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

DATE: November 12, 2003

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

FROM: Theresa R. Shelton TRS
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

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

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
02-440-SPHA	***02-440-SPHA***	WAYNE W. DAVIS	11603-15 BELLVUE AVENUE
03-539-A	***03-539-A***	JACOBS/WATSIC	3915 BRIAR POINT ROAD
03-508-SPH	***03-508-SPH***	W. TALBOT DALEY	19503 CAMERON MILL ROAD
M.C. 03-1	***MAP CORRECTION 5TH COUNCILMANIC DISTRICT***	TERESA LOUISE MANOCHEN	1720 E. JOPPA ROAD

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

IN THE MATTER OF THE APPLICATION OF W. TALBOT DALEY – Legal Owner FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NE/s CAMERON MILL RD & STABLERS CHURCH RD, OPPOSITE WALKER RD (19503 CAMERON MILL RD)	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
6TH & 7TH ELECTION DISTRICTS 3RD COUNCILMANIC DISTRICT	*	CASE NO. 03-508-SPH

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by C. Robert Loskot, Assistant County Attorney, on behalf of the Baltimore County Department of Environmental Protection and Resource Management from a decision of the Deputy Zoning Commissioner dated August 6, 2003 in which the requested Petition for Special Hearing filed by W. Talbot Daley, Legal Owner, was approved.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed September 15, 2003 by C. Robert Loskot, Assistant County Attorney, Counsel for Baltimore County, Maryland, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of September 15, 2003,

IT IS ORDERED this 23rd day of September, 2003 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 03-508-SPH be and the same is hereby **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks

Melissa Moyer Adams

Edward W. Crizer, Jr.

County Board of Appeals of Baltimore County

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

September 23, 2003

C. Robert Loskot
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: W. Talbot Daley* -Petitioner
Case No. 03-508-SPH /Order of Dismissal

Dear Mr. Loskot:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Edward J. Gilliss, County Attorney
David A.C. Carroll, Director /DEPRM
J. Carroll Holzer, Esquire
W. Talbot Daley
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

Case No. 03-508-SPH RE: W. Talbot Daley –Legal Owner (Cameron Mill Road)

9/15/03 – Letter of withdrawal of appeal filed by C. Robert Loskot, Assistant County Attorney, on behalf of DEPRM. Order of Dismissal to be issued.

Office of Law

400 Washington Avenue
Towson, Maryland 21204
Tel: 410-887-4420 • Fax: 410-296-0931

James T. Smith, Jr., County Executive
Edward J. Gilliss, County Attorney

Baltimore County

One of the Best-Managed Counties in America

September 15, 2003

HAND DELIVERED

Timothy M. Kotroco, Director
Department of Permits and Development Management
111 West Chesapeake Avenue
M.S. 1105
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
Notice of Appeal of Zoning Commissioner's
Findings of Fact and Conclusions of Law
Case No. 03-508-SPH
Property: NE/S Cameron Mill Road and Stablers
Church Road, opposite Walker Road
(19503 Cameron Mill Road)
6th & 7th Election Districts
3rd Councilmanic District
W. Talbot Daley, Petitioner

Dear Mr. Kotroco:

Baltimore County, Maryland, hereby withdraws its appeal to the Board of Appeals, of the Zoning Commissioner's Findings of Fact and Conclusions of Law dated August 5, 2003, in the referenced case, granting the Petition for Special Hearing for this property. Please dispose of the appeal accordingly.

Thank you for your attention to this matter.

Very truly yours,

C. Robert Loskot
Assistant County Attorney

cc: Kathleen C. Bianco
David A. C. Carroll
Edward J. Gilliss, County Attorney
J. Carroll Holzer, Esquire

C:\CODE ENFORCEMENT\LETTERS\19503 CAMERON MILL-KOTROCO-DEPRM-WITHDRAW APPEAL OF ORDER GRANTING 03-058-SPH.WPD

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

September 16, 2003

J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case 03-508-SPH, 19503 Cameron Mill Road

Please be advised that an appeal on the above-referenced case was filed in this office on September 3, 2003 by the Dept. of Environmental Protection and Resource Management. 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,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
W. Talbot Daley, 19503 Cameron Mill Rd., Parkton 21120

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APPEAL

Petition for Special Hearing
19503 Cameron Mill Road
NE/side Cameron Mill Rd., & Stablers Church Rd., opposite Walker Road
6th and 7th Election District – 3rd Councilmanic District
W. Talbot Daley – Legal Owner

Case No.: 03-508-SPH

✓ Petition for Special Hearing (4/28/03)

✓ Zoning Description of Property (none in file)

✓ Notice of Zoning Hearing (6/2/03)

✓ Certification of Publication (7/3/03)

✓ Certificate of Posting (7/4/03) by Bruce Doak

✓ Entry of Appearance by People's Counsel (5/15/03)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
None

✓ County Representatives Sign-In Sheet
One

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibit

✓ Protestants' Exhibits:

✓ Miscellaneous (Not Marked as Exhibit)

✓ Deputy Zoning Commissioner's/Zoning Commissioner's Order (8/6/03)

* ✓ Notice of Appeal received on September 4, 2003 from Office of Law for DEPRM

RECEIVED
SEP 17 2003
BALTIMORE COUNTY
BOARD OF APPEALS

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

* C. ROBERT LOSKOT
ASSISTANT COUNTY ATTORNEY
OFFICE OF LAW
400 WASHINGTON AVENUE
TOWSON, MD 21204
Appellant

W TALBOT DALEY
19503 CAMERON MILL ROAD
PARKTON, MD 21120
Petitioner

J. CARROLL HOLZER, ESQUIRE
HOLZER AND LEE
508 FAIRMOUNT AVENUE
TOWSON, MD 21286
Attorney for Petitioner

Office of Law

400 Washington Avenue
Towson, Maryland 21204
Tel: 410-887-4420 • Fax: 410-296-0931

James T. Smith, Jr., County Executive
Edward J. Gilliss, County Attorney

Baltimore County

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RECEIVED
SEP 4 2003
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

September 3, 2003

HAND DELIVERED

Timothy M. Kotroco, Director
Department of Permits and Development Management
111 West Chesapeake Avenue
M.S. 1105
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
Notice of Appeal of Zoning Commissioner's
Findings of Fact and Conclusions of Law
Case No. 03-508-SPH
Property: NE/S Cameron Mill Road and Stablers Church Road, opposite Walker Road
(19503 Cameron Mill Road)
6th & 7th Election Districts
3rd Councilmanic District
W. Talbot Daley, Petitioner

Dear Mr. Kotroco:

On behalf of the Department of Environmental Protection and Resource Management ("DEPRM"), Baltimore County, Maryland, hereby appeals to the Board of Appeals, the Zoning Commissioner's Findings of Fact and Conclusions of Law, dated August 5, 2003, in the referenced case, granting approval of the Petition for Special Hearing (1) approving the amendment of the 1992 Final Development Plan (FDP) and the 1994 Final Subdivision Plat to conform to the original CRG plan, approved March 14, 1991, and (2) delineating the floodplain reflected on the original CRG approved plan on the 1992 FDP and the 1994 Final Subdivision Plat. The bases for the appeal are as follows:

1. By Fee Simple Deed dated December 1, 2000, and recorded among the Land Records of Baltimore County in Liber S.M. No. 14871, folio 032, from Martin B. Hart by Connie B. Hart, his attorney-in-fact, and Connie B. Hart, his wife, unto W. Talbot Daley, Mr. Daley is the fee simple owner of all that property

known and designated as Lot 50, comprising 5.854 acres (4.344 acres± parcel and 1.510 acres± parcel) as shown on a plat entitled, "Final Subdivision Plat, Section One, Plat Two, Cameron Mill" dated March 14, 1991, which plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 67, folio 2. The improvements thereon being known as No: 19503 Cameron Mill Road (hereinafter, the "Property").

The Final Subdivision Plat contains two Forest Buffer Easement Notes, the first of which states that "[t]here shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by [DEPRM]." *See* General Note 12. The second note states that any forest buffer easement shown on the Plan is subject to protective covenants that may be found in the Land Records of Baltimore County. *See* General Note 9.

The Zoning Commissioner's decision is based, in part, on the testimony of Eric Rockel of the Bureau of Land Acquisition, in which he opined that the "subject property is not encumbered with" any forest buffer easement. This opinion is in error, however, and the Property is encumbered by an enforceable forest buffer easement, because whenever a deed conveys a lot by reference to a plan or map, the deed and the plan or map must be construed together. *Buchanan's Lessee v. Steuart*, 3 H. & J. 329 (1813); *Williams v. Skyline Development Corporation*, 265 Md. 130, 161-162 (1972); *Whittington v. Mann*, 211 Md. 199, 205 (1956). The Deed by which the Harts conveyed Lot 50 to Mr. Daley specifically referenced and incorporated, and made his interest subject to, the easement shown on the Final Subdivision Plat, Section One Plat Two, Cameron Mill, dated January 12, 1994. As a result, Mr. Daley had actual notice of the existence of the forest buffer easement in question.

2. The floodplain shown on the original CRG approved plan is inaccurate. Accurate floodplain information generally was not available for review during the CRG process. After original CRG approval, McKee & Associates, the developer's engineer, performed a flood study and submitted same to the County. Pursuant to Title 26 of the Baltimore County Code, the Director of Public Works approved the floodplain study, thereby delineating the floodplain shown on the approved 1994 Final Subdivision Plat as the correct floodplain. The Zoning Commissioner's approval of the preliminary (and incorrect) floodplain may endanger the health, safety, and welfare of the citizens of Baltimore County.

Thank you for your attention to this matter.

Very truly yours,

C. Robert Loskot
Assistant County Attorney

cc: David A. C. Carroll
Edward J. Gilliss, County Attorney
J. Carroll Holzer, Esquire
Lawrence E. Schmidt

C:\CODE ENFORCEMENT\LETTERS\19503 CAMERON MILL ROAD-KOTROCO-DEPRM APPEAL OF ORDER GRANTING PETITION SPECIAL HEARING.WPD

IN RE: PETITION FOR SPECIAL HEARING NE/S Cameron Mill Road and Stablers Church Road, opposite Walker Road **(19503 Cameron Mill Road)** 6th & 7th Election Districts 3rd Council District W. Talbot Daley Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 03-508-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, W. Talbot Daley, through his attorney, J. Carroll Holzer, Esquire. The Petitioner requests a special hearing seeking a determination that the 1992 FDP (Final Development Plan) (Exhibit G) and the 1994 Final Subdivision Plat (Exhibit H) should be amended to conform to the original CRG (County Review Group) plan (Exhibit F), which was approved on March 14, 1999, to reflect that there is no forest buffer easement on the subject property; and further, that the floodplain reflected on the original CRG approved plan (Exhibit G) should be delineated on the 1992 FDP and the 1994 Final Subdivision Plat. The subject property and requested relief are more particularly shown on a series of exhibits contained within a binder, including the Final Development Plan/Plat to Accompany the Petition for Special Hearing, marked as Petitioner's Exhibit H.

Appearing at the requisite public hearing in support of the request were W. Talbot Daley, property owner, his wife, Linda Losey Daley, and their attorney, J. Carroll Holzer, Esquire. Also appearing on behalf of the Petitioners was Lynne Jones, Dr. Richard W. McQuaid, and his wife, Gloria McQuaid. Appearing on behalf of Baltimore County were Donald T. Rascoe, Project Manager for the Department of Permits and Development Management (DPDM), and Eric Rockel, a representative of the Bureau of Land Acquisition, a division within DPDM. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 9/5/03
By

It is to be initially noted that the subject property was the subject of a prior Petition for Special Hearing filed under Case No. 03-255-SPH. That matter was originally scheduled for a public hearing before then Deputy Zoning Commissioner Timothy M. Kotroco; however, it never moved forward to disposition and the Petition was subsequently withdrawn. The Petitioners then filed for relief under the current Petition. Essentially, relief is requested so as to enable the property owners to park vehicles on a designated parking area on a portion of the subject property located across from the existing dwelling on Cameron Mill Road.

The subject property is an irregular shaped parcel located with frontage on Cameron Mill Road, near Stablers Church Road and Walker Road in Parkton. The property contains a gross area of 5.6 acres, more or less, zoned R.C.4, and is improved with a single-family historic dwelling, known as Cameron Mill, a springhouse and several outbuildings. As shown on the final subdivision plat, Cameron Mill Road bisects the property so that a 1.2 acre-portion of the site is located on the southwest side of the road, and the remaining 4.4 acres are located on the northeast side of the road.

As noted above, the Cameron Mill dwelling and outbuildings are designated historic structures. The history of the property and its use since 1795 are delineated within the binder submitted as Exhibit H. As noted therein, the property was originally part of an overall tract that was inherited by Ruth Ann Desoto, a niece of Richard R. Cameron, one of the original owners. In the early 1990s, the Cameron Mill Partnership proposed the overall tract for development. At that time, the property contained 276 acres, which were to be subdivided to create 49 single-family dwelling lots. Evidently, the subject 5.6-acre parcel was deleted from the overall tract and retained by Ms. Desoto, with the intention of preserving and restoring the original dwelling. Ultimately, Mr. & Mrs. Daley acquired the property. Photographs submitted show that the Petitioners have made extensive improvements to the site and it is clear that they have expended a great deal of time and money to revitalize the property. The Cameron Mill dwelling has been extensively rehabilitated and restored. Additionally, rehabilitation of the springhouse has been completed and improvements to other structures on the property are contemplated.

ORDER RECEIVED FOR FILING
Date 9/5/03
By

The sum and substance of the instant case relates to the use of a portion of the property located on the southwest side of Cameron Mill Road for parking. Owing to the topography of the site on the northeast side, the Petitioners and prior property owners have historically used this area for parking. It was indicated that the Petitioners both have children from prior marriages and many of the children are of driving age. Apparently, the Petitioners have had an ongoing dispute with the Department of Environmental Protection and Resource Management (DEPRM) relative to their use of this property for parking. In this regard, the Gunpowder River and the Department of Natural Resources' Northern Central Railroad Hike and Bike Trail are located immediately adjacent thereto. Apparently, DEPRM is concerned about the impacts of the Petitioners' use on those resources.

One specific issue presented is whether the 1.2-acre portion of the subject property is burdened by any easement as a result of the development of the Cameron Mill tract. In this regard, undisputed testimony was received from Mr. Rockel of the Bureau of Land Acquisition. He indicated that notwithstanding an approved development plan for the Cameron Mill subdivision, there was no conveyance of either a forest buffer easement or a 100-year floodplain drainage and utility easement to Baltimore County. Thus, Mr. Rockel believes that the subject property is not encumbered with these easements.

The Petitioners through their Counsel presented an extensive summary of the history of the subject property and development thereon through a series of documents that are contained within the binder accepted into evidence as Exhibit H. The binder includes documents relating to the historic designation of the property, prior development plan approvals, and photographs, etc.

Based upon the uncontradicted testimony and evidence presented, I am easily persuaded to grant the Petition for Special Hearing. In my judgment, the Petitioners should be applauded and encouraged insofar as their efforts towards rehabilitation of this property. Moreover, it is clear that the use of a portion of the 1.2-acre parcel for parking is appropriate. In this regard, it is to be particularly noted that a parking area for users of the NCR trail exists immediately adjacent to the subject property. Clearly, the use of the property for private parking

by the Petitioners' family members and their guests will be less detrimental to the natural resources in the area than those impacts associated with the public parking lot located immediately adjacent thereto. For these reasons, the Petition for Special Hearing shall be granted and as such the requested amendments shall be approved.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of August, 2003 that the Petition for Special Hearing to approve an amendment to the 1992 FDP (Final Development Plan) (Exhibit G) and the 1994 Final Subdivision Plat (Exhibit H) to conform to the original CRG (County Review Group) plan (Exhibit F), which was approved on March 14, 1999, to reflect that there is no forest buffer easement on the subject property. In addition, the Petitioners request that the floodplain reflected on the original CRG approved plan (Exhibit G) be delineated on the 1992 FDP and the 1994 Final Subdivision Plat, in accordance with Petitioner's Exhibit H, be and is hereby GRANTED.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/5/03
By

Baltimore County
Zoning Commissioner

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

August 6, 2003

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING
NE/S Cameron Mill Road and Stablers Church Road, opposite Walker Road
(19503Cameron Mill Road)
6th & 7th Election Districts – 3rd Council District
W. Talbot Daley - Petitioner
Case No. 03-508-SPH

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. W. Talbot Daley
19503 Cameron Mill Road, Parkton, Md. 21120
Dr. & Mrs. Richard McQuaid, 1501 Harris Mill Road, Parkton, Md. 21120
Ms. Lynne Jones, 815 Stablers Church Road, Parkton, Md. 21120
DEPRM; People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 19503 Cameron Mill Rd.
which is presently zoned RC 4

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

See attached Pg. 2

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No

City — State — Zip Code

Legal Owner(s):

W. TALBOT DALEY
Name - Type or Print

W Talbot Daley
Signature

Name - Type or Print

Signature

19503 Cameron Mill Rd. 410-329-6215
Address — Telephone No

Parkton, MD 21120
City — State — Zip Code

Attorney For Petitioner:

J. CARROLL HOLZER
Name - Type or Print

Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

Telephone No

City — State — Zip Code

Representative to be Contacted:

J. Carroll Holzer
Name

508 Fairmount Ave. 410-825-6961
Address — Telephone No.

Towson MD 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2½ hrs

UNAVAILABLE FOR HEARING

Reviewed By — Date 4-28-03

ORDER RECEIVED FOR FILING
Date 4/25/03
By

Case No. 03-508-SPH

REV 9/15/98

Property History

Cameron Mill is a 5.6+/- acre historic site that was listed with the Landmarks Preservation Committee in 1977. The 275+/- acreage surrounding the house was proposed for development in 1990. Before the Community Review Group (CRG) could take final action on the plan for development, the plan was referred to the Planning Board because the development plan erroneously stated that there were no historical areas on the property. Recommendations were adopted by the Planning Board at their December 6th, 1990, meeting--based on a memo from David Fields, Office of Planning (Exhibit A). In 2002, the Petitioners/Owners of Lot 50 restored the house and following the Planning Board's decision placed a parking pad on the 1.2 acres across from the house. Department of Environmental Protection and Resource Management (DEPRM) has cited the owners for violating forest buffer regulations by having the parking pad across the road from the house.

The Planning Board's memo was based on recommendations from the various county agencies involved, including DEPRM. Among other things, the recommendations included: Enlarging Lot 50 to include 1.2 acres on the west/south side of Cameron Mill Road, "The additional acreage across the road (the very parcel that DEPRM is laying claim to) would give the owner of the house full control over most of the other foundations (outside the road right-of-way) and allow for a parking garage or pad which could not easily be accommodated on the steep hillside at the house." Indeed in a newspaper article dated December 13, 1990 "DEPRM concurred that a larger lot was needed to prevent the likely grading of a steep hillside where the miller's house now is nestled." (Exhibit B) The enlargement would also be consistent with the estimated "5 acres in vicinity of house" entered on the Landmarks List nomination form (Exhibit C).

The Planning Board's decision was upheld by the County Board of Appeals and again upheld in an opinion and order of the Circuit Court for Baltimore County on August 12, 1992 (Exhibit D). Subsequently, the CRG Plan that was drawn reflected the Planning Board's decision showing that the 5.6+/- acreage of the Cameron Mill House and adjoining property were not part of the Cameron Mill Development. (Exhibit F). However, the 1992 Final Development Plan (FDP) (Exhibit G) erroneously added Lot 50 into the Plan and placed forest buffer easements on the historic property which was reflected in the Final Recording of the Plat (Exhibit H).

Attached Exhibits

508

Exhibit A: Planning Board's Decision
Exhibit B: Newspaper Article dated December 13, 1990
Exhibit C: Landmarks List Nomination Form
Exhibit D: CBA Decision, 8/12/92
Exhibit E: Circuit Court Opinion
Exhibit F: 1991 C.R.G. Plan
Exhibit G: 1992 Final Development Plan
Exhibit H: January 12, 1994 Final Subdivision Plat

ORDER RECEIVED FOR FILING
Date 8/5/03
By

Question

1. Petitioner requests that the 1992 FDP (Exh G) and the 1994 Final Subdivision Plat (Exh H) be amended to conform to the original CRG approval of 3/14/1991 (Exh F), which reflected no forest buffer easement on the property of the owner of 19503 Cameron Mill Road; and further, that the floodplain be delineated on the 1992 FDP and the 1994 Final Subdivision Plat as reflected on the original CRG approval (Exh. F).

508

ORDER RECEIVED FOR FILING
Date 8/5/03
By

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: #03-508-03
19503 Cameron Mill Road
N/east side Cameron Mill Road, and Stabler's Church Road opposite Walker Road
7th Election District - 3rd Councilmanic District
Legal Owner(s): W. Talbot Daley

Special Hearing: requests that the 1992 FDP (Ex. G) and the 1994 Final Subdivision Plat (Ex. H) be amended to conform to the original CRG approval of a 3/14/99 (Ex.F), which reflected no forest buffer easement on the property of the owner 19503 Cameron Mill Road; and further, that the floodplain be delineated on the 1992 FDP and the 1994 Final Subdivision Plat as reflected on the original CRG approval (Ex. F).

Hearing: Monday, July 21, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

7/007 July 3 C612855

CERTIFICATE OF PUBLICATION

7/3/, 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 7/3/, 2003

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

S. Wilkinson

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CERTIFICATE OF POSTING

RE: CASE #03-508-SPH
PETITIONER/DEVELOPER:
W. Talbot Daley
DATE OF HEARING:
July 21, 2003

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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

LOCATION:
19503 Cameron Mill Road

POSTED ON: July 4, 2003

DATE:
July 7, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

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: 03-508-SPH

Petitioner: W. Talbot Daley

Address or Location: 19503 Cameron Mill Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: T. Carroll Holzer, ESQ.

Address: 508 Fairmount Ave.
Towson, Md. 21286

Telephone Number: 410-825-6961

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 3, 2003 Issue - Jeffersonian

Please forward billing to:
J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286

410-825-6961

CORRECTED 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: 03-508-03
19503 Cameron Mill Road
N/east side Cameron Mill Road, and Stabler's Church Road opposite Walker Road
7th Election District – 3rd Councilmanic District
Legal Owner: W. Talbot Daley

Special Hearing requests that the 1992 FDP (Ex. G) and the 1994 Final Subdivision Plat (Ex. H) be amended to conform to the original CRG approval of a 3/14/99 (Ex. F), which reflected no forest buffer easement on the property of the owner 19503 Cameron Mill Road; and further, that the floodplain be delineated on the 1992 FDP and the 1994 Final Subdivision Plat as reflected on the original CRG approval (Ex. F).

Hearings: Monday, July 21, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

June 2, 2003

CORRECTED 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: 03-508-03 SPH
19503 Cameron Mill Road
N/east side Cameron Mill Road, and Stabler's Church Road opposite Walker Road
7th Election District – 3rd Councilmanic District
Legal Owner: W. Talbot Daley

Special Hearing requests that the 1992 FDP (Ex. G) and the 1994 Final Subdivision Plat (Ex. H) be amended to conform to the original CRG approval of a 3/14/99 (Ex. F), which reflected no forest buffer easement on the property of the owner 19503 Cameron Mill Road; and further, that the floodplain be delineated on the 1992 FDP and the 1994 Final Subdivision Plat as reflected on the original CRG approval (Ex. F).

Hearings: Monday, July 21, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: J. Carroll Holtzer, 508 Fairmount Avenue, Towson 21286
W. Talbot Daley, 19503 Cameron Mill Road, Parkton 21120

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 5, 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.

Printed with Soybean Ink
on Recycled Paper

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

May 5, 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: 03-508-03
19503 Cameron Mill Road
N/east side Cameron Mill Road, and Stabler's Church Road opposite Walker Road
7th Election District – 3rd Councilmanic District
Legal Owner: W. Talbot Daley

Special Hearing requests that the 1992 FDP (Ex. G) and the 1994 Final Subdivision Plat (Ex. H) be amended to conform to the original CRG approval of a 3/14/99 (Ex. F), which reflected no forest buffer easement on the property of the owner 19503 Cameron Mill Road; and further, that the floodplain be delineated on the 1992 FDP and the 1994 Final Subdivision Plat as reflected on the original CRG approval (Ex. F).

