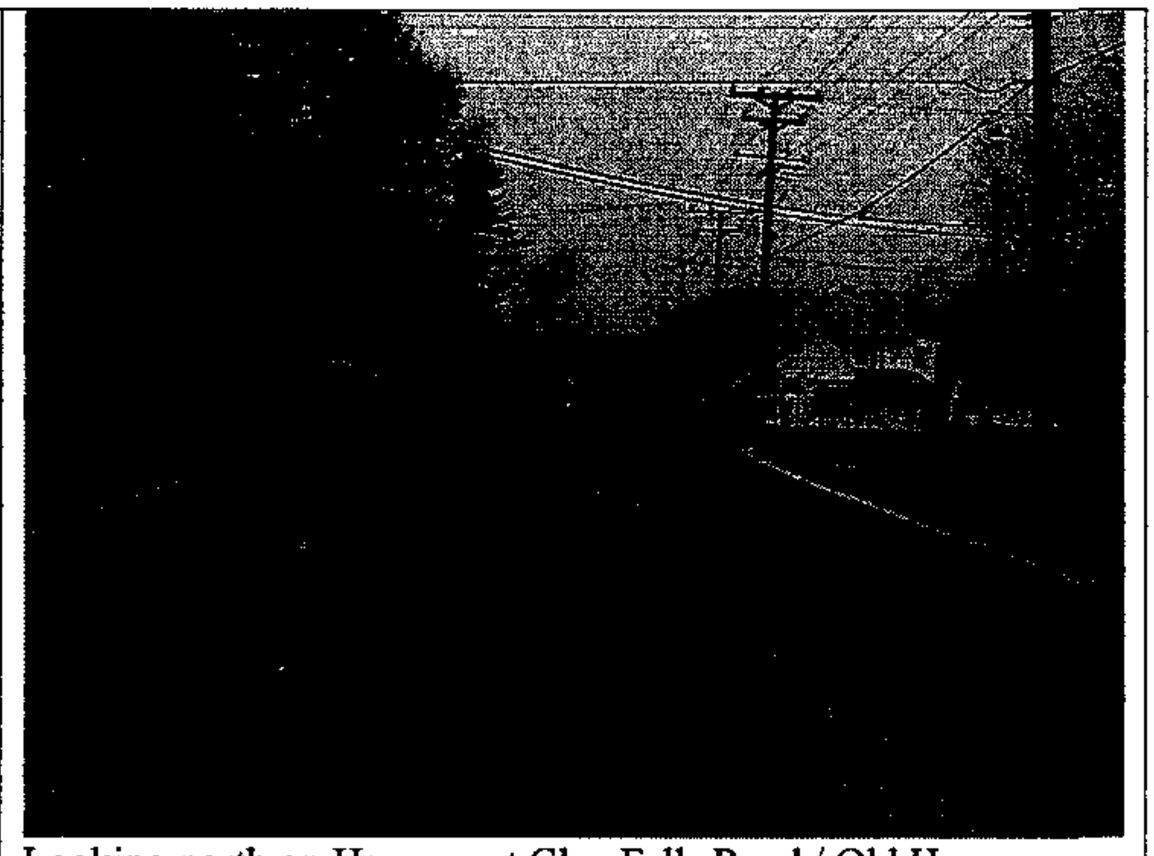
Looking south on Hanover Street at Old Hanover Road / Glen Falls Road



Looking south on Hanover Street from the shoulder at Old Hanover Road / Glen Falls Road



Looking east from Glen Falls Road at Hanover Street intersection



Looking north on Hanover at Glen Falls Road / Old Hanover Road intersection

P. C. #14

Trip Generation, 7th Edition

An Informational Report of the
Institute of Transportation Engineers

Volume 3 of 3

The Institute of Transportation Engineers (ITE) is an international educational and scientific association of transportation and traffic engineers and other professionals who are responsible for meeting mobility and safety needs. ITE facilitates the application of technology and scientific principles to research, planning, functional design, implementation, operation, policy development and management for any mode of transportation by promoting professional development of members, supporting and encouraging education, stimulating research, developing public awareness, and exchanging professional information; and by maintaining a central point of reference and action.

Founded in 1930, ITE serves as a gateway to knowledge and advancement through meetings, seminars and publications; and through our network of more than 15,000 members working in some 80 countries. ITE also has more than 70 local and regional chapters and more than 120 student chapters that provide additional opportunities for information exchange, participation and networking.

Institute of Transportation Engineers
1099 14th St. NW, Suite 300 West
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ITE on the Web: www.ite.org

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Publication No. IR-016E
First Printing
1,000/AGS/1103

ISBN No: 0-935403-79-5
Printed in the United States of America

Land Use: 536
Private School (K–12)

Description

Private schools in this land use primarily serve students attending kindergarten through the 12th grade, but may also include those beginning with pre–K classes. These schools may also offer extended care and day care. Students may travel a long distance to get to private schools. Elementary school (Land Use 520), middle school/junior high school (Land Use 522), high school (Land Use 530) and private school—K–8 (Land Use 534) are related uses.

Additional Data

Some of the schools included in this land use provided bus service. One study reported that carpooling was used instead of bus service.

Peak hours of the generator—

The weekday a.m. peak hour of the generator typically coincided with the peak hour of the adjacent street traffic; therefore, only one a.m. peak hour, which represents both the peak hour of the generator and the peak hour of the adjacent street traffic, is displayed. The weekday p.m. peak hour varied between 2:30 p.m. and 4:00 p.m.

The sites were surveyed from the 1980s to the 2000s in Delaware, Florida, Maryland, Oregon and Washington.

Source Numbers

283, 355, 370, 536, 571

Land Use: 536
Private School (K–12)
Independent Variables with One Observation

The following trip generation data are for independent variables with only one observation. This information is shown in this table only; there are no related plots for these data.

Users are cautioned to use data with care because of the small sample size.

Independent Variable	Trip Generation Rate	Size of Independent Variable	Number of Studies	Directional Distribution
1,000 Square Feet Gross Floor Area				
Weekday p.m. Peak Hour of Generator	5.50	45	1	28% entering, 72% exiting

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: Students
On a: Weekday

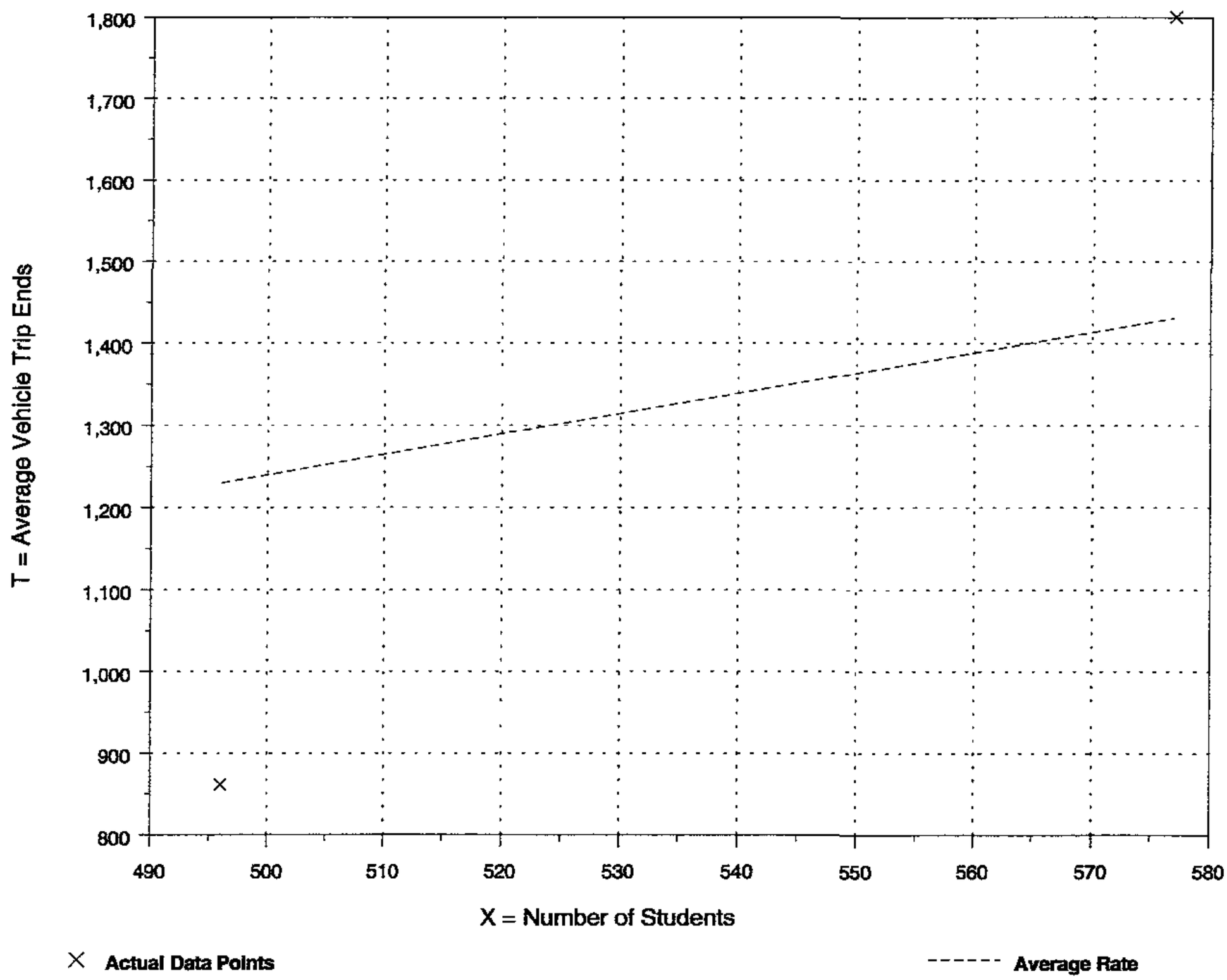
Number of Studies: 2
Average Number of Students: 537
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
2.48	1.74 - 3.12	*

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: Not given

R^2 = ****

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: Students
On a: Weekday,
A.M. Peak Hour

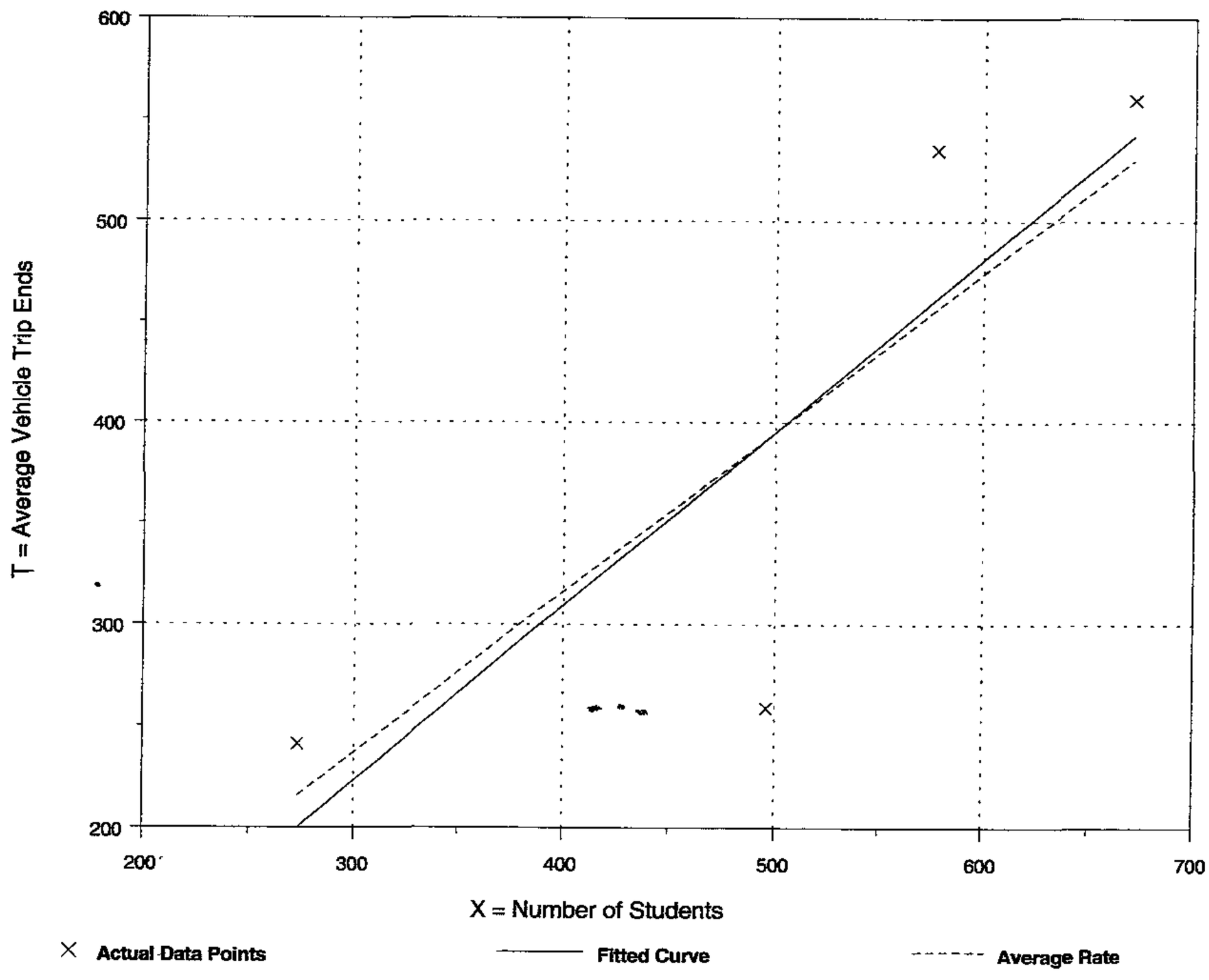
Number of Studies: 4
Average Number of Students: 504
Directional Distribution: 61% entering, 39% exiting

Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.79	0.52 - 0.93	0.90

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: T = 0.86(X) - 34.44

R^2 = 0.72

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: Students
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

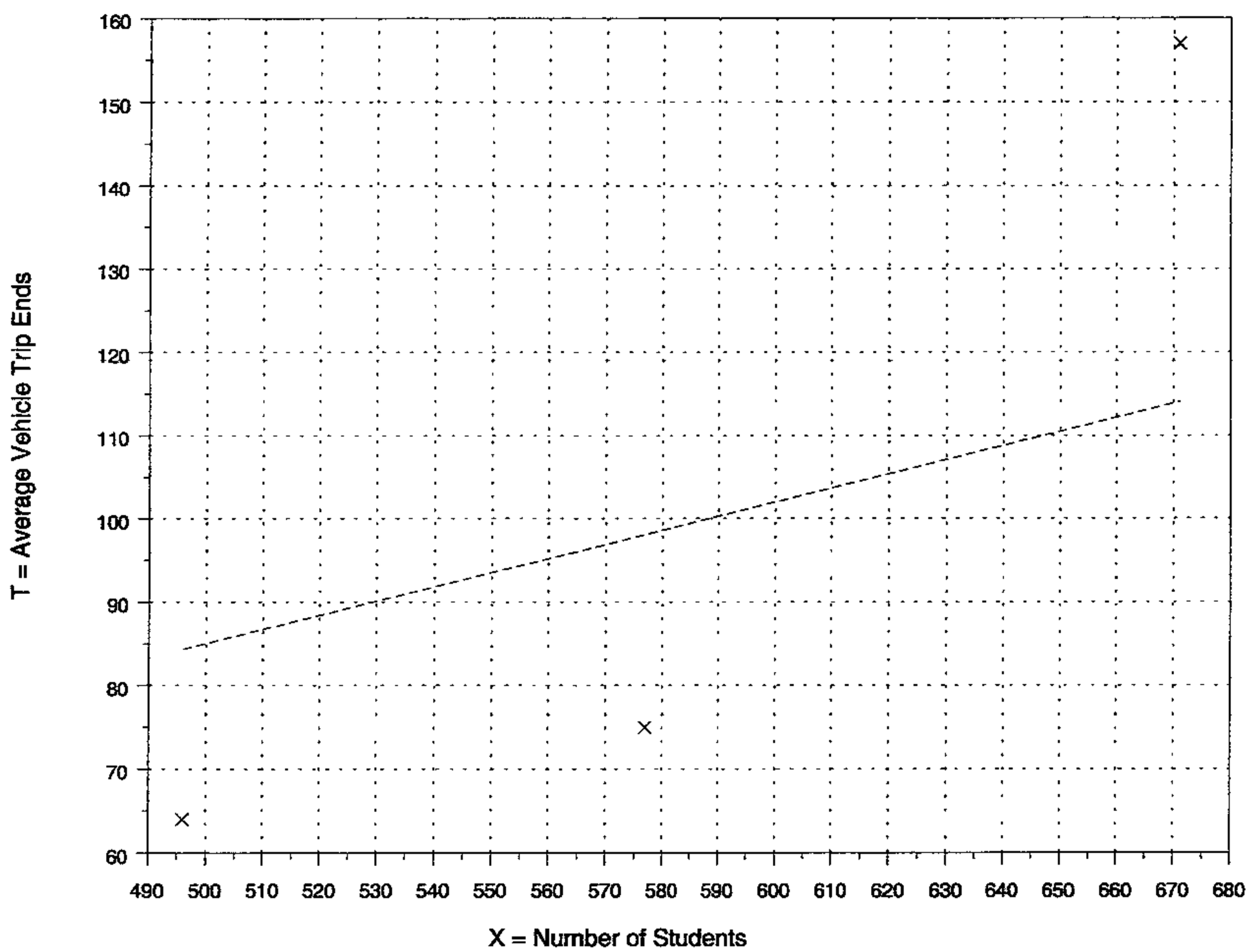
Number of Studies: 3
Average Number of Students: 581
Directional Distribution: 43% entering, 57% exiting

Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.17	0.13 - 0.23	0.41

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



× **Actual Data Points**

------ **Average Rate**

Fitted Curve Equation: Not given

R^2 = ****

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: Students
On a: Weekday,
P.M. Peak Hour of Generator

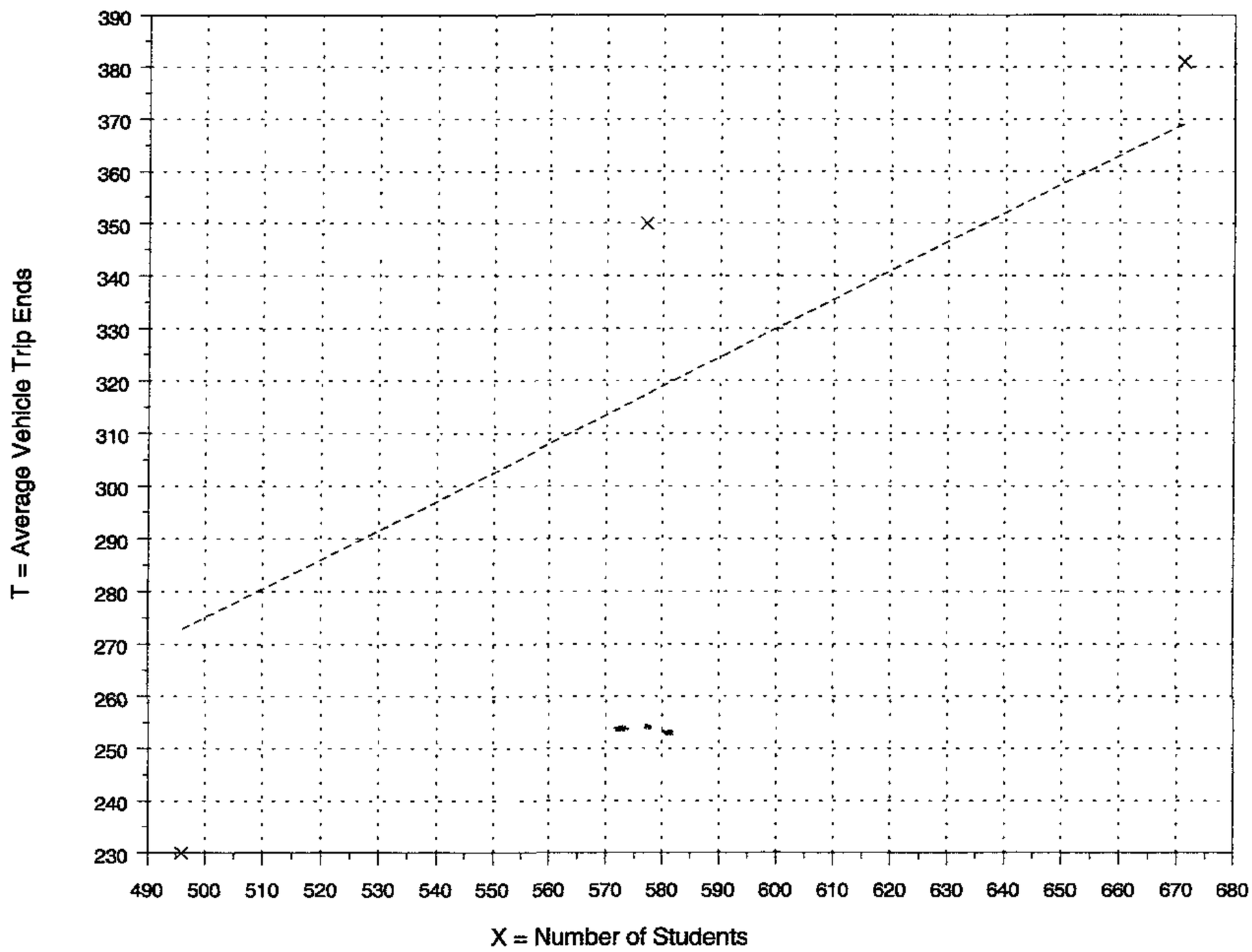
Number of Studies: 3
Average Number of Students: 581
Directional Distribution: 41% entering, 59% exiting

Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.55	0.46 - 0.61	0.74

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



× **Actual Data Points**

------ **Average Rate**

Fitted Curve Equation: Not given

R^2 = ****

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: Employees
On a: Weekday

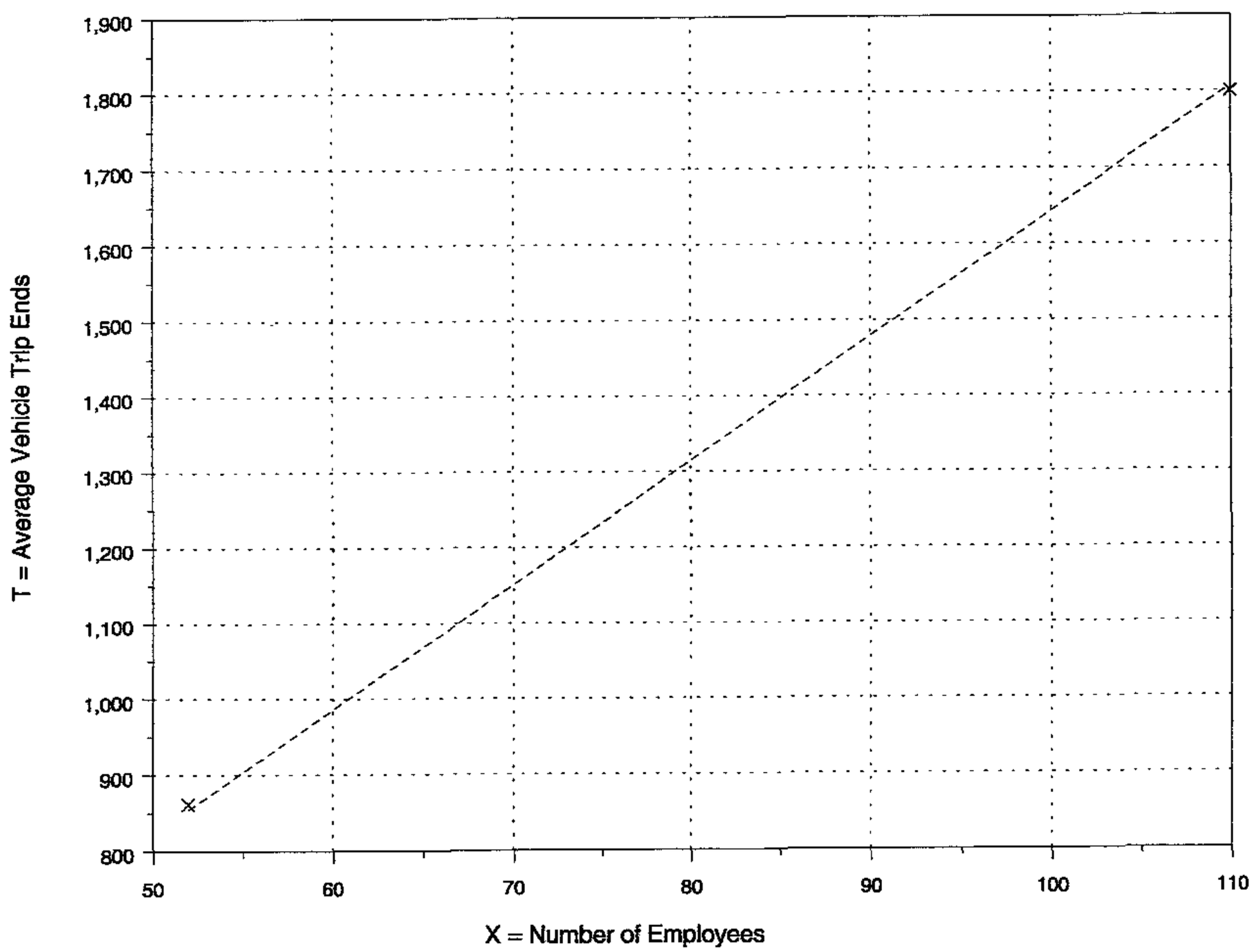
Number of Studies: 2
Avg. Number of Employees: 81
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
16.43	16.36 - 16.58	*

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



× **Actual Data Points**

------ **Average Rate**

Fitted Curve Equation: Not given

R^2 = ****

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: Employees
On a: Weekday,
A.M. Peak Hour

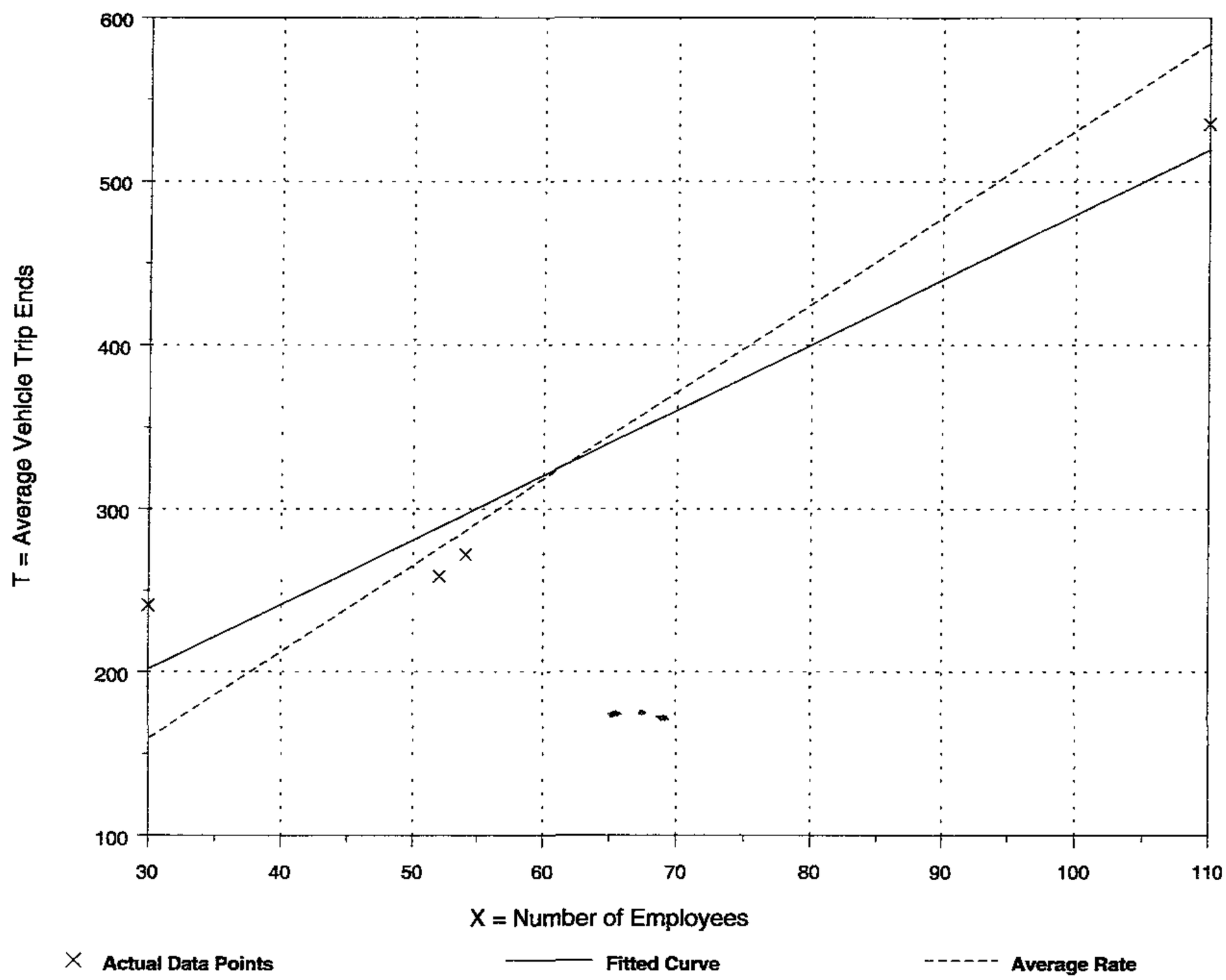
Number of Studies: 4
Avg. Number of Employees: 62
Directional Distribution: 61% entering, 39% exiting

Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
5.31	4.86 - 8.03	2.51

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: T = 3.97(X) + 82.66

R^2 = 0.94

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: Employees
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

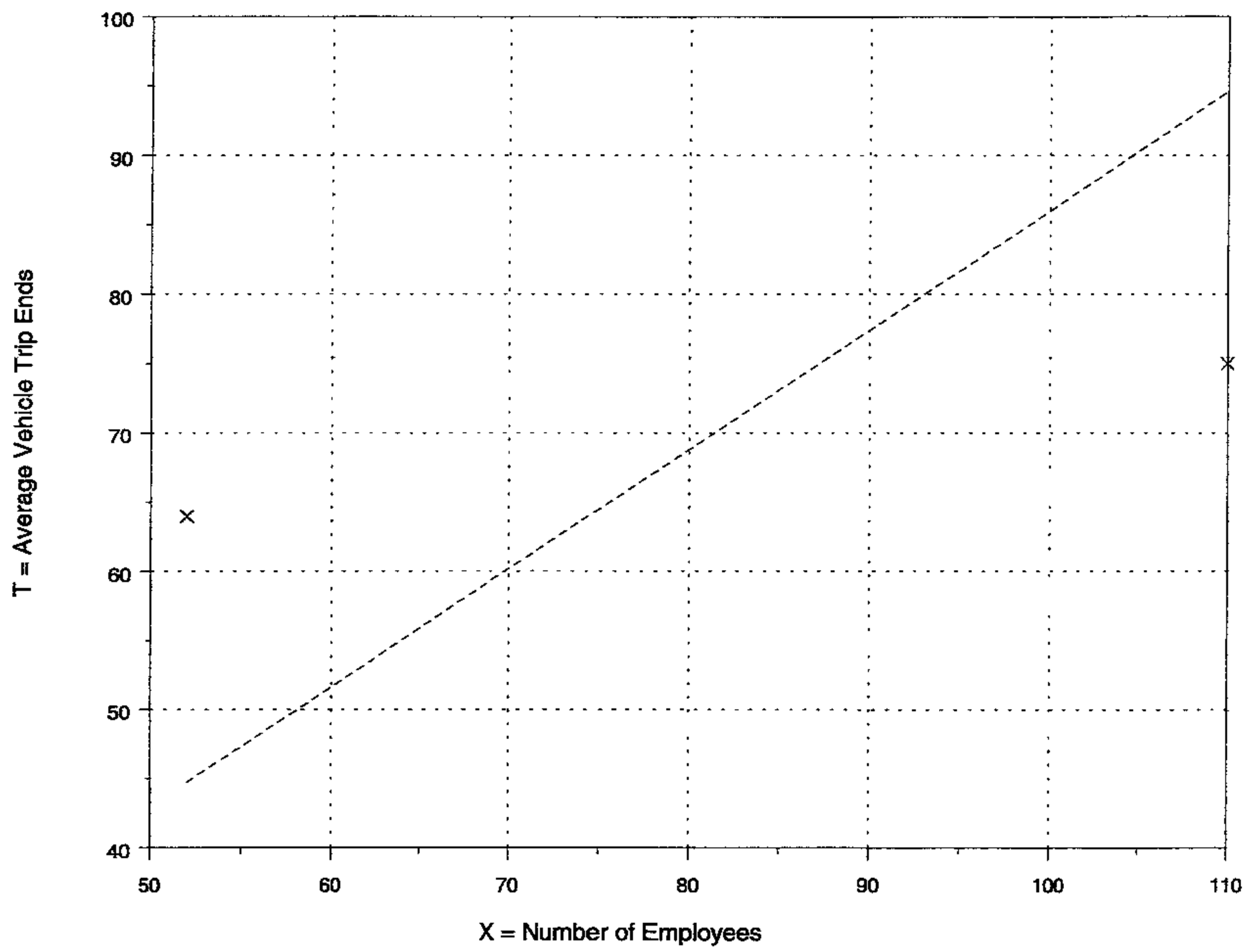
Number of Studies: 2
Avg. Number of Employees: 81
Directional Distribution: 38% entering, 62% exiting

Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.86	0.68 - 1.23	*

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



× **Actual Data Points**

------ **Average Rate**

Fitted Curve Equation: Not given

R^2 = ****

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: Employees
On a: Weekday,
P.M. Peak Hour of Generator

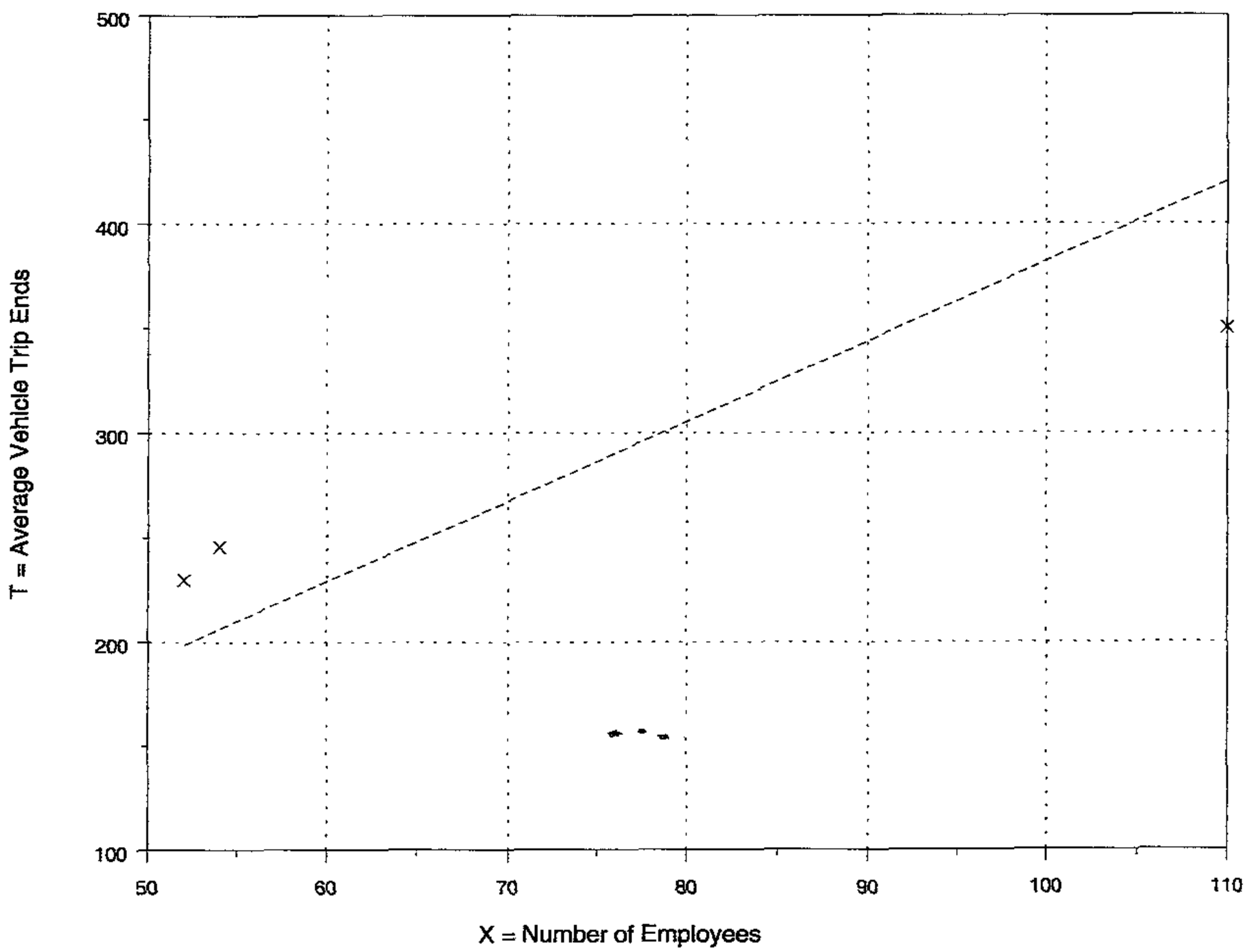
Number of Studies: 3
Avg. Number of Employees: 72
Directional Distribution: 39% entering, 61% exiting

Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
3.82	3.18 - 4.56	2.05

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



× **Actual Data Points**

------ **Average Rate**

Fitted Curve Equation: Not given

R^2 = ****

Private School (K-12)
(536)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour

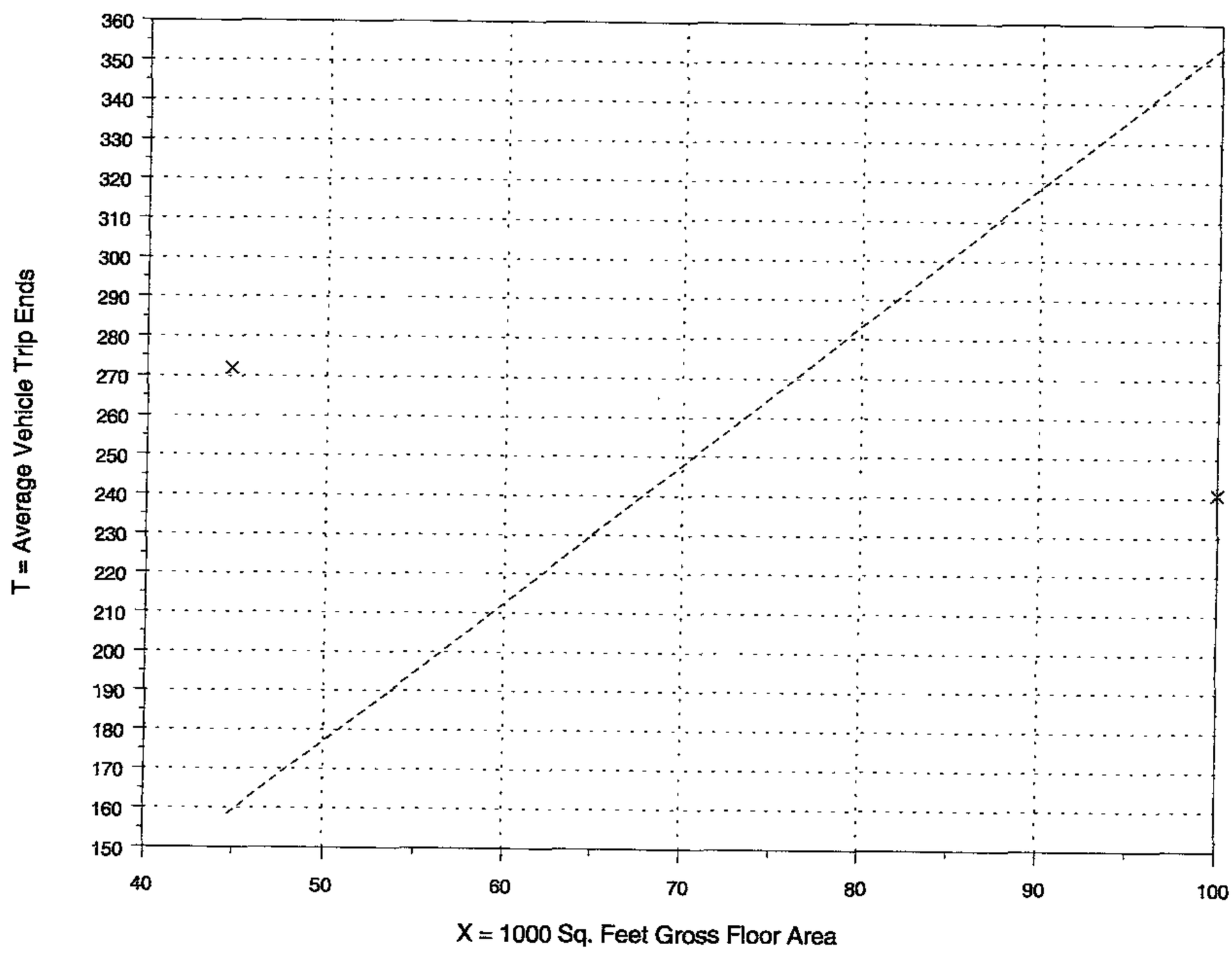
Number of Studies: 2
Average 1000 Sq. Feet GFA: 72
Directional Distribution: 63% entering, 37% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.54	2.41 - 6.08	*

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



× **Actual Data Points**

------ **Average Rate**

Fitted Curve Equation: Not given

R^2 = ****

P.C. #15

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MAY 23 2001
TRG

Trip Generation Handbook

An ITE Recommended Practice

March 2001
Institute of Transportation Engineers

3.3 Guiding Principles

The recommended approach for estimating trip generation for a proposed development is based on the following principles.

When the *Trip Generation* data plot contains more than 20 data points and a regression curve and equation are provided, use of the regression equation is recommended.

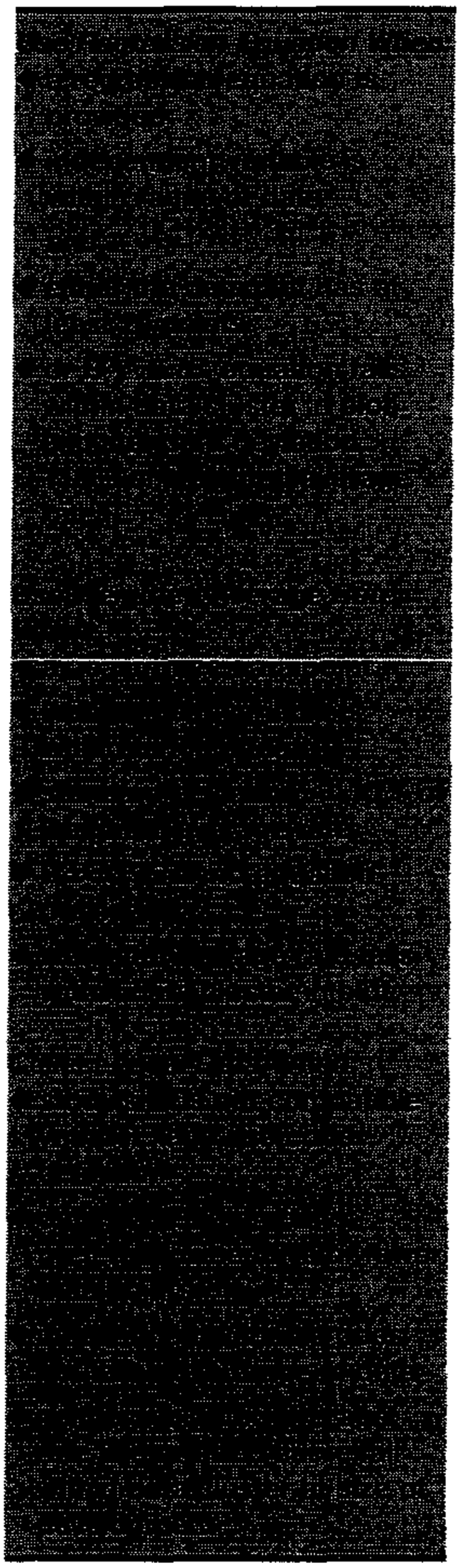
A regression equation with an R^2 of at least 0.75 is preferred because it indicates the desired level of correlation between the trips generated by a site and the value measured for an independent variable.

For the same reason, a weighted average rate is preferred when the standard deviation is less than or equal to 110 percent of the weighted average rate.

The value of the independent variable for the study site must fall within the range of data included to use either the rate or equation. Otherwise local data are needed.

Supplemental local data are suggested when the data plot has less than six data points.

The number of trips determined by either the rate or the equation should fall within the cluster of data points (i.e., the range of trip values) found at the study site's independent variable value. Otherwise, additional local data are needed.



In order to put these principles into practice, two alternative approaches are available to the analyst. The highlighted box in this section presents a checklist for choosing between using the weighted average rate, using the regression equation, and collecting local data. A detailed step-by-step approach for estimating trip generation is presented in section 3.4 of this chapter.

3.4 Recommended Procedure for Estimating Trip Generation

A step-by-step procedure is shown below for determining how best to estimate trip generation using data contained in *Trip Generation*. The procedure is also outlined with simplified text in the flow chart in figure 3.1.

Step 1: Is the development under analysis consistent with the description of the land use code in *Trip Generation* and with the described or presumed characteristics of development sites for which data points are provided?

> If **yes**, proceed to step 2.
> If **no**, collect local data for the land use being analyzed and establish a local rate. Refer to chapter 4 for guidelines.

Caution: The analyst should exercise caution before trying to quantify the trip generation effects of isolated and minor changes in characteristics of a particular land use. *Trip Generation* data are compiled from a wide range of sources with a potentially high variability in site characteristics within the bounds of the land use code definition. *Trip Generation* does not provide information on the secondary characteristics of the surveyed sites and therefore any analysis of the

effects of changes in site characteristics is purely hypothetical and not provable at this date.

Step 2: Is the size of the development under analysis (in terms of the unit of measurement of the independent variable) within the range of the data shown in the data plot?

If **yes**, proceed to step 3.
If **no**, collect local data and establish a local rate. Refer to chapter 4 for guidelines.

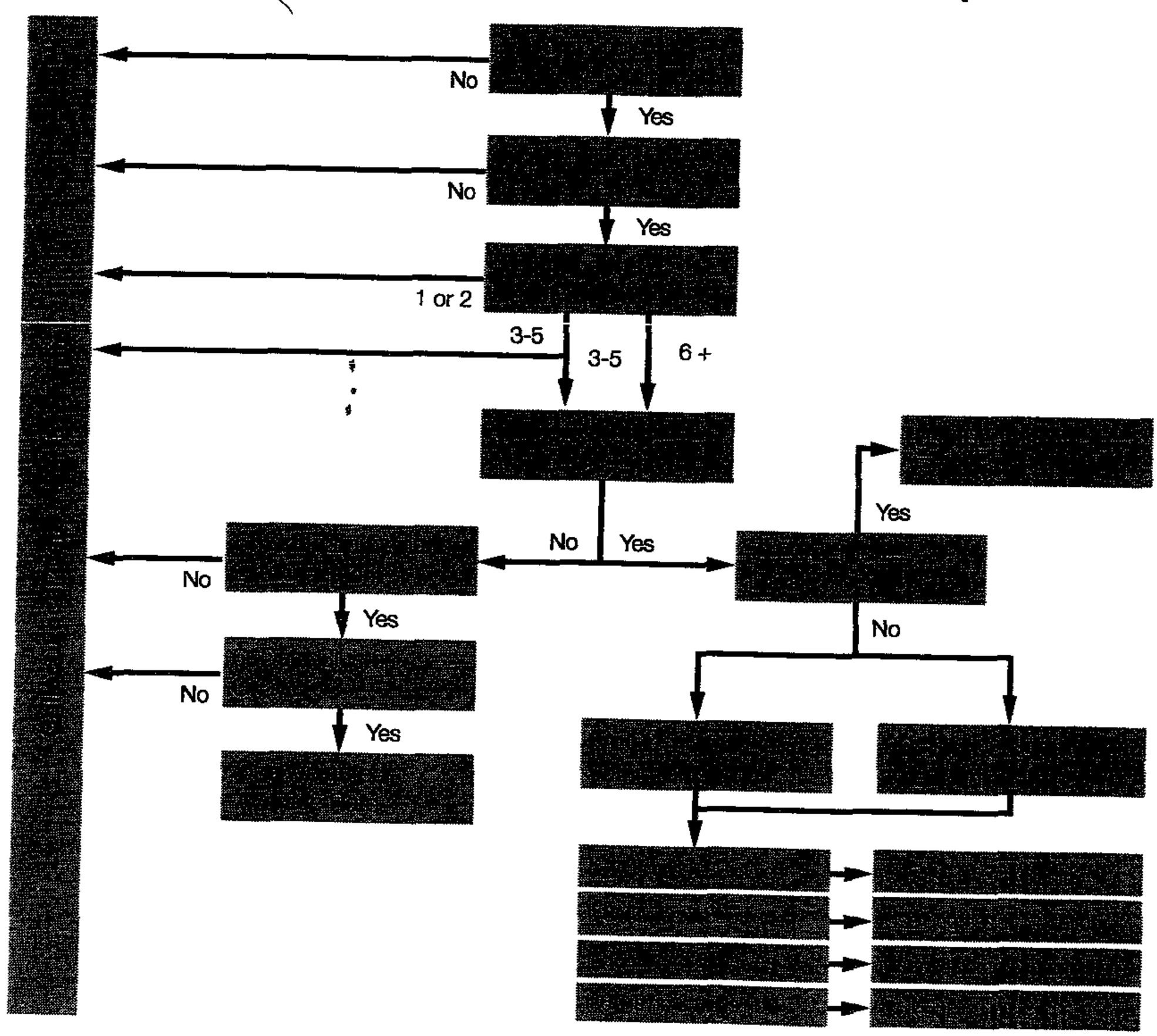
Step 3: How many data points comprise the sample reported in *Trip Generation?*

If the number of data points is **one or two**, collect local data and establish a local rate. Refer to chapter 4 for guidelines.
If the number of data points is **three, four, or five**, the analyst is encouraged to collect local data and establish a local rate (see chapter 4), but can otherwise proceed to step 4.
If the number of data points is **six or more**, proceed to step 4.

Step 4: Is a regression equation provided?

If **yes**, proceed to step 7.
If **no**, proceed to step 5.

Figure 3.1 Recommended Procedure for Selecting Between *Trip Generation* Average Rates and Equations



Step 5: Is the standard deviation for the weighted average rate less than or equal to 110 percent of the weighted average rate (calculation: the standard deviation divided by weighted average rate is less than or equal to 1.1)?

If **yes**, proceed to step 6.
If **no**, collect local data and establish a local rate. Refer to chapter 4 for guidelines.

Step 6: Is the line that corresponds to the weighted average rate within the cluster of data points near the size of the development site?

(Note: If there are no data points near the site size, but there are good matches at somewhat smaller and somewhat larger sizes, assume the answer is yes.)

If **yes**, **USE THE WEIGHTED AVERAGE RATE.**
If **no**, collect local data and establish a local rate. Refer to chapter 4 for guidelines.

Step 7: Are at least 20 data points distributed over the range of values typically found for the independent variable? Are there few erratic data points (i.e., outliers)? Is the line corresponding to the regression equation within the cluster of data points at the size of the development in question?

If all answers are **yes**, **USE THE REGRESSION EQUATION.**
If at least one answer is **no**, proceed to step 8.

Caution: The regression equation typically yields a line with a y-intercept. For an independent variable with a low value (i.e., near zero), the regression equation might produce a trip ends estimate that is illogical. In such a case, the analyst should use the weighted average trip rate to estimate trip ends.

Step 8: Answer both question 8A and question 8B.

Question 8A:
Is the R^2 for the regression equation greater than or equal to 0.75? And, is the line corresponding to the regression equation within the cluster of data points at the size of the development in question?

Question 8B:
Is the standard deviation for the weighted average rate less than or equal to 110 percent of the weighted average rate? And, is the line corresponding to the weighted average rate within the cluster of data points at the size of the development in question?

(Note: If there are no data points near the site size, but there are good matches at somewhat smaller and somewhat larger sizes, assume the answer is yes.)

If questions 8A and 8B are both answered yes, **choose whichever line** (representing either the equation or the weighted average rate) **best fits** the data points at the size of the independent variable in question. The decision could be different for different points in the chart.

If the answer to question 8A is yes and to question 8B is no, **USE THE REGRESSION EQUATION.**

If the answer to question 8A is no and to question 8B is yes, **USE THE WEIGHTED AVERAGE RATE.**

If the answers to questions 8A and 8B are both no, **COLLECT LOCAL DATA.** Refer to chapter 4 for guidance. Also, if the answers to 8A and 8B are no, an acceptable **EXCEPTION** to the "collect local data" recommendation is if the rate or equation line passes through the cluster of data at the size of the development in question. If such is the case, use either the weighted average rate or the regression equation (whichever line is appropriate).

3.5 Sample Problems

The recommended step-by-step procedure for estimating trip generation is illustrated by the following sample problems. Reference is made in the problems to the data presented in *Trip Generation*, Sixth Edition. The problems are presented in the same order as their respective land use types appear in *Trip Generation*.

Problem 1: Estimate trip generation for Land Use Code 130, Industrial Park on a weekday during the morning peak hour of adjacent street traffic as a function of gross floor area (see page 143 of *Trip Generation*, Sixth Edition). Assume the site will have 800,000 square feet of GFA.

Step 2: size of site is within the range of data
Step 3: sufficient number of data points (i.e., 27)
Step 4: regression equation provided
Step 7: more than 20 data points
Use Regression Equation

Problem 2: Estimate trip generation for Land Use Code 223, Mid-Rise Apartment on a weekday during the morning peak hour of the generator as a function of dwelling units (see page 356). For this example, assume there will be 160 dwelling units.

Step 2: size of site is within the range of data
Step 3: sufficient number of data points (seven)
Step 4: regression equation provided
Step 7: less than 20 data points
Step 8A: R^2 of 0.91 is greater than or equal to 0.75
Step 8B: standard deviation is not less than or equal to 110 percent of the weighted average rate (170 percent)
Use Regression Equation

Problem 3: Estimate trip generation for Land Use Code 252, Congregate Care Facility on a weekday during peak hour of the trip generator as a function of occupied dwelling units (page 461).

Step 3: only two data points
Collect Local Data

Problem 4: Estimate trip generation for Land Use Code 253, Elderly Housing—Attached on a weekday during the afternoon peak hour of adjacent street traffic as a function of occupied dwelling units (page 465). For this example, assume 150 occupied dwelling units.

Step 2: size of site is within the range of data
Step 3: five data points; could collect local data, but decide to try to use data base
Step 4: no regression equation provided
Step 5: standard deviation is not less than or equal to 110 percent of the weighted average rate (320 percent)
Collect Local Data

Problem 5: Estimate trip generation for Land Use Code 310, Hotel on a weekday during the morning peak hour of adjacent street traffic as a function of occupied rooms (page 504). For this example, assume the hotel will have 300 occupied rooms.

Step 2: size of site is within the range of data
Step 3: sufficient number of data points (17)
Step 4: regression equation provided
Step 7: less than 20 data points
Step 8A: R^2 of 0.69 is less than 0.75
Step 8B: standard deviation is not less than or equal to 110 percent of the average rate (125 percent)
Step 8 Exception: both the rate and equation lines pass through the data cluster at a size of 300 rooms
Use either the Regression Equation or the Weighted Average Rate

Problem 6: Estimate trip generation for Land Use Code 444, Movie Theater with Matinee on a Sunday during the peak hour of the generator as a function of movie screens (page 724). For this example, assume the site will have 16 screens.

Step 2: characteristics of site are outside limits of independent variable (i.e., 16 screens exceeds the high of 9 screens provided in sample)
Collect Local Data

Problem 7: Estimate trip generation for Land Use Code 520, Elementary School on a weekday during the peak hour of the generator as a function of the number of employees (page 816). For this example, assume the school will have 70 employees.

Step 2: size of site is within the range of data
Step 3: sufficient number of data points (25)
Step 4: no regression equation
Step 5: standard deviation is less than 110 percent of the weighted average rate (78 percent)
Step 6: weighted average rate line is not within data cluster at size of site
Collect Local Data

Problem 8: Same as problem 7, except assume the school will have 45 employees.

Step 2: size of site is within the range of data
Step 3: sufficient number of data points (25)
Step 4: no regression equation
Step 5: standard deviation is less than 110 percent of the weighted average rate (78 percent)
Step 6: weighted average rate line is within data cluster at size of site
Use Weighted Average Rate

Problem 9: Estimate trip generation for Land Use Code 550, University/College on a weekday during the morning peak hour of adjacent street traffic as a function of the number of employees (page 895). Assume the university/college will have 1,000 employees.

Step 2: size of site is within the range of data
Step 3: only four data points; but decide to try to use data base
Step 4: regression equation provided
Step 7: less than 20 data points
Step 8A: R^2 of 0.64 is less than 0.75
Step 8B: standard deviation is not less than or equal to 110 percent of the weighted average rate (140 percent)
Collect Local Data at two sites and merge with ITE data base (as described in chapter 4)

Problem 10: Estimate trip generation for Land Use Code 813, Free-Standing Discount Superstore on a weekday during the evening peak hour of generator as a function of gross floor area (page 1,218). For this example, assume the store size will be 180,000 square feet of GFA.

Step 2: size of site is within the range of data
Step 3: sufficient number of data points (nine)
Step 4: regression equation provided
Step 7: less than 20 data points
Step 8A: R^2 of 0.55 is less than 0.75
Step 8B: standard deviation is less than or equal to 110 percent of the weighted average rate (53 percent)
Use Weighted Average Rate

Problem 11: Estimate trip generation for Land Use Code 895, Video Arcade (page 1,645).