Hearings: Thursday, June 26, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: J. Carroll Holtzer, 508 Fairmount Avenue, Towson 21286
W. Talbot Daley, 19503 Cameron Mill Road, Parkton 21120

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 11, 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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 10, 2003 Issue - Jeffersonian

Please forward billing to:
J. Carroll Holzer 410-825-6961
508 Fairmount Avenue
Towson, MD 21286

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: 03-508-03
19503 Cameron Mill Road
N/east side Cameron Mill Road, and Stabler's Church Road opposite Walker Road
7th Election District – 3rd Councilmanic District
Legal Owner: W. Talbot Daley

Special Hearing requests that the 1992 FDP (Ex. G) and the 1994 Final Subdivision Plat (Ex. H) be amended to conform to the original CRG approval of a 3/14/99 (Ex. F), which reflected no forest buffer easement on the property of the owner 19503 Cameron Mill Road; and further, that the floodplain be delineated on the 1992 FDP and the 1994 Final Subdivision Plat as reflected on the original CRG approval (Ex. F).

Hearings: Thursday, June 26, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

July 18, 2003

J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number: 03-508-SPH, 19503 Cameron Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 28, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
W. Talbot Daley, 19503 Cameron Mill Road, Parkton 21120

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on Recycled Paper

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

May 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 5, 2003

Item No.: 497-504, 506-508-511

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS /TGT

DATE: June 25, 2003

SUBJECT: Zoning Item 508
Address 19503 Cameron Mill Road

Zoning Advisory Committee Meeting of May 5, 2003

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

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

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

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

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

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

__X__ Additional Comments:

CRG plans were conceptual and did not all include final engineered information. Why would you replace detailed engineering with a conceptual plan. It is recommended that a denial be considered.

Reviewer: Dave Lykens Date: June 25, 2003

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 13, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For May 12, 2003
Item Nos. 496, 497, 498, 501, 502,
503, 504, 505, 508, 509, and 511

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 5, 2003

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

SUBJECT: *Zoning Advisory Petition(s):* **Case(s) 03-453 and 03-508**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: _____

Section Chief: _____

AFK/LL:MAC

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

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-5-03

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

RE: Baltimore County
Item No. 508 JJS

Dear. Ms. Hart:

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,

L. J. Gredlein

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

May 12, 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, 05/12/03 re: case numbers 03-496-X, 03-497-A, 03-498-A, 03-499-A, 03-500-A, 03-501-A, 03-502-SPH, 03-503-A, 03-504-A, 03-505-A, 03-506-A, 03-507-SPHX, 03-508-SPH, 03-509-A, 03-510-A, 03-511-SPHX**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/05/03. 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
Planning Services

cc: Mike Nortrup

301 West Preston Street · Suite 1101 · Baltimore, Maryland 21201-2305
Tel: 410.767.4500 · Fax: 410.767.4480 · Toll Free: 1.800.767.6272 · TTY Users: Maryland Relay
Internet: www.mdp.state.md.us

6/26 P.P. 7/21

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS /TGT

DATE: June 25, 2003

RECEIVED
JUN 25 2003
ZONING COMMISSIONER

SUBJECT: Zoning Item 508
Address 19503 Cameron Mill Road

Zoning Advisory Committee Meeting of May 5, 2003

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

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

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

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

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

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

__X__ Additional Comments:

CRG plans were conceptual and did not all include final engineered information. Why would you replace detailed engineering with a conceptual plan. It is recommended that a denial be considered.

Reviewer: Dave Lykens Date: June 25, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 5, 2003

RECEIVED
MAY - 6 2003
ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-453 and 03-508**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC

IN THE MATTER OF 19503 Cameron Mill Road N/east and SW side of Cameron Mill and Walker Rds. 3rd Councilmanic District 7th Election District	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. ~~03-255-SPH~~ 03-508-SPH
Legal Owner: W. Talbot Daley		

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

REQUEST FOR SUBPOENA DUCES TECUM

Please process in accordance with Zoning Commission Rule IV (c).

TO: Don Rascoe
PDM
County Office Bldg., Floor Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Rm 407, County Courts Bldg.
(Place where attendance is required)
Monday, the 21st day of July, 2003 at 9: 00 a.m. for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:
Any and all files, letters, memos, comments, plats, deeds, etc. in the above captioned case

This subpoena request is made on behalf of the undersigned attorney for the Petitioner:
J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 7/15/03

John V. Murphy
D. Zoning Commissioner

SHERIFF'S RETURN

( )- Served and copy delivered on date indicated below.
( )- Unserved, by reason of _

Date: _____ Fee: $

_____
SHERIFF

FORMS\C:\SUBPOENA.ZC

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

June 2, 2003

J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21204

Dear Mr. Holzer:

RE: Case Number: 03-508-SPH

The above matter, previously scheduled for June 26, 2003, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Arnold Jablon
Director

AJ:rlh

C: W. Talbot Daley, 19503 Cameron Mill Road, Parkton 21120

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on Recycled Paper

HOLZER
&
LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

5/22/03
&
Kelly
O/C

April 25, 2003
7362

Arnold Jablon, Director
Department of Permits &
Development Management
County Office Building
Towson, MD 21204

Re: Notice of Zoning Hearing in W. Talbot Dailey
Case No. 03-508-03

Dear Mr. Jablon:

Please be advised that I filed the above captioned Special Hearing. It was set in for a Hearing on Thursday, June 26, 2003 without checking with me and as a result, I must respectfully request a postponement of that date. I will be leaving the state on Friday, June 20 and I will not be back into the office until Tuesday, July 1. Therefore, I would respectfully request a postponement and a rescheduling of this date.

Very truly yours,

J. Carroll Holzer

JCH: bdm

cc: Bob Loskot
cc: Talbot Dailey

MAY 20 2003
03-1604

C:\My Documents\Letters\Arnold Jablon--5-12-03.doc

JJS
Intake Planner

4/18/03
Date Assigned

DROP-OFF PETITIONS
PROCESSING CHECK-OFF

NO [X] **Two Questions Answered on Cover Sheet:**
Any previous reviews in the zoning office? NO
Any current building or zoning violations on site? NO

[X] **Petition Form Matches Plat in these areas:**
- ✓ Address
- ✓ Zoning
- NO Legal Owner(s)
- ? Contract Purchaser(s)
- ✓ Request (if listed on plat)

[X] **Petition Form (must be current PDM form) is Complete:**
Request:
- N/A Section Numbers
- ✓ Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities. Hardship/Practical Difficulty Reasons
- ? Legal Owner/Contract Purchaser:
  - ✓ Signatures (originals)
  - ✓ Printed/Typed Name and Title (if company)
- ✓ Attorney (if incorporated)
- ✓ Signature/Address/Telephone Number of Attorney

[✓] **Correct Number of Petition Forms, Descriptions and Plats**

[✓] **200 Scale Zoning Map**

[✓] **Check:** Amount Correct? Signed?

[✓] **ZAC Plat Information:**
Location (by Carl) NE/S Cameron Mill Rd and Stabler's Church Road opposite Walker Rd. (19503 Cameron Mill Rd.)
✓ Zoning: _____ ✓ Acreage: _____ Previous Hearing Listed With Decision
✓ Election District ____ ✓ Councilmanic District _____ Case # 91-254-SPHA
Check to See if the Subject Site or Request is:
- ✓ CBCA
- ✓ Floodplain
- ✓ Elderly
- * ✓ Historical
- ✓ Pawn Shop
- ✓ Helicopter

*If Yes, Print Special Handling Category Here Prev. Case # 91-254-SPHA
*If No, Print No

508
Item Number Assigned

4-28-03
Date Accepted for Filing

WCR/SCJ – 9/5/00

RE:	PETITION FOR SPECIAL HEARING 19503 Cameron Mill Rd; NE/side Cameron Mill Rd & Stabler's Church Rd opp Walker Rd* 7th Election & 3rd Councilmanic Districts Legal Owner(s): W Talbot Daley Petitioner(s)	* *	BEFORE THE ZONING COMMISSIONER FOR
		*	BALTIMORE COUNTY
		*	03-508-SPH

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

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 15th day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to J Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286, Attorney for Petitioner(s).

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

RECEIVED
MAY 15 2003
Per...bh.....

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Dr. Richard W. McQuaid	1501 Harris Mill Rd	Parkton, MD 21120	docmcq@aol.com
Gemi McQuaid	1501 Harris Mill Rd	Parkton MD 21120	
LYNNE JONES	815 STABLER'S CHURCH RD	PARKTON MD 21120	dryad101@hotmail.com
LINDA LOSEY DALEY	19503 Cameron Mill Rd,	Parkton MD 21120	llosey@aol.com
W. TALBOT DALEY	19503 CAMERON MILL RD	PARKTON, MD 21120	FREMRKT@YAHOO.COM

Dr. Richard McQuaid,
1501 Harris Mill Rd.
Parkton, MD 21120

July 21, 2003 Hearing
Case #03-508-SPH
Daly

Want copy of decision

PLEASE PRINT CLEARLY

CASE NAME Cameron Mill
CASE NUMBER
DATE 7-21-03

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Donald T. Rascoe	111 W. Chesapeake		DRascoe@Co.BA.MD.US
Eric Rockel	111 W. Chesapeake		ERockel@Co.BA.MD.US

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

TO: Baltimore County Planning Board

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: Proposed Development Involving a Structure on the Baltimore County Landmarks List -- "Cameron Miller's House"

DATE: December 5, 1990

Background - Planning Board's Role

Before the County Review Group (CRG) can take final action on any plan for development on a property which "involves a building, structure or site included on the landmarks preservation...list" the plan must be referred to the Planning Board. The Board then has 45 days to "file its written decision with the CRG, including the reasons therefor." The Board's "decision" will be "binding upon the CRG and shall be incorporated as a part of the CRG final action on a plan." These requirements are specified in the Development Regulations at sub-sections 22-59(a)(4), 22-60(b)(2) and 22-60(c).

It may be noted that the Planning Board's authority in this case is very broadly conferred, and is independent of the role of the Landmarks Preservation Commission (which has authority only in regard to the exterior of the structures on the Landmarks Lists).

Background - Cameron Mill Complex

The first mill on this site, located about 1-½ miles northwest of Parkton, was a log structure built before 1795. The mill was probably totally replaced in 1886 when the millstone technology was superseded by a steel-roller grinding mechanism. In its latter years the old mill had figured in a landmark case (Gladfelter v. Walker, 40 Md. 1 (1874)) involving water pollution by another mill further up the Little Falls stream.

The miller's house was built after the writing of the 1798 tax list; when the house was added to the Landmarks List in 1977, Mr. Richard Cameron (whose family had inherited the property 100 years earlier) estimated the construction date at 1800-1805. The house, built of stone in the plain, well-proportioned style typical of the homes of

Exh. A

SDF

Maryland and Pennsylvania Germans, is two stories high, with a full, walk-in basement. It is built into a steep, wooded hillside, only about 15' from the edge of Cameron Mill Road.

The miller's house, and a springhouse immediately to the east (and even closer to the road) are the only remaining standing structures from the half-dozen or more that had been part of the milling complex. The mill burned in the mid-1940s, but its stone foundation walls (in the southwest corner of the road intersection) are still an important element in the visual quality of the complex. The ruined foundations of other outbuildings west of the road are less evident. An old, private cemetery of indeterminate current ownership lies above the crest of the slope, northeast of the miller's house.

Preservation Requirements

Section 22-100 of the Development Regulations specifies flatly that "historic structures or sites" on the Landmarks List "must be preserved." Likewise, Section 22-152 of the County Code requires County approval, through the Landmarks Preservation Commission, before the demolition or other exterior change to a Listed structure; Section 22-153 prevents "demolition by neglect."

In response to a complaint regarding the deteriorated condition of the house, the Commission approved (on April 14, 1988) a set of actions, subsequently completed, by which the owner would stabilize and secure the house against vandalism and further deterioration.

Development Proposals

The mill complex is part of 278.6-ac. property now controlled for development purposes by Cameron Mill Partnership. A CRG Plan ("Cameron Mill") for dividing the property into 49 three-ac. lots and several other tracts was submitted in April 1990. The miller's house was included in a 3-ac. "Parcel 'B'" on the east side of Cameron Mill Road. The mill and other foundations on the west side would have been within the proposed 60-ft. road right-of-way and/or within a proposed Resource Conservation Area for the home-owner's association.

The Plan erroneously stated that there were "no historical areas" on the property. After discussions with OPZ staff, a Minor Subdivision Plat dated September 21, 1990 was filed in the name of the owner of the entire acreage (Ruth Ann Desoto). The new Plat proposes a two-lot subdivision; "Lot 50" covers the same configuration as "Tract 'B'" on the April Plat, with a 275.4-ac. "residue."

Preservation Issues

Fulfilling the County Code's preservation requirements involves not only the miller's house but also its related structures and its overall setting. The architectural merit of the structure and its association with a once-thriving rural industry are reinforced by its dramatic location perched on the steep hillside amidst the mature trees over-arching the narrow road. The roadside springhouse and the foundation walls of the mill, jutting towards the road intersection, are equally integral, supporting elements of the site's distinctive rural character.

The historic character of the site would be irreparably jeopardized by several proposals in the "Lot 50" Plat. From discussions among the staff of the relevant County agencies (OPZ, DPW and DEPRM) and with the owner's agent (the Partnership), OPZ staff is confident that mutually-acceptable revisions for protecting the historic resources can be achieved through the recommendations listed below.

Recommendations

The overall purpose of the following set of proposals is to achieve a private-sector restoration and long-term preservation of the miller's house and the integrity of its setting by enhancing the property's attractiveness to a preservation-minded purchaser; to that end, the "Lot 50" plat and any subsequent CRG Plan for the adjoining area of the "residue" should be modified approximately as follows and as illustrated on the attached November 30, 1990 sketch plan by OPZ:

1. Accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stablers Church Roads, reduce the width to 45-ft. - The greatest danger to the site's integrity would come from the grading of the hillside and removal of mature trees that would be part of any road-widening. Commendably, the Department of Public Works has agreed that road widening is not now needed and that less than the customary 60-ft. right-of-way is acceptable. Shifting the right-of-way lines as far west and south as possible maximizes the already-miniscule "front yard" at the house and keeps the springhouse outside the right-of-way, improving the prospect that it also would be restored.

   There does not appear to be any way to keep all of the mill foundation outside of the proposed road rights-of-way, but it is to be hoped that DPW would cooperate in allowing a future owner to stabilize and maintain the walls at their present height.

2. Enlarge the "Lot 50" to approximately 5.6 acres, including about 1.2 acres on the west/south side of Cameron Mill Road - The additional acreage across the road would give the owner of the house full control over most of the other foundations (outside the road right-of-way) and allow for a parking garage or pad which could not easily be accommodated on the steep hillside at the house. Shifting the northern line would give the owner more-complete protection of the hillside. The enlargement would also be consistent with the estimated "5-ac. in vicinity of house" entered on the Landmarks List nomination form. In addition, shifting the northern line would obviate the need for seeking a variance if a new owner would wish to build an addition onto the rear of the house (as had been done once before).

3. Revise (and correct) Note #8 to protect the springhouse. - The note should read "Existing dwelling and springhouse are to be renovated and restored subject to approval by the Landmarks Preservation Commission."

4. Establish a perpetual easement to protect the cemetery and to allow pedestrian access. - The configuration shown on the sketch is illustrative; alternative boundaries achieving the same purpose by access from the north or west would be acceptable.

Dave Fields
P. David Fields

PDF/TD/prh
CAMERMIL/TXTPRH

Attachments

Board votes to protect Cameron Mills

Kathleen Murphy

The historic preservation of a Parkton landmark prevailed when the Baltimore County Planning Board called for changes to development plans for the Cameron Mill property.

On Dec. 6, the board unanimously recommended widening the boundaries of a 5.6-acre lot that comprises the historic preservation area within the 278.6-acre property slated for new housing.

The developer, Cameron Mills Partnership, initially sought County Review Group permission in April to divide the property into 49 three-acre lots. Under that proposal, the foundations of the mill and other structures would have been razed and replaced by roadway, with the miller's house remaining on one of the three-acre lots.

Because the structures were on the Landmark Preservation Commission's list, the request had to go to the Planning Board before the County Review Group could act on

In September, the property's owner, Ruth Ann Desoto, filed for the county to designate the mill area as a three-acre minor subdivision on the southern tip of the development, with the same configuration and size as on the original proposal. But the Northern Baltimore County Community Alliance and the Maryland Line Area Association protested the plat proposal, calling for a five-acre lot to contain all the existing historic structures.

The Planning Board pushed up the parameters of the historic lot to 5.6 acres, saying that "the historic character of the site would be irreparably jeopardized by several proposals" in the September plat plan.

John Carroll Holzer, attorney for the protesters, called the revisions adopted by the board "a complete victory."

When the County Review Group does consider the proposal for the single-family housing development, it must abide by the Planning Board recommendations for the historic section of the property.

Although the mill burned to its foundation in the 1940s, the miller's house, the small spring house next door and a private cemetery behind the house remain, as do the foundations of several outbuildings along Cameron Mill Road, on the opposite side of the street. By extending the lot size to 5.6 acres, the entire historic complex stands a better chance of restoration, three county agencies agreed.

The Department of Public Works yielded on its own right-of-way requirements to prevent the destruction of the springhouse by a proposed 60-foot roadway, which would have replaced the existing tree-lined country lane that forks there. And the Department of Environmental Protection and Resource Management concurred that a larger lot was needed to prevent the likely grading of a steep hillside where the miller's house now is nestled.

In its recommendations, the planning board wrote that its aim is to protect the integrity of the setting so it might attract "a preservation-minded purchaser."

The now decimated mill, built of logs before 1795, was replaced in 1886, when steel-roller grinding technology outdated millstones, the planning board wrote. When the miller's house was added to the landmarks list in 1977, the late Richard Cameron, whose family inherited the property in the late 1800s, had estimated that the house was built after the 1798 tax list.

Cameron Mill has landmark status in law books as well as in history books. In the 1874 case of Gladfelter v. Walker, the mill was grinding through a trial involving water pollution by another mill farther up Little Gunpowder Falls stream, according to the planning board's background description.

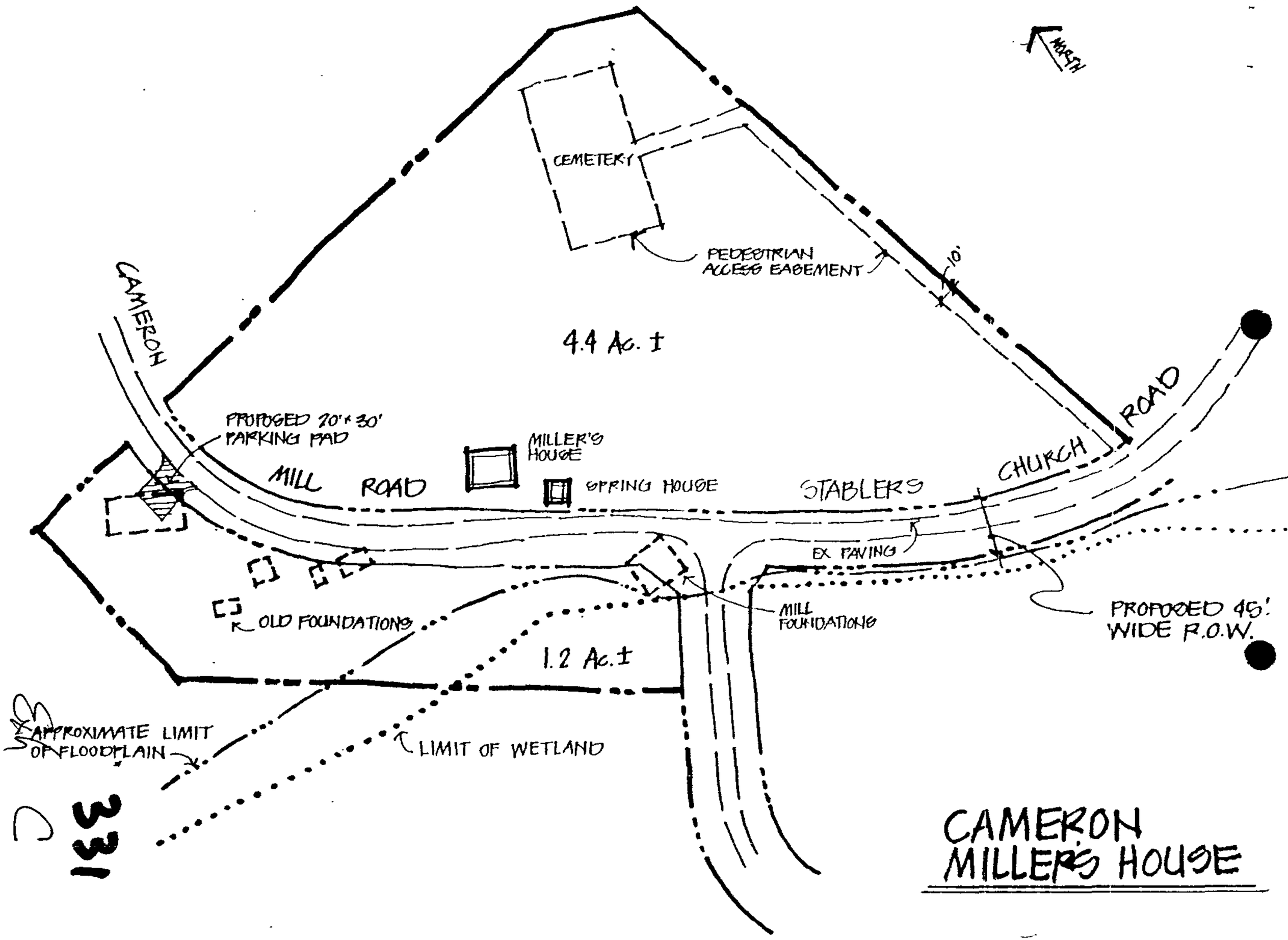
When Cameron died about 10 years ago, Ruth Ann Desoto inherited the farm, which Cameron's brothers worked until recently.

A complaint that the house was abandoned and deteriorating propelled the Landmarks Commission in 1988 to require the owner to secure it. The two-story stone house, with boarded windows, stands 15 feet from Cameron Mill Road. It overlooks a stream valley and a barn.

Exh. B

13DEC90

Exh. B



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING · NOV. 30, 1990 · SCALE 1" = 100'

331

IN THE MATTER OF THE APPLICATION OF RUTH ANN DESOTO, ET AL FOR VARIANCES ON PROPERTY LOCATED AT THE CENTERLINE OF STABLERS CHURCH ROAD, 1200' EAST OF CENTERLINE OF WALKER ROAD AND IN THE MATTER OF CAMERON MILL RE: PLANNING BOARD DECISION AND CRG DECISION	* * * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 91-462-A AND CBA-91-122 / CBA-91-145

* * * * * * * * * * *

O P I N I O N

Cameron Mill Partnership proposes to develop a subdivision in the vicinity of Cameron Mill, Stablers Church and Walker Roads, in the Sixth and Seventh Election Districts, Third Councilmanic District of Baltimore County. The Maryland Line Area Association, Inc., and several of its members as individuals, protest and filed an appeal from the March 14, 1991 CRG Decision approving the plans submitted. They also appealed from the Deputy Zoning Commissioner's grant of variances on September 9, 1991, and also, from a Planning Board Decision, dated December 6, 1990, wherein the Planning Board made decisions of approval and recommendations on the Cameron Mill issue. Thus, the Board must resolve three cases presented by these three appeals.