Step 3: only one data point
Collect Local Data

P.C. #16

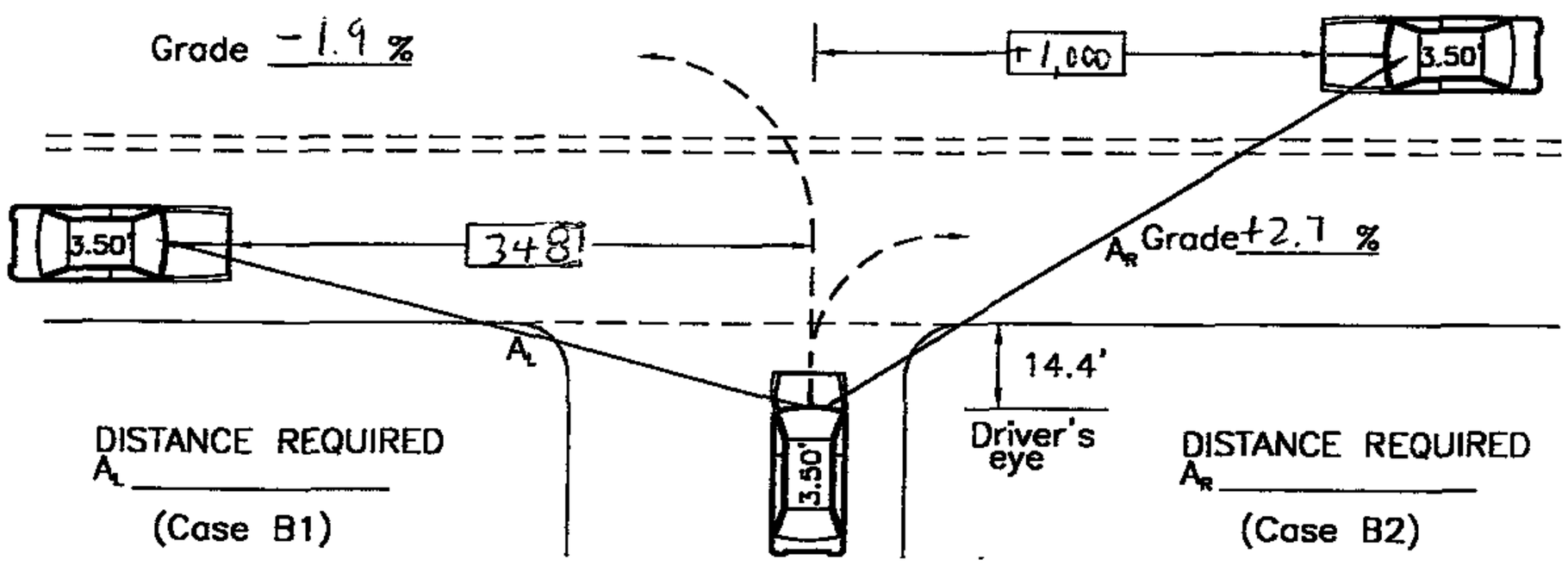
AASHTO INTERSECTION SIGHT DISTANCE MEASUREMENTS

Applicant The Millenium School Application No._____

S.R. MD 30 Seg. MD 30 / Old Hanover Road Offset _____ Posted Speed Limit 40 mph

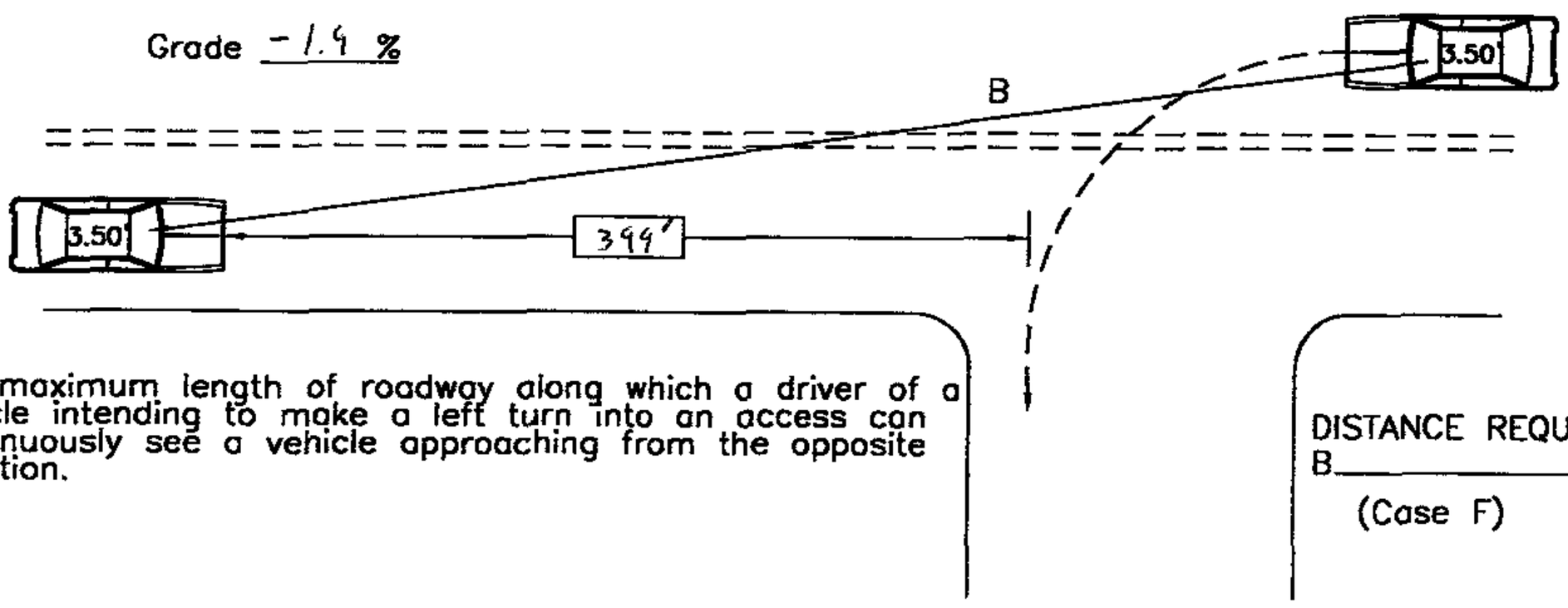
Measured By Austin / Engles Date 3/3/04 Safe Operating Speed _____ or (Unposted Highway)

A



The maximum length of roadway along which a driver at an access location can continuously see another vehicle approaching on the roadway.

B



The maximum length of roadway along which a driver of a vehicle intending to make a left turn into an access can continuously see a vehicle approaching from the opposite direction.

Design Speed (MPH)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		calculated (ft)	Design (ft)
15	80	165.4	170
20	115	220.5	225
25	155	275.6	280
30	200	330.8	335
35	250	385.9	390
40	305	441	445
45	360	496.1	500
50	425	551.3	555
55	495	606.4	610
60	570	661.5	665
65	645	716.6	720
70	730	771.8	775
75	820	826.9	830
80	910	882	885

Exhibit 9-55. Source: AASHTO
CASE B1 - LEFT TURN FROM STOP

Design Speed	Stopping sight	Intersection sight	
		calculated (ft)	Design (ft)
15	80	121.3	125
20	115	161.7	165
25	155	202.1	205
30	200	242.6	245
35	250	283	285
40	305	323.4	325
45	360	363.8	365
50	425	404.3	405
55	495	444.7	445
60	570	485.1	490
65	645	525.5	530
70	730	566	570
75	820	606.4	610
80	910	646.8	650

Exhibit 9-67. Source: AASHTO
Case F - LEFT TURN FROM MAJOR ROAD

Design Speed (MPH)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		calculated (ft)	Design (ft)
15	80	143.3	145
20	115	191.1	195
25	155	238.9	240
30	200	286.7	290
35	250	334.4	335
40	305	382.2	385
45	360	430	430
50	425	477.8	480
55	495	525.5	530
60	570	573.3	575
65	645	621.1	625
70	730	668.9	670
75	820	716.6	720
80	910	764.4	765

Exhibit 9-58. Source: AASHTO
CASE B2 - RIGHT TURN FROM STOP

P.C. Ex #28

HANOVER ROAD ASSOCIATION, INC.
P.O. Box 70
Boring, Maryland 21020

The undersigned hereby acknowledge and attest that on January 28, 2004 the Board of the Hanover Road Association, Inc. (HRA), a Maryland corporation, in accordance with Section 2-408 of the Maryland Corporations and Associations Code and its Charter and By-Laws, approved the Resolution set forth herein:

RESOLVED: That HRA opposes the zoning variance requested by the Millennium School for property that it is planning to use along Old Hanover Pike across the road from Suburban Propane in the Woodensburg area of northwest Baltimore County.

AND FURTHER RESOLVED: That the Board empowers and instructs Robert Walker, George Harman, or George Neubeck, President and Vice President, and Zoning Committee Chair respectively, to represent HRA in regard to the above matter before the Zoning Commissioner of Baltimore County, the Board of Appeals, and any other appellate body to which this matter may be directed. This includes hearings before the Board of Appeals scheduled on March 2, 2004 and March 9, 2004, and any continuance or postponement dates. Mr. Walker, Mr. Harman, or Mr. Neubeck to appear at those hearings for HRA and make known to the Board of Appeals the position of HRA in this matter, to wit, that:

HRA opposes the proposed variance that would allow the property to be used for a school of the planned size and extent that has been outlined to the HRA at prior meetings and before the Zoning Commissioner. Furthermore, Robert Walker, George Harman, or George Neubeck are authorized to explain or amplify as they see fit, this stated position.

AS WITNESS OUR HANDS THIS 1st day of March 2004.

ATTEST: The Hanover Road Association, Inc.

Robert Holtz, Secretary

Robert Walker, President

RESOLVED, that at the first meeting of the HRA in 2004, that the responsibility for review and recommending of action on all zoning and development matters is hereby placed on the President, Vice President, and Zoning Committee Chair as elected, or duly appointed.

WITNESS OUR HANDS AND SEALS THIS 1st day of March 2004.

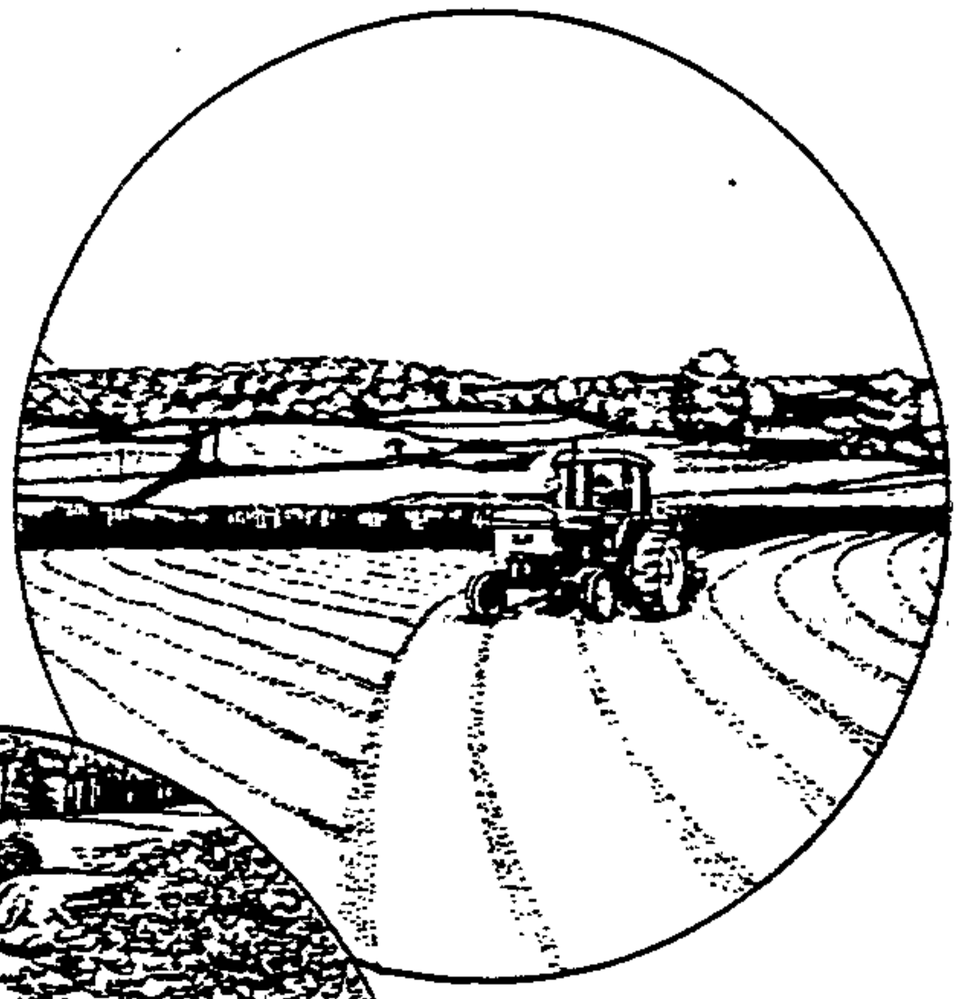
ATTEST: Hanover Road Association, Inc.

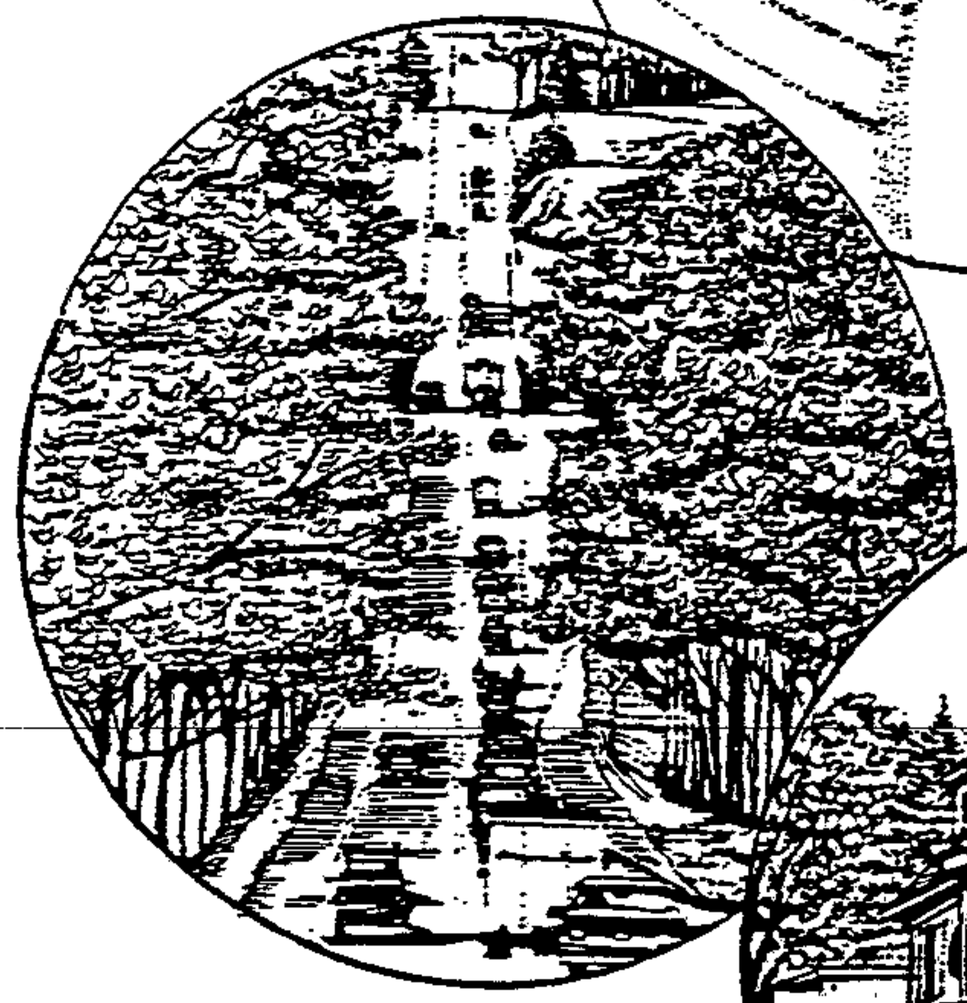
Robert Holtz, Secretary

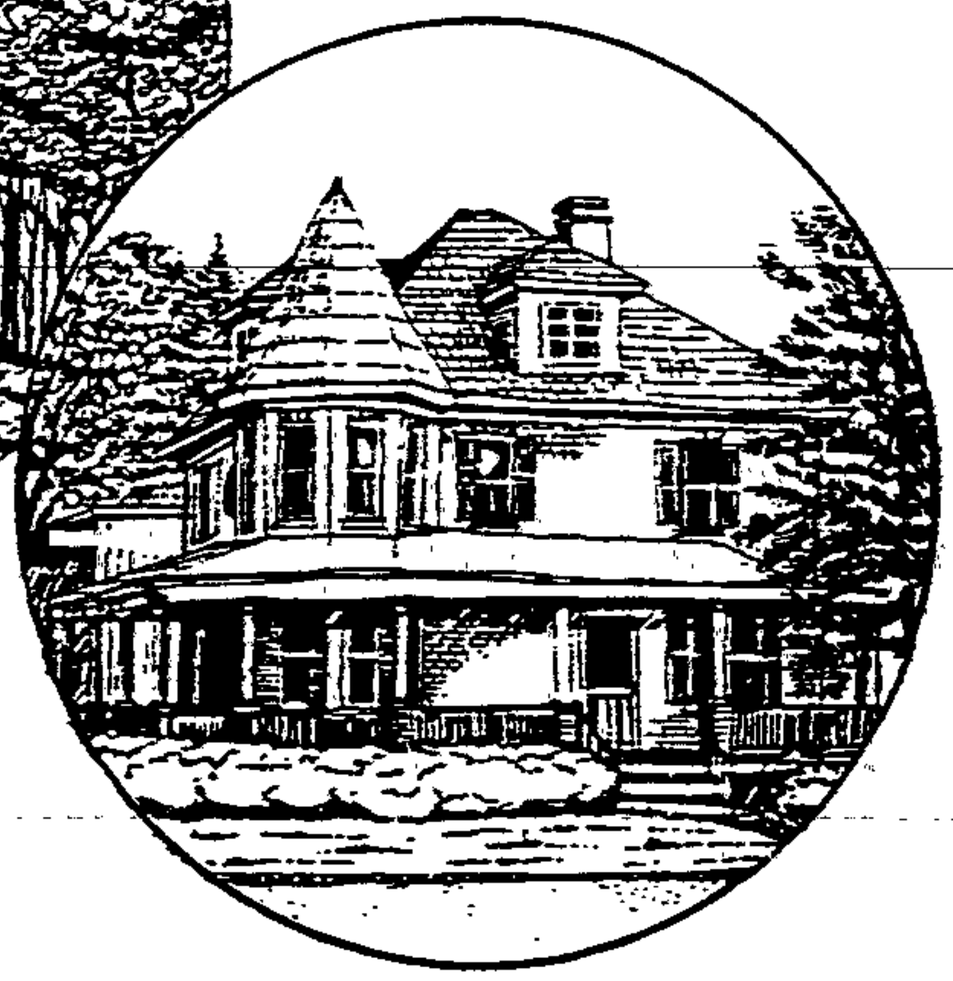
Robert Walker, President

P.C. Ex #25

HANOVER PIKE CORRIDOR STUDY







Adopted by the Baltimore County Council
April 19, 1993

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

RESOLUTION NO. 26-93

MR. C. A. DUTCH RUPPERSBERGER, III, COUNCILMAN

BY THE COUNTY COUNCIL, APRIL 19, 1993

A RESOLUTION to adopt the Hanover Pike Corridor Study as part of the Baltimore County Master Plan 1989-2000.

WHEREAS, the Baltimore County Council adopted the Baltimore County Master Plan 1989-2000 on February 5, 1990; and

WHEREAS, the Master Plan calls for a Community Plan for the Hanover Pike area; and

WHEREAS, the Office of Planning and Zoning, with the cooperation of many private parties, has prepared a plan for the Hanover Pike corridor from Glyndon to Carroll County; and

WHEREAS, by Resolution adopted September 17, 1992, the Baltimore County Planning Board adopted the Hanover Pike Corridor Study to constitute a part of and an amendment to the Master Plan; and

WHEREAS, the County Council held a public hearing on the recommended Hanover Pike Corridor Study on December 1, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Hanover Pike Corridor Study, as amended, be and it is hereby adopted and incorporated into the Baltimore County Master Plan 1989-2000 to be a guide for the development of the Hanover Pike area of the County, subject to such further modifications and amendments as deemed advisable by the County Council.

PROPOSED AMENDMENTS TO RESOLUTION 26-93
HANOVER PIKE CORRIDOR STUDY

1. On page 9, after the first paragraph under the heading "Recommendation", insert the following paragraph:

   "Initiation of this golf course in whole or part with private sponsorship shall have the effect of designating this area an institutional area within an Agricultural Preservation Area and the use at this location in this case shall be consistent with the Master Plan and not a conflict with agricultural preservation."

2. On page 11, in the first line of the paragraph titled, "Recommendation", strike the word "There" and substitute "Generally, there"; in the fourth line, after "nodes", insert "and other appropriate infill areas"; in the last line, after the period, insert "These areas are not be be considered as part of the agricultural priority areas as indicated on the land use maps."

3. Delete the map labelled "Hanover Pike Corridor Study, Proposed Land Use Plan" which appears immediately after page 11, and replace with the map attached hereto and labelled "Hanover Pike Corridor Study, Proposed Land Use Plan"

4. Delete, in their entirety, page 12 and 13 and replace with pages 12 and 13 attached hereto and dated 4/15/93

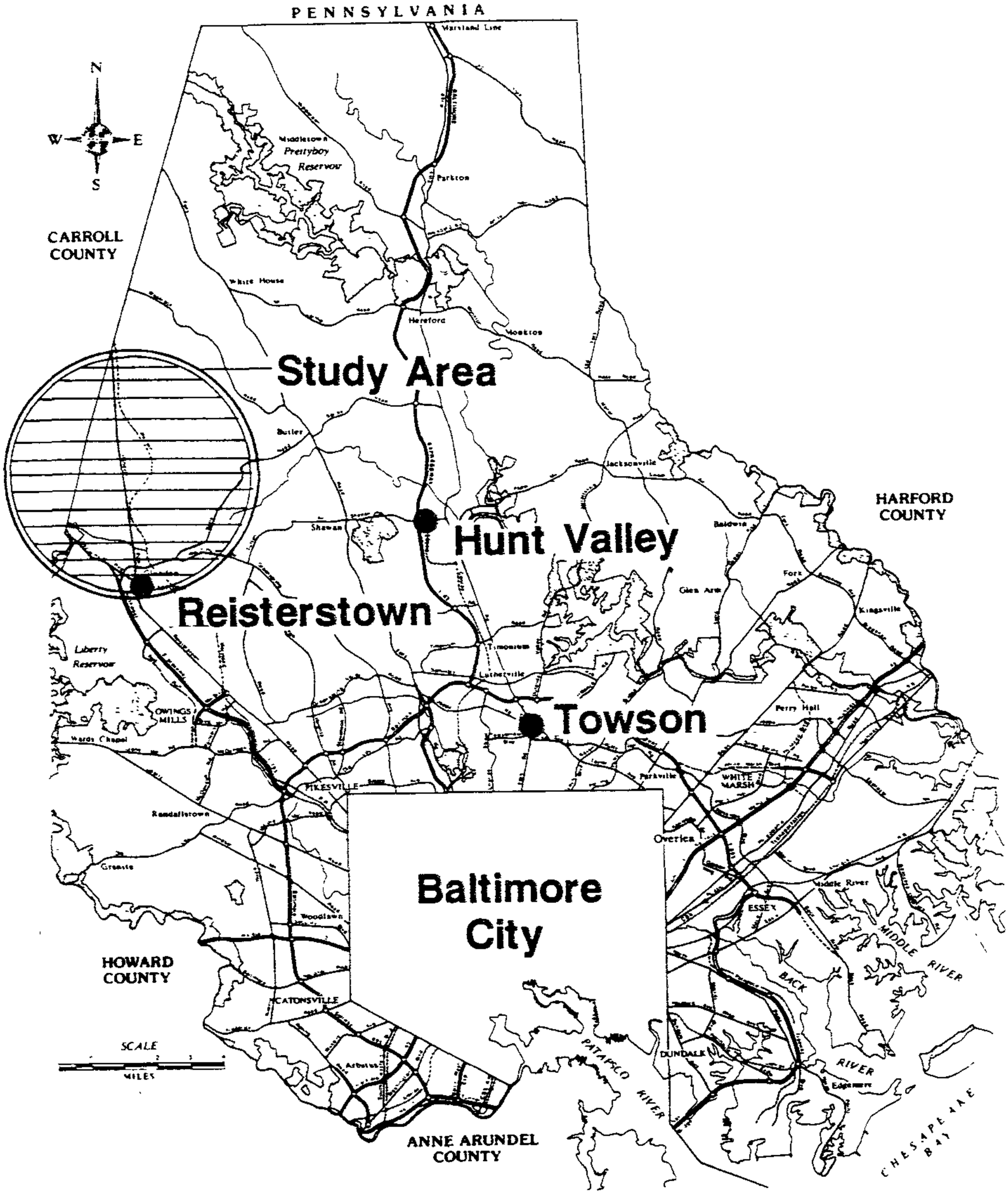
5. The map attached hereto, labelled "Hanover Pike Corridor Study, Zoning Enacted by Council, October 15, 1992" shall be incorporated in and made a part of the Hanover Pike Corridor Study.

R02693/RES93

TRUE COPY TEST:

THOMAS J. PEDDICORD, JR.
LEGISLATIVE COUNSEL/SECRETARY

Note: These text and map changes have been incorporated into the text of this document.



HANOVER PIKE LOCATION MAP
BALTIMORE COUNTY, MARYLAND

ACKNOWLEDGEMENTS

The Office of Planning and Zoning would like to thank members of the Advisory Group, interested citizens and property owners, staff representing Baltimore County agencies, Carroll County Office of Planning, the Maryland National Guard and the Maryland Department of Transportation for their assistance and patience in preparing the Hanover Pike Corridor Study.

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1. INTRODUCTION

The Hanover Pike is strategically located as the primary State road linking Carroll County and Southern Pennsylvania with the Owings Mills Growth Area, the Baltimore Beltway and Maryland's Southern Interstate road system. The rapid growth of the region has led to significant increases of traffic on the Pike itself, which, despite its important function, is still essentially a two lane local rural road.

The Corridor has also been subject to pressures for zoning changes to permit additional development, especially for light industrial use.

The Baltimore County Master Plan 1989-2000 in the section on the Northern Sector states that "...the natural and cultural resources of this area form a landscape that is as visually fragile as it is aesthetically refreshing... large expanses of farmland -- and small towns and villages enhance the unique visual character of this [northern] sector...."

It is the need to balance any employment and revenue benefits which may be obtained from new development against the desire to protect the natural environment and rural landscape which is the central issue in the Hanover Pike Corridor.

The Study was initiated by Councilman Ruppersberger in response to a community desire to protect the corridor's rural quality, address safety and other traffic issues along the Pike and to explore the possibility of increased employment and recreational opportunities at appropriate locations in the area.

In the study's early stages, County staff provided information which was utilized by an advisory group to establish a list of priority issues to be addressed in the plan. From these issues, a set of land use and transportation alternatives were prepared and evaluated. The result of these evaluations form the basis of the recommendations contained in this report. In those instances where no consensus was reached, the Planning Board and County Council Public Hearing Process will provide the vehicle for continued discussion. The ultimate responsibility to resolve outstanding issues will be in the hands of the County's elected representatives. In the case of the various road alternatives, this study represents only the first, preliminary stage in a long range process which will involve all levels of government in the design, construction and funding of the upgraded Hanover Pike.

II. IDENTIFICATION OF ISSUES

Three broad sets of issues were identified as being at the core of County and community concerns with respect to the Hanover Pike Corridor Study. These can be summarized as follows:

- ❑ 1.The retention of the rural character and identity in the face of development pressures extending from the Owings Mills Growth Area in the southeast, and residential and light industrial growth across the Carroll County line, in the west.
- ❑ 2.The need to address the rapid increase of traffic, especially heavy trucks along the Hanover Pike and the safety and accessibility issues which are a result in part, of the inadequacy of the current road to accommodate these volumes.
- ❑ 3.The need to control and improve the quality of development design currently permitted under existing development, zoning and environmental regulations.

III. GOALS OF THE STUDY

The Hanover Pike Corridor Study has been undertaken under the direction of County staff, in conjunction with a Citizen's Advisory Group, local property owners, residents, interest groups and representatives of both the Maryland Department of Transportation (MDOT) and the Carroll County Office of Planning. The following goals were set at the outset of the planning process to guide the plan.

- ❑ Maintain the rural integrity and character of the Hanover Pike Corridor
- ❑ Establish viable options for improving safety and traffic flow along the Hanover Pike (MD Route 30).
- ❑ Protect and enhance the rural villages which are located along the Pike by managing commercial growth, ensuring design compatibility and eliminating arbitrary spot commercial zoning.
- ❑ Create a range of recreational opportunities including a golf course, to serve the increasing demands generated by the growing population living and working in Baltimore County's Northwest Corridor.
- ❑ Examine opportunities in the corridor for some additional light industrial and service uses, in areas adequately served by the existing or an improved road network, and at a scale and intensity appropriate to the environmental constraints of the site and surrounding areas.
- ❑ Develop a set of design guidelines to ensure high standards of appropriate rural development throughout the corridor.

IV. ENVIRONMENTAL AND RURAL LANDSCAPE PROTECTION

(a) The Natural Environment

The area contained within the Hanover Pike Corridor Plan is significant in many ways. It is predominantly open rolling farm land, with a central ridge line running north/south just east of the Old Hanover Road and the railroad. This ridge line separates the two drainage areas, Western Run and Patapsco, both of which flow into public reservoir impoundments. The streams which feed the reservoirs begin here and their headwater reaches are most critical in maintenance of water quality. All of these streams are classified by the State as Class III trout waters and must be protected. Loch Raven and Liberty are two of the three reservoirs which provide water storage prior to treatment by Baltimore City for distribution through the public water supply system. Land use has a direct impact on the water quality which flows into the reservoirs, and land-use impacts are major concern.

There are several types of agricultural uses functioning within the plan area including dairy, beef, grain, horses, silvaculture, and nurseries. Small grains, however, are the most common type of crop. Intermixed throughout the study area are large and small woodlands which help to maintain water quality, wildlife cover, and corridors for wildlife and bird migration. These areas also have significant scenic value. It is essential that existing woodland be retained and wherever possible that additional woodlands be provided.

Topography in the study area varies from relatively level ground along the ridges to gentle slopes becoming steeper in the vicinity of streams. Slopes ranging from 15% to over 25% are not uncommon adjacent to the stream valleys.