For five days, on separate dates beginning October 8, 1991 and ending May 1, 1992, the Board heard testimony and received exhibits in these cases. The first day of testimony dealt with Case No. CBA-91-122 and principally involved the decision of the Planning Board regarding a right-of-way near the historic Cameron Mill structure shown on the Baltimore County Landmarks list. Also on Day #1, Les Schreiber, the Chairman of the CRG Group and employee of the Department of Public Works, testified as to the March 14,

Exh. D

1991 CRG meeting wherein the plan was approved as presented, subject to compliance with the conditions noted, and offered the CRG file, the signed CRG plan, and minutes from the CRG meeting consistent with the customary practice before this Board. Protestants requested during the hearing and argue now that the CRG procedure denies them due process. Consistent with our previous rulings on those issues, we deny the requested relief and rule that procedure followed by the CRG is legal. Thereafter, Developer rested and Protestants began their case. The Board heard numerous witnesses, including registered professional engineers, geologists, neighbors to the proposed site, employees of Baltimore County's Department of Environmental Protection & Resource Management, certified industrial hygienists, and other expert witnesses for both sides, including one of the principals of the Developer. From the testimony and evidence offered, we find the facts as they appear below.

The Cameron Mill Partnership proposes to develop a subdivision in northern Baltimore County consisting of approximately 276 acres of R.C. 4 and R.C. 5 zoned property. It planned a subdivision of 53 lots, 51 of which are new lots, to surround two existing lots, one occupied by the historic Cameron Mills site, and the second lot containing the existing home of an original owner. Of the 51 new lots, Petitioners request variances on 32 of those lots, from the Baltimore County Zoning Regulations (BCZR), which requires lots to contain a minimal 300-foot diametral. The parcel presents a very unusual piece of land, divided into three plateaus, with steep slopes falling from the plateaus cut by two major streams,

traversed by three major roads and by a hike and bike trail set in an old railroad bed. The proposed plan calls for the building envelopes to be placed along the ridge on top of the steep slopes. Approximately 60% of the site proposed to be developed will remain in public open space. The density allowance in the R.C. 4 zone would permit 54 lots on the R.C. 4 zoned land, and two lots on the R.C. 5 zoned land. The Developer proposes 51 new lots, with two existing lots, and, therefore, it meets the density requirements. The plan to develop along the ridges demonstrates the Developer's desire to preserve the steep slopes and woodlands of this site, and to keep development away from the streams and wetlands located on the parcel. Each lot proposed meets the 3- acre minimum requirement. Protestants conceded on the issue of the variances proposed for the house and barn.

The proposed development site sits approximately one mile to the west of the Parkton Landfill. Baltimore County Government operated that landfill, and in recent years, closed it, capped it, and in conjunction with the State of Maryland, sunk monitoring wells from which samples are periodically taken and tested to determine the substances leaching from that site. Between that site and the proposed development site to the west exist two drainage divides, consisting of the Fourth Mine Branch stream and two tributaries. The geological formation underlying this entire area consists of a schist, a virtually water-tight rock formation, which in most forms, at the level of the rock itself, only permits water to flow through it by way of fractures which run through the rocks. Water will travel along the fracture on roughly a

horizontal pattern until it reaches a vertical fracture in the rock, when it will travel along the vertical fracture. Geologists have named the general rock formation of this schist "Wissahickon" and the particular version of that underlying the proposed development site and the Parkton Landfill, geologists refer to as the "Pretty Boy" schist. Mapping of the fracture patterns of this schist reveal that such fractures may be as narrow as one millimeter in width and may extend as wide as several feet in an area known as a "crush" zone. When drilling wells in schist formations such as these, if one intersects a fracture zone, adequate water supply will be produced fairly easily, but if not, the well will produce very little water. Similarly, septic systems placed in soils above this type rock formation may not retain the effluent long enough to treat it, depending upon the depth of soil and the percentage of weathered material in that soil. The Developer must conduct percolation tests to determine whether or not the soil meets governmental standards to accomplish those purposes. The flow of water along the surface of ground formations does not necessarily coincide with the flow of water below the ground, otherwise known as "ground water flow." Materials leaching from the Parkton Landfill from the substances buried below the surface would travel along the ground water flow, but at the level of the rock formation, known as the schist, the water would travel along fracture lines.

Bearing these facts in mind, the Developer proposes a plan which allows the building of homes in building envelopes along the top of the ridges, with individual septic areas for each lot

located down from the ridge of the slopes but within the 3-acre confines of each lot proposed. However, because of the configuration of the lots due to the topography of the ground, numerous lots do not contain a 300-foot diametrical circle within the lot as suggested by the BCZR. In protest of the proposed development, and mindful of the facts explained above, Protestants raise the following issues:

1. The CRG approval constituted arbitrary and unreasonable action in ignoring potential problems related to the ground water and potential danger to the community resulting from the flow of pollutants from the Parkton Landfill.

2. The CRG approval constituted arbitrary and unreasonable action in that it ignored the overcrowding of the land by the placement of the lots on this site.

3. That Developer failed to prove practical difficulty or unreasonable hardship, strict harmony with the spirit and intent of the area restrictions of the Baltimore County Zoning Regulations and no substantial injury to the public health, safety and welfare, with regard to the variance requested from the 300-foot diametral provisions.

4. Bill No. 134-89, designed to preserve agricultural lands and protect prime, productive soils in the development process, prohibits the proposed development since the intent of Bill No. 134-89 was to prevent residential development occurring in R.C. 4 zoned property due to its negative impact on the agricultural community and serious problems it creates with agriculture.

5. The Planning Board erred in permitting the Department of

Public Works to establish a proposed 45 foot right-of-way on Stablers Church Road and Cameron Mill Road, which jeopardizes the historic foundation of the old mill.

6. Inadequate sight distance along Eagle Mill Road.

We shall address the issues raised by Protestants in the order in which they appear in this opinion. As we do so, we make additional factual findings necessary to resolve those issues.

1. Ground Water

Mindful of the presumption of correctness afforded to the approval of the plan by the CRG, Protestants introduced substantial evidence to rebut the presumption to the effect that CRG failed to consider or properly evaluate the nature of the Pretty Boy schist and the ground water flowing through and around the proposed development site in light of its proximity to the Parkton Landfill. The evidence, as a whole, established to our satisfaction that the predominant direction of the flow of the ground water, absent pumping, is in the southeasterly direction from the Parkton Landfill, which would be away from the proposed development site which is located approximately one mile to the west of the Cameron Mill development. While fractures exist in the Pretty Boy schist underlying the site which run in an easterly and westerly direction towards the Cameron Mill site (see Protestant's Exhibit 4 for identification), the evidence does not prove that, in fact, impermissible levels of contaminants leaching from the Parkton Landfill migrated in a westerly direction as far as the Cameron Mill proposed development site or any of the neighboring residences, most of which draw their water from individual wells,

nor does it prove that with the action of the wells proposed by Developer it will occur in the future. Furthermore, the evidence demonstrates that even at the monitoring wells located on the Parkton Landfill site, although the samples taken from those wells contain Benzene and Toluene, among other contaminants, the tested levels do not exceed the Environmental Protection Agency standards for drinking water, a fact attested to by both the Developer's and Protestants' witnesses. Finally, a study of macroinvertibrates conducted on February 19, 1992 by James Gracie, a water quality expert, on the Fourth Mine Branch and Little Falls Streams which flow through the proposed site and receive outflow from the Parkton Landfill, revealed the abundant existence of such organisms that could not survive if unacceptable levels of benzene were present. (See Developer's Exhibit No. 15.) Mindful of the fact that a developer, prior to the sale of any of these lots as building lots or as lots with residences constructed upon them, must meet the provisions of the Baltimore County Code requiring satisfactory test results as to quality and quantity of water, and also mindful of the fact that in order to satisfy the requirements of the CRG, the developer must only present a conceptual plan in sufficient detail as to allow the Baltimore County development officials to make reasonably informed decisions concerning it, we are not persuaded that the action of the CRG in approving the plan as proposed was arbitrary, capricious, procured by fraud, or otherwise illegal.

The nature of the Pretty Boy schist also affects the placement and location of septic systems on the proposed lots. The placing of the septic systems on the ridges where soil depth tends to be

shallower, might cause problems of inadequate treatment of the sewerage and result in pollution of the ground water, as well as springs and streams on the property. However, the Developer must meet certain percolation tests which include digging test pits on each lot as well as three trenches which assess the entire soil profile. The evidence established that over 250 data points throughout the development produced sufficient information when taken together with the results of tests conducted by the Baltimore County Department of Environmental Protection & Resource Management as shown in Developer's Exhibit No. 13, to demonstrate compliance with those requirements. In particular, we find that the test demonstrated compliance with the applicable regulations, since among other things, the pits drained down in the required range of no less than 2 minutes, at the test depth of 4 feet, and that the pits contain no less than 4 feet of unsaturated material and met the other test requirements according to the testimony of William Ensor, the Baltimore County DEPRM licensed sanitarian who conducted the tests and evaluated the soil. Accordingly, we are not persuaded by the evidence that the CRG approval in this regard constitutes arbitrary or capricious action or was procured by fraud or other illegality.

2. Overcrowding

The short answer to the issue raised by Protestants to the effect that if one deducted from the gross area those acres which would not normally permit development, including the steep slopes, flood plains and wetland property, then only 17 homes can be built, consists of the fact that Baltimore County permits utilizing

density from the unusable acres of the subdivision. Protestants acknowledge this fact at page 20 of their Memorandum. With the exception of the 300-foot diametral, all of the evidence in this case demonstrates that this proposed development plan meets every requirement for development in the R.C. 4 zone, and much of the evidence demonstrates and persuades us that this subdivision emulates exactly what the Master Plan calls for with respect to protecting streams and slopes and watershed property in general. Accordingly, we find that the CRG was not arbitrary, capricious, and that its approval of the plan was not procured by fraud or otherwise illegal.

3. The 300-Foot Diametral Provisions

James W. McKee, a registered engineer and land planner and a principal of the Developer herein, testified to the alternate arrangements and plans for the lots which they proposed and studied prior to settling upon the plan presented to the CRG. To include a 300-foot diameter circle on each lot and to place the building envelopes on the ridges where they are farthest away from the streams and the wetlands results in lots which have the appearance of dumbbells. It appears that such lots would meet all of the requirements of the R.C. 4 zone, but that in doing so these dumbbell-shaped lots would take land away from the Department of Natural Resources' hike and bike trail and also reduce the amount of forest buffer which was otherwise provided by the proposed plan approved by the CRG. The Office of Planning and Zoning and DEPRM after reviewing the Developer's request for variance from the diametral provisions recommended granting the same. Since the

institution of the 300-foot diametral provision, which provided part of the original rationale for the 300-foot diametral when instituted in 1971 (see Protestants' Exhibit No. 26), Baltimore County enacted other development regulations to guarantee minimum lot sizes of approximately 3 acres in this type of zone. The regulations requiring forest buffer areas, and those that deal with steep slope development as well as protection for the wetlands, the 100-year flood plain, and a requirement of 10,000 square feet area for septic tank replacement systems all militate against the necessity of the 300-foot diametral requirement. The 300-foot diametral does not expressly appear in language in Protestants' Exhibit No. 26, but one can find an illustration of it in Figure 6 in that Exhibit. The purpose of the diametral consists of insuring proper spacing between the well, the septic area and the dwelling. All of the wells proposed by Developer meet the 100-foot required distance away from the septic areas and between wells, and the Developer also provided the minimum lot width of 200 feet. The plan as proposed results in strict harmony with the spirit and intent of the area restrictions of the BCZR, no substantial injury to the public health, safety and welfare, and in light of the topographical features of this particular site, we find it a fact that the Developer satisfactorily proved practical difficulty and unreasonable hardship and that the variances should be granted.

4. Prime and Productive Soils

While the intent of Bill 134-89 included preserving prime and productive soils so as to avoid the negative impact on the agricultural community that results from the development of those

areas, the Department of Environmental Protection & Resource Management, pursuant to the statute, mapped Baltimore County as a land resource, indicating those areas in which it found prime and productive soils. We find as a fact that the Cameron Mill Development site is not located within the area designated pursuant to regulatory authority as prime and productive soils which would restrict the development to one house per 50 acres, as in R.C. 2 zones. Accordingly, that Bill does not prohibit the approval of this proposed development plan by the CRG.

5. Planning Board Decision

Before the CRG can take final action on any plan for development on a property which involves a building, structure, or site included on the Landmarks Preservation List, the plan must be referred to the Planning Board pursuant to Sections 26-206 and 26-207 (formerly Sections 22-58 and 22-59) of the Baltimore County Code, and specifically Section 26-207(a)(4). Section 26-208 describes the procedure before the Planning Board which includes provisions for the Planning Board issuing a written decision determining whether the proposed plan is compatible with the development on properties adjacent to the proposed plan's site. Its decision shall be filed with the CRG within 45 days after the date of referral to the Planning Board. Its decision shall contain findings of fact as outlined in Section 26-208(b)(4). Pursuant to Section 26-208(c), any decision of the Planning Board on an issue referred to it pursuant to Section 26-207(a) is binding upon the CRG and shall be incorporated as a part of the CRG final action on a plan.

In this case, since part of the Cameron Mill proposed development included the historic mill complex which is listed on the Baltimore County Landmarks List as the "Cameron Miller's House," this matter was referred to the Baltimore County Planning Board which on December 5, 1990 issued a written opinion reviewing these matters, making factual findings and making recommendations modifying the CRG plan by accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stablers Church Roads, reducing the width to 45 feet. The decision expressly states that there does not appear to be any way to keep all of the Mill foundation outside of the proposed road rights-of-way, but they hoped that the Department of Public Works would cooperate in allowing a future owner to stabilize and maintain the walls at their present height. The decision also enlarged Lot 50 to approximately 5.6 acres, revised and corrected Note #8 to protect the spring house, and called for the establishment of a perpetual easement to protect the cemetery and to allow pedestrian access. On appeal, the Protestants contend that Section 26-278 of the Code (formerly Section 22-100) flatly required historic structures or sites identified on the Landmarks List to be preserved. That argument overlooks the fact that the County Council provided for a method, namely, the Planning Board action prior to the CRG final approval, which would allow demolition or other changes to a listed structure, pursuant to Sections 26-541 and 26-542. Since the CRG was bound by the Planning Board decision, and the Planning Board decision precedes and became part of the final action of the CRG on the Developer's plan, we believe that Protestants may appeal the

decision only to the extent that they may appeal from the final action of the CRG. Upon reviewing the Planning Board report which is Appellant's Exhibit No. 1, and the decision of the CRG contained in the minutes, which is Developer's Exhibit No. 3 in Case No. CBA-91-145, and mindful of the legislative scheme enacted by the Council, we do not find that the CRG's action, or the action of the Planning Board for that matter, is arbitrary or capricious, procured by fraud or otherwise illegal.

In testimony, Protestants raised concerns about the sight distance along Eagle Mill Road to the entrance of the proposed development. At first blush, this distance may appear not to meet the requirements, but we accept the testimony of James W. McKee, the licensed registered engineer who actually conducted the survey in the field, who met with the Traffic Engineering officials of Baltimore County, and we find as a fact that the distance required under the standards employed by Baltimore County requires a distance of 160 feet at that particular location under the existing conditions, and that the 280 feet provided by the Developer meets the requirements.

O R D E R

IT IS THEREFORE this 12th day of August, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the decision of the County Review Group dated March 14, 1991 in which the plan was approved, and the decision of the Planning Board dated December 6, 1990 contained therein, be and the same is AFFIRMED; and it is further

ORDERED that the Petition for Variance to permit an R.C. 4

subdivision with lots of less than the minimum required diametral dimension of 300 feet; to permit an accessory structure (existing barn) to be larger than the principal building on the lot; to permit said accessory structure to be located in the side and front yards of the lot; and to permit a height of said accessory structure of 35 feet in lieu of the maximum permitted 15 feet, in accordance with Developer's Exhibit No. 10 be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T Hackett

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

Harry E. Buchheister, Jr.

C. William Clark

C. William Clark

11-162-A - the Stable
CBA-91-122
CBA-91-145 } Cameron Mill

IN RE: CAMERON MILL SUBDIVISION AT CAMERON MILL AND STABLER'S CHURCH AND WALKER ROADS

IN THE CIRCUIT COURT

FOR

BALTIMORE COUNTY

CASE NO. 92CV8596

RECEIVED
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OFFICE OF PLANNING & ZONING

* * * \

ide of Eagle Mill Road. The property lies partially in the ixth Election District and partially in the Seventh Election istrict of the county, in or near the community of Parkton.

The action of the Planning Board related to the historic ite around the Cameron Miller's home and the ruins of the riginal mill, took place in December of 1990. The CRG approval as accomplished on March 14, 1991 and was appealed timely, as as apparently the Planning Board case as well. The Deputy oning Commissioner's variance approval was granted on September , 1991 and was also timely appealed. All of the actions taken ave been opposed from the outset by the Appellants herein.

Most of the property is zoned R.C. 4, with a very small portion of R.C. 5 zoning. Both of these classifications are of the rural conservation category. The property is very irregular in shape with extremes of topography. It is traversed by two major streams and is essentially bisected by the bed of the former right of way of the Northern Central Railroad, now owned and used by the State Department of Natural Resources for a hiking and biking trail. A substantial portion of the property, some 64%, is wooded, some 22% has been actively cultivated and the balance is open meadow, perhaps cultivated at some time in the past. Most of the wooded portions are steeply sloped down from the ridges on the property to the stream valleys.

The historic landmark site is located at the extreme southerly portion of the property, at or near the intersection of Cameron Mill, Stabler's Church and Walker Roads.

Although Appellants suggest that they were in essence deprived of the opportunity for a full and fair hearing of these appeals by the Board, it should be noted that the CBA heard five virtually full days of testimony beginning in October of 1991 and ending on May 1st, 1992. The proceedings before the Board created a record in this case some 920 pages in length, supplanted with dozens of exhibits which were submitted to and considered by the CBA.

The scope of review by this Court of the actions of an administrative agency like the County Board of Appeals is such that the Court may through appeal or otherwise correct any abuse of discretion by such an administrative agency or modify its actions when they are unsupported by facts, or are arbitrary, illegal, capricious or unreasonable. Heaps V Cobb, 185 Md. 372, 45 A.2d 73 (1945). However, the scope of judicial review of decisions by administrative agencies is narrow, recognizing that Board members have expertise in a particular area and ordinarily should be free to exercise their discretion as such. Finney V Halle, 241, Md. 224, 216 A.2d 530 (1966). Thus a reviewing court will not substitute its judgment for that of an administrative board where the issue is fairly debatable and the record contains substantial evidence supporting the administrative decision. Montgomery County V Woodward & Lothrop, Inc. , 280 Md. 686, 376 A.2d 483 (1977). The "substantial evidence test" is whether a reasoning mind reasonably could have reached the factual conclusion the agency reached from the record before it. Insurance Commissioner V

National Bureau, 248 Md. 292, 236 A.2d 282 (1967). That test is also defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Bulluck V Pelham Apts., 283 Md. 505, 390 A.2d 1119 (1978). This review should not consist of judicial-fact finding or a substitution of judicial judgment for agency judgment. Insurance Commissioner V National Bureau, supra.

The question for the reviewing court is whether the conclusions reasonably may be based upon the factors proven. The court may not substitute its judgment on the question whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness. Annapolis V Annapolis Waterfront Co., 284 Md. 383, 396 A.2d 1080 (1979), [Citing 4 K. Davis, Administrative Law, §29.05, at 137, 139 (1958).]

Appellate courts have frequently observed that the order of an administrative agency must be upheld on judicial review if it is not based on an error of law, and if the agency's conclusions reasonably may be based upon the factors proven. Ad+ Soil, Inc. V County Commissioners, 307 Md. 307, 513 A.2d 893 (1986). But a reviewing court is under no constraints in reversing an administrative decision which is premised solely upon a erroneous conclusion of law. Peoples Counsel for Baltimore County V Maryland Marine Manuf., Inc., 316 Md. 491, 560 A.2d 32 (1989), quoted with favor in United Parcel V Peoples Counsel, 93 Md. App. 59, 611 A.2d 993 (1992).

Mindful in particular of this, Appellants urged upon the Court at argument of this case to be wary of legal errors made by the CBA in the course of its decisions. Indeed, it was this suggestion by Appellants' counsel that caused the Court to more thoroughly sift the testimony before the Board and the premises for its decisions in the opinion filed in August of 1992. As the Court understands it, Appellants suggest that the CBA committed three errors of law. First, they suggest that the CBA in approving the action of the Planning Board relative to the widths of the rights of way in the historic area, compounded the legal errors of the Planning Board which, they suggest, should not have permitted the establishment by the Department of Public Works of a 45' wide right of way for Stabler's Church Road, Cameron Mill Road and Walker Road within the historic area. It is suggested that the failure to protect the historic structures from damage or destruction occasioned by potential roadway widening is violative of the legislation which created the historic Landmark List.

Second, Appellants suggest that both the CRG and the Board ignored the "prime and productive soil" requirements of Bill #134-89 by permitting subdivision in contravention of the expressed legislative intent of that bill to preserve existing prime and productive agricultural lands.

Third, Appellants suggest that the evidence before the Board concerning the required 300' diametral variance was insufficient as a matter of law for the Board to find the

practical difficulty or unreasonable hardship necessary to permit a variance to be granted.

The Court has carefully considered these suggestions and, as will be seen more fully later in this opinion, finds it is not in agreement with Appellant's position. The Court perceives no legal error by the CBA, the Planning Board, the CRG, or the Deputy Zoning Commissioner, whose decision was (correctly) reviewed de novo by the CBA.

In all, Appellants set forth some 21 enumerated questions or suggestions of error on appeal to this Court. Some of them are insufficiently specific, and some redundant; the Court will not set them forth in this opinion in full. The developers, on the other hand, tended to somewhat over-simplify the issues in compressing them into only three actual questions presented, in their view.

After careful analysis the Court is persuaded that the best and most accurate assessment of the questions presented on this appeal is formulated by the Appellee, Baltimore County, Maryland through its counsel who suggests that the appeal actually presents the following questions:

1. Assuming that a right of direct appeal exists from a Planning Board decision on an issue referred to it from the CRG, pursuant to Title 26, §26-207(a)(4), does the record before the CBA support the conclusion that the Planning Board acted properly?

2. Does a direct appeal lie to the Board of Appeals from a decision of the Planning Board on an issue submitted to it by the CRG pursuant to this Code provision?

3. Did the CBA correctly hold that the CRG acted properly when it incorporated into its final action the decision of the Planning Board, where the law provides that the

decision of the Planning Board is binding on the CRG?

4. Is the issue of onsite or offsite contamination of individual water supplies an issue that is within the jurisdiction of the County Review Group to consider?

5. Does the record support the factual findings of the CBA that (1) the Parkton Landfill is neither the source of contamination nor a potential source of contamination to the private water supply of the subdivision; and (2) the design and siting of the individual septic systems do not constitute a threat of contamination to the private wells in the subdivision?

6. Does the record before the CBA support the conclusion that "overcrowding" of lots in the subdivision will not occur, and that the County's "prime and productive soils" legislation has no application to this development?

7. Did the Board of Appeals misapply the statutory deference to the correctness of the CRG or otherwise deny Appellants due process of law?

8. Does the record establish that the developer is entitled to a variance from the 300' diametral requirement?

In the Court's view the aforegoing issues fairly re-state all of the appeal questions listed by the Appellants for consideration by this Court. Moreover, this Court is persuaded that the arguments espoused by the County Attorney's Office in its brief filed in this case as Paper No. 17 adequately and properly address all of those presented issues, and lead to the conclusion that the CBA correctly resolved each.

This Court is satisfied to adopt the reasoning of the County Attorney's Office as its own and for the reasons set forth in the brief filed by counsel as well as the aforegoing, this Court AFFIRMS the County Board of Appeals in its Opinion and Order of August 12, 1992 in these matters.