The geology of the area is common to the Maryland Piedmont Plateau. Loch Raven

Schist, Piney Run Formation, and Sykesville Formation are all members of the Wissahickon Group, which underlie the study area. As expected, Alluvium soils of variable composition are found in the various stream valleys.

The soils within the study area are predominantly loams and silt loams. While the characteristics will vary, they are for the most part considered to be prime and productive soils for most agricultural purposes. A complete overview of the soils for this portion of Baltimore County may be found on Plates 11, 15 and 20 of the Soil Survey of Baltimore County.

Large scale development options are strictly limited along the ridge lines, as ridge areas are most vulnerable to impacts on ground water recharge from increases in impervious surfaces.

Nontidal wetlands are located throughout the study area and are most commonly found associated with tributaries to either the Patapsco River or Western Run. Because of their water quality values and functions, any disturbance of nontidal wetlands which would result from such large scale impacts as major road construction, is discouraged by Federal, State, or County regulations.

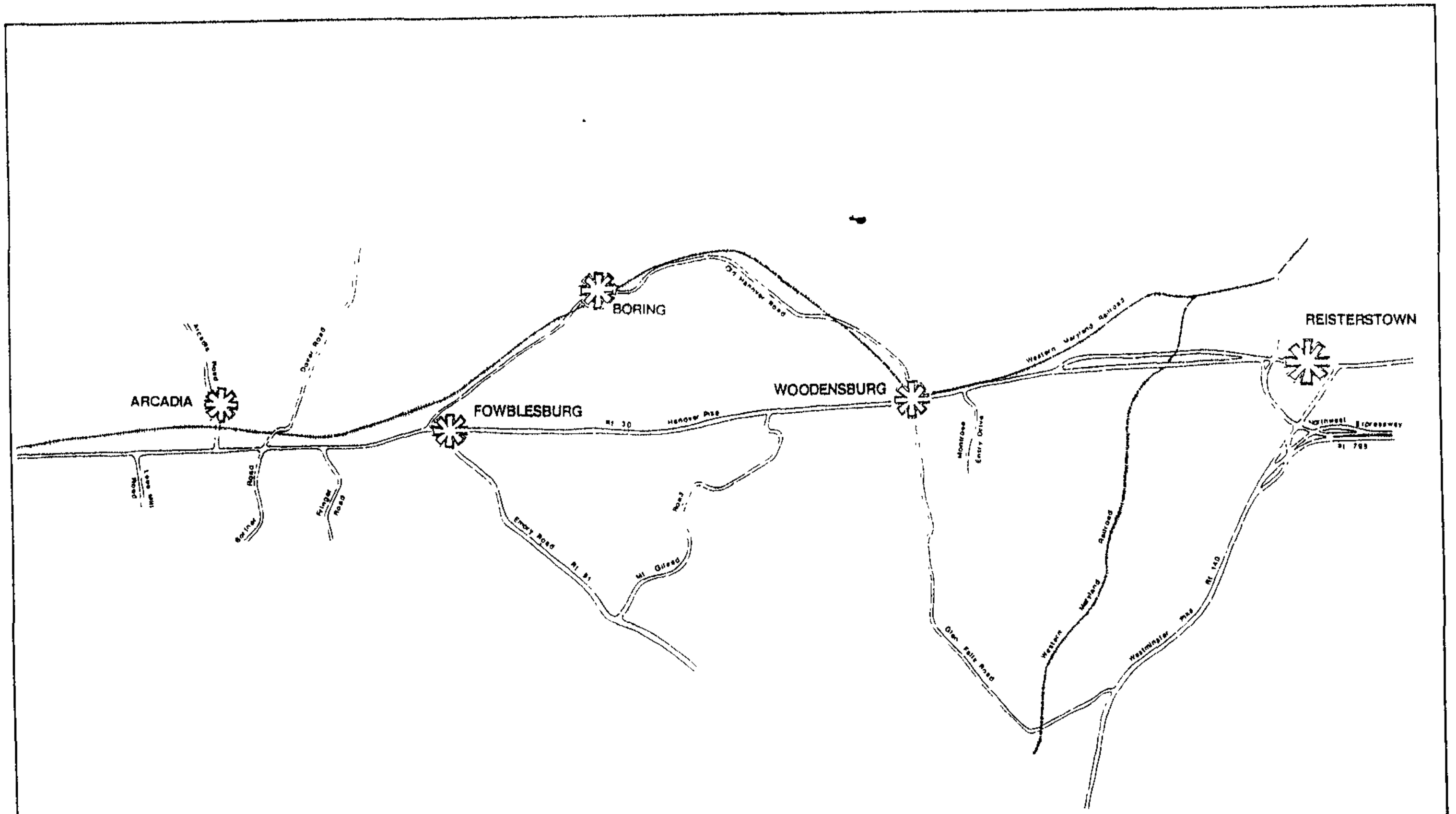
(b) **The Rural Landscape**

Hanover Pike - Historical Perspective, highlighting the history of Hanover Pike and surrounding areas, lists 26 sites with some historic significance. Of particular interest and merit is the Hanover Pike Toll House (ca 1859) which was the dwelling of the tollgate keeper. The house was moved from Fowblesburg to Woodensburg in 1903 and continued to operate until 1915. Although in poor condition, this building represents a historic time in the Pike's development and is certainly worthy of preservation. This could be a community project with technical assistance provided through the Baltimore County Historic Trust.

There are many scenic views and special corridors in the study area. The most obvious scenic routes lie along the major transportation routes -- Westminster and Hanover pikes and Mount Gilead,Dover, and Trenton roads. Westminster Pike, a state highway, is a five-lane, high-intensity commuter road, and this high-capacity design contrasts sharply with the rural, low-density character of the surrounding land. Additional landscaping along this road would soften the highway's harsh appearance and enhance the special character of the area.

Hanover Pike, another state highway, accommodates some commercial and residential development but is primarily a rural road that rises and falls with the topography. It provides a pleasant appearance for most of its length, especially during the spring, summer, and fall. At various locations, such as Mount Gilead Road, there are panoramic views northwest toward Carroll County. At other points, there are long views across farm fields, clusters of farm buildings, historic homes, and churches.

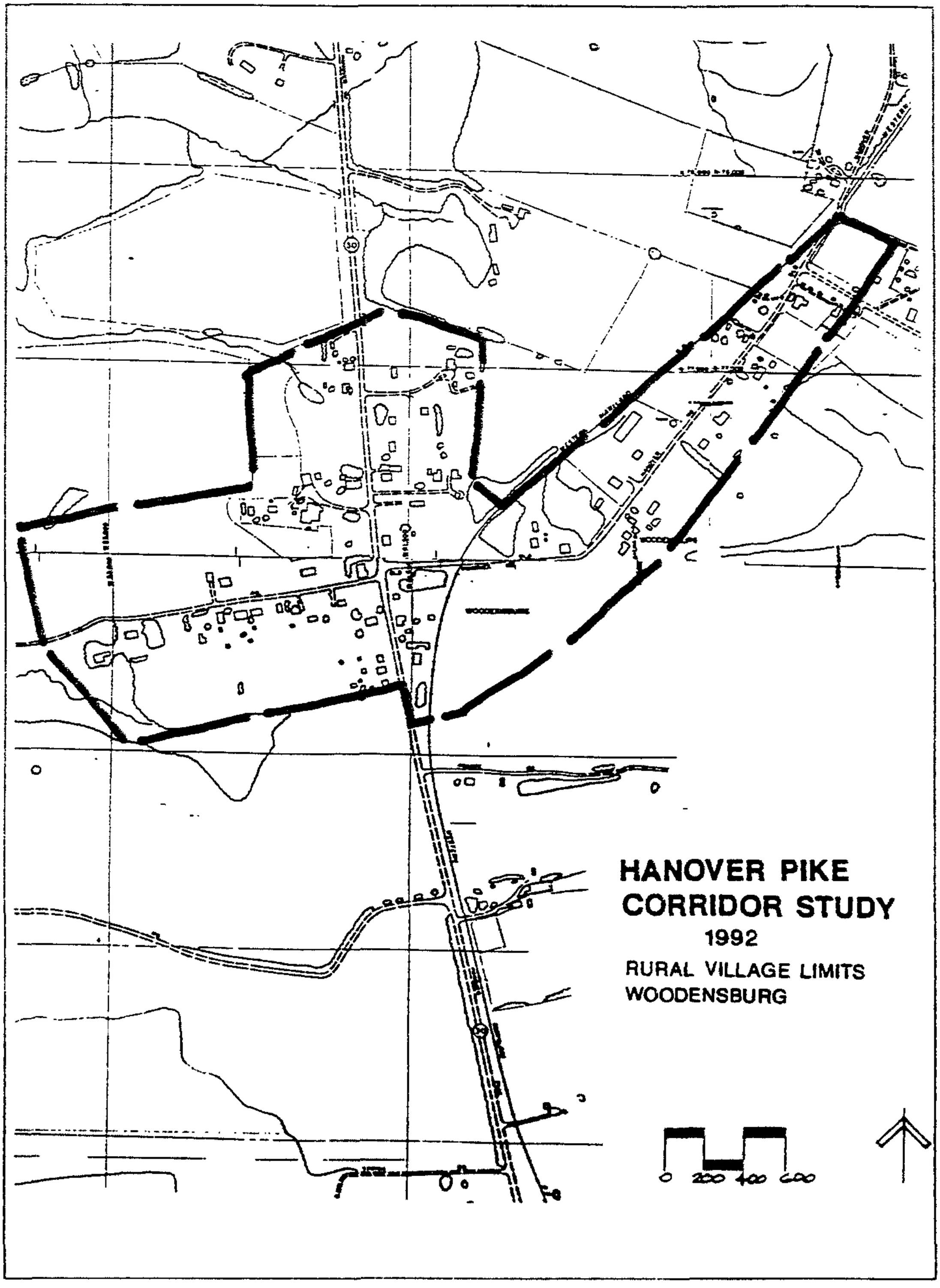
Mount Gilead Road, a narrow rural road which winds through cultivated fields and woodlots, connects Hanover Pike and Emory Road. Because of its narrowness and intimate blending with the landscape, this road represents an important element in the rural landscape. Dover Road, intersecting Hanover

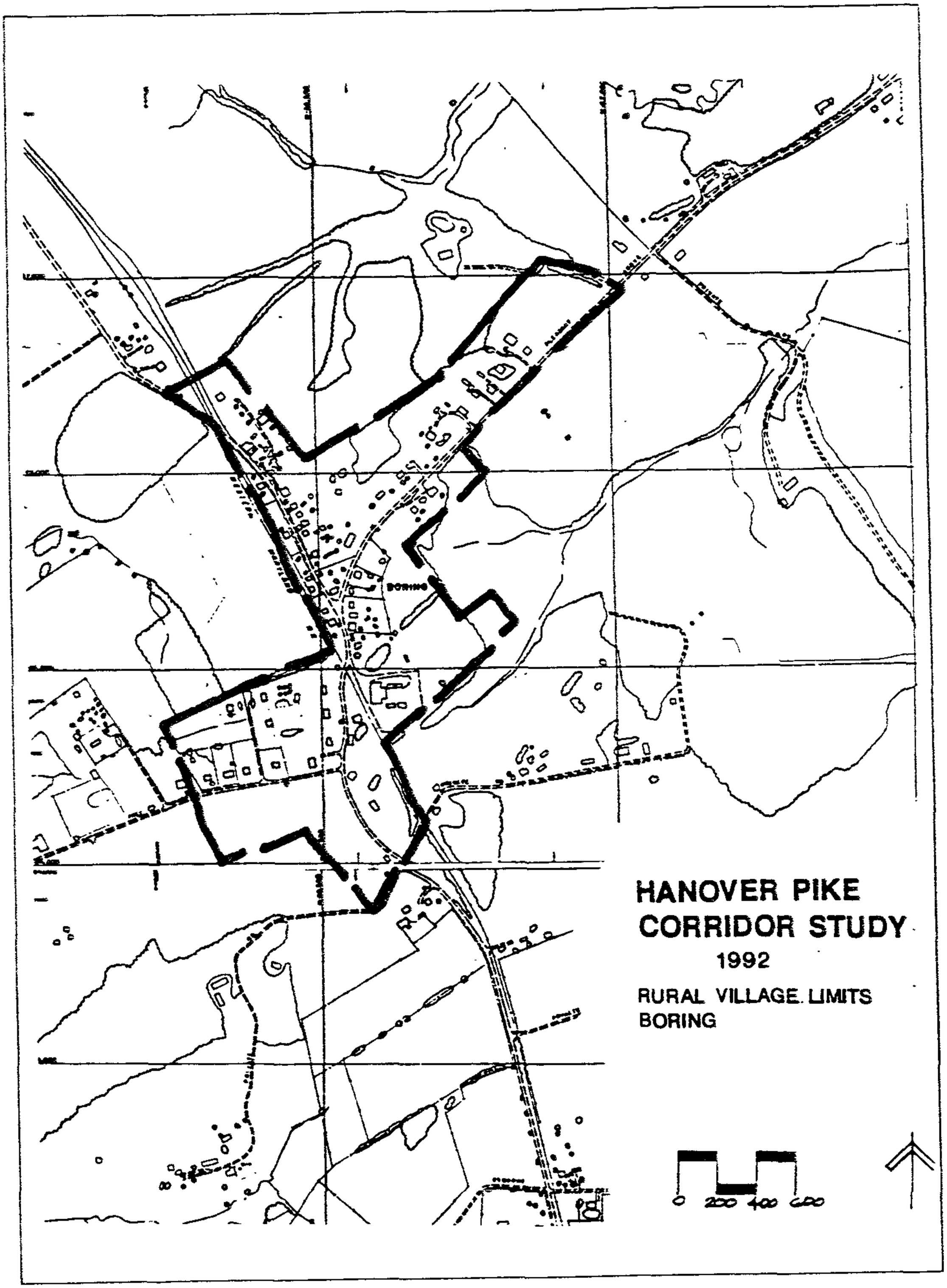


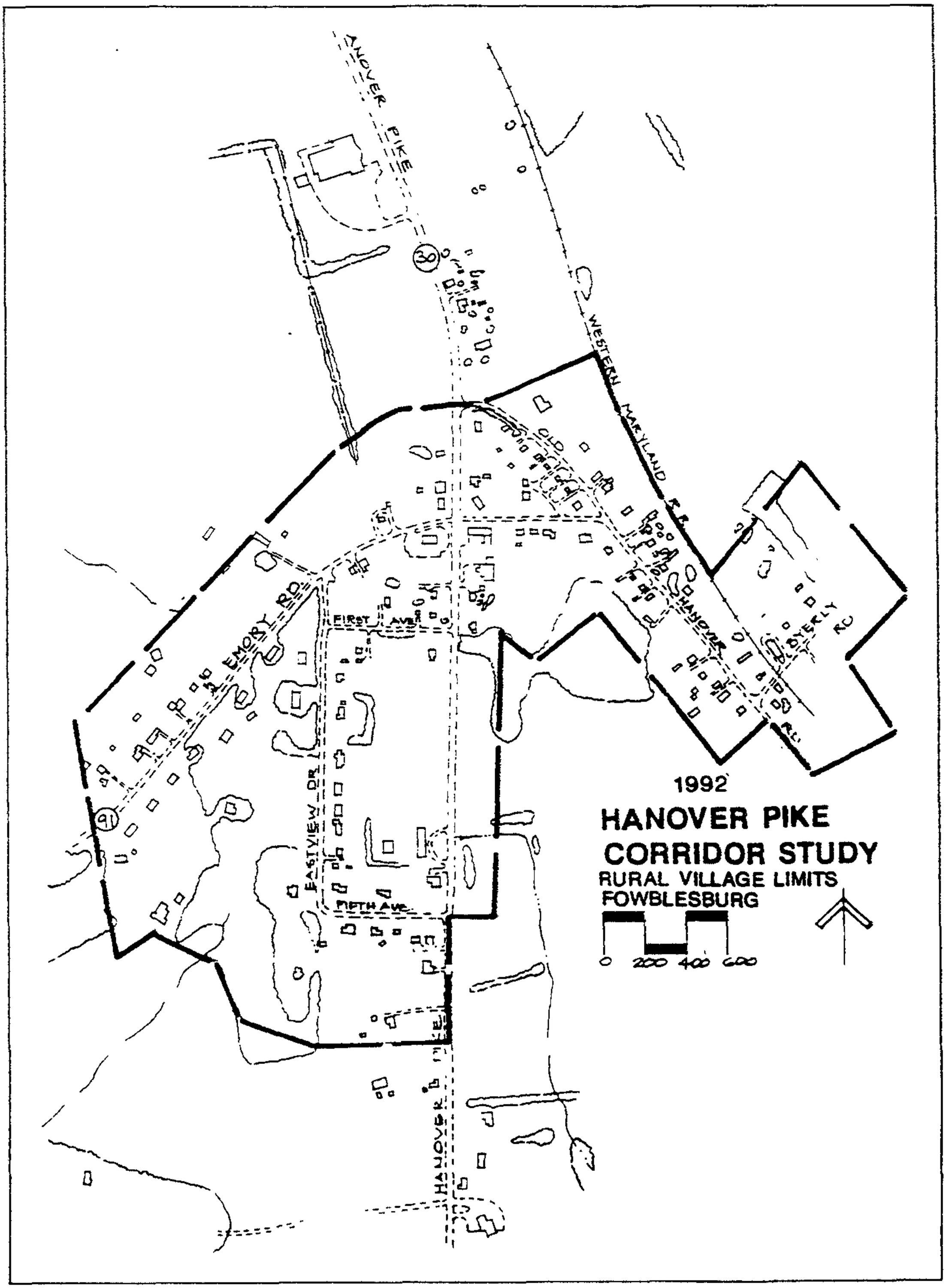
HANOVER PIKE
CORRIDOR STUDY

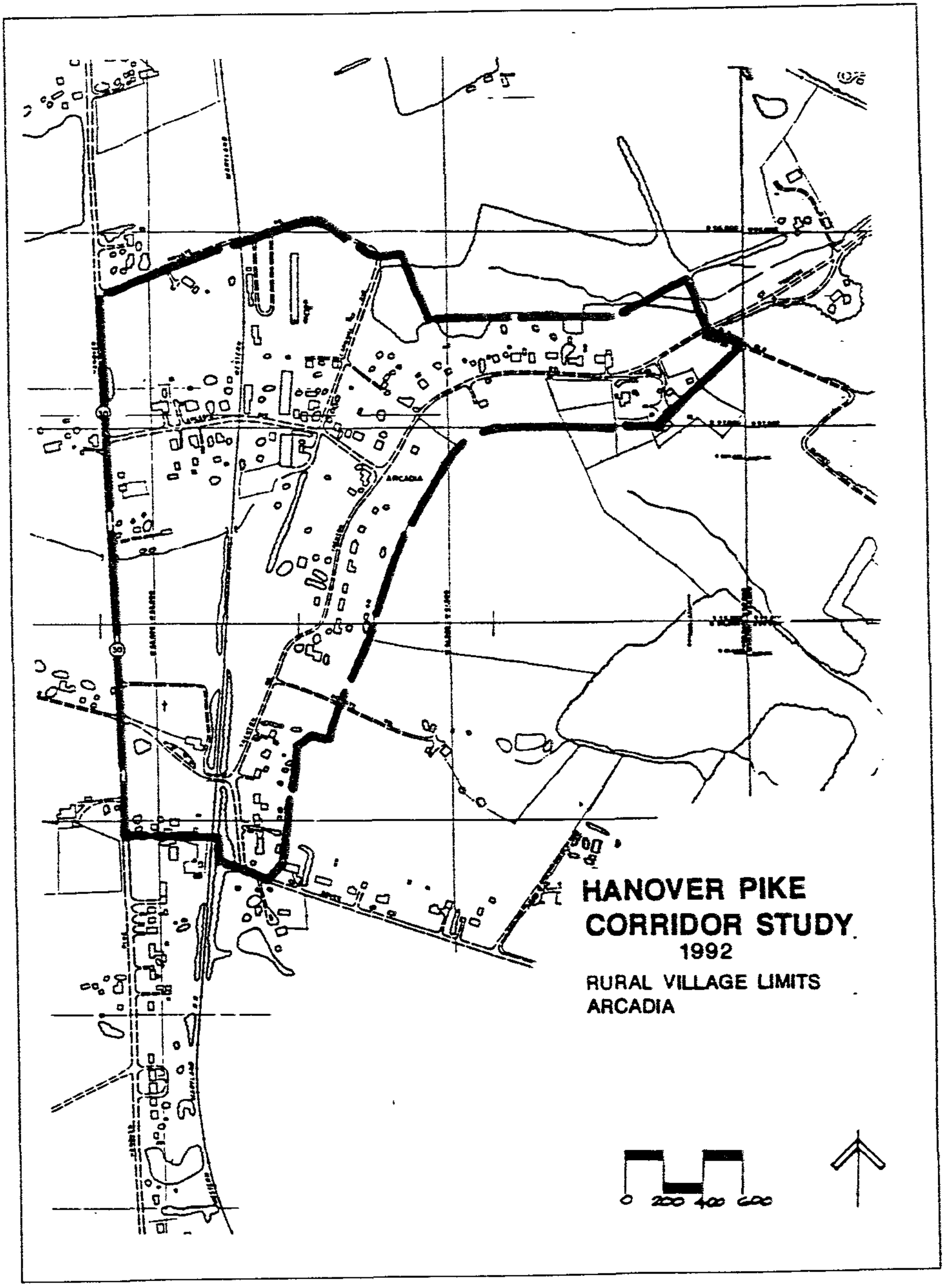
BALTIMORE COUNTY OFFICE
OF PLANNING & ZONING

PLAN: HANOVER PIKE


HANOVER PIKE
CORRIDOR STUDY
1992
RURAL VILLAGE LIMITS
WOODENSBURG
0 200 400 600


BORING
HANOVER PIKE
CORRIDOR STUDY
1992
RURAL VILLAGE LIMITS
BORING
0 200 400 600


HANOVER PIKE
WESTERN MARYLAND R.R.
OLD
EMORY RD.
FIRST AVE.
EASTVIEW DR.
FIFTH AVE.
HANOVER PIKE
HANOVER
DYSELY RD.
R.R.
30
91
1992
HANOVER PIKE
CORRIDOR STUDY
RURAL VILLAGE LIMITS
FOWBLESBURG
0 200 400 600


HANOVER PIKE
CORRIDOR STUDY
1992
RURAL VILLAGE LIMITS
ARCADIA
0 200 400 600

Pike just south of Arcadia, is most noticeable from the Pike because of the visibility of St. Paul's Lutheran Church and cemetery. From this point, traveling east, the road crosses the railroad on a vintage wooden trestle bridge. From there, drivers can choose between two scenic routes -- continuing on Dover Road or turning left onto Trenton Road. Dover Road provides a 5.5-mile ride along a rural road with dairy, grain, and beef farms, hardwood groves, and scattered home sites. All of the land is zoned for agriculture and some landowners have placed their farms in the Maryland Agricultural Land Preservation Program. Dover Road ends at Butler Road in Worthington valley. Trenton Road, beginning at Dover Road, runs north by northeast for three miles to Black Rock Road. This road passes through rolling farmland with 19th-century houses and trout streams.

Any discussion of scenic areas must include the four existing villages -- Woodensburg, Fowblesburg, Boring, and Arcadia. Recommended boundaries for each of these villages are illustrated on the proposed plan, within which each village's unique sense of character should be maintained.

It is clear from even the most preliminary evaluation of the environmental characteristics of this area, that it is not suitable for intense development of any sort. Proposed zoning changes or road improvements must be evaluated carefully as to their potential impacts on the natural landscape and environment and on the surface and underground water systems. As a result, the recommendations contained in this study are essentially conservative and if adopted, will require extensive ongoing environmental controls and monitoring at every stage of the development review and approval process.

V. LAND USE AND ZONING

(a) Existing Land Use

For the purposes of this study, existing land use and zoning were studied, along with the constraints imposed on development by environmental and transportation limitations.

ACREAGE IN STUDY AREA BY ZONE

TOTAL ACREAGE STUDY AREA:

12,710 Acers

ZONE	ACRES
R.O.	1
B.L.	32
B.L.-C.R.	7
B.M.	18
B.R.	43
B.R.-C.R.	14
M.L.	5
R.C..2	9,983
R.C.4	2,455
R.C.5	142
R.C.C.	4
D.R.1	3
D.R.3.5	3

HANOVER PIKE CORRIDOR STUDY

EXISTING ZONING 1988

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Scale:

KEY:

RESOURCE CONSERVATION

- RC-2 — AGRICULTURAL PROTECTION
- RC-3 — DEFERRAL OF PLANNING & DEVELOPMENT
- RC-4 — WATERSHED PROTECTION
- RC-5 — RURAL RESIDENTIAL
- RC-C — RURAL COMMERCIAL

DENSITY RESIDENTIAL

- DR- — LOW, MEDIUM, & HIGH DENSITY URBAN RESIDENTIAL AREAS

OFFICE

- O- — R-O RESIDENTIAL OFFICE; O-1 OFFICE BUILDING; O-2 OFFICE PARK

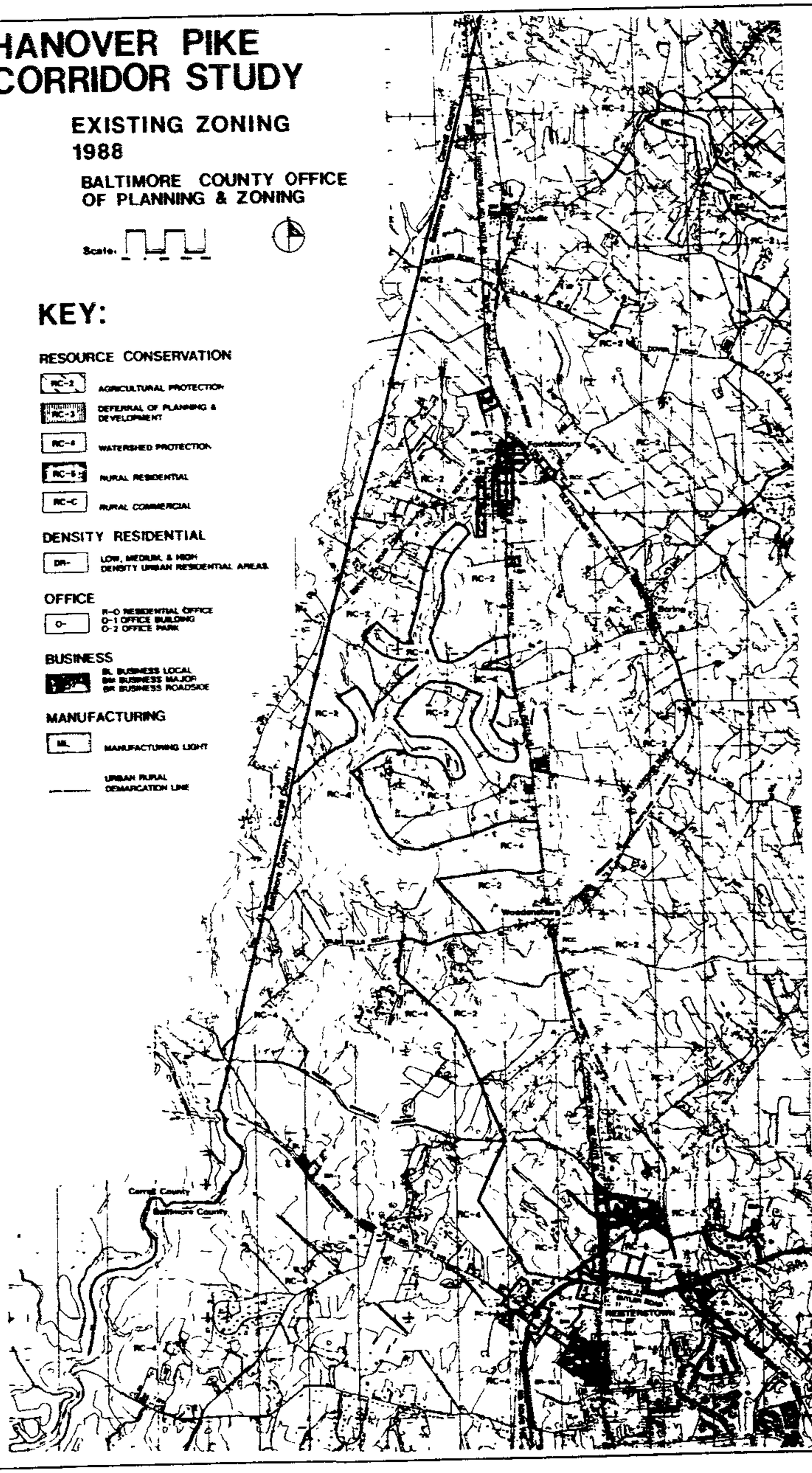
BUSINESS

- BL BUSINESS LOCAL; BM BUSINESS MAJOR; BR BUSINESS ROADSIDE

MANUFACTURING

- ML — MANUFACTURING LIGHT

URBAN RURAL DEMARCATION LINE



As can be seen from the existing zoning map and the acreage table, above, almost all the land in the study area is zoned in a resource conservation classification, with a majority being zoned RC 2, (agricultural preservation) and RC 4, (watershed protection). A very small proportion, about 1% is zoned RC 5, rural residential, while an equally small amount is zoned for commercial and industrial use.

Most of the commercial zoning is located on the Hanover Pike, in the small village nodes which occur at frequent intervals along the highway. Very little commercially zoned land is vacant, but development is well below permitted density and some intensification may be expected over time. In order to control the quality of commercial development and achieve a high degree of compatibility within adjacent communities and the surrounding rural landscape, the commercial-rural overlay district and the resource conservation - commercial zone were introduced to some sites in the area in the 1988 Comprehensive Zoning Map Process.

(b) Land Use Opportunities

The community advisory group as well as representatives of the community at large were asked to evaluate land use opportunities for the corridor, bearing in mind the need to preserve the rural character, protect the extremely sensitive natural environment and ensure that any additional development would not over burden the already limited transportation network serving the area.

The four main land use possibilities studied by the advisory group were as follows:

Recreation/Open Space Opportunities

At the onset of the Hanover Pike Study, the Department of Recreation and Parks identified a serious lack of public golf courses in the area and requested that the study address this and other recreational needs.

Staff identified only one general location with the potential for significant recreation and open space use. The area in question is farmland located east of the Hanover Pike, extending north and south of Woodensburg. It comprises the Watner, Lippy and Mandel properties and appears from preliminary study to be suitable for use as a major recreational facility comprising a golf course, horse riding trails and an open space greenway system.

Discussion

The Baltimore County Master Plan 1989-2000 identified Slade Run and Councilman Run and their associated valleys as part of the County-wide Greenway System. Thus this area, already targeted as a major location for passive recreation was immediately seen as the prime potential site for the public golf course identified as being needed by the Department of Recreation and Parks. In addition, the existence of horse farms in the area provided an extra recreational opportunity. The end result was a study which investigated a major rural recreation facility comprising a stream valley park greenway, a golf course and an extensive horse-riding trail system. Preliminary investigations were made by the Departments of Environmental Protection and Resource Management (DEPRM), and Recreation and Parks both of which confirmed the recreational potential. In addition, the golf course site was studied by the

consulting firm of Daft, McCune and Walker, Inc., who were already working under contract to the Department of Recreation and Parks with respect to the County's Golf Course Master Plan. Their preliminary findings were in favor of a golf course, subject to further, more detailed environmental safeguards and design features, which would protect groundwater, wetlands and wooded slopes and ensure compatibility with adjacent agricultural uses.

Detailed studies also confirmed the validity of the Master Plan proposal for a greenway network in the area. The area studied in greater detail comprises over 500 acres of gently rolling, cultivated fields running southeast to clearly defined woodland edge. This woodland is a part of a larger contiguous wooded valley with several small streams flowing into Councilman Run. These streams are the links into the Master Plan's Countywide greenway, and as a total system, they will ensure the conservation of and controlled public access to the Liberty Reservoir, the Western Run Valley and the Loch Raven Reservoir system.

The greenway will be acquired primarily through easements generated as part of the development process, private charitable donations, and, in some cases, should funds be available, through in-fee or easement purchase.

Horseback riding is a popular form of recreation, with a number of horse farms existing in this corridor. Several riding trails already exist and could easily extend into the greenway system. As in the case of the golf course and the greenway programs, no zoning change would be needed and, for the most part, access could be achieved through negotiation with property owners. Additionally, there are several existing buildings and dwellings which could be used in conjunction with the proposed recreational activities.

The village of Woodensburg lies adjacent to this targeted site, is easily accessible from Route 30, and contains not only some existing commercial uses, but contains zoning in sufficient quantity to accommodate additional commercial uses to support increased demand.

Recommendation

The County should study the feasibility of an active/passive recreation system in the area east of Woodensburg. This system could incorporate a golf course facility, existing horse trails and the stream valley park system (greenway). However, a concerted effort should be made to insure that no residential options are included in the final plan for the golf course. The agricultural uses surrounding these sites should be protected at all costs from residential encroachment and the accompanying factors of environmental disturbance and traffic congestion.

Initiation of this golf course in whole or part with private sponsorship shall have the effect of designating this area an institutional area within an Agricultural Preservation Area and the use at this location in this case shall be consistent with the Master Plan and not a conflict with agricultural preservation.

County agency staff, especially DEPRM, Recreation and Parks, the Office of Planning and Zoning and the Department of Public Works should be actively involved in the design of the proposed system, along with citizens and community groups living and working in the area.

Service/Industry Opportunities

Two large properties comprising a total of 180 acres, currently zoned RC 2, which are located at the Southern end of the study area, immediately west of the Pike and North of Reisterstown, were the subject of discussion during the study process. The properties were examined as possible areas for zoning changes from the agriculture preservation zone presently in place, to a manufacturing or service-employment zone at some point in the future.

Discussion

This plan reconized that some development pressure will become evident as the office/ residential land in the Owings Mills Growth Area develops out to its limits. As this occurs, consideration could be given to the feasibility of limited, carefully designed and environmentally sensitive development at this location. Concerns such as those set forth by the Watershed Management Agreement and traffic considerations of both the State Highway Administration and Baltimore County would need to be addressed in any future development.

Recommendation

The issue of rezoning these properties is premature. The eventual build-out of Owings Mills in service/industrial land use will be an indicator for re-examining the land use of these sites at some point in the future.

Additional Residential Opportunities

Although not a major objective of the Hanover Pike Study, some consideration was given by staff and the advisory group to the possibility of zoning changes which would permit some increase in residential development, within the context of resource conservation zoning. The areas considered included land northwest of the Hanover Pike and Butler Road intersection; property on the west side of the Pike above the Reisterstown Veterinary Hospital, and the area already mentioned above in association with the potential golf course - recreation area development.

Discussion

The possible increase in residential development in the study area as a result of zoning changes was generally opposed by all parties to the study, even in the context of a golf course community. Staff analysis indicated that an additional 1800 units could be built under existing zoning, which was more than enough to satisfy current demand. As a result, the group were of the opinion that there was no overriding public need for additional residential zoning and the present rural character should be retained for the foreseeable future.

Recommendation

Generally there should be no change in zoning in the study area from RC 2 to RC 4 or RC5 which would permit additional residential growth in the corridor. Any future growth should be directed towards the village nodes and other appropriate infill areas and only then if a need has been established and adequate services and facilities are in place to support the additional population. These areas are not to be considered as part of the agricultural priority areas as indicated on the land use maps.

Commercial Opportunities on the Pike

There was general consensus among staff and advisory group members that for a variety of environmental and traffic reasons there was no justification for additional commercial zoning in the area. Consideration of commercial zoning in fact, centered on the need to further control the design and nature of the existing commercial zones and the feasibility of extending the commercial-rural overlay district.

Discussion

The increased traffic on the Pike has led to a demand by some residents for requests for commercial zoning as they contend that their properties are no longer viable for residential use. This particular philosophy has generally been accepted in Baltimore County over the years and the end result has been the stripping out of commercial corridors from downtown Baltimore to Pennsylvania, Harford County and Carroll County. The change to commercial zoning only exacerbates the traffic problems by adding both volume and turning movements and places even greater pressure on remaining residential uses.

The Hanover Pike is still essentially rural and a strong policy of limiting commercial zoning to the four village nodes will enable it to remain that way. Of greater concern to the advisory group and County staff was the need to improve the quality of development on the corridor and to ensure new construction and redevelopment was rural in character and well designed.

Recommendation

There should be no extension of business or office zoning along the Hanover Pike. Where appropriate, existing zoning should be scaled back to a lower intensity of use, or should have a CR District Overlay applied. This would place reasonable size and design limits on these properties, ensuring design compatibility and rural character.

HANOVER PIKE CORRIDOR STUDY

PROPOSED ZONING

BALTIMORE COUNTY OFFICE
OF PLANNING & ZONING

Scale:

KEY:

RESOURCE CONSERVATION

- RC-2 — AGRICULTURAL PROTECTION
- RC-3 — DEFERRAL OF PLANNING & DEVELOPMENT
- RC-4 — WATERSHED PROTECTION
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DENSITY RESIDENTIAL

- DR- — LOW, MEDIUM, & HIGH DENSITY URBAN RESIDENTIAL AREAS

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- O- — R-O RESIDENTIAL OFFICE; O-1 OFFICE BUILDING; O-2 OFFICE PARK

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- BL, BM, BR — BL BUSINESS LOCAL; BM BUSINESS MAJOR; BR BUSINESS ROADSIDE

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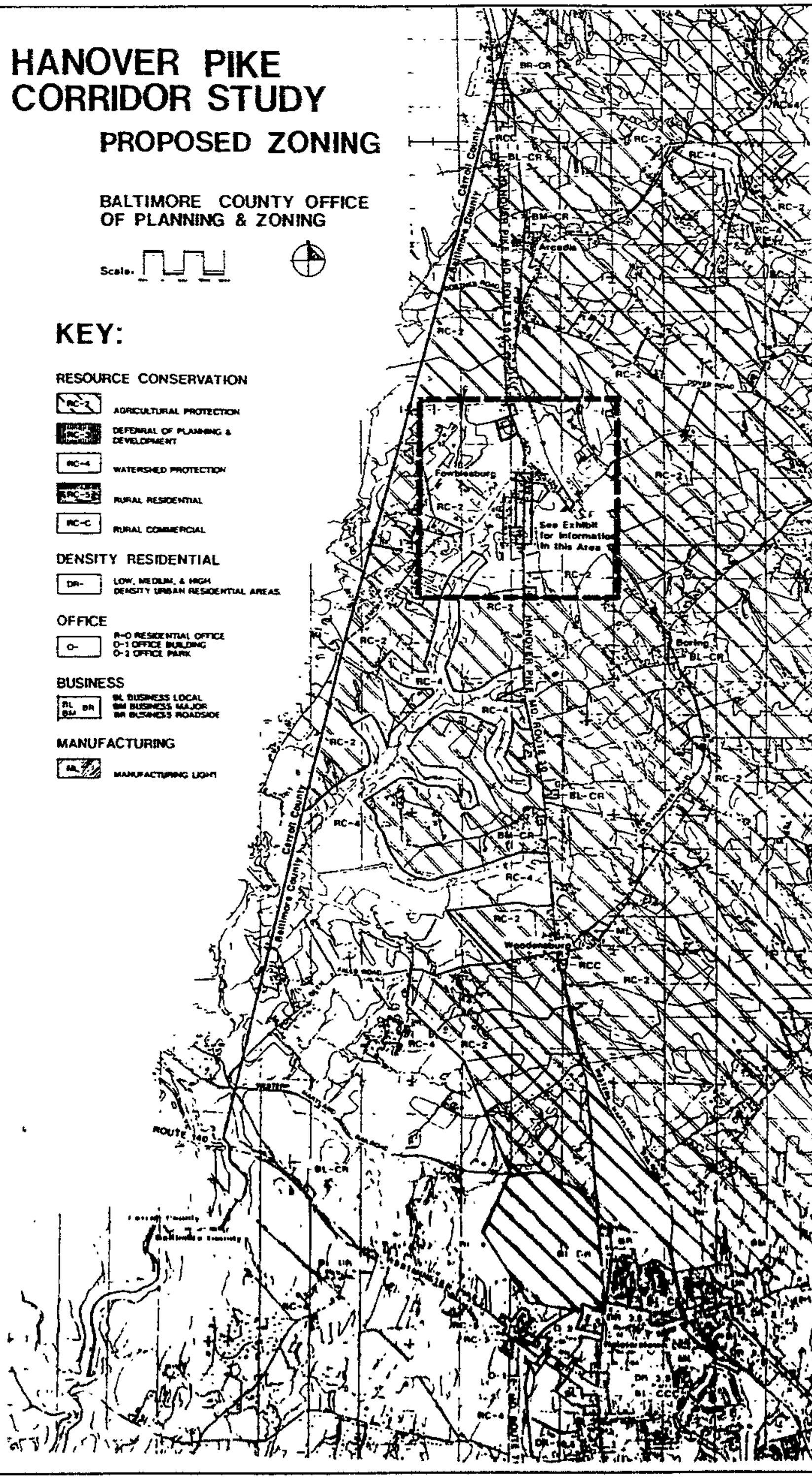


Specific Zoning Recommendations

Specific sites were examined for their land use and zoning, and recommendations made on the zoning's appropriateness. These sites are:

LOCATION	1988 ZONING	ZONING AS ENACTED BY COUNTY COUNCIL OCTOBER 15, 1992
1. Northwest corner of intersection of Hanover Pike and Butler Road	B.L. & DR 3.5	BL & R.C.2
2. East side of Hanover Pike, south of intersection of Hanover Pike and Old Hanover Road.	R.C.C.	Remain R.C.C.
3. North side of Westminister Pike, southeast of Glen Falls Road		
Restaurant	B.L.	B.L.- C.R.
American Legion	DR 1	RC 4
Restaurant	B.L.	B.L.- C.R.
4. East side of Hanover Pike, commercial property (green house/commercial roadside market).	R.C.2	R.C.C.
5. East side of Hanover Pike, north of intersection of Mount Gilead and Hanover Pike.	B.M.	B.L.- C.R. R.C.2
6. East side of Hanover Pike, south of 5th Avenue.	B.R.	B.R.- C.R.

LOCATION	1988 ZONING	ZONING AS ENACTED BY COUNTY COUNCIL OCTOBER 15, 1992
7. West side of Hanover Pike (parallels present B.R. zoning along Hanover Pike) between 1st and 5th Avenue		
Inn	B.L.- C.R.	B.L. - C.R.
Warehouse, Motel	B.R.	B.R. - C.R.
Unimproved	B.R.	B.R. - C.R.
Unimproved	B.R. - C.R.	B.R. - C.R.
West side of Eastview Dr.	R.C. 5	R.C.2
8. East and west side of Hanover Pike, north of 1st Avenue.	B.R. - C.R. B.L. - C.R. B.R.	B.R. - C.R. B.L. - C.R. R.O. - C.R..
9. West side of Eastway Drive,	R.C. 5	R.C. 2
10. West side of Old Hanover Road	B.L.	B.L.- C.R.
11. West side of Hanover Pike north of Fowblesburg (skating rink)	B.M.	B.M., & B.M. - C.R.
12. Commercial property in Boring	B.L.	B.L. - C.R.
13. Commercial property in Arcdia	B.M.	B.M.- C.R.
14. West side of Hanover Pike north	B.L./ R.C.C.	B.L. - C.R. & R.C.C.
15. Property in far north section of study area, both in Baltimore Carroll Counties - existing roofing & contracting Business	R.C.2	B.R.- C.R. & R.C.2

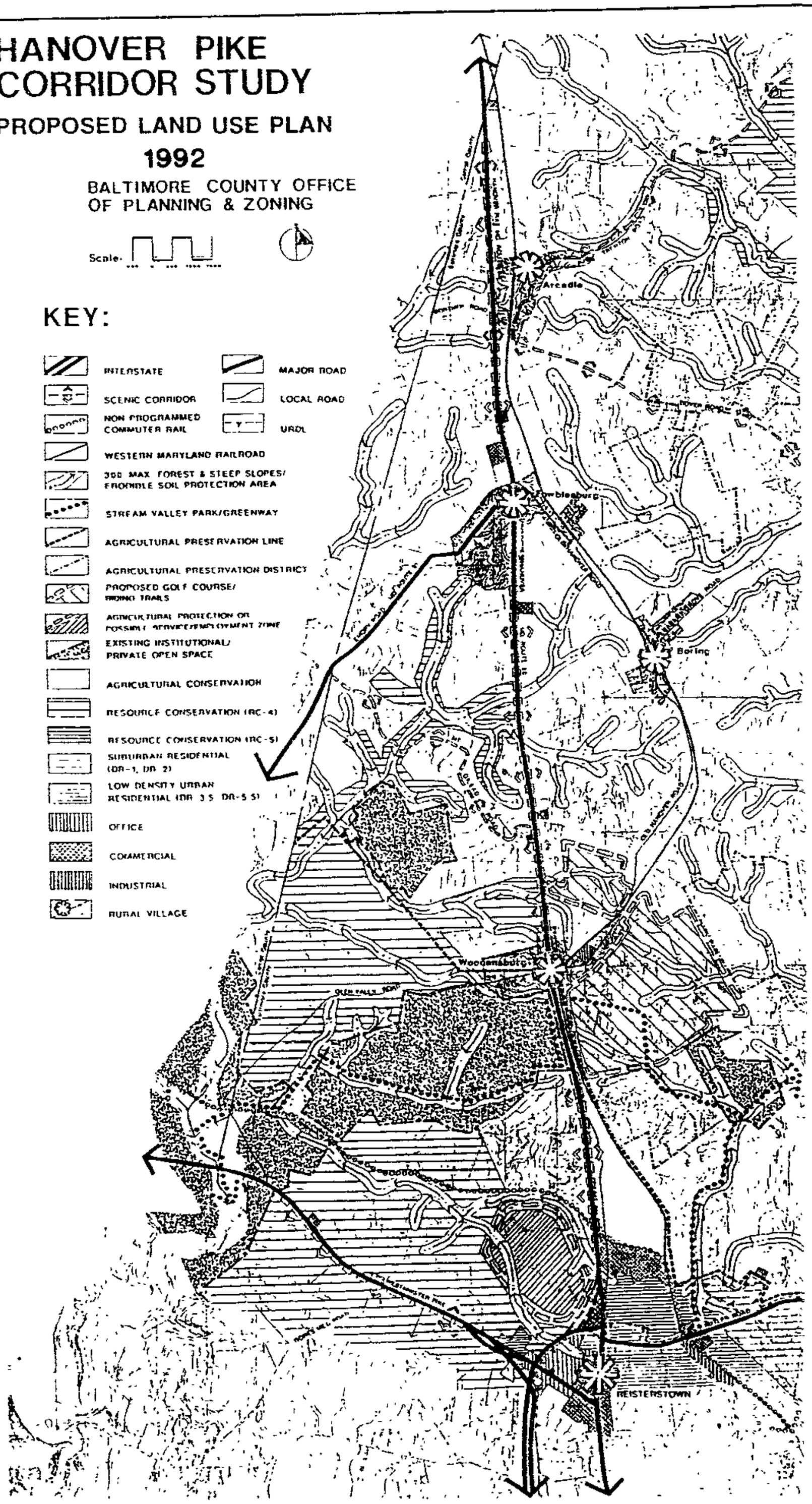
HANOVER PIKE CORRIDOR STUDY

PROPOSED LAND USE PLAN

1992

BALTIMORE COUNTY OFFICE
OF PLANNING & ZONING

Scale:



HANOVER PIKE CORRIDOR STUDY

ZONING ENACTED BY COUNCIL October 15, 1992

BALTIMORE COUNTY OFFICE
OF PLANNING & ZONING

Scale:

KEY:

RESOURCE CONSERVATION

- RC-2 — AGRICULTURAL PROTECTION
- RC-3 — DEFERRAL OF PLANNING & DEVELOPMENT
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- DR- — LOW MEDIUM, & HIGH DENSITY URBAN RESIDENTIAL AREAS

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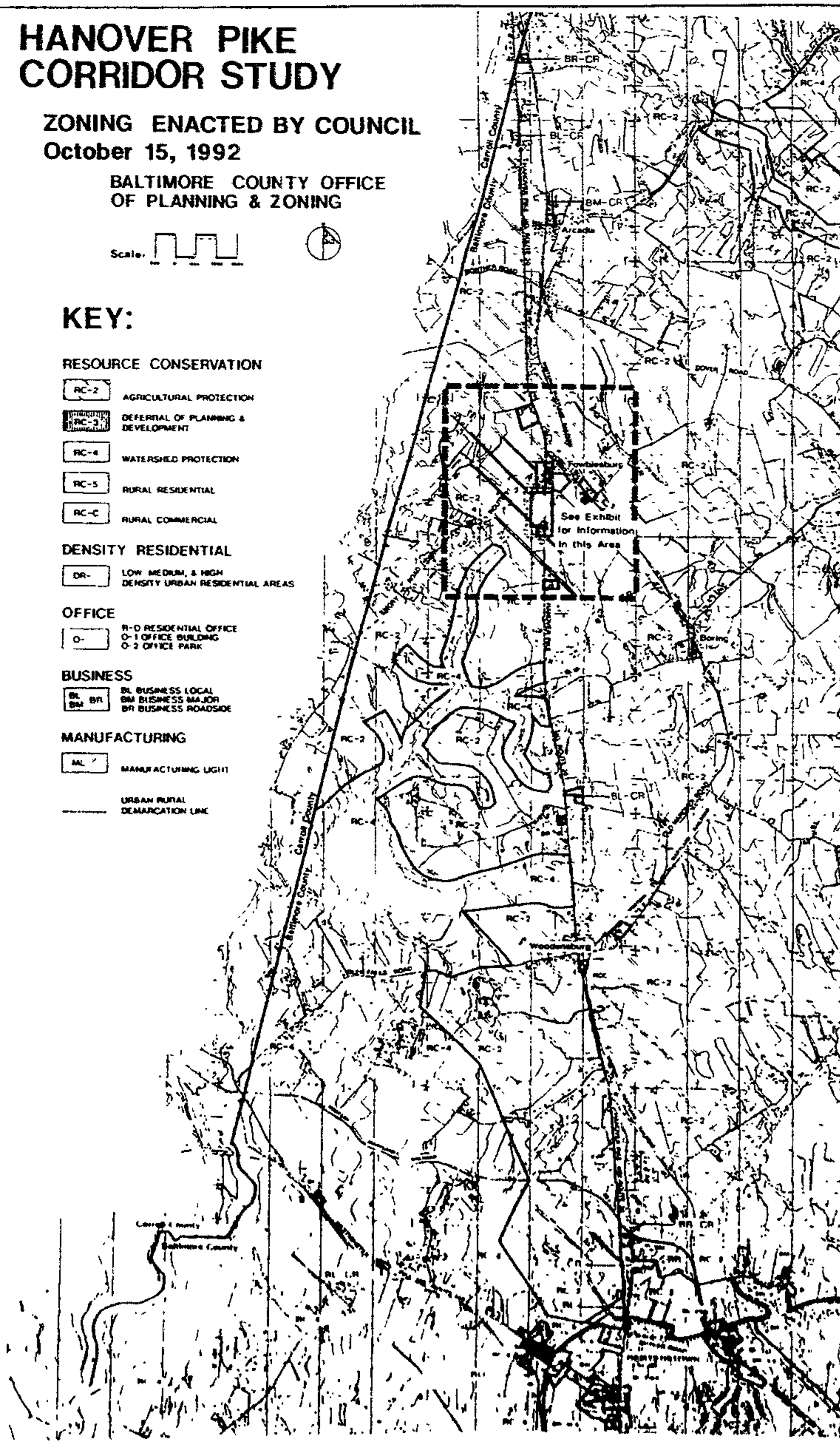
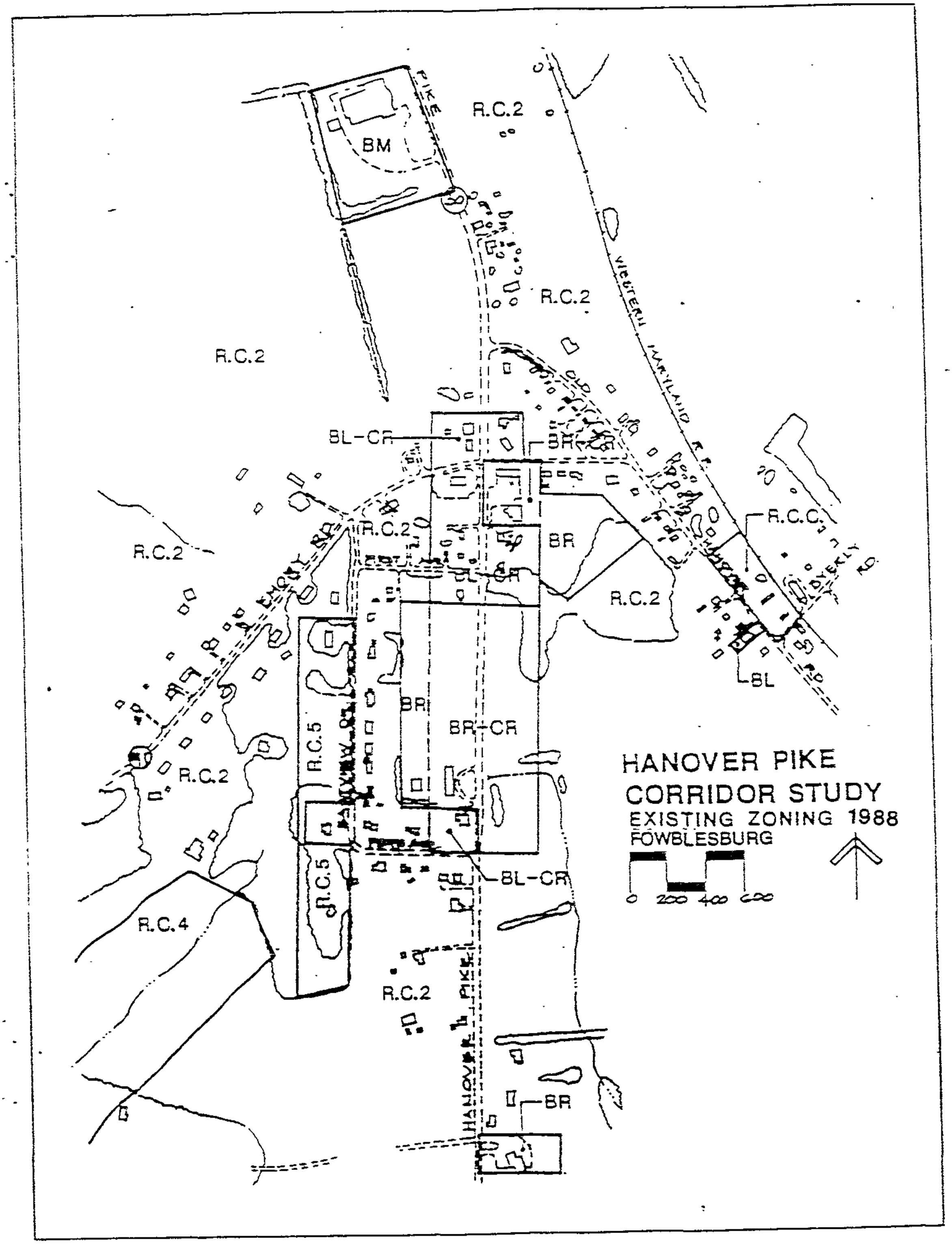
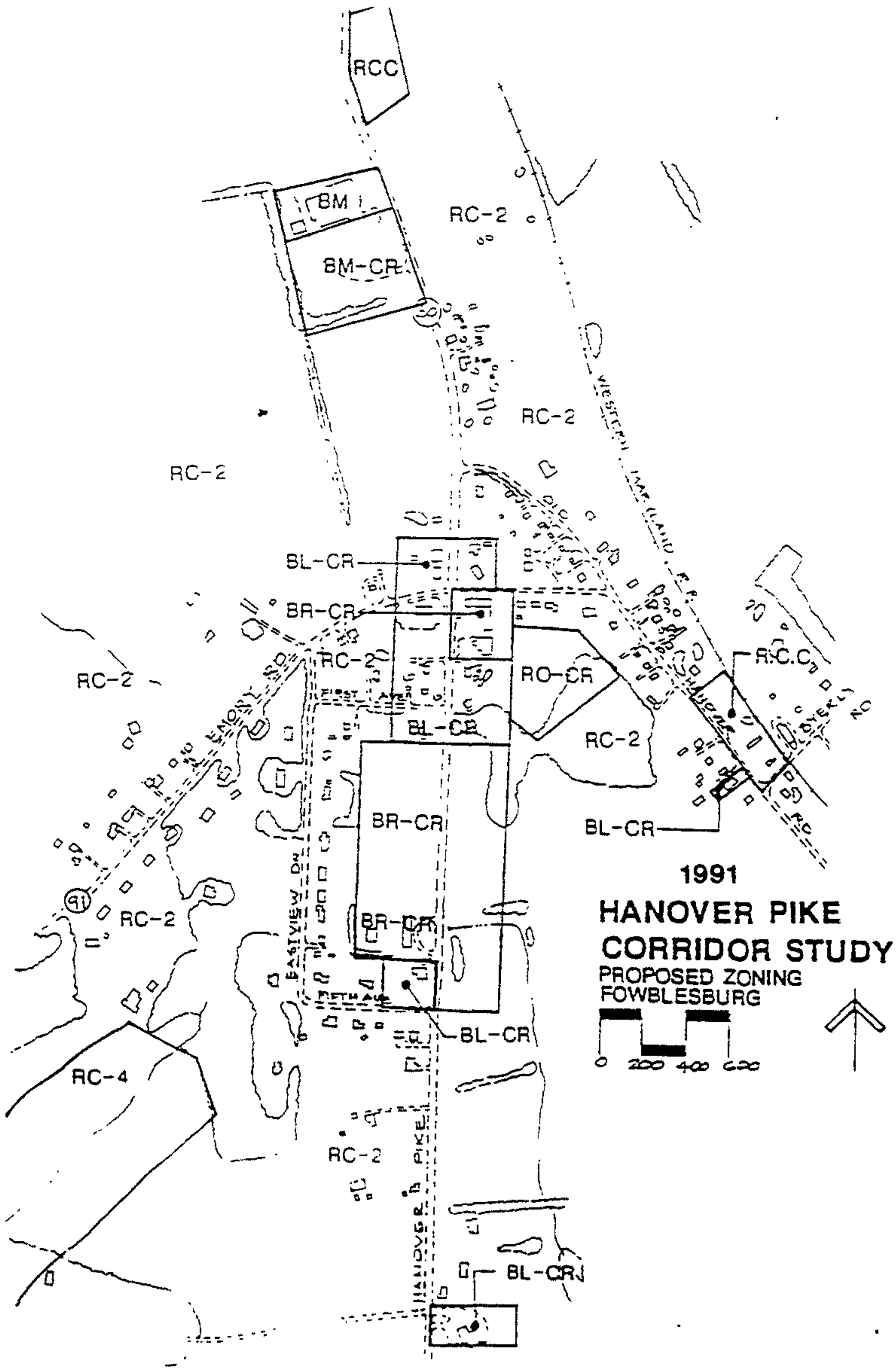
MANUFACTURING

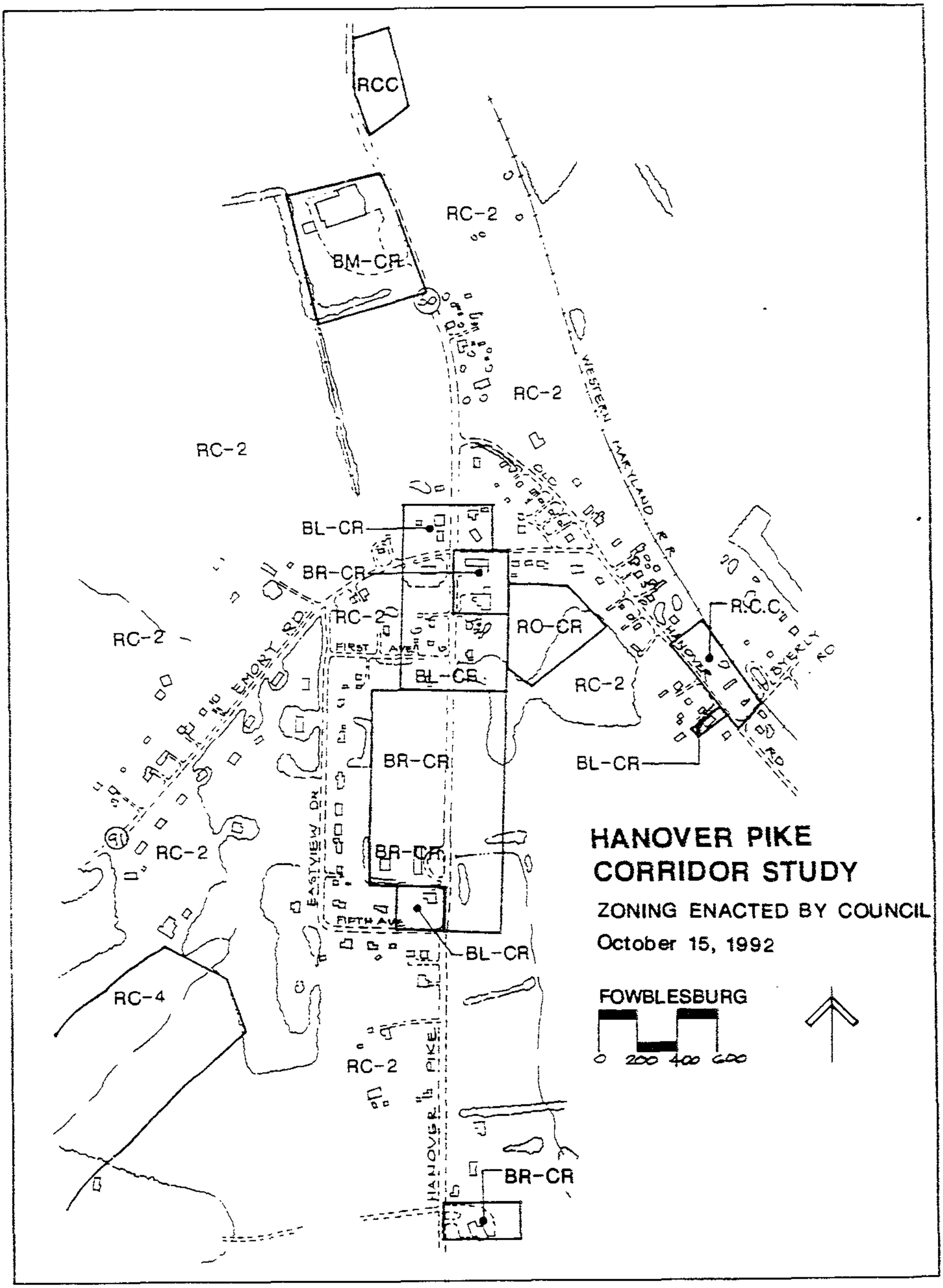
- ML — MANUFACTURING LIGHT

URBAN RURAL DEMARCATION LINE




HANOVER PIKE
CORRIDOR STUDY
EXISTING ZONING 1988
FOWBLESBURG
0 200 400 600
R.C.2
R.C.4
R.C.5
BM
BR
BR-CR
BL-CR
BL
R.C.C.
VICTORY MARYLAND RT.
HANOVER PIKE
EMORY RD.
DOVERLY RD.