/s/ Christian M. Kahl
Christian M. Kahl

April 2, 1993
Date

MK:emh

c: J. Carroll Holzer, Esquire
Michael J. Moran, Esquire
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Lawrence A. Melfa, Esquire
Newton A. Williams, Esquire

Exhibit H: Amended 1996 Community Review Group Plan
Exhibit I: Original 1992 Final Development Plan
Exhibit J: Deed from Ruth Ann De Soto to Martin and Connie Hart
Exhibit K: Section 14-340 (b) of DEPRM's regulations
Exhibit L: Board of Appeals' decision of August 12, 1992

Questions

1. How can the intent of the Planning Board's decision be carried out if the Petitioner/Owner loses control of their land to DEPRM and the forest buffer easements arbitrarily placed on the land in question? (See Exhibit A)

2. How can the County Board of Appeals' decision be upheld if DEPRM's regulations supersede the Planning Board's decision, the County Board of Appeals' decision and the opinion of the Circuit Court for Baltimore County? (See Exhibit L)

3. How can the County Code's preservation requirements and recommendations be carried out for Lot 50 which is listed on the County's Landmarks Preservation List and the State's Historical Trust, if DEPRM is laying claim to forest buffer restrictions that have been mistakenly placed on the land by the arbitrary movement of the forest buffer line? (See Exhibits A & C; BCC, Sec. 26-278)

4. If Lot 50 was retained separately by Ruth Ann DeSoto, was shown as a cross-hatched area on the 1991 CRG Plan, was specifically stated as NOT being part of the CRG Plan, and was referred to as "saving Lot 50" in the recorded paperwork between Ruth Ann DeSoto and the Cameron Mill Partnership, how can Lot 50 be part of the Cameron Mill Development other than for density purposes? (See Exhibit E)

5. If Lot 50 was never conveyed from Ruth Ann DeSoto to the Cameron Mill Partnership as part of the Cameron Mill Development, how can Lot 50 fall under forest buffer requirements for subdivisions? (See Exhibit J)

6. If the 1991 CRG Plan states that Lot 50 is NOT part of the CRG Plan and is only on the CRG Plan as a cross hatched area for density purposes how can it arbitrarily be added to the FDP in 1992 and not reflect the original CRG Plan? (See Exhibit E & I)

7. If the forest buffer boundary arrow on the 1991 CRG Plan points to the road-widening line to the west of Lot 50 and does not cross over into Lot 50, how can the forest buffer boundary arbitrarily be extended across and through Lot 50 when the FDP was created in 1992? (See Exhibit E & I)

8. If the 1996 CRG Plan (Exhibit H) shows a material change to the plan, which was amended to subdivide Lot 53 into two parcels and supposedly shows Lot 50 placed onto this amended CRG Plan—but without the 1.2 acres on the south/west side of

Cameron Mill Road--now as part of the Plan, how could a **material** change have been made without a CRG hearing?

9. How is it that the legal description of the land recorded includes the 1.2 acre parcel on the south/west side of Cameron Mill Road, but when the CRG Plan was amended in 1996 the 1.2 acre parcel no longer is shown as part of the total 5.6 +/- acre parcel belonging to the owners and is in fact shown on the CRG Plan as being placed into the H.O.A. Resource Conservation Area? (See Exhibit H)

10. If Lot 50 was placed on the CRG Plan in 1996 when it was amended, why does the 1992 FDP and the Final Subdivision Plat recorded in 1994 already reflect the change 2-4 years prior to the amended 1996 CRG Plan? (Exhibits H, I & G)

11. Because of the arbitrary change to the 1992 FDP that ultimately places the land into forest buffer easement, how can the owners carry out the Planning Board's decision? (See Exhibit A & I)

12. If the amended 1996 CRG Plan, which supposedly shows Lot 50 as now being part of the Plan and states that no lot was sold within 300' of the amendment, how can the filing of the amended CRG, FDP and final plat be legal as Ruth Ann DeSoto sold Lot 50 to Martin and Connie Hart in 1995 (Exhibits H & J)?

13. By placing Lot 50 into the 1996 CRG Plan without following the process, were the owners of Lot 50 denied due process? It was only after the first owners bought Lot 50 in 1995 did it become part of the 1996 CRG Plan. (See Exhibit H)

14. The Planning Board's binding decision, that was upheld by the County Board of Appeals and the Circuit Court of Baltimore County, states that "Fulfilling the County Code's preservation requirements involves not only the miller's house but also its related structures and its overall setting. The architectural merit of the structure and its association with a once-thriving rural industry are reinforced by its dramatic location perched on the steep hillside amidst the mature trees over-arching the narrow road. The roadside springhouse and the foundation walls of the mill, jutting towards the road intersection are equally integral, supporting elements of the site's distinctive rural character." How can the owner's of Lot 50 fulfill the County Code's preservation requirements if the land has arbitrarily been placed into forest buffer easement--which apparently overrides the County Code's preservation requirements and the Planning Board's decision? (See Exhibits A, D & L; also see BCC Sec. 26-278)

15. How could land arbitrarily be placed back into a CRG Plan where DEPRM regulations suddenly apply negating the Planning Board's binding decision that was upheld by the County Board of Appeals?

16. Shouldn't the Final Development Plan and the Final Recorded Plat concur with the CRG Plan? (See BCC)

17. If according to the 1991 CRG Plan, Lot 50 was never intended to be in the forest buffer easement and was erroneously placed there against the Planning Board's decision that was upheld by the County Board of Appeals and the Circuit Court, shouldn't an amended Final Development Plan and Final Recorded Plat and a new CRG Plan be filed to reflect the original intent of the Planning Board's decision? (See Exhibits A, D, E & L)

18. On the FDP it states that it has the CRG's 3/14/91 approval but how can the FDP not reflect what the CRG approved in 1991? (See Exhibits E & I)

19. Section 14-340 (b) of DEPRM's regulations (Exhibit K) state "If an applicant retains any forest buffer, he shall be required to submit for approval by the office of law a declaration of protective covenants. The protective covenants shall be recorded in the land records of the county, and shall run with the land and continue in perpetuity." The protective covenants as required by law were never filed with the Land Records of Baltimore County. Does this failure negate DEPRM's ability to impose conditions on the Petitioners/Owners?

20. If on 9/12/02 Eric Rockel of Baltimore County Department of Land Acquisition ,after researching the matter, called the Petitioner/Owner to state that the land in question was never conveyed to Baltimore County, how can DEPRM lay claim to it?

21. In view of the fact that DEPRM is allowing two large parking pads for the State of Maryland for the NCR Trail that is in violation of wetland and forest buffer regulations, and is partially on the owner's land that is even closer to the Little Falls Stream than the small parking pad that is in question, does it not appear that the County has not applied any of it's standards to the State parking lots, and does it negate the County enforcing the standards against the Petitioner/Owner?

22. Is the application of these standards against the Petitioner/Owner but not the State an arbitrary and discriminatory application against the Petitioner/ Owner in violation of due process rights?

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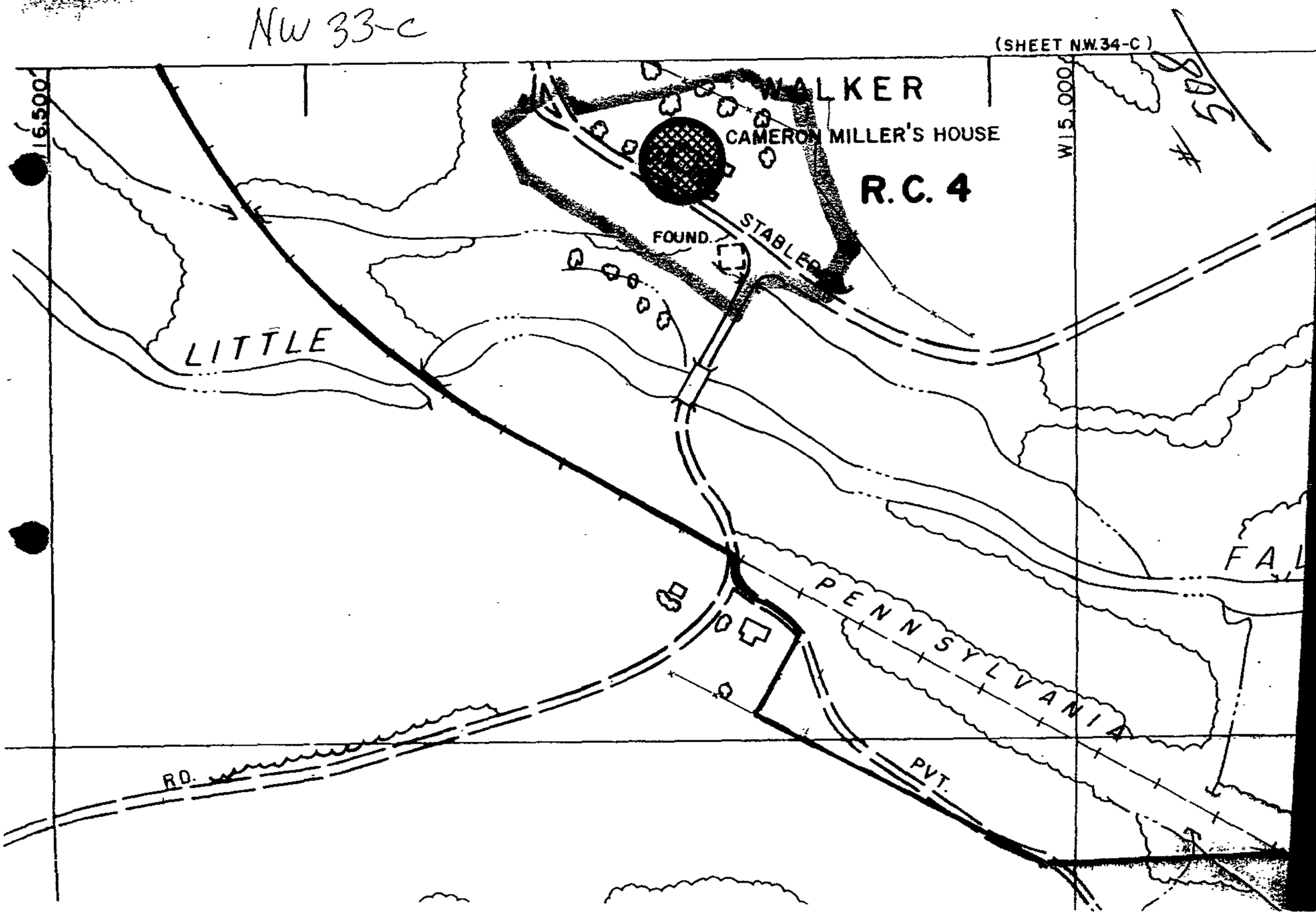

(SHEET N.W.34-C)
16,500
W15,000
WALKER
CAMERON MILLER'S HOUSE
R.C. 4
FOUND.
STABLES
LITTLE
PENNSYLVANIA
PVT.
RD.

IN THE MATTER OF THE APPLICATION OF RUTH ANN DESOTO, ET AL FOR VARIANCES ON PROPERTY LOCATED AT THE CENTERLINE OF STABLERS CHURCH ROAD, 1200' EAST OF CENTERLINE OF WALKER ROAD AND IN THE MATTER OF CAMERON MILL RE: PLANNING BOARD DECISION AND CRG DECISION	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 91-462-A AND CBA-91-122 / CBA-91-145

* * * * * * * * * * *

O P I N I O N

Cameron Mill Partnership proposes to develop a subdivision in the vicinity of Cameron Mill, Stablers Church and Walker Roads, in the Sixth and Seventh Election Districts, Third Councilmanic District of Baltimore County. The Maryland Line Area Association, Inc., and several of its members as individuals, protest and filed an appeal from the March 14, 1991 CRG Decision approving the plans submitted. They also appealed from the Deputy Zoning Commissioner's grant of variances on September 9, 1991, and also, from a Planning Board Decision, dated December 6, 1990, wherein the Planning Board made decisions of approval and recommendations on the Cameron Mill issue. Thus, the Board must resolve three cases presented by these three appeals.

For five days, on separate dates beginning October 8, 1991 and ending May 1, 1992, the Board heard testimony and received exhibits in these cases. The first day of testimony dealt with Case No. CBA-91-122 and principally involved the decision of the Planning Board regarding a right-of-way near the historic Cameron Mill structure shown on the Baltimore County Landmarks list. Also on Day #1, Les Schreiber, the Chairman of the CRG Group and employee of the Department of Public Works, testified as to the March 14,

exhibit L

1991 CRG meeting wherein the plan was approved as presented, subject to compliance with the conditions noted, and offered the CRG file, the signed CRG plan, and minutes from the CRG meetin consistent with the customary practice before this Board Protestants requested during the hearing and argue now that the CR procedure denies them due process. Consistent with our previou rulings on those issues, we deny the requested relief and rule tha procedure followed by the CRG is legal. Thereafter, Develope rested and Protestants began their case. The Board heard numerou witnesses, including registered professional engineers, geologists neighbors to the proposed site, employees of Baltimore County' Department of Environmental Protection & Resource Managemen certified industrial hygienists, and other expert witnesses f both sides, including one of the principals of the Developer. Fr the testimony and evidence offered, we find the facts as th appear below.

The Cameron Mill Partnership proposes to develop a subdivisi in northern Baltimore County consisting of approximately 276 acr of R.C. 4 and R.C. 5 zoned property. It planned a subdivision 53 lots, 51 of which are new lots, to surround two existing lot one occupied by the historic Cameron Mills site, and the second l containing the existing home of an original owner. Of the 51 r lots, Petitioners request variances on 32 of those lots, from t Baltimore County Zoning Regulations (BCZR), which requires lots contain a minimal 300-foot diametral. The parcel presents a ve unusual piece of land, divided into three plateaus, with st slopes falling from the plateaus cut by two major strea

traversed by three major roads and by a hike and bike trail set in an old railroad bed. The proposed plan calls for the building envelopes to be placed along the ridge on top of the steep slopes. Approximately 60% of the site proposed to be developed will remain in public open space. The density allowance in the R.C. 4 zone would permit 54 lots on the R.C. 4 zoned land, and two lots on the R.C. 5 zoned land. The Developer proposes 51 new lots, with two existing lots, and, therefore, it meets the density requirements. The plan to develop along the ridges demonstrates the Developer's desire to preserve the steep slopes and woodlands of this site, and to keep development away from the streams and wetlands located on the parcel. Each lot proposed meets the 3- acre minimum requirement. Protestants conceded on the issue of the variances proposed for the house and barn.

The proposed development site sits approximately one mile to the west of the Parkton Landfill. Baltimore County Government operated that landfill, and in recent years, closed it, capped it, and in conjunction with the State of Maryland, sunk monitoring wells from which samples are periodically taken and tested to determine the substances leaching from that site. Between that site and the proposed development site to the west exist two drainage divides, consisting of the Fourth Mine Branch stream and two tributaries. The geological formation underlying this entire area consists of a schist, a virtually water-tight rock formation, which in most forms, at the level of the rock itself, only permits water to flow through it by way of fractures which run through the rocks. Water will travel along the fracture on roughly a

horizontal pattern until it reaches a vertical fracture in the rock, when it will travel along the vertical fracture. Geologists have named the general rock formation of this schist "Wissahickon" and the particular version of that underlying the proposed development site and the Parkton Landfill, geologists refer to as the "Pretty Boy" schist. Mapping of the fracture patterns of this schist reveal that such fractures may be as narrow as one millimeter in width and may extend as wide as several feet in an area known as a "crush" zone. When drilling wells in schist formations such as these, if one intersects a fracture zone, adequate water supply will be produced fairly easily, but if not, the well will produce very little water. Similarly, septic systems placed in soils above this type rock formation may not retain the effluent long enough to treat it, depending upon the depth of soil and the percentage of weathered material in that soil. The Developer must conduct percolation tests to determine whether or not the soil meets governmental standards to accomplish those purposes. The flow of water along the surface of ground formations does not necessarily coincide with the flow of water below the ground, otherwise known as "ground water flow." Materials leaching from the Parkton Landfill from the substances buried below the surface would travel along the ground water flow, but at the level of the rock formation, known as the schist, the water would travel along fracture lines.

Bearing these facts in mind, the Developer proposes a plan which allows the building of homes in building envelopes along the top of the ridges, with individual septic areas for each lot

located down from the ridge of the slopes but within the 3-acre confines of each lot proposed. However, because of the configuration of the lots due to the topography of the ground, numerous lots do not contain a 300-foot diametrical circle within the lot as suggested by the BCZR. In protest of the proposed development, and mindful of the facts explained above, Protestants raise the following issues:

1. The CRG approval constituted arbitrary and unreasonable action in ignoring potential problems related to the ground water and potential danger to the community resulting from the flow of pollutants from the Parkton Landfill.

2. The CRG approval constituted arbitrary and unreasonable action in that it ignored the overcrowding of the land by the placement of the lots on this site.

3. That Developer failed to prove practical difficulty or unreasonable hardship, strict harmony with the spirit and intent of the area restrictions of the Baltimore County Zoning Regulations and no substantial injury to the public health, safety and welfare, with regard to the variance requested from the 300-foot diametral provisions.

4. Bill No. 134-89, designed to preserve agricultural lands and protect prime, productive soils in the development process, prohibits the proposed development since the intent of Bill No 134-89 was to prevent residential development occurring in R.C. zoned property due to its negative impact on the agricultura community and serious problems it creates with agriculture.

5. The Planning Board erred in permitting the Department o

Public Works to establish a proposed 45 foot right-of-way on Stablers Church Road and Cameron Mill Road, which jeopardizes the historic foundation of the old mill.

6. Inadequate sight distance along Eagle Mill Road.

We shall address the issues raised by Protestants in the order in which they appear in this opinion. As we do so, we make additional factual findings necessary to resolve those issues.

1. Ground Water

Mindful of the presumption of correctness afforded to the approval of the plan by the CRG, Protestants introduced substantial evidence to rebut the presumption to the effect that CRG failed to consider or properly evaluate the nature of the Pretty Boy schist and the ground water flowing through and around the proposed development site in light of its proximity to the Parkton Landfill. The evidence, as a whole, established to our satisfaction that the predominant direction of the flow of the ground water, absent pumping, is in the southeasterly direction from the Parkton Landfill, which would be away from the proposed development site which is located approximately one mile to the west of the Cameron Mill development. While fractures exist in the Pretty Boy schist underlying the site which run in an easterly and westerly direction towards the Cameron Mill site (see Protestant's Exhibit 4 for identification), the evidence does not prove that, in fact, impermissible levels of contaminants leaching from the Parkton Landfill migrated in a westerly direction as far as the Cameron Mill proposed development site or any of the neighboring residences, most of which draw their water from individual wells,

nor does it prove that with the action of the wells proposed by Developer it will occur in the future. Furthermore, the evidence demonstrates that even at the monitoring wells located on the Parkton Landfill site, although the samples taken from those wells contain Benzene and Toluene, among other contaminants, the tested levels do not exceed the Environmental Protection Agency standards for drinking water, a fact attested to by both the Developer's and Protestants' witnesses. Finally, a study of macroinvertibrates conducted on February 19, 1992 by James Gracie, a water quality expert, on the Fourth Mine Branch and Little Falls Streams which flow through the proposed site and receive outflow from the Parkton Landfill, revealed the abundant existence of such organisms that could not survive if unacceptable levels of benzene were present. (See Developer's Exhibit No. 15.) Mindful of the fact that a developer, prior to the sale of any of these lots as building lots or as lots with residences constructed upon them, must meet the provisions of the Baltimore County Code requiring satisfactory test results as to quality and quantity of water, and also mindful of the fact that in order to satisfy the requirements of the CRG, the developer must only present a conceptual plan in sufficient detail as to allow the Baltimore County development officials to make reasonably informed decisions concerning it, we are not persuaded that the action of the CRG in approving the plan as proposed was arbitrary, capricious, procured by fraud, or otherwise illegal.

The nature of the Pretty Boy schist also affects the placement and location of septic systems on the proposed lots. The placing of the septic systems on the ridges where soil depth tends to be

shallower, might cause problems of inadequate treatment of the sewerage and result in pollution of the ground water, as well as springs and streams on the property. However, the Developer must meet certain percolation tests which include digging test pits on each lot as well as three trenches which assess the entire soil profile. The evidence established that over 250 data points throughout the development produced sufficient information when taken together with the results of tests conducted by the Baltimore County Department of Environmental Protection & Resource Management as shown in Developer's Exhibit No. 13, to demonstrate compliance with those requirements. In particular, we find that the test demonstrated compliance with the applicable regulations, since among other things, the pits drained down in the required range of no less than 2 minutes, at the test depth of 4 feet, and that the pits contain no less than 4 feet of unsaturated material and met the other test requirements according to the testimony of William Ensor, the Baltimore County DEPRM licensed sanitarian who conducted the tests and evaluated the soil. Accordingly, we are not persuaded by the evidence that the CRG approval in this regard constitutes arbitrary or capricious action or was procured by fraud or other illegality.

2. Overcrowding

The short answer to the issue raised by Protestants to the effect that if one deducted from the gross area those acres which would not normally permit development, including the steep slopes, flood plains and wetland property, then only 17 homes can be built, consists of the fact that Baltimore County permits utilizing

density from the unusable acres of the subdivision. Protestants acknowledge this fact at page 20 of their Memorandum. With the exception of the 300-foot diametral, all of the evidence in this case demonstrates that this proposed development plan meets every requirement for development in the R.C. 4 zone, and much of the evidence demonstrates and persuades us that this subdivision emulates exactly what the Master Plan calls for with respect to protecting streams and slopes and watershed property in general. Accordingly, we find that the CRG was not arbitrary, capricious, and that its approval of the plan was not procured by fraud or otherwise illegal.

3. The 300-Foot Diametral Provisions

James W. McKee, a registered engineer and land planner and a principal of the Developer herein, testified to the alternate arrangements and plans for the lots which they proposed and studied prior to settling upon the plan presented to the CRG. To include a 300-foot diameter circle on each lot and to place the building envelopes on the ridges where they are farthest away from the streams and the wetlands results in lots which have the appearance of dumbbells. It appears that such lots would meet all of the requirements of the R.C. 4 zone, but that in doing so these dumbbell-shaped lots would take land away from the Department of Natural Resources' hike and bike trail and also reduce the amount of forest buffer which was otherwise provided by the proposed plan approved by the CRG. The Office of Planning and Zoning and DEPR after reviewing the Developer's request for variance from the diametral provisions recommended granting the same. Since the

institution of the 300-foot diametral provision, which provided part of the original rationale for the 300-foot diametral when instituted in 1971 (see Protestants' Exhibit No. 26), Baltimore County enacted other development regulations to guarantee minimum lot sizes of approximately 3 acres in this type of zone. The regulations requiring forest buffer areas, and those that deal with steep slope development as well as protection for the wetlands, the 100-year flood plain, and a requirement of 10,000 square feet area for septic tank replacement systems all militate against the necessity of the 300-foot diametral requirement. The 300-foot diametral does not expressly appear in language in Protestants' Exhibit No. 26, but one can find an illustration of it in Figure 6 in that Exhibit. The purpose of the diametral consists of insuring proper spacing between the well, the septic area and the dwelling. All of the wells proposed by Developer meet the 100-foot required distance away from the septic areas and between wells, and the Developer also provided the minimum lot width of 200 feet. The plan as proposed results in strict harmony with the spirit and intent of the area restrictions of the BCZR, no substantial injury to the public health, safety and welfare, and in light of the topographical features of this particular site, we find it a fact that the Developer satisfactorily proved practical difficulty and unreasonable hardship and that the variances should be granted.

4. Prime and Productive Soils

While the intent of Bill 134-89 included preserving prime and productive soils so as to avoid the negative impact on the agricultural community that results from the development of those

areas, the Department of Environmental Protection & Resource Management, pursuant to the statute, mapped Baltimore County as a land resource, indicating those areas in which it found prime and productive soils. We find as a fact that the Cameron Mill Development site is not located within the area designated pursuant to regulatory authority as prime and productive soils which would restrict the development to one house per 50 acres, as in R.C. 2 zones. Accordingly, that Bill does not prohibit the approval of this proposed development plan by the CRG.

5. Planning Board Decision

Before the CRG can take final action on any plan for development on a property which involves a building, structure, or site included on the Landmarks Preservation List, the plan must be referred to the Planning Board pursuant to Sections 26-206 and 26-207 (formerly Sections 22-58 and 22-59) of the Baltimore County Code, and specifically Section 26-207(a)(4). Section 26-208 describes the procedure before the Planning Board which includes provisions for the Planning Board issuing a written decision determining whether the proposed plan is compatible with the development on properties adjacent to the proposed plan's site. Its decision shall be filed with the CRG within 45 days after the date of referral to the Planning Board. Its decision shall contain findings of fact as outlined in Section 26-208(b)(4). Pursuant to Section 26-208(c), any decision of the Planning Board on an issue referred to it pursuant to Section 26-207(a) is binding upon the CRG and shall be incorporated as a part of the CRG final action on a plan.

In this case, since part of the Cameron Mill proposed development included the historic mill complex which is listed on the Baltimore County Landmarks List as the "Cameron Miller's House," this matter was referred to the Baltimore County Planning Board which on December 5, 1990 issued a written opinion reviewing these matters, making factual findings and making recommendations modifying the CRG plan by accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stablers Church Roads, reducing the width to 45 feet. The decision expressly states that there does not appear to be any way to keep all of the Mil foundation outside of the proposed road rights-of-way, but the hoped that the Department of Public Works would cooperate i allowing a future owner to stabilize and maintain the walls a their present height. The decision also enlarged Lot 50 t approximately 5.6 acres, revised and corrected Note #8 to protec the spring house, and called for the establishment of a perpetua easement to protect the cemetery and to allow pedestrian access On appeal, the Protestants contend that Section 26-278 of the Cod (formerly Section 22-100) flatly required historic structures c sites identified on the Landmarks List to be preserved. Tha argument overlooks the fact that the County Council provided for method, namely, the Planning Board action prior to the CRG fina approval, which would allow demolition or other changes to a liste structure, pursuant to Sections 26-541 and 26-542. Since the C was bound by the Planning Board decision, and the Planning Boa decision precedes and became part of the final action of the CRG the Developer's plan, we believe that Protestants may appeal t

decision only to the extent that they may appeal from the final action of the CRG. Upon reviewing the Planning Board report which is Appellant's Exhibit No. 1, and the decision of the CRG contained in the minutes, which is Developer's Exhibit No. 3 in Case No. CBA-91-145, and mindful of the legislative scheme enacted by the Council, we do not find that the CRG's action, or the action of the Planning Board for that matter, is arbitrary or capricious, procured by fraud or otherwise illegal.

In testimony, Protestants raised concerns about the sight distance along Eagle Mill Road to the entrance of the proposed development. At first blush, this distance may appear not to meet the requirements, but we accept the testimony of James W. McKee, the licensed registered engineer who actually conducted the survey in the field, who met with the Traffic Engineering officials of Baltimore County, and we find as a fact that the distance required under the standards employed by Baltimore County requires a distance of 160 feet at that particular location under the existing conditions, and that the 280 feet provided by the Developer meets the requirements.

O R D E R

IT IS THEREFORE this 12th day of August, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the decision of the County Review Group dated March 14, 1991 in which the plan was approved, and the decision of the Planning Board dated December 6, 1990 contained therein, be and the same is AFFIRMED; and it is further

ORDERED that the Petition for Variance to permit an R.C. 4

subdivision with lots of less than the minimum required diametral dimension of 300 feet; to permit an accessory structure (existing barn) to be larger than the principal building on the lot; to permit said accessory structure to be located in the side and front yards of the lot; and to permit a height of said accessory structure of 35 feet in lieu of the maximum permitted 15 feet, in accordance with Developer's Exhibit No. 10 be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T Hackett

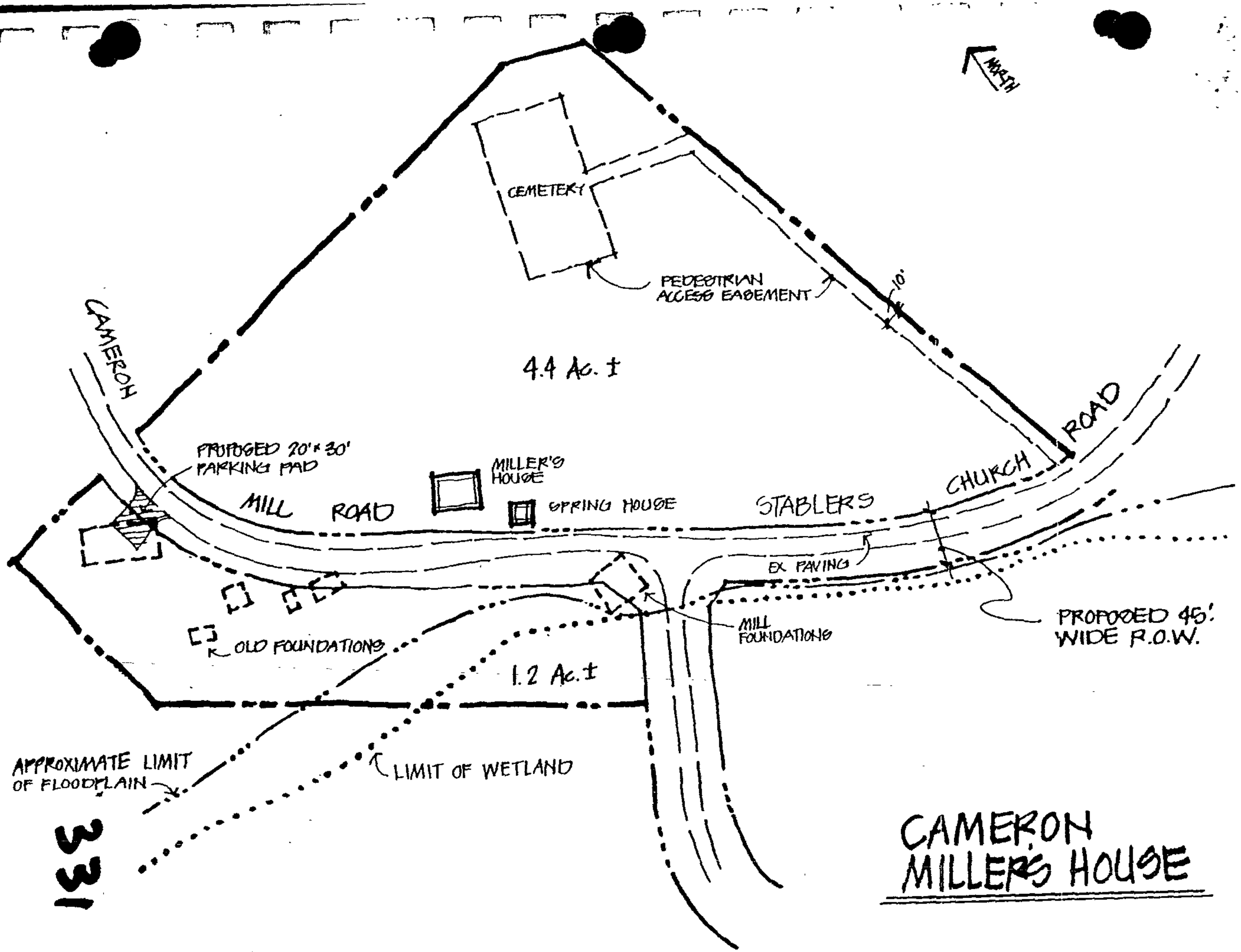
William T. Hackett, Chairman

Harry E. Buchheister

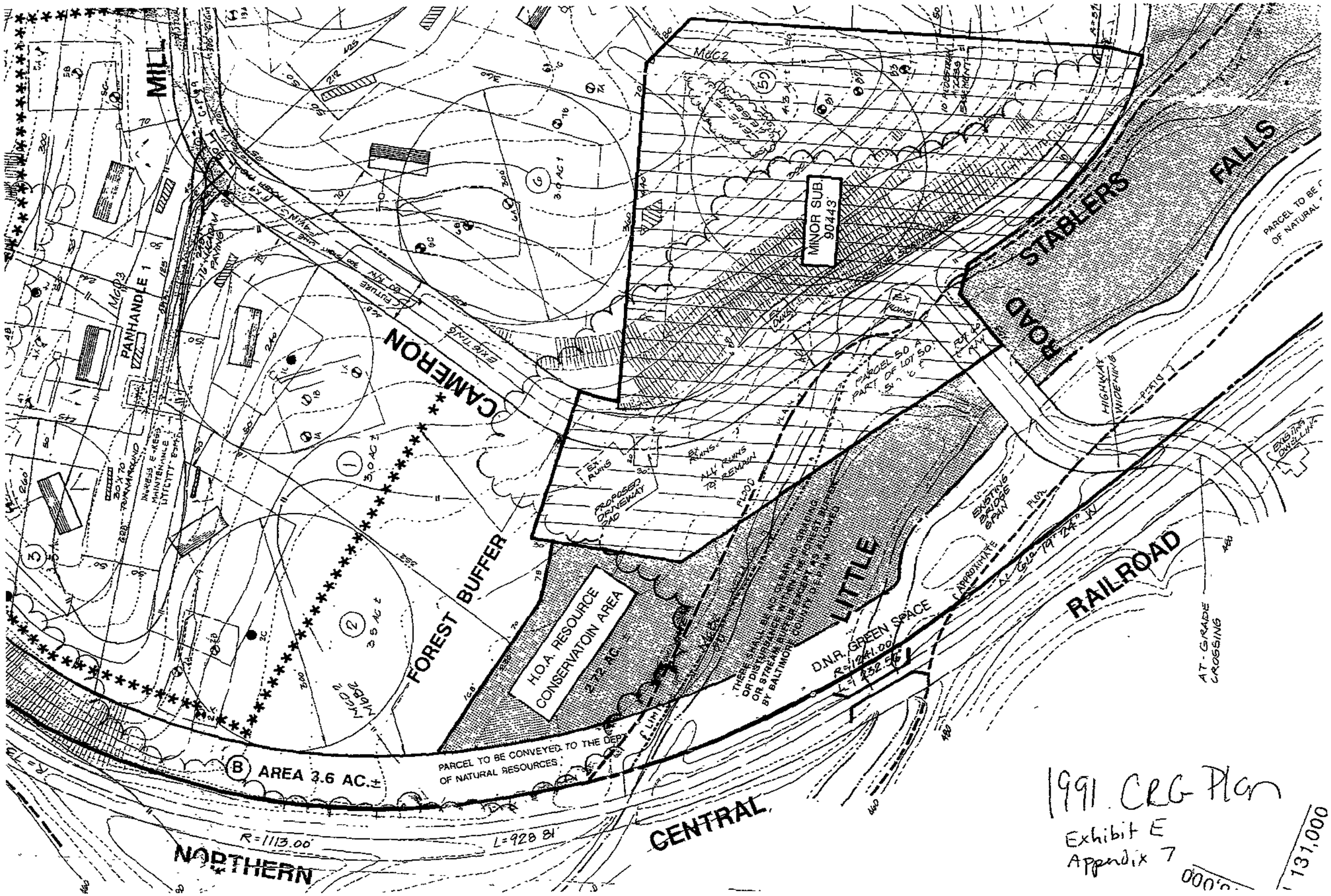
Harry E. Buchheister, Jr.

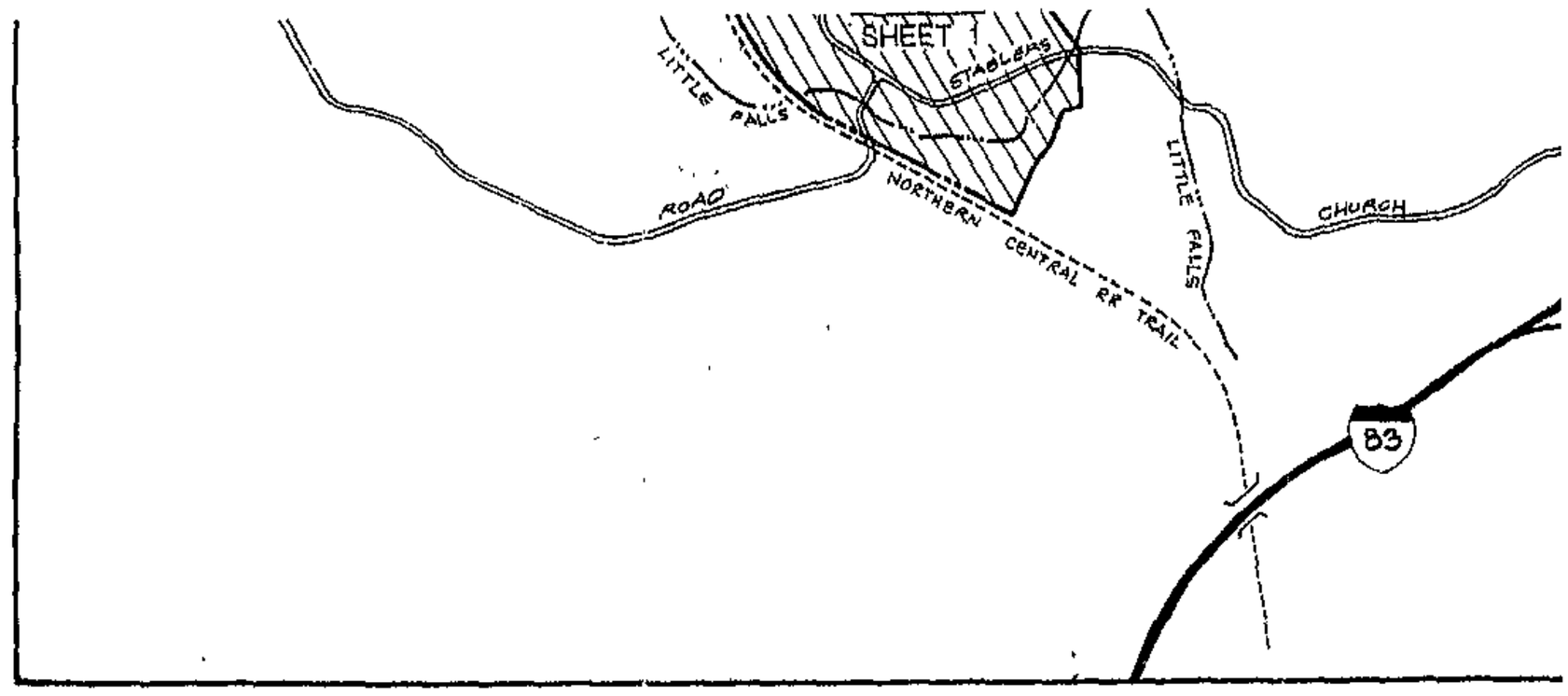
C William Clark

C. William Clark



· NOV 30 1990 · SCALE 1" = 100'

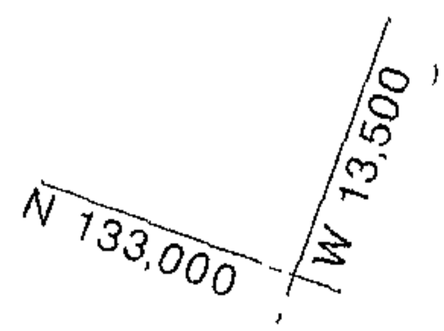

MILL
PANHANDLE 1
CAMERON
FOREST BUFFER
H.O.A. RESOURCE CONSERVATOIN AREA
2.72 AC.
MINOR SUB. 90443
STABLERS
FALLS
ROAD
LITTLE
D.N.R. GREEN SPACE
RAILROAD
CENTRAL
NORTHERN
AREA 3.6 AC.±
PARCEL TO BE CONVEYED TO THE DEPT. OF NATURAL RESOURCES
PROPOSED DRIVEWAY
EXISTING BRIDGE
AT-GRADE CROSSING
R=1113.00'
L=928.81'
1991 CRG Plan
Exhibit E
Appendix 7
1 131,000



VICINITY MAP

SCALE 1"=1000'

"MILLSTREAM SECT 2"
L. 57/147
RACEY, RICHARD W. & MELLIE K.
19117 CAMERON MILL RD
DEED No. 6884/714
ACCT. No 07-20-06800



NOTE (LOT 50)

Lot 50 as shown cross-hatched on this sheet and the adjacent road right-of-ways are not part of this CRG Plan. It is being subdivided as Minor Subdivision No. 90443M with a Right of-way plat prepared for the Public Road Dedication. The acreage of this portion of ground, however, has been included in the density notes at the request of the Zoning Office for purposes of density confirmation only.

NOTE:

This property as shown on the plan has been held intact by the ownership shown since March 22, 1979.
The Developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings.

SITE TABU

1. Existing Zoning of Property
2. Gross Area of Property
3. Number of Lots Allowed
4. Number of Lots Proposed
5. Highway Widening Area
   - A. Cameron Mill Road
   - B. Eagle Mill Road
   - C. Walker Road
   - D. Stabler's Church Road
6. Road Dedication
   - A. Road A
   - B. Road B
   - C. Road C
7. HOA Resource Conservation Area
8. DNR Green Space
9. Net Area of Lots
10. Average Lot Size

PLANNING BOARD RECOMMENDATIONS

(CONCERNING HISTORIC LOT 50)

The following recommendations as adopted by the Planning Board by resolution dated December 7, 1990 have been complied with and are reflected on this plan:

1. Accepting the western/southern line of the proposed right-of-way for

is sheet
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divided
a Right
oad Dedication.
, however,
s at the
oses of

t by the ownership

the gross area of
d, recorded or
dwellings

ATIONS

)

ing Board by
and are

sed right-of-way for
width to 45 feet.

luding about 1.2
d.

historic dwelling to
the Landmarks

emetery and to allow

Buffer, DEPRM
septic systems

tablers Church

tary School
as designated on
1. Processing
through 29
f signature of
, and record

	TOTAL	53 lots
5. Highway Widening Area		
A. Cameron Mill Road		4.0 Ac.
B. Eagle Mill Road		0.8 Ac.
C. Walker Road		0.5 Ac.
D. Stabler's Church Road		1.7 Ac.
	TOTAL	7.0 Ac.
6. Road Dedication		
A. Road A		1.4 Ac.
B. Road B		2.4 Ac.
C. Road C		0.6 Ac.
	TOTAL	4.4 Ac.
7. HOA Resource Conservation Area		66.7 Ac.
8. DNR Green Space		17.5 Ac.
9. Net Area of Lots		180.6 Ac.
10. Average Lot Size		3.4 Ac.±

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
3-14-91 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW
Plan Approved OPZ Joseph V. Merando
Approval Expiration Date 3-14-94
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

RECEIVED
APR 15 1991
OFFICE OF PLANNING AND ZONING

C.R.G. PLAN

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

SHEET 1 OF 2

6th. & 7th. Election Districts Baltimore County, Md.

Scale: 1"=100' February 6, 1991

OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL, MD 21161

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
c/. MAVEE & ASSOCIATES INC.

CBA-91-122 } Cameron Mill
CBA-91-145

IN RE: CAMERON MILL SUBDIVISION AT CAMERON MILL AND STABLER'S CHURCH AND WALKER ROADS	*	IN THE CIRCUIT COURT
	*	FOR
	*	BALTIMORE COUNTY
	*	CASE NO. 92CV8596

RECEIVED
APR 13 1993
OFFICE OF PLANNING & ZONING

* * * \

side of Eagle Mill Road. The property lies partially in the Sixth Election District and partially in the Seventh Election District of the county, in or near the community of Parkton.

The action of the Planning Board related to the historic site around the Cameron Miller's home and the ruins of the original mill, took place in December of 1990. The CRG approval was accomplished on March 14, 1991 and was appealed timely, as was apparently the Planning Board case as well. The Deputy Zoning Commissioner's variance approval was granted on September 9, 1991 and was also timely appealed. All of the actions taken have been opposed from the outset by the Appellants herein.

Most of the property is zoned R.C. 4, with a very small portion of R.C. 5 zoning. Both of these classifications are of the rural conservation category. The property is very irregular in shape with extremes of topography. It is traversed by two major streams and is essentially bisected by the bed of the former right of way of the Northern Central Railroad, now owned and used by the State Department of Natural Resources for a hiking and biking trail. A substantial portion of the property, some 64%, is wooded, some 22% has been actively cultivated and the balance is open meadow, perhaps cultivated at some time in the past. Most of the wooded portions are steeply sloped down from the ridges on the property to the stream valleys.

The historic landmark site is located at the extreme southerly portion of the property, at or near the intersection of Cameron Mill, Stabler's Church and Walker Roads.

Although Appellants suggest that they were in essence deprived of the opportunity for a full and fair hearing of these appeals by the Board, it should be noted that the CBA heard five virtually full days of testimony beginning in October of 1991 and ending on May 1st, 1992. The proceedings before the Board created a record in this case some 920 pages in length, supplanted with dozens of exhibits which were submitted to and considered by the CBA.

The scope of review by this Court of the actions of an administrative agency like the County Board of Appeals is such that the Court may through appeal or otherwise correct any abuse of discretion by such an administrative agency or modify its actions when they are unsupported by facts, or are arbitrary, illegal, capricious or unreasonable. Heaps V Cobb, 185 Md. 372, 45 A.2d 73 (1945). However, the scope of judicial review of decisions by administrative agencies is narrow, recognizing that Board members have expertise in a particular area and ordinarily should be free to exercise their discretion as such. Finney V Halle, 241, Md. 224, 216 A.2d 530 (1966). Thus a reviewing court will not substitute its judgment for that of an administrative board where the issue is fairly debatable and the record contains substantial evidence supporting the administrative decision. Montgomery County V Woodward & Lothrop, Inc. , 280 Md. 686, 376 A.2d 483 (1977). The "substantial evidence test" is whether a reasoning mind reasonably could have reached the factual conclusion the agency reached from the record before it. Insurance Commissioner V

National Bureau, 248 Md. 292, 236 A.2d 282 (1967). That test is also defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Bulluck V Pelham Apts., 283 Md. 505, 390 A.2d 1119 (1978). This review should not consist of judicial-fact finding or a substitution of judicial judgment for agency judgment. Insurance Commissioner V National Bureau, supra.

The question for the reviewing court is whether the conclusions reasonably may be based upon the factors proven. The court may not substitute its judgment on the question whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness. Annapolis V Annapolis Waterfront Co., 284 Md. 383, 396 A.2d 1080 (1979), [Citing 4 K. Davis, Administrative Law, §29.05, at 137, 139 (1958).]

Appellate courts have frequently observed that the order of an administrative agency must be upheld on judicial review if it is not based on an error of law, and if the agency's conclusions reasonably may be based upon the factors proven. Ad+ Soil, Inc. V County Commissioners, 307 Md. 307, 513 A.2d 893 (1986). But a reviewing court is under no constraints in reversing an administrative decision which is premised solely upon a erroneous conclusion of law. Peoples Counsel for Baltimore County V Maryland Marine Manuf., Inc., 316 Md. 491, 560 A.2d 32 (1989), quoted with favor in United Parcel V Peoples Counsel, 93 Md. App. 59, 611 A.2d 993 (1992).

Mindful in particular of this, Appellants urged upon the Court at argument of this case to be wary of legal errors made by the CBA in the course of its decisions. Indeed, it was this suggestion by Appellants' counsel that caused the Court to more thoroughly sift the testimony before the Board and the premises for its decisions in the opinion filed in August of 1992. As the Court understands it, Appellants suggest that the CBA committed three errors of law. First, they suggest that the CBA in approving the action of the Planning Board relative to the widths of the rights of way in the historic area, compounded the legal errors of the Planning Board which, they suggest, should not have permitted the establishment by the Department of Public Works of a 45' wide right of way for Stabler's Church Road, Cameron Mill Road and Walker Road within the historic area. It is suggested that the failure to protect the historic structures from damage or destruction occasioned by potential roadway widening is violative of the legislation which created the historic Landmark List.

Second, Appellants suggest that both the CRG and the Board ignored the "prime and productive soil" requirements of Bill #134-89 by permitting subdivision in contravention of the expressed legislative intent of that bill to preserve existing prime and productive agricultural lands.

Third, Appellants suggest that the evidence before the Board concerning the required 300' diametral variance was insufficient as a matter of law for the Board to find the

practical difficulty or unreasonable hardship necessary to permit a variance to be granted.

The Court has carefully considered these suggestions and, as will be seen more fully later in this opinion, finds it is not in agreement with Appellant's position. The Court perceives no legal error by the CBA, the Planning Board, the CRG, or the Deputy Zoning Commissioner, whose decision was (correctly) reviewed de novo by the CBA.