RCC
BM
BM-CR
RC-2
RC-2
RC-2
BL-CR
BR-CR
RC-2
RC-2
RO-CR
BL-CR
RC-2
R.C.C.
BR-CR
BL-CR
RC-2
BR-CR
BL-CR
RC-4
RC-2
BL-CR
1991
HANOVER PIKE
CORRIDOR STUDY
PROPOSED ZONING
FOWBLESBURG
0 200 400 600


RCC
RC-2
BM-CR
RC-2
RC-2
WESTERN MARYLAND R.R.
BL-CR
BR-CR
RC-2
RO-CR
R.C.C.
RC-2
FIRST AVE.
BL-CR
RC-2
EMORY RD
BR-CR
BL-CR
EASTVIEW DR
RC-2
BR-CR
FIFTH AVE
BL-CR
RC-4
RC-2
HANOVER PIKE
BR-CR
HANOVER PIKE
OLD BYERLY RD
HANOVER PIKE CORRIDOR STUDY
ZONING ENACTED BY COUNCIL
October 15, 1992
FOWBLESBURG
0 200 400 600

VI. TRANSPORTATION

Introduction

Area residents are very concerned about traffic volume and safety along the pike, and these issues provided a major incentive for this study.

Tremendous residential and industrial growth in Carroll County and southern Pennsylvania is increasing the traffic through this prime agricultural community. Residents believe that high traffic volumes, poor sight distances, poor vertical alignment, and intersections without signals are causing serious safety problems.

During the study process, the community called for reducing single-occupant automobile commuting. Alternatives could include mass transit buses, light or commuter rail, and more carpooling. Also, area residents asked for weight limits on Hanover Pike to decrease truck traffic.

Retaining the agricultural integrity of the area, as advocated in Baltimore County Master Plan 1989-2000, while realistically providing for transportation demands is a major issue.

(a) Description of the Existing Transportation System

The transportation component of the Hanover Pike corridor study has three elements: (1) travel demand and safety, which are represented by traffic volume and accidents; (2) infrastructure, or the physical elements of the transportation system such as roads, the Metro, traffic signals, and railroads; and (3) services, such as the State's Mass Transit Administration (MTA) or private sector bus service, commuter rail, resident or employer-sponsored paratransit service.

Travel Demand

From 1975 to 1989, traffic on Hanover Pike north of Butler Road increased 51 percent, from 8,900 vehicles a day to 13,400. Although the volume remains lower, traffic on Hanover Pike north of Glen Falls Road increased 95 percent, from 5,900 vehicles a day in 1975 to 11,500 in 1989. On the northern most segment of Hanover Pike within the study area, traffic has increased 106 percent, 6,600 vehicles a day; from 6,200 in 1975 to 12,800 in 1989.

Similar traffic growth occurred along Westminster Pike and Butler Road. In 1975, about 12,400 vehicles a day used Westminster Pike, west of the Carroll County Line. By 1989, the daily traffic increased to approximately 26,000 vehicles. About a half-mile east of this segment, near Nob Hill, about 30,000 vehicles a day use Westminster Pike. Traffic on Butler Road east of Hanover Pike has grown from 8,950 in 1975 to 15,200 in 1989.

MDOT has made traffic projections for the Hanover Pike assuming that recent trends in volume will continue. Under these assumptions, the portion of Hanover Pike between Butler Road and Glen Falls Road is likely to carry 25,500 vehicles daily by 2015. The section of

Hanover Pike between Glen Falls Road and Emory Road could average about 22,000 vehicles daily by 2015. North of Emory Road, Hanover Pike is projected to carry more than 24,000 vehicles daily by 2015.

Hanover Pike's configuration can accommo-

date about 20,000 vehicles a day before being classified as congested. These projections indicate that some capacity improvements should be made to the Hanover Pike corridor before 2015.

Future traffic volume along Westminster Pike may dictate that capacity improvements be made shortly after the turn of the century. If traffic volumes along Westminster Pike continue to increase by 4 percent a year, more than 55,000 vehicles will be using Westminster Pike daily by 2005. This level of traffic on Westminster Pike would definitely require capacity improvements.

But future demand upon Butler Road is, perhaps, a more immediate concern. Since 1975, average daily traffic along Butler Road east of Hanover Pike has increased by 4.3 percent a year. If this rate continues, Butler Road will be carrying approximately 30,000 vehicles a day by 2005, which exceeds the road's capacity.

Safety

The MDOT's Accident Data File from 1985 to 1989 was used to compile the accident statistics used in this study.

The state's file contains all accidents where Baltimore County or Maryland State Police officers filed reports or issued citations for moving violations. Therefore, this data may understate the number of accidents because it would not include accidents where the drivers were able to reach a settlement without police involvement or minor "fender-benders" where no citations for moving violations were issued.

The roads within the study area were broken into half-mile segments, and the number of accidents occurring within each segment was totalled. Additionally, this study includes the number of fatal accidents and accidents involving trucks.

More accidents occurred on the Westminster Pike than any other highway within the study area. Although the portion of the Westminster Pike within the study area is only 2.5 miles long, 196 accidents happened along this stretch between 1985 and 1989.

About a third of these accidents, 62, involved trucks, and two fatalities, one in 1985 and another in 1988, were reported. Westminster Pike's half-mile section with the highest number of accidents lies between Hanover Pike and just west of the Northwest Expressway. Approximately 35 percent of this highway's accidents, 68, occurred on this section, and nearly 40 percent of the accidents involving trucks occurred here. But no fatalities occurred in this portion.

The half-mile segment of Westminster Pike with the least number of accidents, 20, runs from Gores Mill Road to just east of Glen Falls Road.

Hanover Pike's 7.2-mile stretch in the study area had the second highest number of accidents, 195, but there were 10 fatalities. Nearly 40 percent the accidents, 73, involved trucks. The percentage of accidents involving trucks on Hanover Pike ranged from 29 percent in 1987 to 50 percent in 1988. The fatalities during the five years ranged from none in 1988 to five in 1989. There were two fatalities each in 1986 and 1987, and one in 1985.

The half-mile section of Hanover Pike that

recorded the highest number of accidents is between Hanover Pike and Butler Road, but no fatalities occurred here. Approximately 25 percent, 48, on Hanover Pike happened on this section. Also, more than 23 percent of the accidents involving trucks occurred here. Interestingly, this section carries the least amount of traffic. A close examination reveals that more than 50 percent of these accidents occurred because of driveway and intersection conflicts. This sub-set of accidents is listed below.

YR	Accident at the Intersection	Intersection Related	Driveway Access	Totals
85	3	0	3	6
86	2	0	3	5
87	2	1	0	3
88	6	1	0	7
89	4	0	1	5
	17	2	7	26

The half-mile segment of the Hanover Pike with the least number of accidents is the section south of Arcadia Avenue to Lees Mill Road. Only three accidents occurred here from 1986 to 1989.

With far fewer accidents that Hanover and Westminster pikes, Butler Road recorded the third highest number, 24, along the half-mile stretch in the study area. No fatalities were recorded on this section from 1985 to 1989. The accident data is presented in Exhibit five.

Streets and Roads

In the Hanover Pike corridor, as in most other areas, the road and street network is the transportation system's primary feature. This network is not extensive which befits the rural nature of this area.

The major roads are Hanover Pike (MD 30), which traverses the central portion of the study area from north to south; Emory Road (MD 91) and Westminster Pike on the west; and Butler Road (MD 128) and the Northwest Expressway on the south.

Under Federal classification, each of these roads is a minor arterial on the rural highway system. Dover and Trenton roads are minor collectors. As part of the federal-aid systems, the above roads are the only ones in the study area eligible for federal assistance for construction or maintenance.

Besides being categorized as part of the federal-aid system, roads are also categorized as state roads or local roads and by the type of traffic service they provide. Approximately 40 roads, totalling nearly 30 miles, are classified as local roads, and five roads, about 12 miles, are classified as state roads.

A quarter-mile segment of Amy Brent Service Road is the widest of the local roads with a 36-foot width, and a 1.4-mile segment of Osborne Road is the narrowest local road with one lane on a 10-foot wide paved section. The widest section of state road is a 70-foot section of Westminster Pike, a half-mile north of the Northwest Expressway. The narrowest state road is the 1.5-mile portion of Emory Road, which has a paved width of only 15 feet.

Metro

Although it lies five miles south of the study area, the Baltimore Metro has generated additional commuter traffic along Hanover Pike to the Owings Mills Metro Station. There are no plans to expand the metro northward from its Owings Mills terminus.

Park and Ride

Although no designated Park and Ride lots lie within the study area, a lot east of Hanover Pike just south of the MTA bus loop is used for this purpose. About 20 cars are parked there daily.

The nearest designated Park and Ride lot is in Glyndon. With 40 spaces, it is adjacent to the study area south of Butler Road off Sacred Heart Lane.

Traffic Signals

There are three signalized intersections within the study area -- one at Westminster Pike and the Northwest Expressway, another about a half-mile east, at the intersection of the Northwest Expressway, Hanover Pike, and Butler Road, and the third is at the northern end of the study area at Hanover Pike and Emory Road. The Westminster Pike and Butler Road traffic signals both provide "B" levels-of-service during peak periods. The intersection at Emory Road and Hanover Pike is an "A" intersection.

MTA Bus Service

MTA provides bus service to the southern portion of the study area with the M16 and number 7 bus lines. The M16 service starts at the MTA bus loop on Hanover Pike just south of Old Hanover Road and ends at the Owings Mills Metro Station providing the area's with access to the Baltimore Metro. The trip takes approximately twenty minutes.

Other Service Providers

Although no private-sector bus services, commuter rail, or paratransit services are available within the study area, Rohrbaugh's Charter Service, Inc. provides daily service from the area's southern boundary--Nob Hill on Westminster Pike--to Baltimore's CBD.

This 50-minute trip begins at the Manchester Park and Ride lot in Carroll County and terminates at the Hyatt Regency in Baltimore. The bus arrives at Nob Hill at 6:52 a.m. and 5:55 p.m. daily. The fare is $3.00 one way or $27 for a ten-trip ticket.

(b) Transportation Proposals

Planned Improvements

Any planned or programmed transportation improvements are contained in the Baltimore County Master Plan, the County's Capital Budget, MDOT's Consolidated Transportation Program (CTP), or a component of the CTP called the Special Projects Program. Potential projects that are much more long-ranged are contained in MDOT's Highway Needs Inventory.

According to a review of these documents, the only active project within the study area is a $47,000 special project changing the caution signal at Hanover Pike and Emory Road to a fully signalized intersection.

Two other projects fall just outside of the study area. A resurfacing project was recently completed on Black Rock Road (MD 88) which lies north of the study area. This special project cost nearly $2 million. The second project, a capital budget item, lies south of the study area. Glyndon Drive Extended is programmed for construction in FY 1995 and will connect the existing Glyndon Drive with Butler and Worthington Roads.

The Highway Needs Inventory identifies two potential projects for the the study area: constructing Hanover Pike relocated and reconstructing Westminster Pike. The inventory is not a construction commitment, but it signals MDOT's intent to study the need and feasibility of these projects.

Alternatives for Hanover Pike

Six options, primarily alignment alternatives, for improving Hanover Pike were offered for the community's comment. All of the options call for widening the pike to four lanes with a median strip and connecting the pike to the Northwest Expressway.

Option 1

Rebuild Hanover Pike along the existing alignment. Issues to be considered under this proposal include:

- ❑ Fronts of properties will be taken.
- ❑ Driveways will continue to enter the highway unless numerous frontage roads are built.
- ❑ This option has fewer environmental impacts than a more western alignment.
- ❑ Existing vertical alignment problems will be reduced.
- ❑ Farm equipment, by using frontage roads, would have easier access to fields.

Option 2

This option is identical to Option 1 except that it provides westerly bypasses around Fowblesburg and Woodensburg. In addition to the issues identified above, this alternative will minimize impacts on Fowblesburg and Woodensburg but stream crossings required by this option will cause environmental damage.

Option 3

Build a roadway east of the existing alignment that roughly parallels the CSX rail line. This alternative would begin at the Northwest Expressway and follow the existing alignment to Woodensburg. From the Woodensburg area, the road would swing east along the rail line and move back to the existing alignment near Arcadia. The following issues were identified.

- ❑ By following a ridge line, this is the most environmentally sound option.
- ❑ The new roadway would probably significantly conflict with farming operations.
- ❑ The design could require the least number of rail crossings.
- ❑ While providing the greatest reduction in traffic for the existing communities, this option would reroute traffic to a rural area.

Option 4

Build a western alignment that would nearly bypass the Hanover Pike area. This option would start at the Northwest Expressway, turn west along Westminster Pike and run through Carroll County to Emory Road. The road then would run north along Emory Road until reaching Fowblesburg, which it would bypass. North of Fowblesburg, this option would follow the existing alignment. Some of the issues associated with this option are listed below.

- ❑ This option has the most citizen support.
- ❑ The new road would divert much of the corridor traffic that is currently using the existing roadway.
- ❑ Carroll County has indicated that this is an option they are unlikely to support.
- ❑ The interjurisdictional planning required for this option would tremendously lengthen the planning process.

- Unless the County takes ownership of the existing Hanover Pike, there are no incentives or disincentives that could be used to encourage use of this alignment.
- Besides numerous stream crossings, this alternative would require construction over a reservoir and is the least environmentally sound proposal.

Option 5

Option five is a set of short-term recommendations that attempt to address certain safety issues along Hanover Pike (i.e. additional traffic signals, re-alignment of roads entering the pike that cause site distance problems).

Option 6

This is MDOT's traditional option for rebuilding Hanover Pike starting north of the Northwest Expressway and west of the pike running parallel to existing alignment until crossing the Carroll County line. MDOT estimates that this alternative would cost more than $50 million. The more relevant issues of this alignment are:

- The new road would virtually bisect the Old Montrose School property.
- More residents would oppose this option than any other.
- This option is likely to cross more streams than the other alternatives.
- It would eliminate traffic conflict with the villages along Hanover Pike.

Hanover Pike Relocated

While the qualitative assessment (See Appendix B) recommends that options 1 and 5 be eliminated from further consideration, each of the remaining alignments faces a unique set of obstacles but warrant further analysis.

Option 2, reconstructing Hanover Pike along its existing alignment except for bypassing the villages, would still allow for driveway access to uses located along the right-of-way and would create major environmental problems at every stream crossing.

Option 3, roughly paralleling the eastern side of the CSX rail line has virtually no citizen support, and it would impact agricultural operations. Practically, this option would cause the least amount of environmental damage. For obvious reasons, Option 4 is the alignment most preferred by Hanover Pike area residents, but this option poses environmental problems at all stream crossings. Also, Carroll County would not support this location.

Instead of identifying a preferred alternative that Baltimore County can support, this study suggests three potential corridors for detailed study by MDOT. Any change in environmental regulations would likely have a major impact on the decision-making process in this corridor.

Whatever option is chosen, serious consideration should be given to reconstructing Hanover Pike as a rural parkway designed to compliment the area's rural character and reduce excessive speeds.

On the long stretches of Hanover Pike outside the three villages, the road should have two, 12-foot lanes each way with a 20-foot landscaped median and a 10-foot shoulder on each side. The median should have well-spaced trees, shrubbery, and wildflowers.

As the road enters the villages, design options should include omitting the median and reducing the lane widths to 11 feet and shoulder widths to five feet.

HANOVER PIKE CORRIDOR STUDY

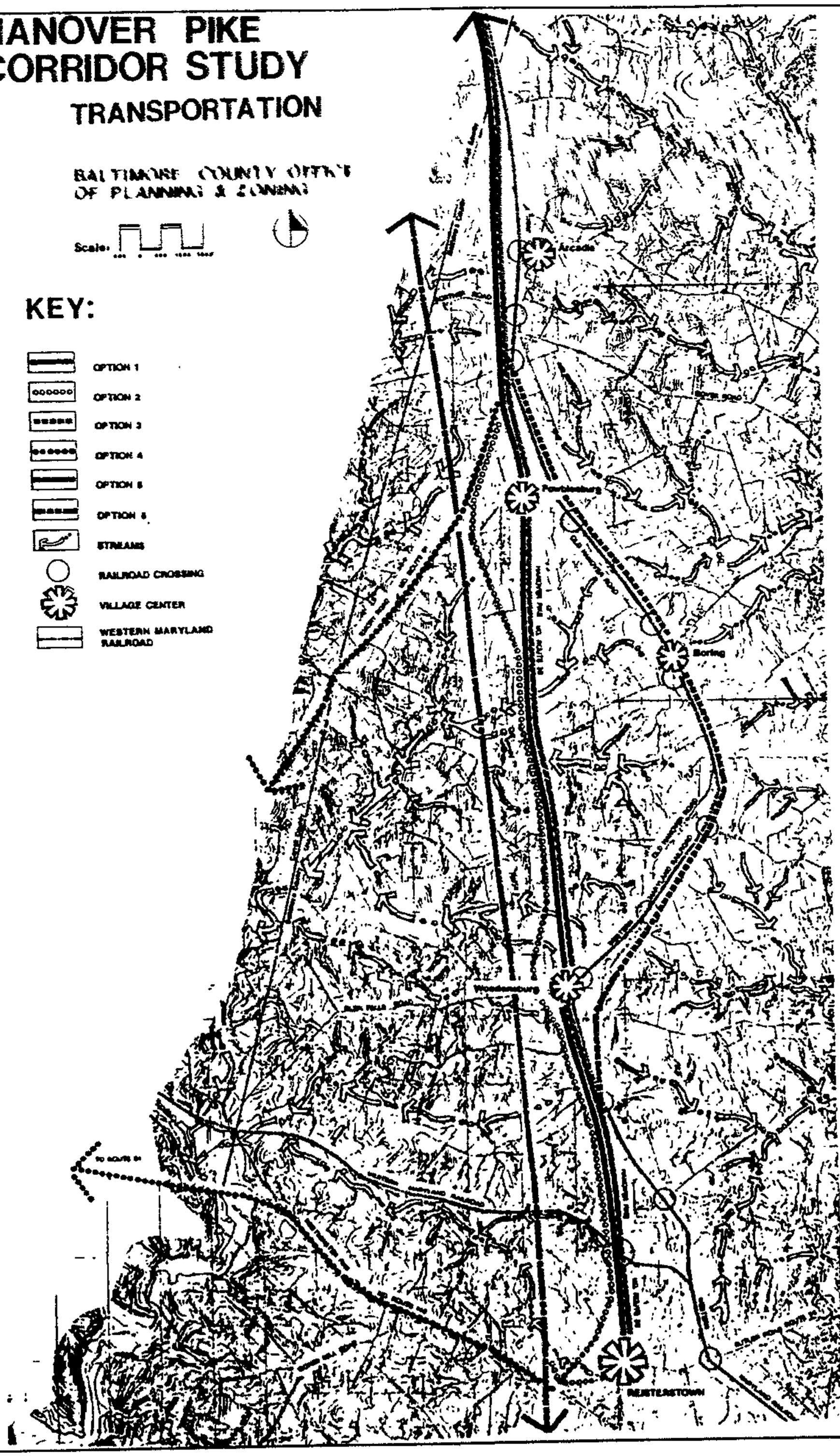
TRANSPORTATION

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Scale:

KEY:

- OPTION 1
- OPTION 2
- OPTION 3
- OPTION 4
- OPTION 5
- OPTION 6
- STREAMS
- RAILROAD CROSSING
- VILLAGE CENTER
- WESTERN MARYLAND RAILROAD



(c) Short-term Improvements

Hanover Pike

The offset intersection of Glen Falls and Old Hanover roads at Hanover Pike in Woodensburg should be realigned to correct a significant safety hazard. MDOT should consider placing a traffic signal at this intersection when warranted.

Because Arcadia Volunteer Fire Company's primary access onto Hanover Pike is by Arcadia Road, a warning signal is needed at this intersection.

At the northern end of Fowblesburg, Old Hanover Road intersects Hanover Pike at an awkward angle creating a traffic hazard. The County and MDOT should survey this intersection and consider making Old Hanover Road a cul-de-sac at its northern terminus, making the road one way north, and improving its access onto Hanover Pike.

Butler Road

If traffic volume continues its recent rate of increase, this road will need some capacity enhancements by the turn of the century. To date no capacity improvements are proposed. Butler Road has been proposed for inclusion in the State Highway Needs Inventory so that the appropriate studies can be made for planning the necessary capacity improvements.

Westminster Pike

Traffic volumes will continue to increase along this corridor, and accessing this highway is nerve wracking especially at Nob Hill Road. A traffic signal at Nob Hill Road has been discouraged because of poor sight distance and the over vertical approach. MDOT has installed signs warning motorists of entering traffic, but this is only a stopgap measure. The County and MDOT should study an alternative solution, such as a parallel service road connecting Nob Hill to Amy Brent Road.

Park and Ride

Establishing a formal park and ride lot at the M16 bus loop should be studied. About 20 cars are parked there daily, but it is not known if these people are riding the bus, carpooling, or working in the area. A windshield survey would determine if the parkers are bus patrons, and if so, then the lot should be paved and striped by the MTA.

Transit/Commuter Bus

Given the corridor's rural character, a fair amount of transit service is provided by the MTA. The Rohrbaugh Commuter Bus Service provides another commuter option for people who live in or drive through this community. At the public meetings, some residents suggested that these types of services be initiated -- an indication that many area residents are unaware of these services.

The County should consider working with the MTA and Rohrbaugh's to develop a marketing program to make area residents and other commuters more aware of the existing transit services. If these services were aggressively marketed and used by more people, the need for highway improvements would be reduced.

VII. DESIGN GUIDELINES

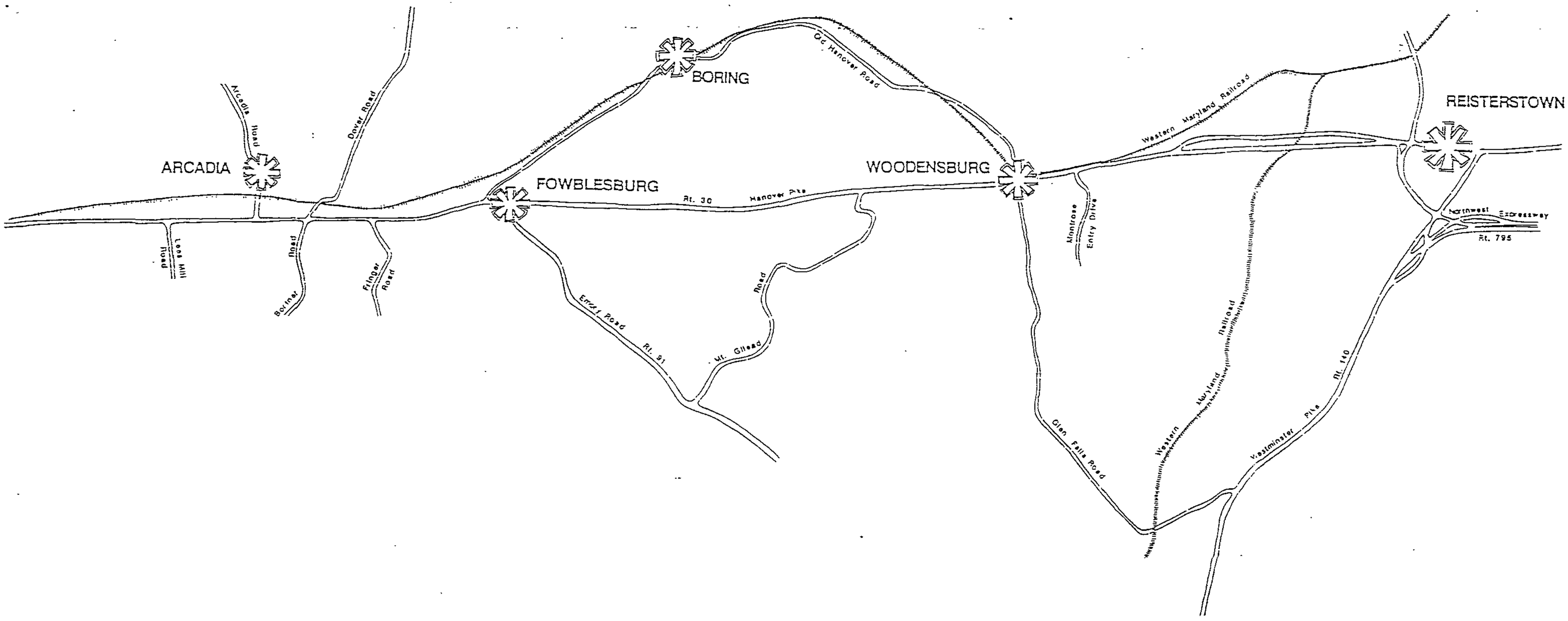
Every discussion of development issues in the Hanover Pike Corridor touched upon in one form or another, the need to improve the quality of new development and to ensure compatibility with the rural landscape. The Baltimore County Master Plan 1989-2000 identifies the Pike itself as a scenic route and recommends its protection. The following design guidelines, if adopted by the Planning Board and County Council, will be used by County staff in the review of all proposals for new development in the Corridor Study Area.