In all, Appellants set forth some 21 enumerated questions or suggestions of error on appeal to this Court. Some of them are insufficiently specific, and some redundant; the Court will not set them forth in this opinion in full. The developers, on the other hand, tended to somewhat over-simplify the issues in compressing them into only three actual questions presented, in their view.

After careful analysis the Court is persuaded that the best and most accurate assessment of the questions presented on this appeal is formulated by the Appellee, Baltimore County, Maryland through its counsel who suggests that the appeal actually presents the following questions:

1. Assuming that a right of direct appeal exists from a Planning Board decision on an issue referred to it from the CRG, pursuant to Title 26, §26-207(a)(4), does the record before the CBA support the conclusion that the Planning Board acted properly?

2. Does a direct appeal lie to the Board of Appeals from a decision of the Planning Board on an issue submitted to it by the CRG pursuant to this Code provision?

3. Did the CBA correctly hold that the CRG acted properly when it incorporated into its final action the decision of the Planning Board, where the law provides that the

decision of the Planning Board is binding on the CRG?

4. Is the issue of onsite or offsite contamination of individual water supplies an issue that is within the jurisdiction of the County Review Group to consider?

5. Does the record support the factual findings of the CBA that (1) the Parkton Landfill is neither the source of contamination nor a potential source of contamination to the private water supply of the subdivision; and (2) the design and siting of the individual septic systems do not constitute a threat of contamination to the private wells in the subdivision?

6. Does the record before the CBA support the conclusion that "overcrowding" of lots in the subdivision will not occur, and that the County's "prime and productive soils" legislation has no application to this development?

7. Did the Board of Appeals misapply the statutory deference to the correctness of the CRG or otherwise deny Appellants due process of law?

8. Does the record establish that the developer is entitled to a variance from the 300' diametral requirement?

In the Court's view the aforegoing issues fairly re-state all of the appeal questions listed by the Appellants for consideration by this Court. Moreover, this Court is persuaded that the arguments espoused by the County Attorney's Office in its brief filed in this case as Paper No. 17 adequately and properly address all of those presented issues, and lead to the conclusion that the CBA correctly resolved each.

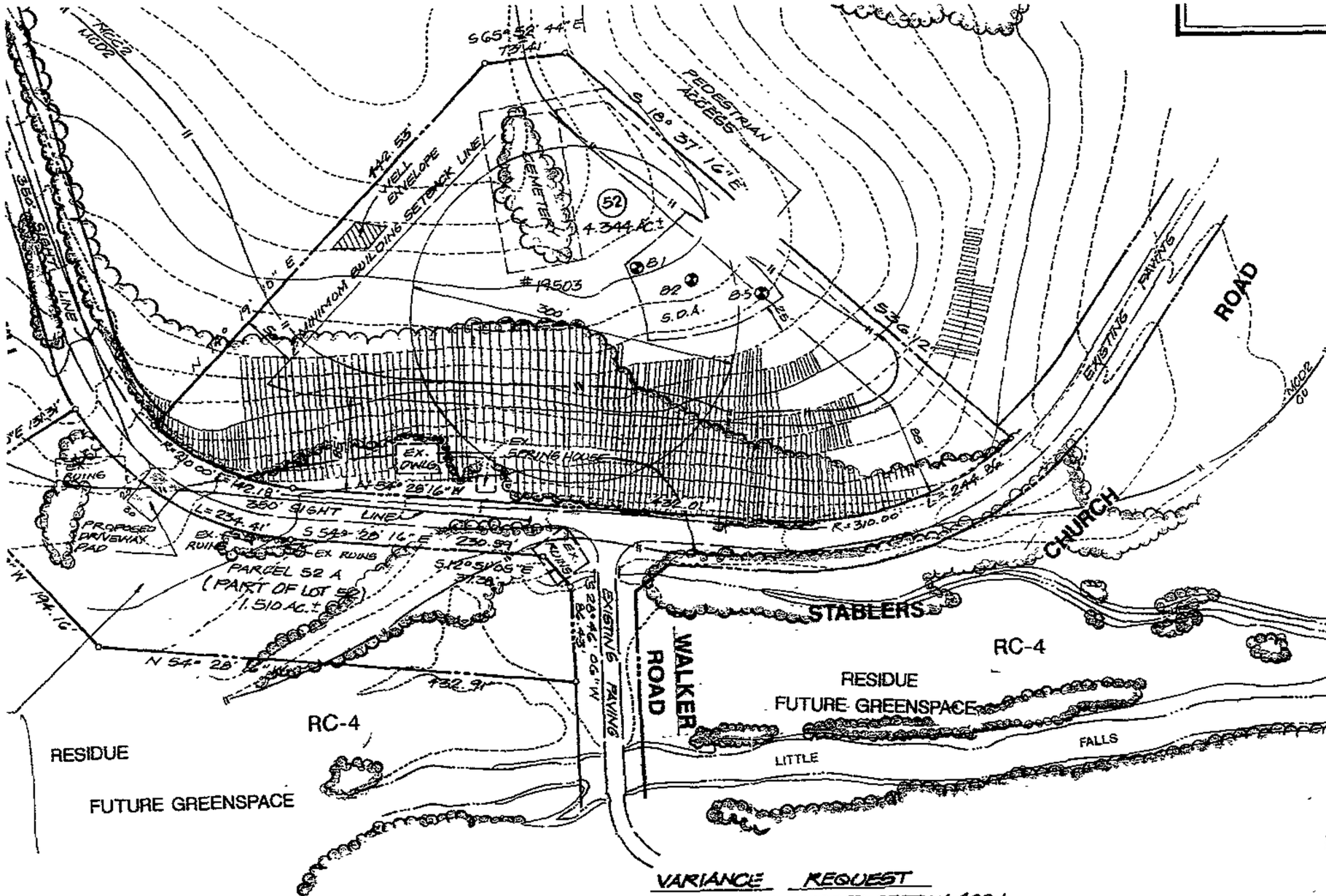
This Court is satisfied to adopt the reasoning of the County Attorney's Office as its own and for the reasons set forth in the brief filed by counsel as well as the aforegoing, this Court AFFIRMS the County Board of Appeals in its Opinion and Order of August 12, 1992 in these matters.

/s/ Christian M. Kahl
Christian M. Kahl

April 2, 1993
Date

CMK:emh

cc: J. Carroll Holzer, Esquire
Michael J. Moran, Esquire
Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Lawrence A. Melfa, Esquire
Newton A. Williams, Esquire



VICINITY MAP

SCALE: 1"=1000'

DENSITY NOTES

① EX. ZONING OF PROPERTY		RC-4 & RC-5
② GROSS AREA	RC-4	273.7 AC.±
	RC-5	4.9 AC.±
	TOTAL	278.6
③ No. OF LOTS PERMITTED	RC-4	(273.7 × 20) =
	RC 5	(4.9 × 667) =
		TOTAL =
④ No. OF LOTS PROPOSED		2 LOTS
⑤ AREA OF PROPOSED LOT 52		4.344
		1.510
	TOTAL	5.854

MINOR

C.R.G. PLAN

LOT 52

"CAMERON MILL"

#19503 CAMERON MILL ROAD

7TH ELECTION DISTRICT — BALTIMORE CO; MD.

SCALE: 1"=100'

SEPTEMBER 21, 1990
REVISED: 1-14-1991
REVISED: 2-7-1991

APPLICANT & OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL, MD. 21161

REVISE AS PE COMM

DEEDS: EHK JR. 6015/408
EHK JR. 6445/175

ACCT. NO. 07-03-000075 16-00-00946
18-00-014127 19-00-01098

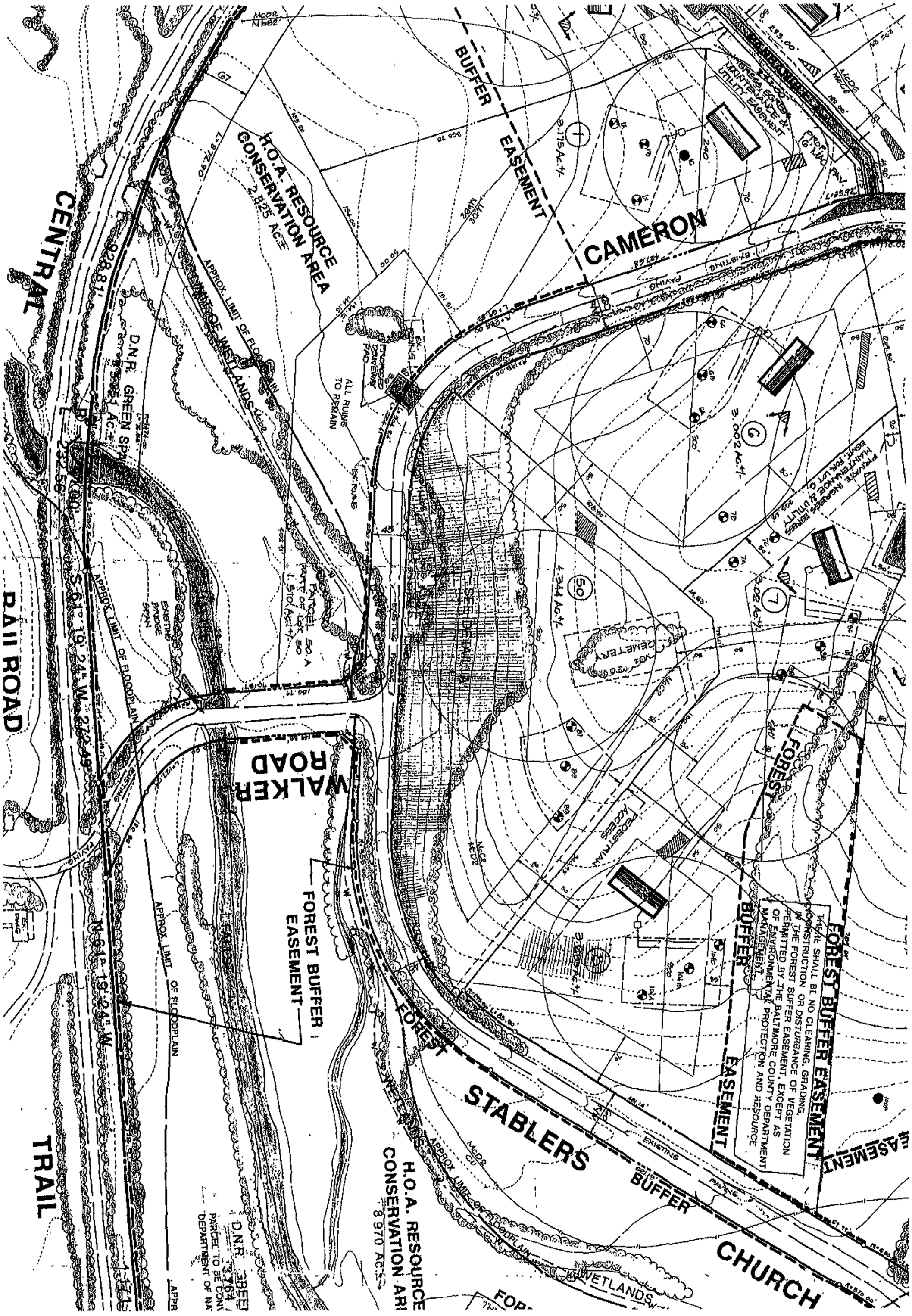
VARIANCE REQUEST

1. REQUESTING A VARIANCE TO SECTION 400.1 TO ALLOW AN ACCESSORY BUILDING (SPRING-HOUSE) TO BE LOCATED IN THE FRONT AND SIDEYARD AND NOT IN THE REQUIRED REAR YARD.
2. REQUESTING A VARIANCE TO SECTION 1A03.4.B.4 TO ALLOW A DWELLING TO STREET CENTERLINE SETBACK OF 28 FEET IN LIEU OF THE MINIMUM PERMITTED SETBACK OF 100 FEET.
3. REQUESTING A VARIANCE TO SECTION 1A03.4.A. TO ALLOW A DWELLING HEIGHT OF 36 FEET IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 35 FEET.

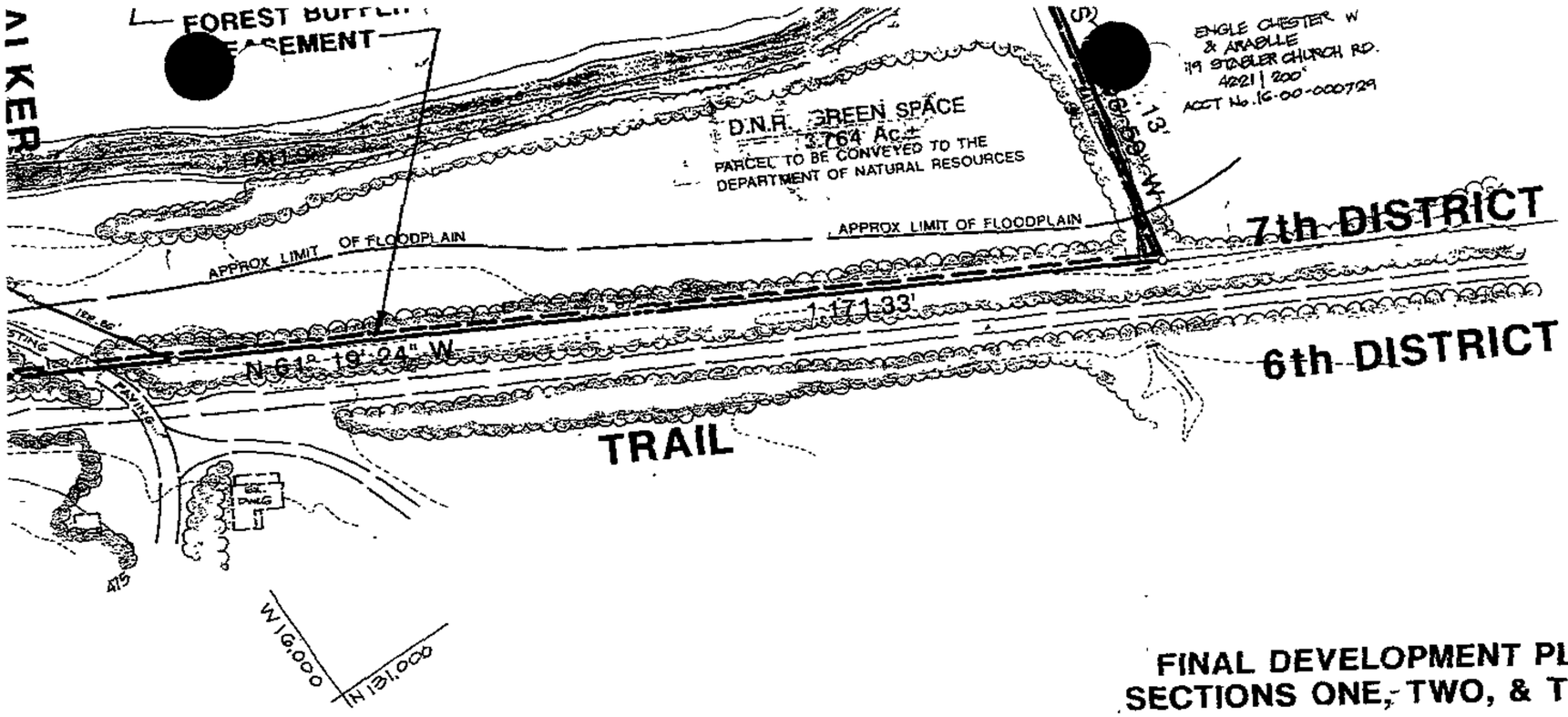
Parcel 52A
Not to be a
building Lot

Appendix 8

90-443-A



1992 Final Development Plan Appendix 9/Ex. I



FINAL DEVELOPMENT PLAN
SECTIONS ONE, TWO, & THREE

CAMERON MILL

6TH & 7TH ELECTION DISTRICT
SCALE: 1"= 100'

BALTIMORE COUNTY, MD.
OCTOBER 29, 1992

SHEET 2 OF 4

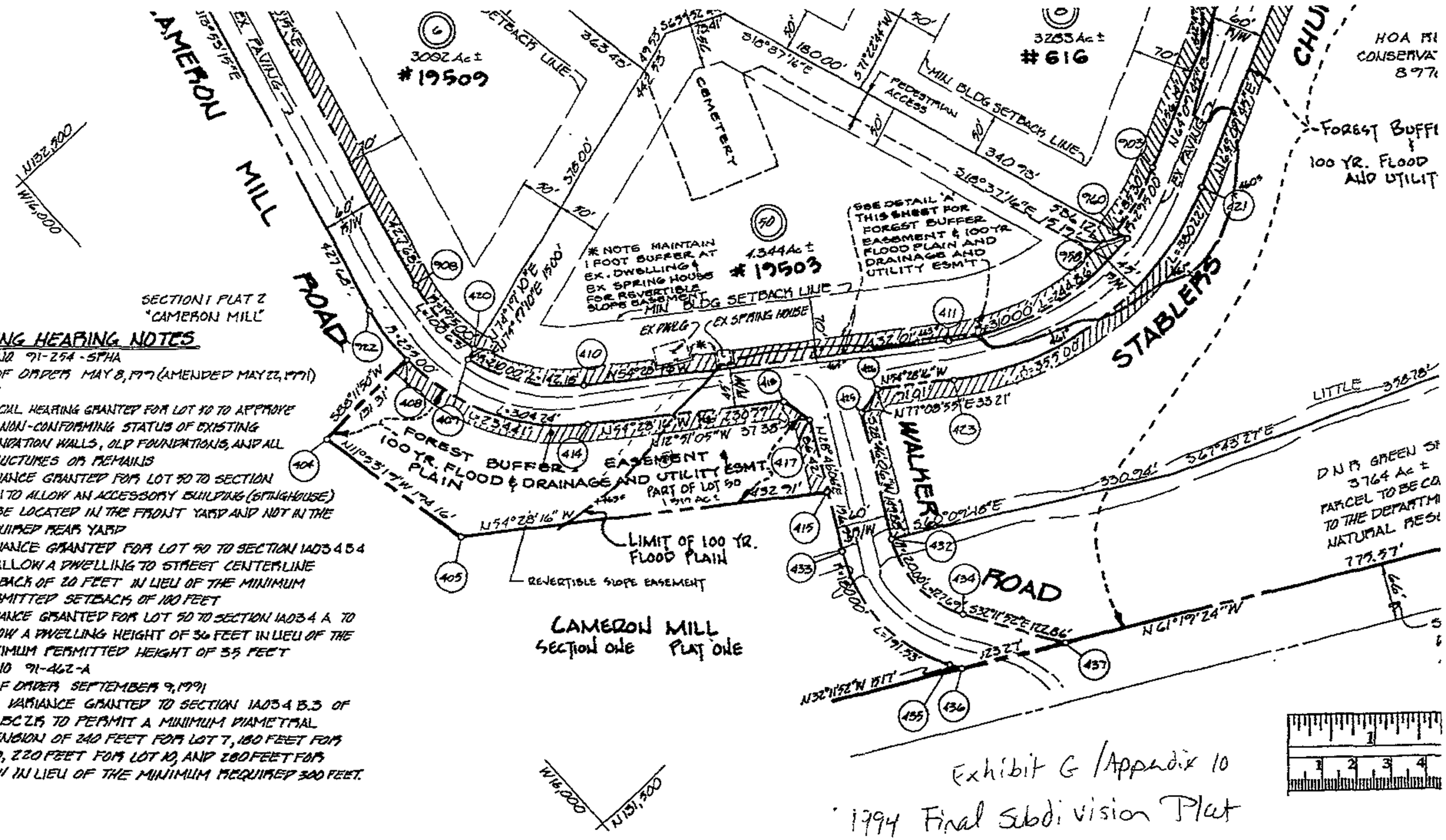
OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING — DATE

for 12/30/92

DIRECTOR OF Z.A.D.M. — DATE

MICROFILMED



ZONING HEARING NOTES

CASE NO 91-254-SPHA
DATE OF ORDER MAY 8, 1991 (AMENDED MAY 22, 1991)
ORDER
1. SPECIAL HEARING GRANTED FOR LOT 50 TO APPROVE THE NON-CONFORMING STATUS OF EXISTING FOUNDATION WALLS, OLD FOUNDATIONS, AND ALL STRUCTURES OR REMAINS
2. VARIANCE GRANTED FOR LOT 50 TO SECTION 400.1 TO ALLOW AN ACCESSORY BUILDING (SPINGHOUSE) TO BE LOCATED IN THE FRONT YARD AND NOT IN THE REQUIRED REAR YARD
3. VARIANCE GRANTED FOR LOT 50 TO SECTION 1A03.4.B.4 TO ALLOW A DWELLING TO STREET CENTERLINE SETBACK OF 20 FEET IN LIEU OF THE MINIMUM PERMITTED SETBACK OF 100 FEET
4. VARIANCE GRANTED FOR LOT 50 TO SECTION 1A03.4.A TO ALLOW A DWELLING HEIGHT OF 36 FEET IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 35 FEET

CASE NO 91-462-A
DATE OF ORDER SEPTEMBER 9, 1991
ORDER VARIANCE GRANTED TO SECTION 1A03.4.B.3 OF THE BCZR TO PERMIT A MINIMUM DIAMETRAL DIMENSION OF 240 FEET FOR LOT 7, 180 FEET FOR LOT 9, 220 FEET FOR LOT 10, AND 280 FEET FOR LOT 11 IN LIEU OF THE MINIMUM REQUIRED 300 FEET.

Exhibit G / Appendix 10
1994 Final Subdivision Plat

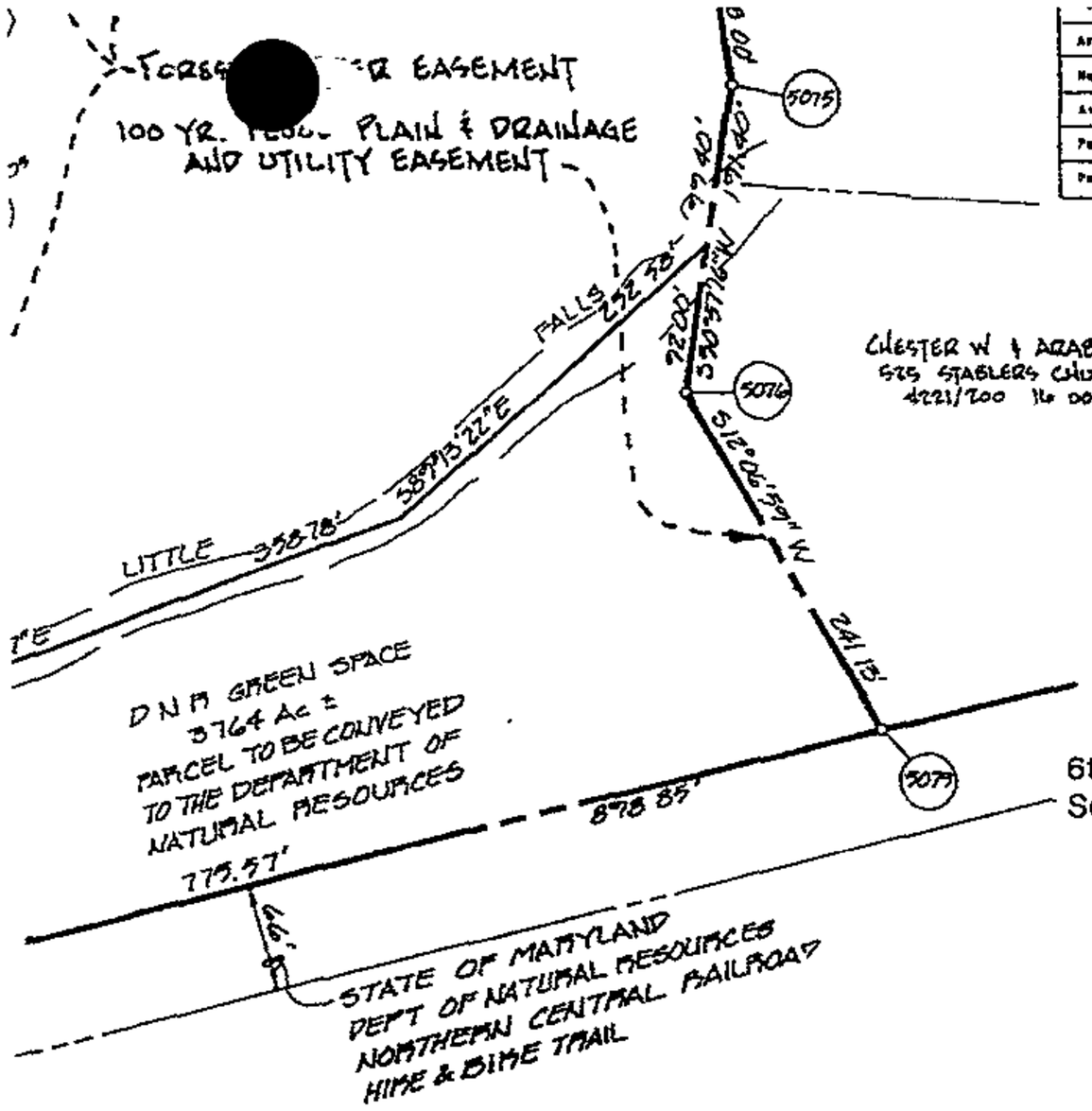
Surveyor's Certification
...signed, a Registered Land Surveyor of the State ...ices hereby certify that he is the surveyor ... this Plat and that the land shown hereon ... out and the Plat thereof has been prepared ... with Subsection (C) Section 3-108 of the ... Article of the Annotated Code of Mary... ...rly insofar as the same concerns the making ...arker setting
James W. Hickes — Date

Owner's Certification
The undersigned, owner of the land shown hereon, hereby certifies that to the best of its knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland has been complied with, as same concerns the making of the Plat and setting of markers
Owners — Date 11/28/94

Approved:
Department of Environmental Protection and Resource Management
Director — 7/6/94

Approved:
For the department of public works, and the office of planning and zoning
Director — Date 6/20/94

P.W.A. Completed:
Final Plat Checked:
Planning:
Engineering:
House Numbers:
Land A



Area of Parcel "A"	0.000	0.656 Ac ±	0.000	0.656 Ac. ±
Net Area of Lots	48.391 Ac ±	054 Ac ±	59.332 Ac. ±	183.777 Ac. ±
Average Lot Size	3.635 Ac ±	3.858 Ac ±	3.396 Ac. ±	3.467 Ac. ±
Parking Required	2 per lot = 26	2 per lot = 46	2 per lot = 34	2 per lot = 106
Parking Proposed	2 per lot = 26	2 per lot 46	2 per lot = 34	2 per lot = 106

Filed for record
S.M. 67 FOLIO 002
Date AUG 18 1994
Test:
Clerk

Final Subdivision Plat

Section One Plat Two

CAMERON MILL

6th & 7th Election District
Scale. 1"= 100'

Baltimore County, Maryland
January 12, 1994

Date of C.R.G. approval : 3/14/91

Developer
Cameron Mill Partnership
5 Shawan Rd
Hunt Valley, Maryland 21030
(410) 527-1555

Owner
Ruth Ann Desoto &
Mayor Kalichman
Deed References : 6015/408
6445/175
Account Numbers : 07-03-000075
16-00-009467
18-00-014127
19-00-010988

P.W.A. Completed:
Final Plat Checked: ZADM MDK 7/8/94
Planning:
Engineering: Rvs 6/6/94
House Numbers: CKR 5/12/94
Land Acquisition: 5/12/94
Rec & Parks 5/12/94

McKEE & ASSOCIATES, INC.

Engineering-Surveying-Real estate Development

Shawan Place, 5 Shawan Road — Hunt Valley, Maryland 21030

(410) 527-1555

Computed: GCS	Drawn: MGY	Checked: G.C.S.	Job No.: 90-11

MSA SSU 1236-9128-2 67-2

Baltimore County
Department of Environmental Protection
and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Appendix 11

CERTIFIED MAIL 7001 1940 0006 1235 8517

September 4, 2002

Mr. W. Talbot Daley
Ms. Linda Losey
19503 Cameron Mill Rd.
Parkton, MD 21120

Re: SC 95-147 (Easement Violation)

Dear Ms. Losey and Mr. Daley:

Recent inspection of your property at 19503 Cameron Mill Rd. revealed encroachments into the Forest Buffer Easement (FBE) across the street from your residence. Parking of vehicles or placing of stone or any type of fill is not permitted in the FBE. Fencing is allowed, however, it is my understanding that fencing was in preparation for the pasturing of horses. No livestock of any kind are permitted in an FBE.

You are directed to remove all vehicles and all stone or other base material for parking from within the FBE by October 4, 2002. Failure to comply will result in further legal action. Fines are $1,000 per day.

I understand from talking with Mr. Dave Lykens of this Department, that you plan to file for a variance to impact a portion of the FBE. Enforcement will be suspended after the variance application is received. Enforcement action will resume on any portions of the FBE not covered by an approved variance.

If you have any questions, please call me at 410/887-3980.

Sincerely,

Roy List
Natural Resource Specialist

C: Dave Lykens

daleyloseyltrRoy

Appendix 12

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Bureau of Engineering Services

Environmental Impact Review

VII-24

DATE: July 20, 1994

TO: Mr. Walter Beaumont, Jr.
Office of Law
Division of Real Estate

FROM: J. Lawrence Pilson, Program Supervisor
Environmental Impact Review

Project Name: Cameron Mill
(Sec. 1, Plats 1 & 2; Sec. 2, Plat 1)

Type of Plan: (X) Record Plat
() Right-of-way Plat
() Minor Subdivision
() Other

Job Order Number: 4-1-7781

The above-referenced plan has been reviewed by Environmental Impact Review of the Bureau of Engineering Services. We hereby request that, the Division of Real Estate of the Office of Law prepare the following:

(X) an instrument for forest buffer easement
(X) a declaration of protective covenants for the forest buffer easement
() an instrument for forest conservation easement
() a declaration of protective covenants for the forest conservation easement
() an instrument for critical area easement
() a declaration of protective covenants for the critical area easement
() access to the Forest Buffer and/or Forest Conservation Easements will be via _____.

If you have any questions about this correspondence, please contact J. Lawrence Pilson at extension 3980.

JLP:sp

pc: Mrs. Susan D. Wimbley
Zoning Administration
& Development Management

CAMERON/DEPRM/TXTSBP

(7) Field delineated, marked, and surveyed forest buffers;

(8) County department of public works approved one-hundred-year floodplain limits;

(9) Soils mapped and labeled in accordance with the soil survey of the county;

(10) Slopes greater than ten (10) percent for areas adjacent to and within five hundred (500) feet of streams, wetlands, or other water bodies; slopes greater than twenty-five (25) percent for all other areas;

(11) Rare, threatened, or endangered species habitat;

(12) Existing vegetation;

(13) Location and type of storm water management facilities;

(14) Building envelopes;

(15) Existing and proposed utility lines and easements;

(16) Historical and archaeological sites;

(17) A note indicating: ``There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management";

(18) Supporting documentation for variance requests including alternatives analyses and conceptual mitigation plans.

(Bill No. 224, 1990, 1(38-35))

Sec. 14-339. Approval of permits.

Before the issuance of any grading permit or building permit by the department of permits and licenses or the approval of any sediment control plan, the director of the department or his designee shall determine that the proposed development is in compliance with the provisions of the regulations herein. A permit may not be issued without compliance with the regulations herein.

(Bill No. 224, 1990, 1(38-36))

Sec. 14-340. Plats and protective covenants.

(a) Any plat submitted to the county in accordance with the provisions of article V of title 26 shall be accompanied by irrevocable offers of dedication to the county of all forest buffer areas in fee or easements, the scope of which shall be determined by the applicant, but which shall not be a lesser grant than a right of access by the county for the purpose of inspecting and maintaining the forest buffer and providing for the abatement and correction of water pollution, erosion, and sedimentation of stream channels, wetlands, and floodplains, in a form approved by the bureau of land acquisition and the county attorney, and the plat shall be marked with a notation indicating such offers of dedication.

(b) If an applicant retains any forest buffer, he shall be required to submit for approval by the office of law a declaration of protective covenants. This declaration may be drafted by the county bureau of land acquisition and shall include, at minimum, the management requirements for forest buffers listed in section 14-342 of the regulations herein. The protective covenants shall be recorded in the land records of the county, and shall run with the land and continue in perpetuity.

(c) In addition to the provisions of the development regulations concerning plats, all plats prepared for recording and all right-of-way plats shall clearly:

(1) Show the extent of any forest buffer on the subject property by metes and bounds;

Ex. K.

(2) Label the forest buffer;

Appendix 13

Mr. W. Talbot Daley
Ms. Linda S. Losey
19503 Cameron Mill Road
Parkton, MD 21120

October 3, 2002

Mr. Roy List
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, MD 21204

Re: SC 95-147 (Easement Violation)

Dear Mr. List:

Pursuant to your letter dated September 4, 2002, citing easement violations at Cameron Mill, we are requesting an extension of 30 days on your original time-line. As you know, Tal and I have been working diligently for the past month trying to figure this case out. We have made progress but still need time to pull it all together.

Don Roscoe has been working to set up a meeting regarding our case with Tom Vidmar (sp?) in DEPRM this week but to no avail as Mr. Vidmar just returned on Tuesday. I spoke to Mr. Roscoe today and he is trying to work out an extension on our behalf, as well, so he has time to meet with Mr. Vidmar and process all that has been uncovered over the years regarding Cameron Mill.

Anything you can do to help us in obtaining an extension would be greatly appreciated. Please call me at (410) 960-8824 at your earliest convenience to discuss our options.

Thank you,

W. Talbot Daley

Linda S. Losey

Appendix 14

PETITION FOR SPECIAL HEARING **19503 Cameron Mill Road** **N/east and southwest side of** **Cameron Mill Road at Walker Road** **7th Election District** **Legal Owner: W. Talbot Daley,** **Petitioner.**	* * * * * *	**BEFORE THE** **ZONING COMMISSIONER** **FOR BALTIMORE COUNTY** **Case No. 03-255-SPH**

* *

AFFIDAVIT OF LINDA LOSEY-DALEY

1. My name is Linda Losey-Daley. I am over the age of twenty-one (21), have personal knowledge of the facts set forth herein, and am competent to give testimony thereon.

2. On September 12, 2002 I spoke with Eric Rockell, Baltimore County, Office of Land Acquisition, who informed me that he spoke to DEPRM and told them that the complaint filed against W. Talbot Daley needed to be in abeyance until this matter could be figured out.

3. On October 4, 2002, I spoke with Don Rascoe, Chief, Development Management, Department of Permits and Development Management ("PDM") who informed me that the County said this matter would be placed in abeyance until the case was figured out. Don Rascoe said he spoke with Robert Loskot, Assistant County Attorney, who stated that the matter would be held in abeyance until the case came to a conclusion.

4. Regarding the MOTION TO DISMISS PETITION FOR SPECIAL HEARING filed on April 3, 2003 by C. Robert Loskot, Assistant County Attorney, there are some misleading statements in the motion:

Once the evidence was presented, DEPRM informed me that I was missing a crucial piece of evidence from 1996 that indeed placed lot 50 legally back onto the CRG Plan: the 1996 amended CRG Plan. I asked to see a copy of the plan; they would not produce the plan for me to see during the meeting. We went round and round for a while on the legality of the whole issue based on the original 1992 CRG Plan, to no avail. They maintained that the lot was legally placed onto the amended 1996 CRG Plan, which gave DEPRM the right to enforce the regulations on lot 50. The whole meeting was very frustrating for me; there were four county representatives and a representative from Jim McKee's office. At one point the meeting got heated, to which DEPRM's Director, David Carrol retorted to me that I should be careful what I uncovered as he would take my house as well. Don Rascoe assured me, no-one was going to take my house. At some point, I wanted to know what the options were available to me. David Lykens outlined a program whereby I could purchase land elsewhere and give it back to DEPRM, at which time, DEPRM would allow us the use of our land. Or I could apply for a variance. During the meeting I presented an amended driveway plan that I developed after speaking with Mr. Rascoe, following his October 11, 2002, meeting with Tom Vidmar, C. Robert Loskot, and David Carrol, when I was informed that some of the property was in easement and some was not. I would need to follow the 100 year floodplain and build a 25 foot buffer zone in either direction, off of that floodplain. The drawing that I presented during this meeting was a result of that conversation, which outlined a 775 sq. ft. variance. However, during this meeting I was informed that the 25 foot buffer zone was not necessarily the bench mark, that DEPRM could basically go out as far from the flood plain as they

deemed necessary and that it could in fact go out to the end of our boundary. I was extremely frustrated by the whole process and stated I would apply for a variance not knowing what else to do.

However, over the course of the next few days, I was puzzled by the one piece of evidence that I never came up with during my search, and how convenient it was that this piece of evidence seemed to be the missing puzzle piece that pulled it all together legally for DEPRM. So I went back to DEPRM on Wednesday, October 22, 2002 and asked Tom Vidmar if I could see the 1996 amended CRG plan. He produced it for me and I made a copy. I was shocked to find out that indeed the plan was amended, but for a totally different reason than anything pertaining to lot 50. I was also shocked to find out that the 1.2 acre parcel across the street from our house, the very land being encumbered by the DEPRM regulations, was not even attached to lot 50 anymore; it was now placed into greenspace, with no boundaries. This so called crucial piece of evidence which the entire October 16th meeting revolved upon, was not in any way shape or form correct in its depiction of lot 50, as was sold to the Hart's in 1995 (BEFORE this material change took place on the amended 1996 CRG Plan) which was then purchased by W. Talbot Daley in 2000. It was at this point that I determined that I was not applying for a variance, but that it was time to hire a lawyer.

c) Paragraph 5: The petition filed is based on the initial building block of the whole case: the Planning Board's December 6, 1990 decision to adopt the recommendations in the December 4, 1990 staff report to constitute the Board's decision regarding the development of the property. The 20 questions as stated in our petition revolve around every thing that stems from that decision. It was impossible to put all that on the sign for the public

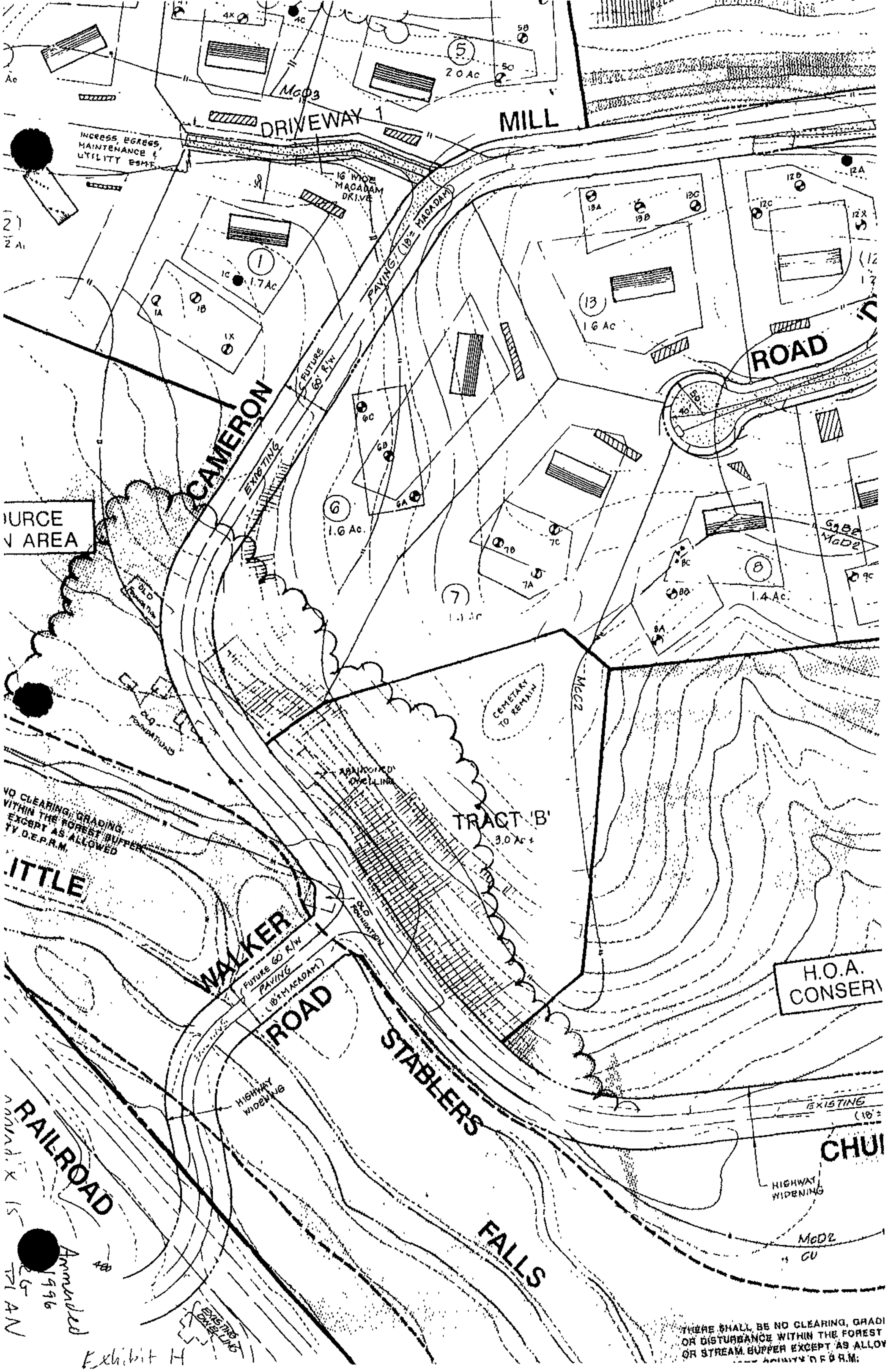
hearing so the gravemen of our petition was for a determination as to "whether the subject lot is lawfully burdend by the forest buffer restriction imposed by DEPRM"--as it pertains to the interpretation of the original Planning Board's decision of 1990.

d) Paragraph 6: Mr. Daley has not complied with the correction notice issued on September 4, 2002 because Mr. Eric Rockell of Land Acquisition reported to me on September 12, 2002 that he informed DEPRM that the land was never conveyed to Baltimore County and that the matter needed to be held in abeyance until the matter was sorted out, and as a result of a conversation that I had with Don Rascoe when he stated that the County had placed the matter in abeyance, pursuant to his, on or about, October 4, 2002 conversation with Robert Loskot, Assistant County Attorney, who stated that the matter would be held in abeyance until the case came to a conclusion.

I SOLEMNLY SWEAR OR AFFIRM, this 7th day of April 2003, under the penalties of perjury that the foregoing is true and accurate.

Linda Losey-Daley

Linda Losey-Daley
19503 Cameron Mill Road
Parkton, MD 21120


DRIVEWAY 1
MILL
ROAD
CAMERON
WALKER
ROAD
STABLERS
FALLS
RAILROAD
CHU
H.O.A.
CONSERV
TRACT 'B'
3.0 Ac ±
CEMETERY TO REMAIN
INGRESS, EGRESS, MAINTENANCE & UTILITY ESMT.
16' WIDE MACADAM DRIVE
PAVING (18'± MACADAM)
FUTURE 60' R/W
EXISTING
HIGHWAY WIDENING
OLD FOUNDATION
ABANDONED DWELLING
EXISTING DWELLING
5
20 Ac
1
1.7 Ac
13
1.6 Ac
6
1.6 Ac.
7
8
1.4 Ac.
McD3
McC2
McD2
GaB2
THERE SHALL BE NO CLEARING, GRADI
OR DISTURBANCE WITHIN THE FOREST
OR STREAM BUFFER EXCEPT AS ALLOV
Amended 1996
Exhibit H

REFINEMENT

C.R.G. PLAN

CAMERON MILL

SHEET 1 OF 2

6th. & 7th. Election Districts Baltimore County, Md.

Scale: 1"=100'

April 6,1990

REV.: DEC. 10,1996

RECEIVED

DEC 25 1996

OFFICE OF PLANNING

RECEIVED

Reason for first amendment: To subdivide lot 53 into lots 53 & 53A.

Date of refinement approval: MAY 30, 1996

COUNTY [illegible]

[illegible] CRG On [illegible]

[illegible] Then

[illegible]OVED

Robert [illegible] 12/20/96

Ervin [illegible] 12/20/96

8/9/93

8/9/90

Re 1st Refinement

[illegible] 05CE55

OWNER

RUTH ANN DE[illegible]

[illegible]31 WHITE HAL[illegible] RD

WHITE HALL, MD [illegible]

TAX MAP 12 - PARCELS 15 [illegible] AND 179

DEEDS - EHK, JR 6015 408 & 6445, 175

ACCOUNT NOS - 07 03-000075, 16-00 009467

19 00 014127, 19 00-010988

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP

c/o McKEE & ASSOCIATES, INC

5 SHAWAN RD

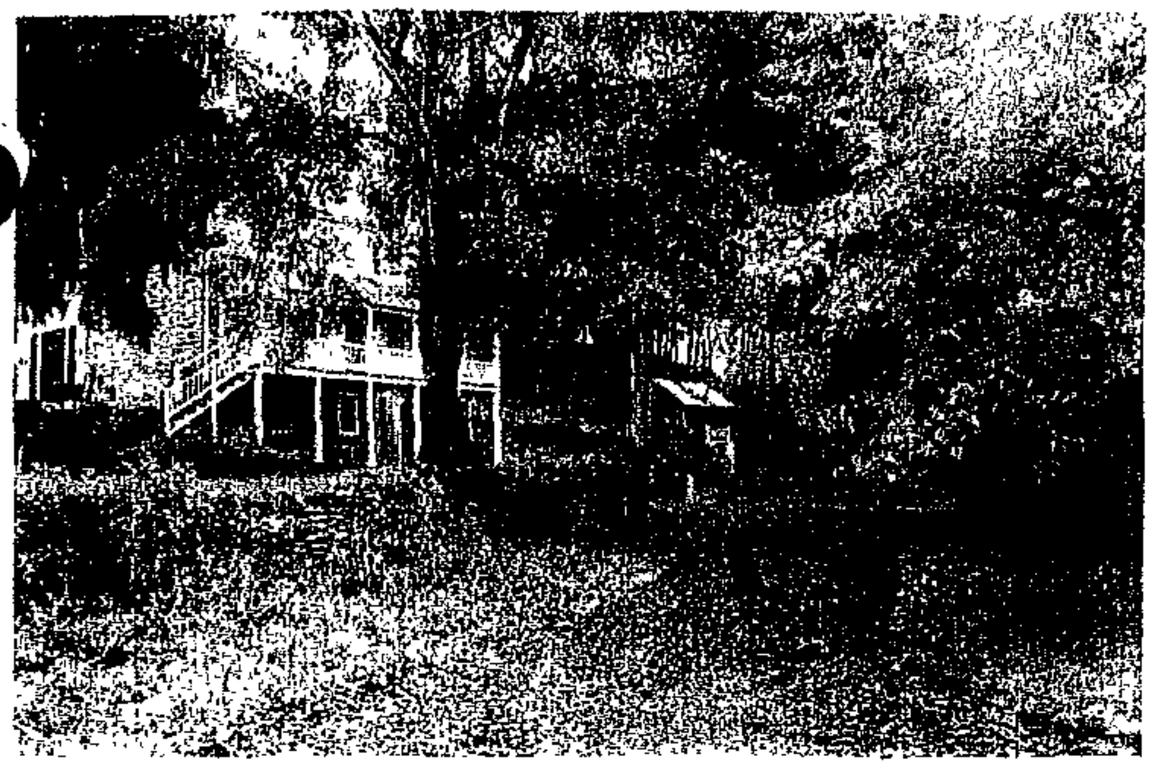
HUNT VALLEY, MD 21030

(301) 527-1555

Public Services CRG No. _____

Planning No. _____

Appendix 16a



View of existing driveway entrance following original stonewall to outbuilding foundations.

↑ Forest Buffer Line

View of existing driveway from roadway.