(a) Scenic Views

General Guidelines

The rural landscape is a composite of different types of rural landscape views. These guidelines respect these differences while recognizing that the appreciation of rural landscapes is predominately guided by "the view from the roadside." When adopted, they will apply to all new commercial or residential development and specifically address significant views or vantage points. This includes land west of Hanover Pike and north of Mount Gilead Road, which is identified in the Master Plan as a particularly valued scenic area. The general guidelines which will apply to all forms of new development are:

- ❑ Minimize tree and vegetation removal. Clear selectively to open up or create filtered views of new development.
- ❑ Minimize grading to preserve the landforms that shape the landscape.
- ❑ Minimize the number of access roads and driveways intersecting the area. Where feasible, use shared driveways for individual lots.
- ❑ Use the narrowest road pavement section possible to ensure adequate public safety. Use shoulders and curbs appropriate to the character of the road. Maintain the existing vertical and horizontal road alignment when compatible with the intent of the design as approved by the Department of Public Works.
- ❑ Design and locate utilities, drainage structures, bridges, lighting, signs, fences, walls, and street furniture to have minimal visual impact on the surroundings.
- ❑ Design new structures to complement the site and surrounding community by repeating the scale, mass, materials, and details of existing buildings.
- ❑ Use indigenous species or ones commonly found in the area for landscaping with designs reinforcing the site's character, ecological significance, and environmental function.
- ❑ Complement existing vegetation with flowering or evergreen trees and shrubs, wildflowers, etc., for seasonal interest.
- ❑ Use vegetation to frame particularly attractive views.
- ❑ Create an interesting sequence of visual experiences with selective clearing and planting.
- ❑ Locate parking, service, and storage areas to the side or rear of buildings and screen them from the



HANOVER PIKE
CORRIDOR STUDY

PLAN: HANOVER PIKE

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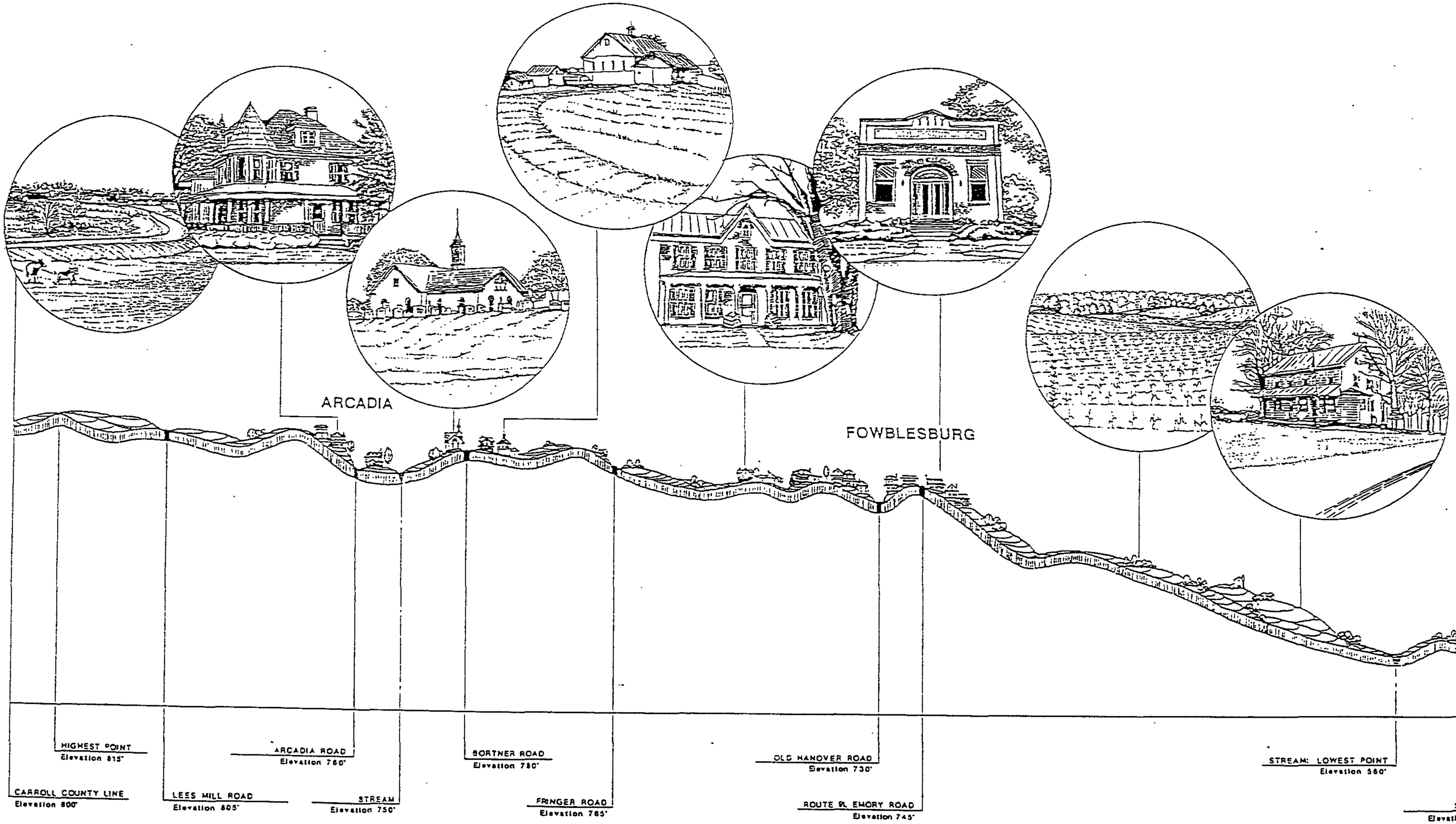


SECTION: HANOVER PIKE

Development Within or Adjacent to an Enclosed View

An enclosed view limits the rural landscape to the road itself making it the key scenic element of the landscape. Consequently, these design guidelines address those aspects of development which help contain the view.

Maintain a buffer area between the road and the development. The buffer should be wide enough to maintain the road's visual character with a minimum width of at least 30 feet from the right-of-way.

Supplement a wooded buffer with evergreen trees and shrubs planted on the interior side to screen new development.

If a scenic road is bordered by residential or historic buildings, the new development must be compatible with the existing development in the setbacks, height, scale, materials, and design of buildings; site materials and design; paving design, and landscaping which includes street trees.

Development Within or Adjacent to an Expansive View

An expansive view is a sweeping, panoramic view which extends beyond the road and may encompass pastures, croplands, etc.

Site new buildings behind natural screening or beyond primary views. Cluster development at the edges of fields and hedgerows or adjacent to existing buildings.

Locate development in relation to natural contours. Avoid placing structures on the tops of prominent ridges.

Use berms and vegetated buffers to screen distracting development from the scenic road.

Preserve the view of a foreground meadow, pasture, or cropland by nestling the development into the background. Maintain the foreground through a homeowner's association for use as an open space or community garden, or rent it to a neighboring farmer to continue an agricultural use.

Site new buildings in small groups to resemble existing development where a cluster of farm buildings comprise part of an expansive view. Maintain large open areas between the clusters to preserve the open character of the view.

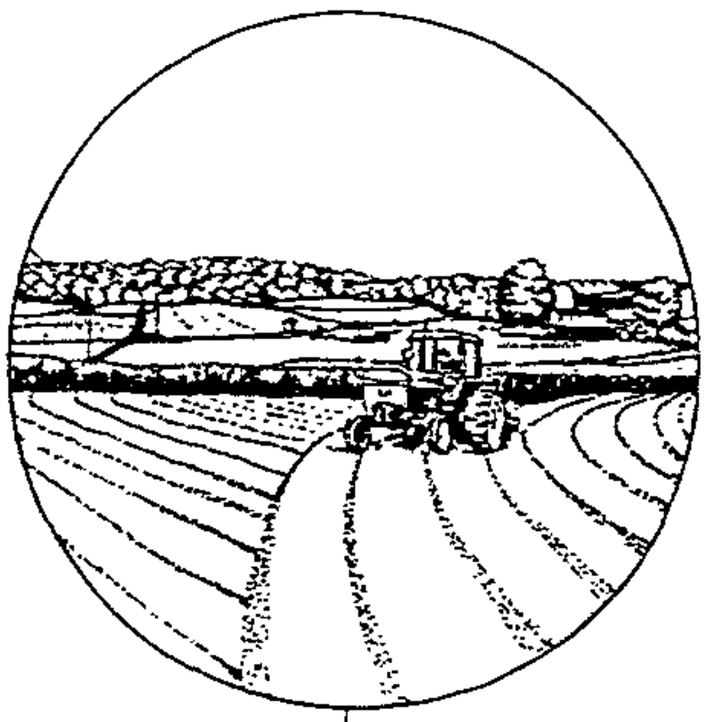
Development Within or Adjacent to a Focused View

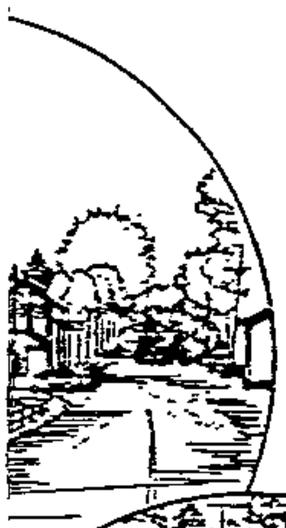
A focused view directs attention to a single landscape feature such as a farmhouse or stand of trees.

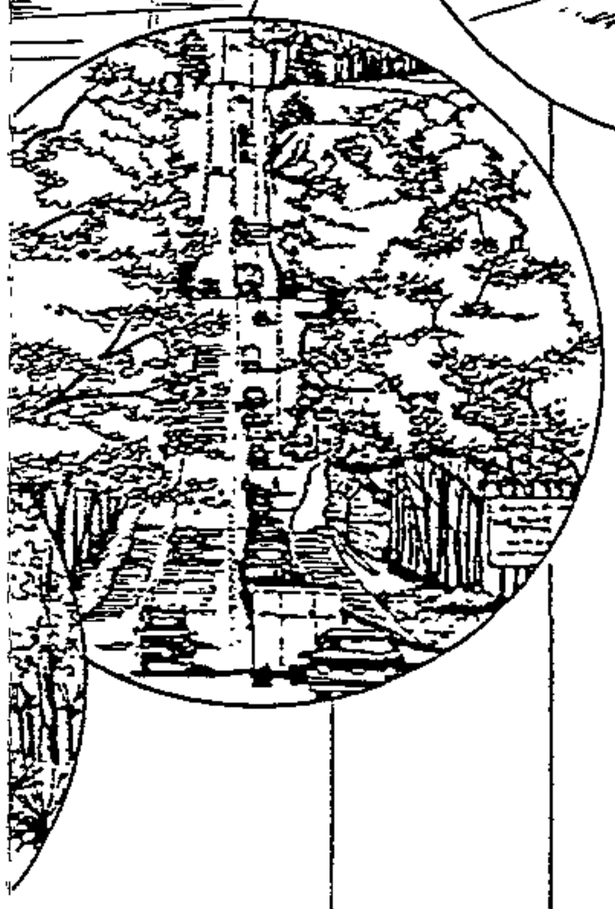
- ❑ Site new buildings beyond the angle of view.
- ❑ Retain vegetation to frame the focal point.
- ❑ Design new buildings to enhance the focal point.
- ❑ Screen incompatible new development from the primary view.

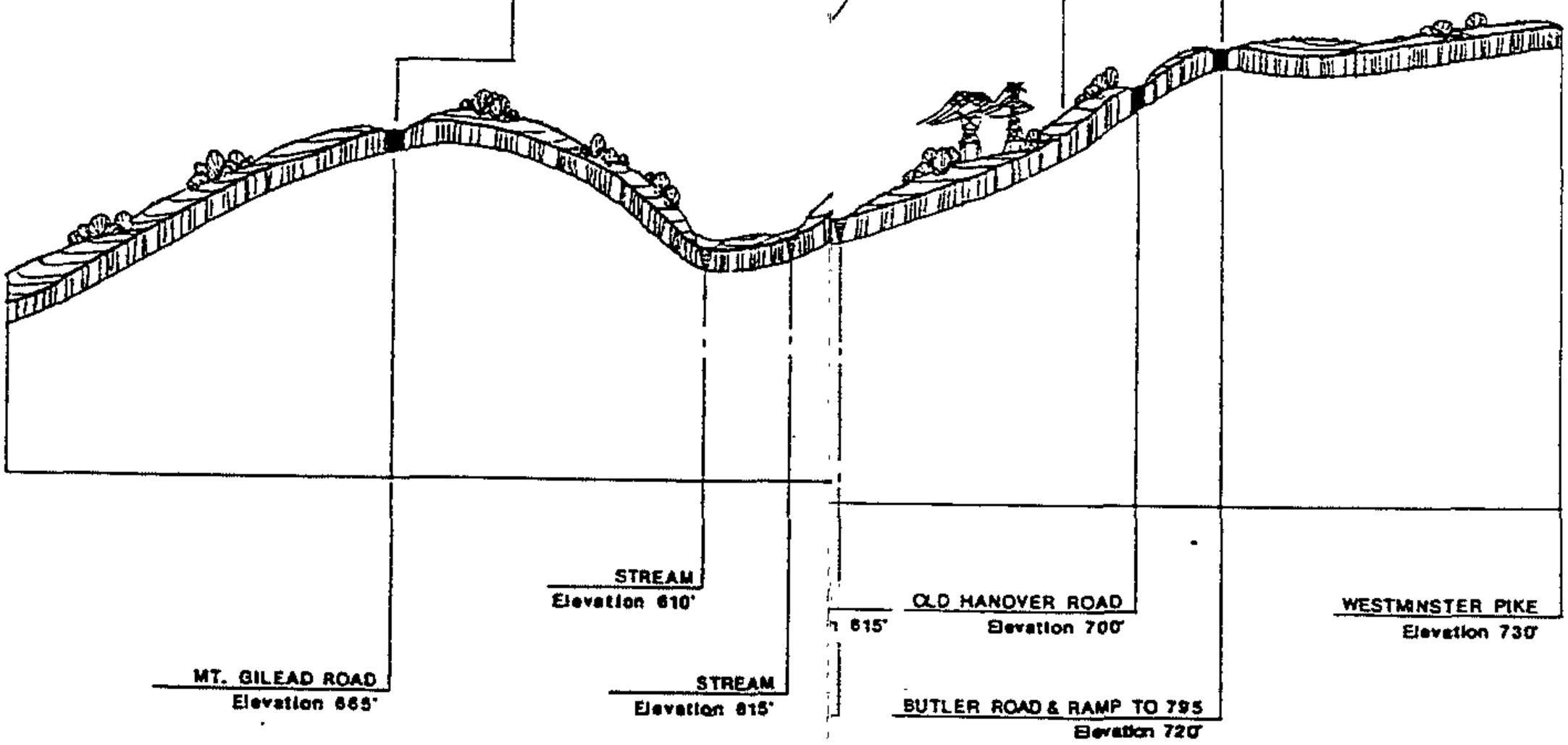
(b) Residential Development Guidelines

This section provides design guidelines for residential development that respects the general village character of the area. The four aspects of rural residential development covered here are site planning, open space, circulation, and building and landscaping.









HANOVER PIKE CORRIDOR STUDY

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Site Planning:

The villages in the study area are compact and small, with small, usually narrow lots, and this pattern should be followed for both infill and new subdivisions.

In addition to the guidelines for scenic views, the following site planning design guidelines should be followed:

- ❑ Lots along road fronts should be relatively narrow. Interior lots should locate dwellings away from open fields and the tops of ridges. Instead, site dwellings near the edges of fields and in wooded areas.
- ❑ Buildings should follow the predominant pattern of front yard setbacks.

Landscaping:

New development should comply with the Baltimore County Landscape Manual, the vegetation guidelines in the scenic routes section and the specific guidelines in this section.

New development should protect and preserve large healthy trees.

New development along Hanover Pike should provide street trees along the corridor. Sycamores, historically used in this area, are recommended.

Large ornamental front lawn trees should be planted. Maple trees are traditionally used in this region and are recommended.

Circulation:

Roads should be designed to minimize disruption caused by grading and construction. Road design is a critical element of good rural design and should enhance the scenic qualities of Hanover Pike.

Roads should follow existing contours to reduce cutting and filling. Roads should not be built across open fields, and shared driveways are recommended.

Curbing is recommended only where necessary.

Building:

Houses are an integral part of the rural character of Hanover Pike, and new residences should respect existing structures.

While no specific architectural style or period predominates the area, the houses of Hanover Pike generally share an image of building elements that work together -- scale, massing, direction, roof shape, and materials.

Repeat the general "footprint" of neighboring housing. For example, suburban buildings with wide fronts and narrow sides should not be constructed in areas with buildings that have narrow fronts and deep sides.

Buildings should maintain the scale of neighboring houses. A three-story house surrounded by two-story houses is inappropriate unless site conditions warrant it.

Houses should front the street. When site conditions prevent this, architectural treatments can achieve the same effect.

Build front porches which run the length of the facade. These are a consistent feature on older buildings and should be considered for new construction.

New housing should be consistent with neighboring roof shapes. Where gable roofs

predominant, for example, the pattern should be repeated. This is especially important where buildings are located back from the road.

(c) Commercial Development Guidelines

Site Planning:

The commercial development along Hanover Pike usually comprises small village clusters or isolated single uses. The village clusters include Arcadia, Boring, Fowblesburg, and Woodensburg, and examples of singular uses include Sportsman's Hall, Spring Hill

Farms, and Reisterstown Lumber. Development has not been rapid but uses have either changed or extended into vacant or under-utilized parcels. The existing commercial zoning -- B.L., B.R., B.M. -- is not appropriate for rural areas and use of the C.R. district or R.C.C. zone will help maintain the area's rural character. In addition, the following guidelines are recommended.

Present a residential atmosphere with new building compatible in size and scale with existing buildings.

Building fronts should face the street. The area's buildings are characterized by their linear appearance with nearly every building front facing the street. Although this may not be possible on every site, architectural treatments can achieve the same effect. Parking should be located at the rear and side of buildings.

Buildings should be located on lots in a manner consistent with adjoining uses.

Circulation:

- ❑ Proposed streets should contribute to the existing street pattern.
- ❑ New streets and development should enhance or expand the existing network.
- ❑ An existing grid pattern, should be continued.

Open Space:

Create functional public spaces. The location of developments in commercial areas will determine the type of public space to be provided. Generally, projects should be designed to contribute to the existing formal and informal public spaces. In the Hanover Pike area, commercial areas are quite small and not targeted for expansion. Any new development, therefore, will have an impact on the existing development and visual environment. Adequate streetscape and open spaces that contribute to the villages should be provided.

Maintain the openness of the area's rural atmosphere. The small open spaces used in parking areas or around buildings should be designed to break up parking areas, provide visual access to the surrounding countryside, and establish proper relationships between buildings. Small areas for resting or sitting should be located to complement the existing development.

Ingress and egress should enhance the existing community and not create conflicts along Hanover Pike. Most commercial-zoned land has direct access to Hanover Pike, and these points should be limited or shared where practical. Hanover Pike is relatively unrestricted with free flowing and faster moving traffic. Widths should be adequate to handle the projected traffic and not over designed at maximum specifications.

Building:

Size, massing, and setbacks should be appropriate for a rural area. The intensity of commercial zoning in the study area varies considerably. While appropriate for urban areas, many of these zones do not adequately address the character of rural development. Placing a C.R. district on this area's commercial zones would ensure that new development is compatible with existing buildings.

Structures should be limited to two stories or less. Building height in the C.R. district is restricted to 30 feet. In R.O. zones, buildings are restricted to 35 feet. Existing building heights are generally one and two stories in the corridor and new construction should be limited in similar fashion.

- ❑ Exterior materials should be natural in appearance. Wood, wood siding, stone, brick, and stucco should be the preferred materials. Second choices should include vinyl or aluminum siding that simulates wood siding.
- ❑ Colors should be compatible with the rural atmosphere and/or typical of the period from which the architectural style was developed.
- ❑ Mechanical systems, such as antennas and other equipment, should be installed where they will not be visually obtrusive.
- ❑ Dumpsters should be located at the rear or side of the site and must be screened.
- ❑ Architecture should blend into the community reflect stylistic features and roof configurations of surrounding development.

Landscaping:

Provide street trees. Hanover Pike can be characterized as alternating between tree-lined and open views. Appropriate street trees should be provided in areas that need to be screened.

- ❑ Preserve existing significant trees. Review proposals for new buildings to encourage the preservation and protection of existing trees and vegetation of significant value.
- ❑ Enhance existing views or vistas. Landscaping should be placed to avoid obstructing views or vistas. Planting can enhance or frame views to create a more dramatic appearance.

Additional guidelines. In addition to complying with the Baltimore County Landscape Manual, all projects should follow guidelines addressing utilities, safety and security, and maintenance. Landscape plans must consider existing and planned utilities through careful selection of plant species and planting locations.

To promote safety and security, low shrubbery should be used under windows, around doorways, and as borders between parking areas and roadways. All such plantings should be maintained to prevent safety hazards. Also, all landscaping should be maintained according to good horticulture practices.

(d) Design Guidelines For Lighting and Signs

Signs and lighting should be compatible with the rural area. The business zones (B.L., B.R., and B.M.) are permissive regarding the provision and design of signs.

The C.R. district regulations provide for strict controls on signs and lighting (B.C.Z.R. 259.3.C.7). These include a limit of one stationary attached sign that projects no more than six inches from the building with a surface area not more than eight square feet. There can be one free-standing sign with a surface area of no more than 25 square feet per side. In addition, the sign must be landscaped and the location approved by the director of the Office of Planning and Zoning. No sign can be illuminated unless approved by the zoning commissioner after a special hearing.

Lighting should provide appropriate illumination, ensure property protection and security, and promote and maintain public safety.

Lighting:

- ❑ Signs may be lit only during business hours.
- ❑ All ground-level flood and spot lights should reflect only on signs or points of interest. Light beams may not cross or interfere with any line of vision or sight view of pedestrians and vehicular traffic.
- ❑ Light sources must be covered with reflecting shield and meet safety guidelines as stated under Illumination of Signs.
- ❑ Wattage is addressed under Illumination of Signs.
- ❑ Projecting signs may be illuminated by concealing lighting at top of sign, reflecting down on sign, with a shield covering sources of light.

Free-standing and wall mounted signs may be illuminated by:

- ❑ a.Shielded, safety protected light at ground level - must be stationary, grilled covered and tamper proof. Source must be concealed. Not to exceed 300 watts on any one side;
- ❑ b.Enclosed soft glow internal illumination. Not to exceed 50 candle foot power illumination level - Maximum of 5 amps per unit.
- ❑ No flashing, rotating or moving parts.

Parking Lots Lighting Specifications:

- ❑ Pole lights may not exceed 25 feet.
- ❑ Illumination may not exceed one to two candle feet at most distance point on lot.
- ❑ Illumination must be reduced after business hours or 11 p.m. except to maintain adequate security.

General Lighting:

Particular care and planning must be given to the entire property area to eliminate crime spots and maintain public safety.

Important areas for proper illumination are streets, sidewalks, stairwell, walkways, paths, and parking areas.

Security lighting must be maintained after business hours.

Signs

All signs should reflect Hanover Pike's unique character heritage, provide for pedestrian and traffic safety, and identify public buildings, emergency centers, consumer needs, tourist information, and other points of interest.

Design and Placement of Signs

Types

- ❑ Wall - attached directly to a wall.
- ❑ Projecting - attached to wall and projecting out, usually at a 90° angle.
- ❑ Free-standing - self-supporting, anchored to the ground.

Simplicity

- ❑ Key factor to good design and legibility
- ❑ Bold, easy, recognized symbols and clear, crisp lettering
- ❑ Enhances area

Color

- ❑ Background
- ❑ Contrasting letters
- ❑ Emphasis (borders, motifs, shading for dimensions)

Message

- ❑ Keep simple for rapid comprehension by public
- ❑ Pictures, symbols, and logos add individuality and character

Size

- ❑ Keep in scale with viewer location and speed
- ❑ Scaled to building
- ❑ Blend with architectural design

Material and Construction of Signs

- ❑ Durable and weatherproof.
- ❑ Natural and man-made materials that blend and complement and are attuned to building design.
- ❑ Recognized business items and figures may be used as a sign, e.g., barber pole, a red cross, fire engine, food item, animals, and historically designed items, etc.

Simplicity of Design

- ❑ No more than three different type styles of lettering shall be used on same sign (to avoid cluttered appearance).
- ❑ No more than two different signs per building (attached and projecting).
- ❑ No more than three styles allowed on a multiple use building.
- ❑ One free-standing sign - not to include safety, traffic or public signs.
- ❑ Small enter and exit signs may be used on doors or placed near main roads if traffic patterns warrant.
- ❑ Color must be compatible, in good taste, and complement design of building.

Message

- ❑ Adequately identify service, usage, or activities;
- ❑ Promote safety and comfort for well-being of users from street, road, and highway;
- ❑ Maintain character of surroundings.
- ❑ Size to be kept in scale with building, viewer, location and speed.
- ❑ Wall/individual letters - scaled to building placement space. Not to cover any architectural detail.
- ❑ Multiple use building - two-by-three-foot wall mounts allowed for each user entrance.
- ❑ All free-standing signs and spotlights are to be integrated with plantings and must be set back from road as to not interfere with sight view and right-of-way of pedestrian or motorist.

- ❑ Free-standing signs not to exceed 25 square feet per side.
- ❑ Projecting signs - at least 10 feet above pedestrian walkway.
- ❑ No sign together with supporting frame work shall exceed 10 feet in height above ground level.
- ❑ Small exit and enter signs at road side not to exceed one one foot by two feet.
- ❑ No letters, symbols or advertising items allowed above building roof line (cornice).

All Others

Temporary signs may remain up to 30 days. Exception may be construction signs, county permits or any government related usage, to be removed when project is completed.

All abandoned or discontinued signs shall be removed from premises within 30 days by owner.

Special events may be posted up to 30 days ahead of event and removed at closing of event.

Window to remain free of signs except for temporary signs - blocking no more than 1/3 (one-third) of surface. Temporary signs to remain posted no longer than 30 days excluding small open and closed signs.

Small, low profile signs with business hours and credit card acceptance may be inconspicuously posted on door or window.

Non-conforming signs (existing before regulation) shall conform with current standards when replacing, painting, or major repairs are needed.

Prohibited Signs

Billboards or flashing light signs

Portable or trailer type.

Streamers, pennants, ribbons, spinners, etc., only on a limited basis for special announcements, advertising, or events no longer than 30 days in any 12 month period.

String lights only as part of holiday celebration.

No sign except for traffic, regulatory, or information signs shall use the words "STOP", "CAUTION", OR "DANGER", none shall incorporate red, amber or green lights resembling traffic signals or resembling stop or yield signs in shape or color.

No sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

All signs shall be kept in a state of good repair and maintenance.

Permits and fees are according to county requirements.

APPENDIX A

RURAL ZONES/DISTRICTS

In 1975, Baltimore County adopted four new zoning classifications designed to protect the County's rural resources. The primary focus was to relieve development pressure on prime and productive farm land and the three metropolitan reservoirs and their tributaries. These new zones, known as resource conservation (R.C.) zones were first applied on the 1976 zoning maps. Three of the four classifications are found within the Hanover Pike Study area and are described in the following paragraphs.

R.C.2 (Agricultural)

This classification was established to foster conditions favorable for continued agricultural use of the productive agricultural areas of Baltimore County. By design, this zone discourages incompatible forms of development which inevitably lead to the loss of productive farm land. Some uses are permitted by special exception which requires a public hearing before the zoning commissioner.

Residential development is limited to two lots per parcel on tracts between two and 100 acres. Parcels over 100 acres receive one additional lot for each 50 acres. Only one principal dwelling is permitted on any lot, and no lot may be less than one acre.

The development regulations prohibit any development on a property's prime and/or productive soils. Further, allowed development must not interfere with existing or future agricultural use of the property.

This zone also encourages land owners to place their land in the Maryland Agricultural Land Preservation Program in order to permanently preserve productive farm land. Also, options which may be more appropriate to individual property owners are available such as the Maryland Environmental Trust, the Trust For Public Lands, and the American Farm Land Trust among others.

R.C.4 (Watershed Protection)

The R.C.4 zone and its regulations protect the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in the watersheds. A significant portion of the Hanover Pike study area lies within the Liberty Reservoir drainage area.

This zone is a low-density, single-family rural classification which allows residential development on large lots with a series of environmental conditions designed to minimize the impact of development on streams and the reservoir. It has a density of 0.2 units an acre and a minimum lot size of three acres. Typically, lot sizes exceed the three-acre minimum because the density equals one lot for each five acres and the topography of these areas includes steep slopes. The environmental constraints require that not more than 10 percent of any lot may be covered with impermeable surfaces and that not more than 25 percent of the natural vegetation may be removed from the lot. In order to prevent long narrow lots, a diameter of not less than 300 feet is required.

Other development and environmental requirements further control the development and placement of structures in this zoning

Other development and environmental requirements further control the development and placement of structures in this zoning classification. For example, there are stream, wetland, steep slope, and woodland buffers, roadway design standards, and building to property line setbacks which must be addressed.

Land use is also limited because of the nature of the zone. Generally, land uses which require significant grading and parking have been discouraged. Where some of these uses have been permitted, they require a special exception from the zoning commissioner.

R.C.5 (Rural Residential

This zone was designed to provide for rural residential development in suitable areas where basic public water and sewer service is not available but lots have sufficient size for adequate on-lot systems. This zone is intended to direct rural development into areas that have already been sufficiently developed near rural centers which prevents the continuation of agriculture.

The R.C.5 zone has a permitted maximum density of .667 units an acre and a minimum lot size of one acre. This single-family zone has consistently developed at .400 units an acre. There is a maximum 15 percent coverage for each lot and not more than one dwelling is permitted on each lot.

Besides the permitted residential dwellings, this zone permits churches, schools, and farms with accessory uses and structures. The County's development regulations may control the placement of buildings depending on their relationship to streams, wetlands, steep slopes, and woodlands.

R.C.C. (Resource Conservation Commercial) Zone

The R.C.C. zone was established in 1988 by the Baltimore County Council (Bill No. 103-88) to provide small areas of commercial development for a limited range of rural, residential, and tourist-related needs; and to permit such facilities only at an intensity and scale appropriate to rural areas. This plan recommends that certain properties are appropriate for this zoning classification and that they are unsuitable for the standard commercial zones. By design, this classification is meant to be a "stand alone" zone which will accommodate its entire use.

The Commercial Rural (C.R.) District

Adopted by the County Council on July 5, 1988, the C.R. district provides regulations for development that can be sustained by the environment, improve the aesthetics of rural commercial development, and protect historic features.

In particular, the C.R. district is intended "for use in those rural locations, usually villages or small towns, which already function as commercial service centers. These areas...are now in danger of losing their local identities due to rapid development, permitted by existing zoning patterns. The district provides development opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists."

The C.R. District may be applied to land zoned B.L., B.M., B.R., R.O. and to adjacent R.C.5-zoned land. Its conditions, applied against uses permitted in the base zone, are as follows:

- ❑ Uses normally permitted in the base zone will have limitations of size regulations and site design controls.
- ❑ Uses permitted in the C.R. district but not in the base zone may only be permitted by special exception.
- ❑ Development that proposes to exceed the size and site design regulations if the C.R. district may only be permitted by special exception.
- ❑ Criteria for granting special exceptions will be strengthened by including additional performance standards such as size and site standards, architectural guidelines, protection of historic buildings, and certification that the larger project can be supported by the site's environmental capabilities.

Such elements of size and site design are, for example, the 8,800-square-foot (gross) limit on buildings, 15-foot setbacks, and specific requirements on landscaping and signs. Environmental elements evaluated would include the stability of the private sewerage disposal system, the potable water supply, and the influence on the metropolitan reservoirs.

The 8,800 sq. ft. limit may be exceeded when properties in a C.R. District are part of an adopted community plan. However, any increase will be subject to review at a Special Exception Hearing to ensure compatibility with the stated goals and objectives of the plan.

APPENDIX B

ASSESSMENT OF THE HANOVER PIKE ALTERNATIVES

Assessment Methodology

Because Hanover Pike is a state highway, MDOT is responsible for choosing the location and design of any improvements. With current fiscal constraints, the department is unlikely to make this decision within five years, and the decision will be made only after very detailed project planning and environmental studies. However, a local jurisdiction's support for a facility and its location is important in the State's decision-making process.

The County's assessment process is not as rigorous as the State's but is designed to eliminate alignments that apparently contain fatal qualitative flaws.

Ten criteria were used to rank the alignment options. These criteria indicate that Hanover Pike relocated is not only for improving traffic flow and safety but is an important part of the County's infrastructure and must also support objectives for land use, environmental protection, and development.

List of Assessment Criteria

Preserving farm land
Preserving existing towns
Environmental soundness
Citizen support
Reducing the impact truck traffic on existing communities
Reducing traffic conflicts with existing communities
Supporting the regional transportation planning process
Supporting development recommendations
Minimizing property acquisition
Improving air quality

A three-point scale was used to assess each option's ability to meet the criteria.

Ranking Scale

+1 beneficial impact or positive support

0 neutral impact or unknown support

-1 detrimental impacts or no support

Because two of the criteria -- public support and environmental soundness -- are so significant, an alignment receiving negative scores in both categories was considered fatally flawed and removed from further consideration. An alignment that received a negative score in one of these categories was deemed to have significant problems but not removed from consideration.

Assessment Results

Both Option 1 and Option 5 were judged to be fatally flawed because of their potential negative environmental impact and their lack of citizen support, and the remaining options received negative scores in one of the two critical categories. Option 3 suffers from lack of citizen support, while options 2 and 4 are likely to produce significant environmental damage.

Option 2 had the highest score, and option 3 was second highest while Option 1 scored lowest.

Environmental regulatory agencies are unlikely to approve any road construction west

of the present alignment because of the potential for significant environmental damage to streams flowing into Liberty Reservoir.

The existing highway crosses many of these streams, and representatives of the various environmental agencies have warned that widening the existing alignment will be evaluated as new construction. Current environmental regulations would probably forbid construction along the existing Hanover Pike or make it prohibitively costly to construct.

APPENDIX C

CRITERIA	OPTIONS					
	1	2	3	4	5	6
Preserving farm land	+1	+1	-1	+1	+1	-1
Preserving existing towns	-1	+1	+1	+1	-1	+1
Environmental soundness	-1	-1	+1	-1	0	-1
Citizen support	-1	0	-1	+1	+1	-1
Reducing the impact of trucks on communities	0	+1	+1	0	0	+1
Reducing traffic conflicts with existing communities	0	+1	+1	0	+1	+1
Supporting the regional transportation planning process	0	0	0	-1	0	0
Supporting development recommendations	0	0	0	-1	0	0
Minimizing residential property acquisition	-1	0	0	0	0	0
Improving air quality	-1	+1	+1	0	-1	+1
Score	**-5**	**+4**	**+2**	**0**	**+1**	**0**

APPENDIX C

ENVIRONMENTAL EVALUATION

Two environmental reports were prepared for the properties which were the subject of a request for a zoning change to M.L.R. and were submitted to the Baltimore County Department Environmental Protection and Resource Management. These are:

(i)''Stormwater Pollutant Load Analysis,'' prepared by Daft, McCune & Walker and dated April 24, 1990.

(ii) "Resource Inventory and Development Suitability Analysis," prepared by Biohabitat Inc. dated April 9, 1990.

Because of their size, these reports are not included in this document. Copies can be seen in the Baltimore County Office of Planning and Zoning, 4th floor (Room 406) New Courts Building, 401 Bosley Avenue, Towson, Maryland, and at the Towson Public Library. Both reports were considered acceptable to the Baltimore County Department of Environmental Protection and Resource Management.

HANOVER PIKE CORRIDOR STUDY ADVISORY GROUP

Mr. H. Jack Barnhart
Col. Steven Blum
Mr. Charles R. Broderick
Mr. Noel Cervino
Mr. Thomas Christler
Mr. Richard Curran
Mr. Philip Earls
Mr. James Eline
Mr. Ned Finney
Mr. Richard R. Forbes
Ms. Peggy Goodman
Ms. Anne Grace Hendrickson
Mr. Victor Hencken
Mr. Robert Hoffman
Mr. Stuart Kaplow
Mr. Al Lewis
Mr. Wilson Lippy
Mr. John W. Livermore
Ms. Brenda Mandel
Mr. Timothy Mullan
Mr. George Nubeck
Mr. Ed St. John
Mr. Raymond Weber
Ms. Margaret Worrall
Mr. Darryl Wyles
Mr. Rob Yingling

Entrance to Property from
Old Hanover Rd

Pet Ex #4

X - NE W - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

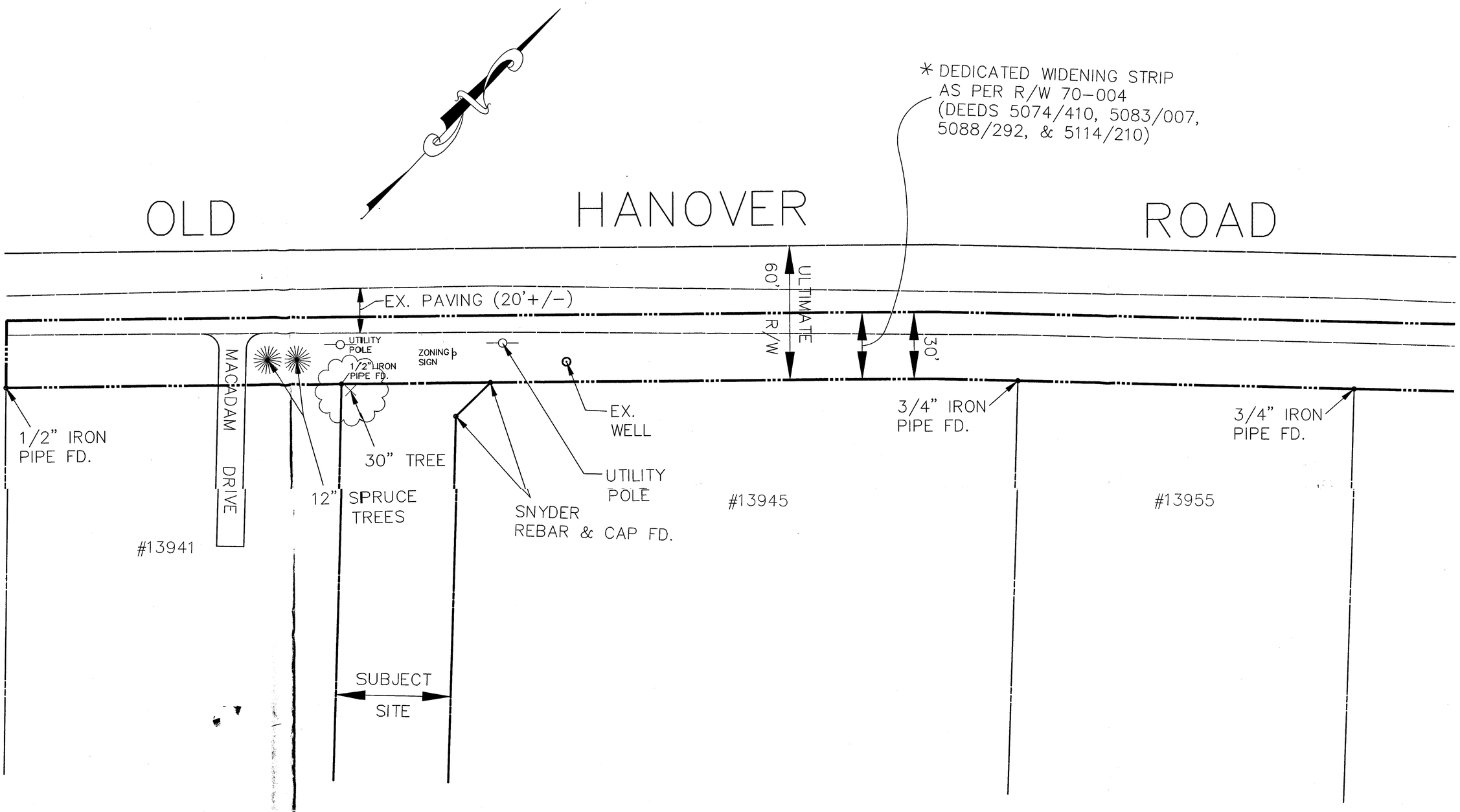
Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	SOUTH OF PINEY GROVE CHURCH	N. W. 20-J
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 20 J

P.C. # 36



SURVEY PLAT
OF ENTRANCE AT

MILLENNIUM SCHOOL

4TH ELECTION DISTRICT
SCALE: 1"= 20'

BALTIMORE COUNTY, MARYLAND
DATE: MARCH 1, 2004

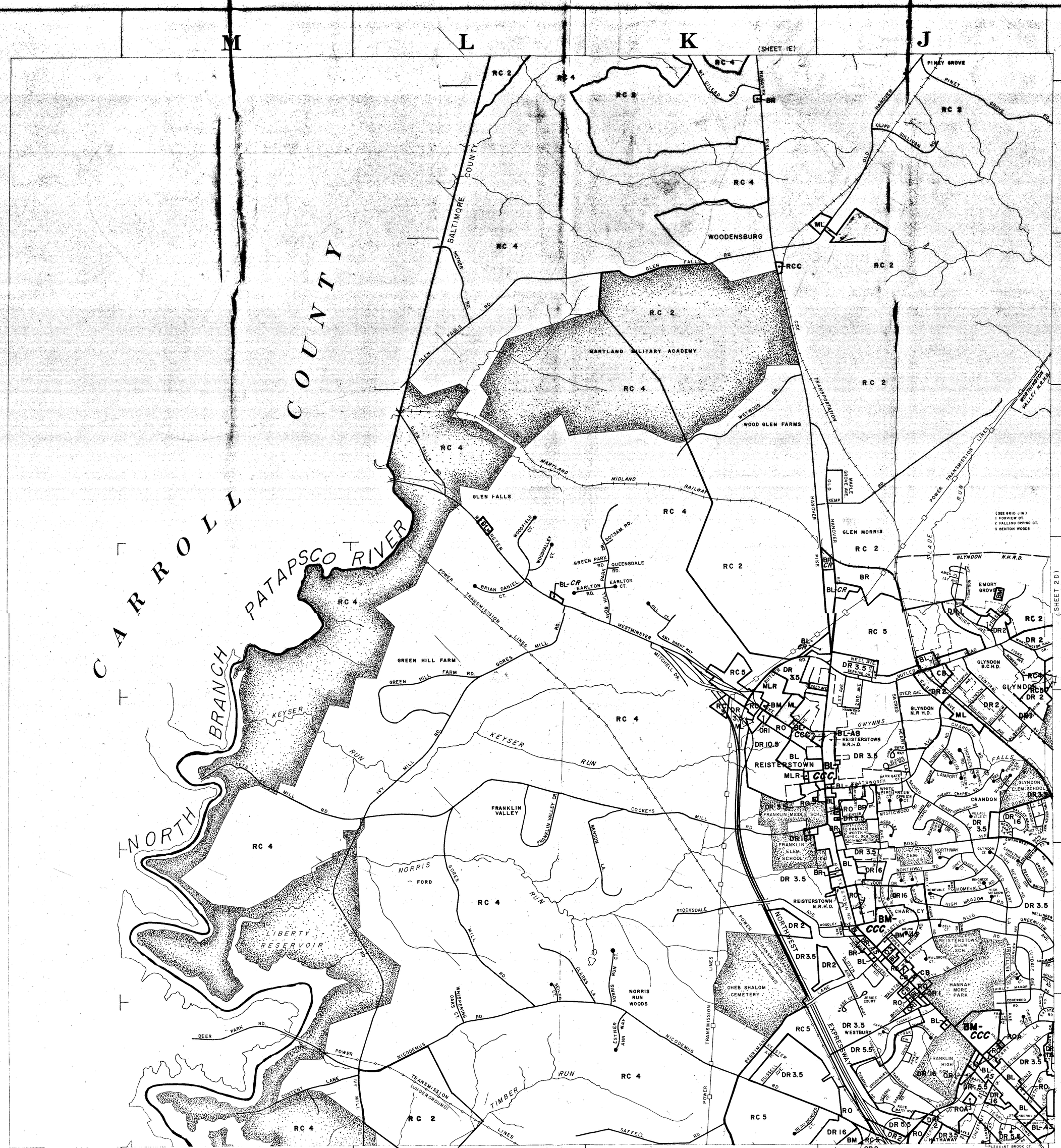
Pet. Ex #20

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

GCS 3/1/04
GEOFFREY C. SCHULTZ DATE
MARYLAND REG. No. 21154

STATE OF MARYLAND GEOFFREY CRAIG SCHULTZ No. 21154 PROFESSIONAL LAND SURVEYOR

Petition #16



BALTIMORE COUNTY OFFICE OF PLANNING

REISTERSTOWN

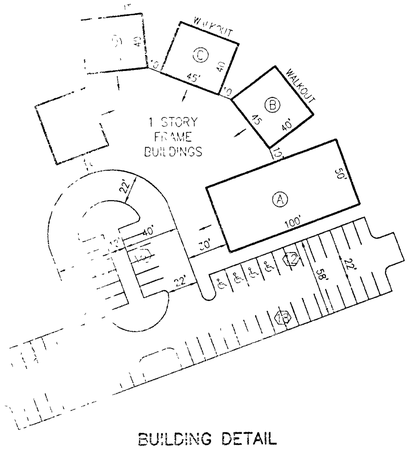
BALTIMORE COUNTY BASE MAP SERIES —

REVISED DATE SEP '94

1D

BUILDING NOTES

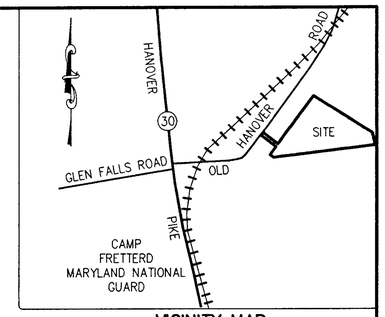
BUILDING	FIRST FLOOR	BASEMENT	TOTAL FLOOR AREA	HEIGHT
A	5,000 S F	0 S F	5,000 S F.	28 FEET
B	1,800 S F	1,800 S F.	3,600 S F.	22 FEET
C	1,800 S F	1,800 S F	3,600 S F	22 FEET
D	1,800 S F.	1,800 S F	3,600 S F	22 FEET
E	1,800 S F	0 S F.	1,800 S F	22 FEET



BUILDING DETAIL
1" = 50'

GENERAL NOTES

1 ELECTION DISTRICT 4TH
2 COUNCILMANIC DISTRCT 3RD
3 200-SCALE ZONING MAP NUMBERS NW 20J & NW 20K
4 THERE HAVE BEEN NO PREVIOUS COMMERCIAL PERMITS FOR THIS PROPERTY
5 THERE HAVE BEEN NO PREVIOUS ZONING HEARINGS FOR THIS PROPERTY
6 ALL SIGNS WILL COMPLY WITH APPLICABLE ZONING REGULATIONS
7 THIS PROPERTY OPERATES ON PRIVATE WELL AND SEPTIC SYSTEMS
8 A PORTION OF THIS SITE LIES WITHIN A 100-YEAR FLOODPLAIN AS SHOWN HEREON
9 THERE IS NO EXISTING OR IMPENDING FAILURE OF THE BASIC SERVICE MAPS FOR THIS SITE
10 THIS SITE IS NOT HISTORIC AND DOES NOT LIE IN A HISTORIC DISTRICT
11 ALL PROPOSED PARKING SPACES ARE 9 FEET BY 18 FEET OR 12.5 FEET BY 18 FEET FOR HANDICAP PARKING
12 A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS TO ALLOW A 4.3-ACRE REDUCTION OF THE FOREST BUFFER BY ESTABLISHING GOOD VEGETATIVE COVER ON THE EXISTING CROP COVER WITHIN THE FOREST BUFFER EASEMENT CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS THESE CONDITIONS INCLUDE BUT WERE NOT LIMITED TO POSTING PERMANENT PROTECTIVE SIGNAGE ALONG THE FOREST BUFFER EASEMENT, REMOVING AN EXISTING SHED FROM THE FOREST BUFFER, INSTALLING A PERMANENT FENCE ADJACENT TO 2 OFFSITE LOTS, AND ESTABLISHING GOOD VEGETATIVE COVER IN THE FOREST BUFFER AS SHOWN ON THE APPROVED FOREST BUFFER PROTECTION PLAN
13 THE SEDIMENT CONTROL/GRADING PLAN WILL NOT BE APPROVED UNTIL THERE IS 80 PERCENT GROUND COVER OF GRASS/HERBACEOUS VEGETATION AT LEAST TWO INCHES TALL IN THE ROW CROP AREAS TO BE ESTABLISHED IN GOOD VEGETATIVE COVER
14 ALL LIGHTING IS TO BE DIRECTED AWAY FROM THE RESIDENTIAL AREAS



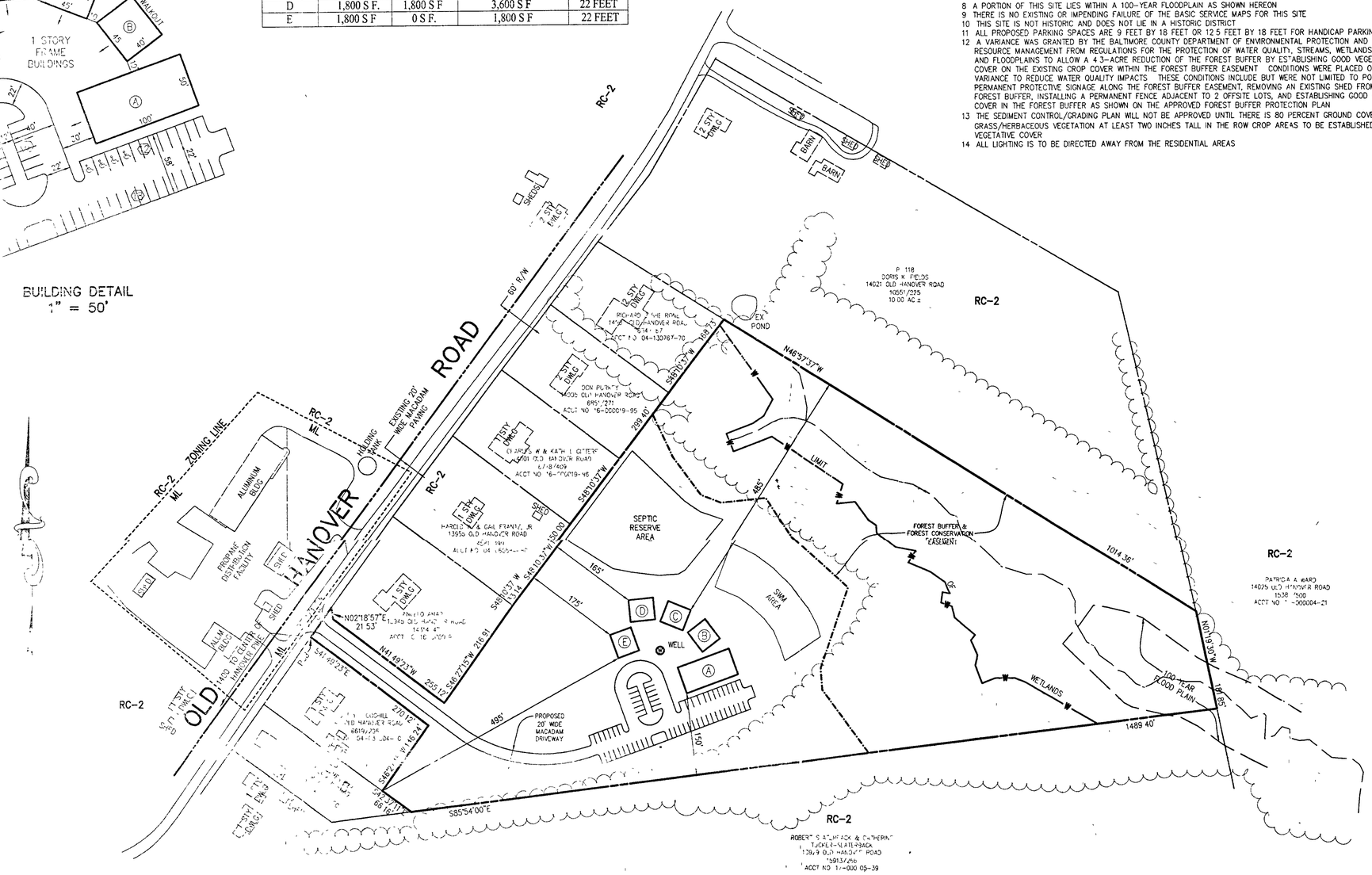
VICINITY MAP
1" = 1000'

LEGEND

EX CONTOURS
EX STREAM
WELL (P) PROPOSED
PROP SEPTIC AREA
FOREST BUFFER
FOREST CONSERVATION
LIMIT OF WETLANDS
EX WOODS LINE

SITE DATA

1 EXISTING ZONING RC-2
2 GROSS AREA 730,273 S F = 16.76 ACRES +/-
3 NET AREA 728,323 S F = 16.72 ACRES +/-
4 EXISTING USE VACANT/AGRICULTURAL
5 PROPOSED USE PRIVATE SCHOOL
BLDG A - ADMINISTRATION/CAFETERIA
BLDG B - CLASSROOMS
BLDG C - CLASSROOMS
BLDG D - CLASSROOMS
BLDG E - CLASSROOMS
6 PROPOSED FLOOR AREA (SEE CHART)
BLDG A - 5,000 S F
BLDG B - 3,600 S F
BLDG C - 3,600 S F
BLDG D - 3,600 S F
BLDG E - 1,800 S F
TOTAL = 17,600 S F
7 FLOOR AREA RATIO 17,600 S F /730,273 S F = 0.024
8 PROPOSED MAXIMUM NUMBER OF STUDENTS 156
9 PROPOSED NUMBER OF EMPLOYEES 22
10 PARKING REQUIRED 1 SPACE PER EMPLOYEE = 22* (* PLUS VISITOR SPACES AS REQUIRED BY THE ZONING COMMISSIONER)
11 PARKING PROPOSED 60 SPACES



Pet. Ex. #1

PLAT TO ACCOMPANY
PETITION FOR
SPECIAL EXCEPTION

MILLENNIUM SCHOOL

13943 OLD HANOVER ROAD

4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1"= 100' JANUARY 2, 2003

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
TELEPHONE (410) 527-1555 FACSIMILE (410) 527-1563

STATE OF MARYLAND JAMES WILLIAM McKEE NO. 9012 REGISTERED PROFESSIONAL LAND SURVEYOR

JW McK 1/8/03
JAMES W McKEE DATE
MD REG No 9012

OWNER INFORMATION
JAMES D BLUM III AND
GAYLE M BLUM
15272 DOVER ROAD
REISTERTOWN MD 21136
TAX MAP 39 GRID 5 PARCEL 121
DEED REFERENCE 16502/352
ACCOUNT NO 04-19-051452

Old Hanover Road

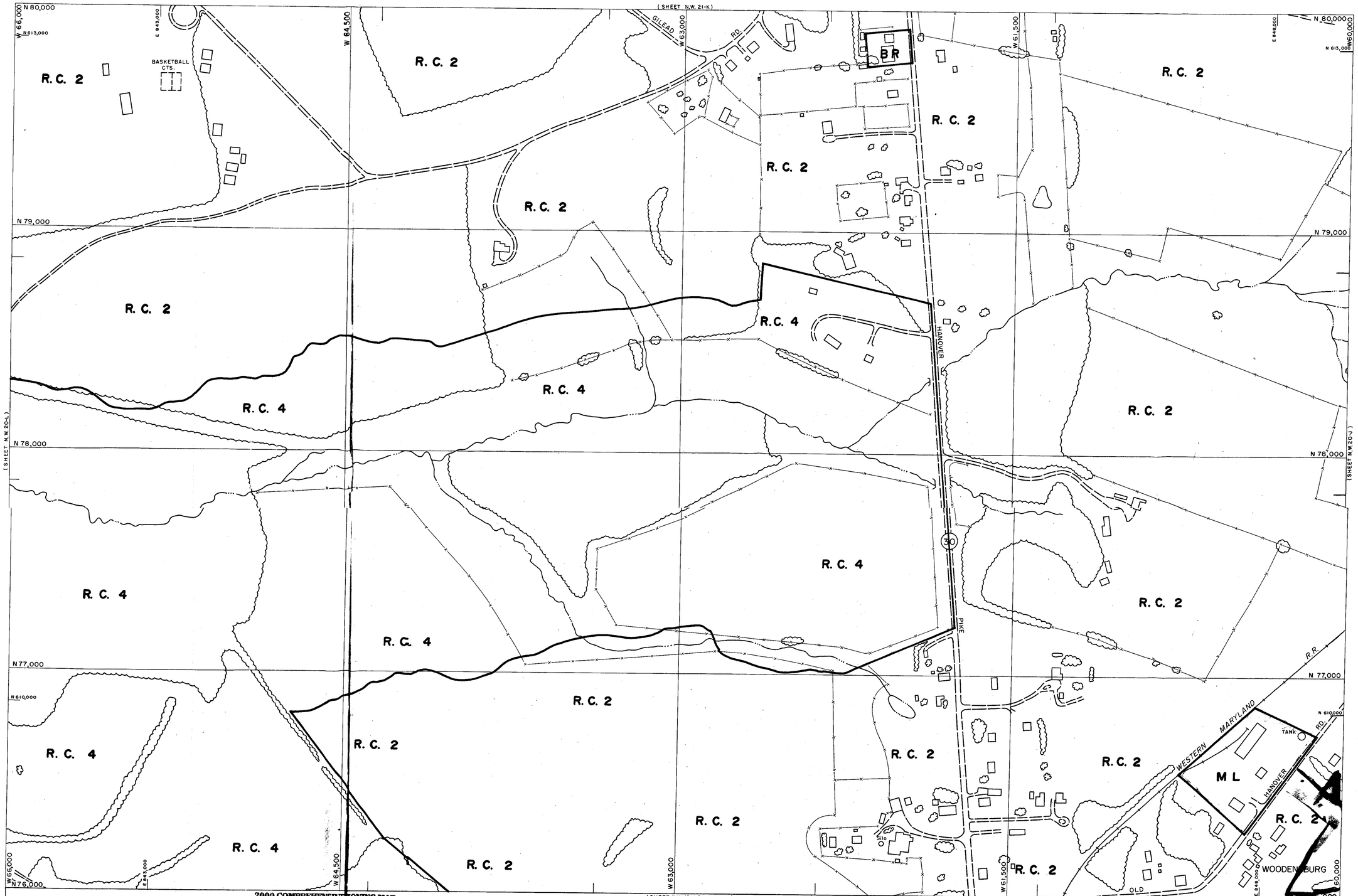
P.C. Exh 1

Produced by Baltimore County GIS Services Unit
Copyright 2000
VARGIS LLC Herndon, Virginia
All Rights Reserved
Date of map production: August 14, 2003

0 100 200 400 600 800 Feet

03-312-X

P.C. #3a



X - NE
B B - SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	NORTH OF WOODENSBURG	N. W. 20-K
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 20 K

P.C. #3a

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

STR

Account Identifier: **District -** 04 **Account Number -** 0419051452

Owner Information

Owner Name:	BLUM JAMES D,3RD BLUM GAYLE M	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	15272 DOVER RD REISTERSTOWN MD 21136-3882	**Deed Reference:**	1) /16502/ 352 2)

Location & Structure Information

Premises Address
OLD HANOVER RD

Zoning

Legal Description
16.72 AC SES
OLD HANOVER RD
2640 E WOODENSBURG

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
39	5	121						80	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		16.72 AC	05

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land:	5,590	6,270			
Improvements:	0	0			
Total:	5,590	6,270	6,042	6,270	
Preferential Land:	5,590	6,270	6,042	6,270	

Transfer Information

Seller:	SMOOT CLAUSON G	**Date:**	06/12/2002	**Price:**	$186,000
Type:	UNIMPROVED ARMS-LENGTH	**Deed1:**	/16502/ 352	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

P.C. #4