Forest Buffer Line

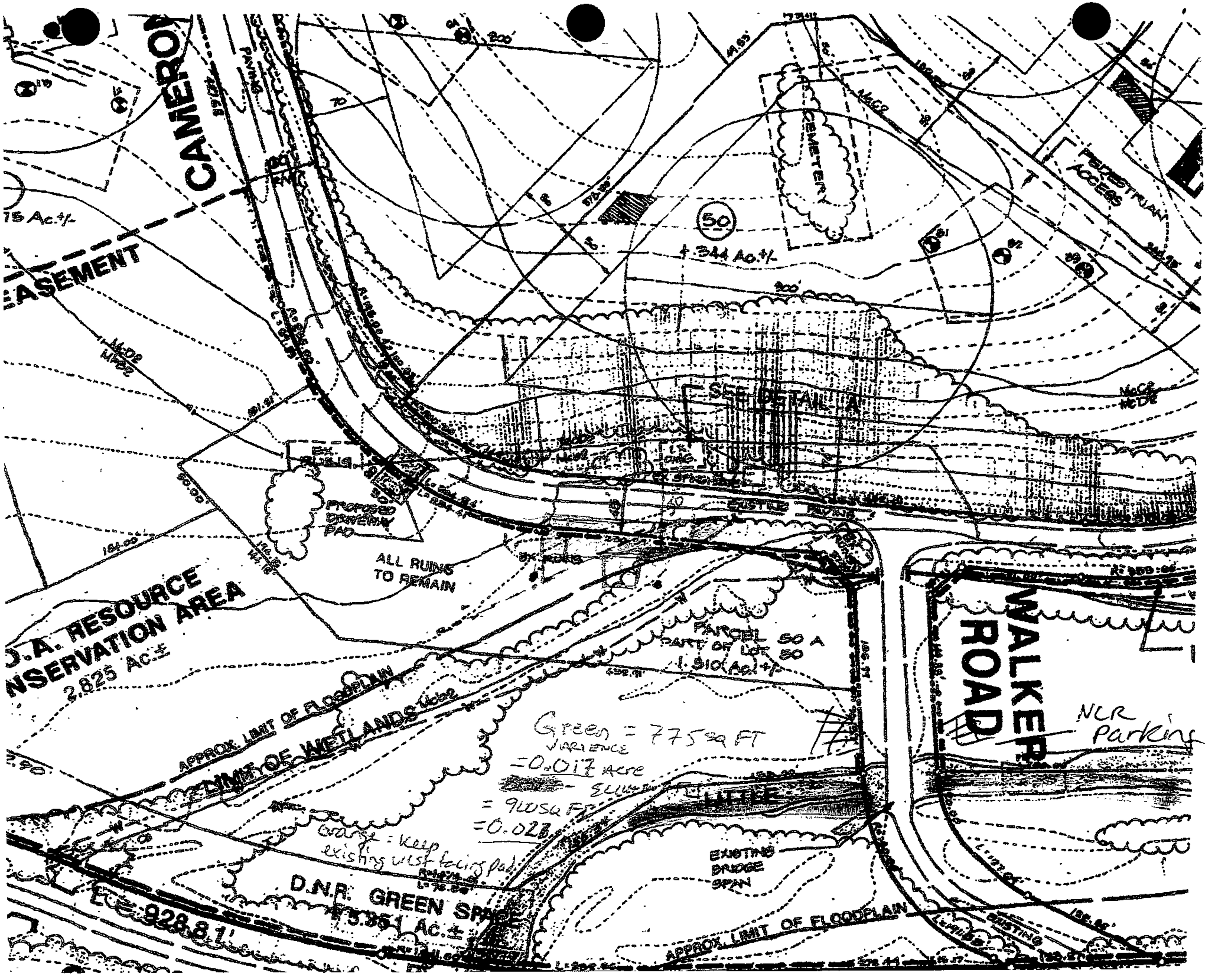
Existing south facing parking pad crossing into 25' forest buffer easement from floodplain. Note orange marking.

Blue area on map - eliminate

Existing driveway. Three car parking pad facing west, two car parking pad facing south.

new driveway entrance 77559. 4t variance needed green area on map

South pad and entrance to driveway in forest buffer easement.


CAMERON
EASEMENT
15 Ac.+/-
CEMETERY
50
+ 344 Ac.+/-
PEDESTRIAN ACCESS
SEE DETAIL A
EXISTING PAVING
PROPOSED DRIVEWAY PAD
ALL RUINS TO REMAIN
D.A. RESOURCE CONSERVATION AREA
2.825 Ac.±
PARCEL 50 A
PART OF LOT 50
1.910 Ac.+/-
WALKER ROAD
NCR Parking
APPROX. LIMIT OF FLOODPLAIN
LIMIT OF WETLANDS
Green = 7759 sq FT
VARIENCE
=0.017 Acre
= 900 sq FT
=0.02
Orange = Keep existing west facing pad
LITTLE
EXISTING BRIDGE SPAN
D.N.R. GREEN SPACE
5.351 Ac.±
928.81'
APPROX. LIMIT OF FLOODPLAIN
EXISTING

Department of Environmental Protection and Resource Management

Bosley Avenue, Suite 416
vson, Maryland 21204

James T. Smith, Jr., County Executive
David A.C. Carroll, Director

Baltimore County

One of the Best-Managed Counties in America

Appendix 17

March 31, 2003

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

CERTIFIED 7001 1940 0006 1235 8494

PRIORITY MAIL – DELIVERY CONFIRMATION

Mr. W. Talbott Daley
19503 Cameron Mill Rd.
Parkton, MD. 21120

Re: SC 95-147 (Easement Violation)

Dear Mr. Daley:

Pursuant to my letter to you dated September 4, 2002, the Baltimore County Department of Environmental Protection and Resource Management ("DEPRM" or the "Department") provided you notice of violations of Title 14 of the Baltimore County Code (BCC) with regard to the Forest Buffer Easement (FBE) located on your property. That correction notice allowed you thirty (30) days within which to bring your property into compliance with the Code. When you indicated your intention to apply for a variance, an extension was provided within which to abate and correct all violations. Unfortunately, you have never applied for a variance.

Accordingly, an inspection of your property at 19503 Cameron Mill Road on March 28, 2003, revealed continued encroachments into the area of the FBE across the road from your dwelling, and no evidence that you have taken any action to abate and correct the violations. You are hereby cited for the following violations:

1. Disturbance of existing vegetation within the FBE, in violation of Section 14-342 (a)(1) of the Baltimore County Code (BCC).
2. Disturbance of soil within the FBE by grading, stripping or other practices, in violation of Section 14-342 (a)(2) of the BCC.
3. Placing stone or other fill within the FBE, in violation of Section 14-342 (a)(3) of the BCC.

4. Storing and operating motor vehicles within the FBE, in violation of Section 14-342 (a)(7) of the BCC.
5. Storing materials, *i.e.*, firewood, in the FBE in violation of Section 14-342 (a)(8) of the BCC.

Please understand that your noncompliance with Baltimore County Code places you at risk of accruing significant fines. Pursuant to Section 14-346 of the Code, the Department proposes to impose a civil penalty of $1,000 per day for violations (1) through (4), running from November 1, 2002, and an additional $1,000 per day for violation (5), running from March 28, 2003. The total civil penalty proposed, therefore is in the amount of $608,000 (151 days x $4,000 per day = $604,000 + 4 days x $1,000 = $4,000), as of the date of this letter. Please take note that, beginning tomorrow, the proposed civil penalty will continue to accrue at the rate of $1,000 per day for each day that each of the five violations remains unabated and uncorrected.

Please also note that you have thirty (30) days from the date on which you receive this letter in which to contest this citation and proposed assessment of penalty and/or to request a hearing before the Director of this Department or his designee.

In the meantime, if you have any questions, please call me at 410.887.3980.

Sincerely,

Roy List
Natural Resource Specialist

C: David A.C.Carroll
C. Robert Loskot, Assistant County Attorney
Thomas L. Vidmar

daleyloseyltr2Roy

ing the underpass as long as 19 years ago. "But had to be done whether cuse for it whatsoever."

And now that there is off-street

ness of putting people out of bu ss.

Board votes to protect Cameron Mills

Kathleen Murphy

The historic preservation of a Parkton landmark prevailed when the Baltimore County Planning Board called for changes to development plans for the Cameron Mill property.

On Dec. 6, the board unanimously recommended widening the boundaries of a 5.6-acre lot that comprises the historic preservation area within the 278.6-acre property slated for new housing.

The developer, Cameron Mills Partnership, initially sought County Review Group permission in April to divide the property into 49 three-acre lots. Under that proposal, the foundations of the mill and other structures would have been razed and replaced by roadway, with the miller's house remaining on one of the three-acre lots.

Because the structures were on the Landmark Preservation Commission's list, the request had to go to the Planning Board before the County Review Group could act on it.

In September, the property's owner, Ruth Ann Desoto, filed for the county to designate the mill area as a three-acre minor subdivision on the southern tip of the development, with the same configuration and size as on the original proposal. But the Northern Baltimore County Community Alliance and the Maryland Line Area Association protested the plat proposal, calling for a five-acre lot to contain all the existing historic structures.

The Planning Board pushed up the parameters of the historic lot to 5.6 acres, saying that "the historic character of the site would be irreparably jeopardized by several proposals" in the September plat plan.

John Carroll Holzer, attorney for the protesters, called the revisions adopted by the board "a complete victory."

When the County Review Group does consider the proposal for the single-family housing development, it must abide by the Planning Board recommendations for the historic section of the property.

Although the mill burned to its foundation in the 1940s, the miller's house, the small spring house next door and a private cemetery behind the house remain, as do the foundations of several outbuildings along Cameron Mill Road, on the opposite side of the street. By extending the lot size to 5.6 acres, the entire historic complex stands a better chance of restoration, three county agencies agreed.

The Department of Public Works yielded on its own right-of-way requirements to prevent the destruction of the springhouse by a proposed 60-foot roadway, which would have replaced the existing tree-lined country lane that forks there. And the Department of Environmental Protection and Resource Management concurred that a larger lot was needed to prevent the likely grading of a steep hillside where the miller's house now is nestled.

In its recommendations, the planning board wrote that its aim is to protect the integrity of the setting so it might attract "a preservation-minded purchaser."

The now decimated mill, built of logs before 1795, was replaced in 1886, when steel-roller grinding technology outdated millstones, the planning board wrote. When the miller's house was added to the landmarks list in 1977, the late Richard Cameron, whose family inherited the property in the late 1800s, had estimated that the house was built after the 1798 tax list.

Cameron Mill has landmark status in law books as well as in history books. In the 1874 case of Gladfelter v. Walker, the mill was grinding through a trial involving water pollution by another mill farther up Little Gunpowder Falls stream, according to the planning board's background description.

When Cameron died about 10 years ago, Ruth Ann Desoto inherited the farm, which Cameron's brothers worked until recently.

A complaint that the house was abandoned and deteriorating propelled the Landmarks Commission in 1988 to require the owner to secure it. The two-story stone house, with boarded windows, stands 15 feet from Cameron Mill Road. It overlooks a stream valley and a barn.

13DEC90

EV B

View of native tree in front of house--
would need to be cut down if variance
for entrance of driveway is not granted.
Note original stonewall at driveway
level in front of tree.

Approaching proposed parking pad
from west--turning right into pad.

View of curve approaching from west.
Cameron Mill driver would need to
cross this lane in order to turn into pad.

Turning left into proposed parking pad--
heading west.

Appendix 2

Practical Difficulty —
Dangerous curve

Continued Use of Land

A 18

Aerial view of Cameron Mil
Circa 1950
Barn, Tractor Shed, Hen House, Corn Crib/Wagon Shed, Ice House, Wash House

Continued Use of Land

Parking Pad always across from House

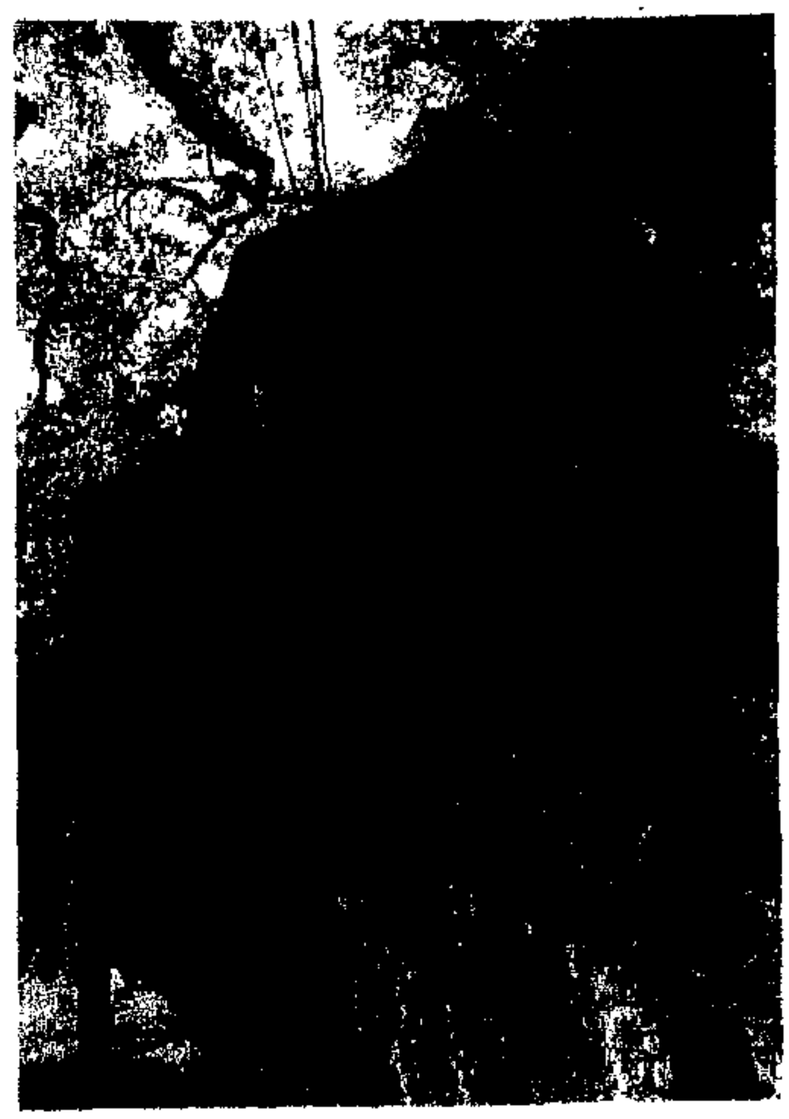
View of NCR Trail Parking from River
with house & owners' cars in distant drive

View of NCR Trail Parking from Mill
Corner of Cameron Mill Road & Walker

A 20

19503 Cameron Mill

Front view of Miller's House, Cameron Mill; unknown date



Side view of Miller's House, Cameron Mill; September, 1977

Rear view of Miller's House, Cameron Mill; July, 2000

Spring House, Cameron Mill; September, 1977

Cameron Mill

March 30, 2001

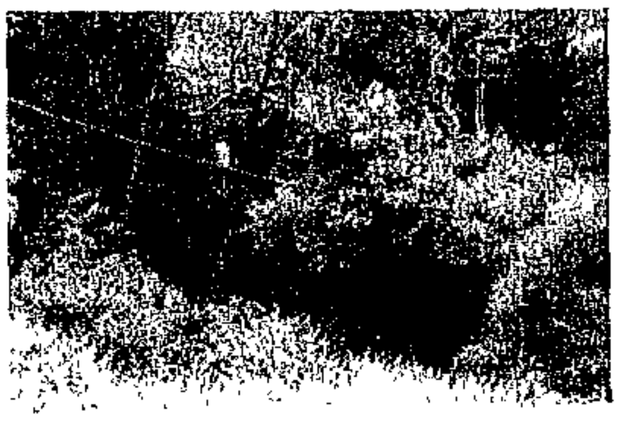
Work Begins

Clearing

Back of House from the
North Hill looking South

Cameron Mill

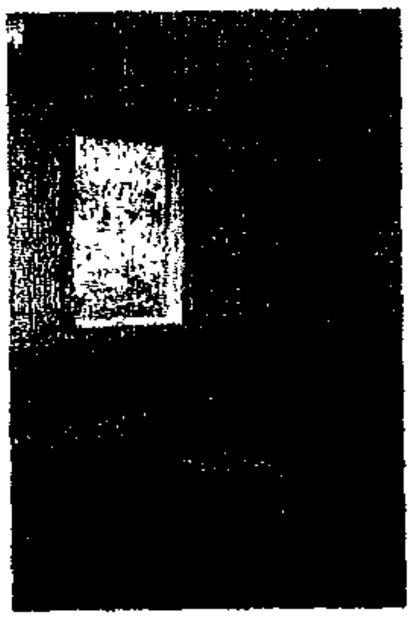
June 6, 2000



Front of House
Looking North

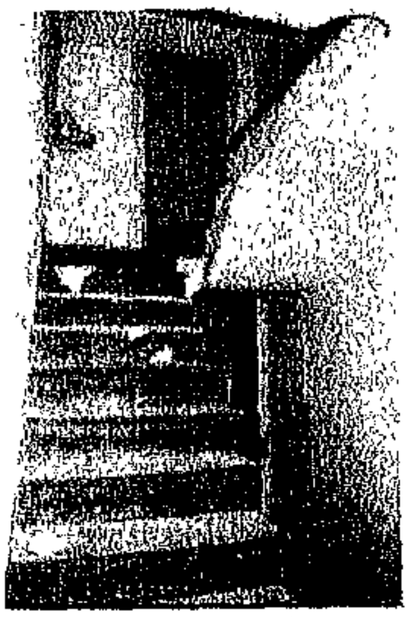
Side of House
Looking East

Little Falls River

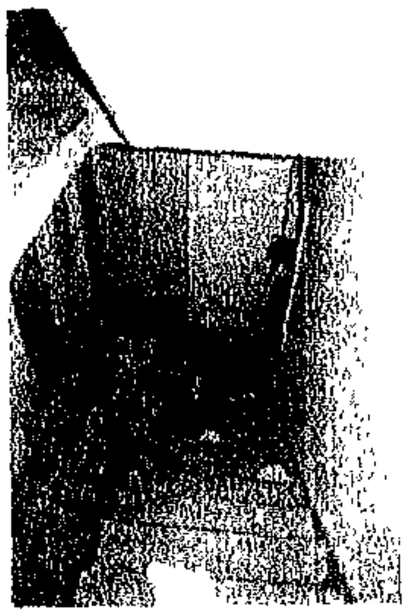


Library

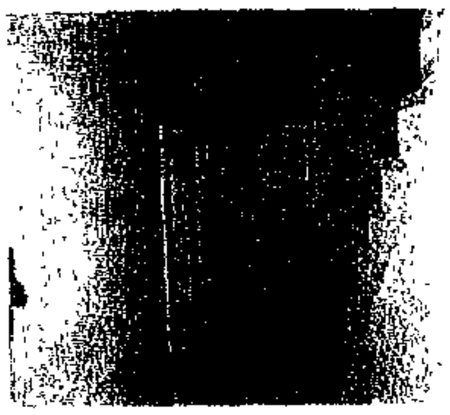
Library Fireplace



Stairwell
Looking Up



Stairwell
Looking Down



Front Door

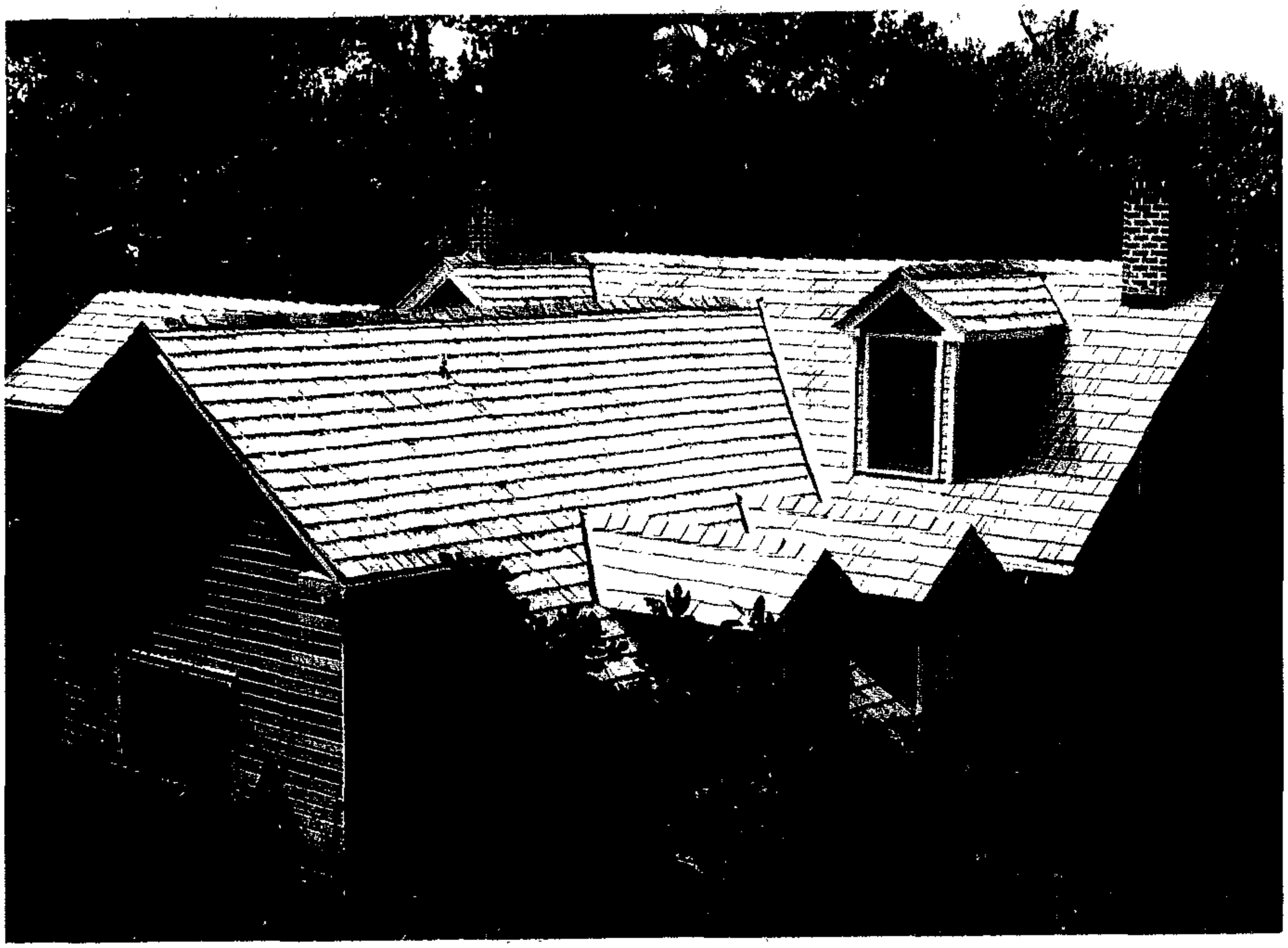
Stairwell Looking from
Front Door

Dining Room
Front Windows

AZ1b

Cameron Mill 2003

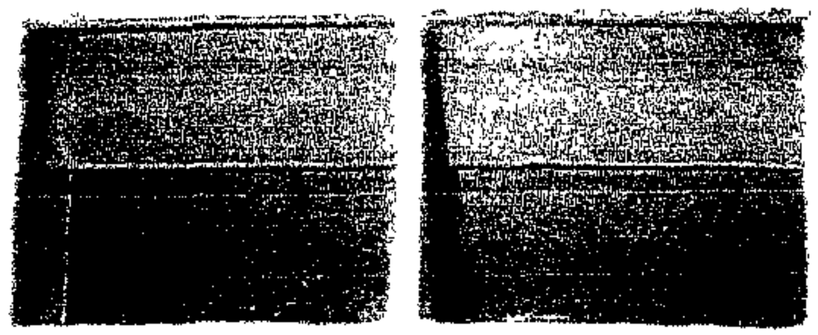
(after restoration)



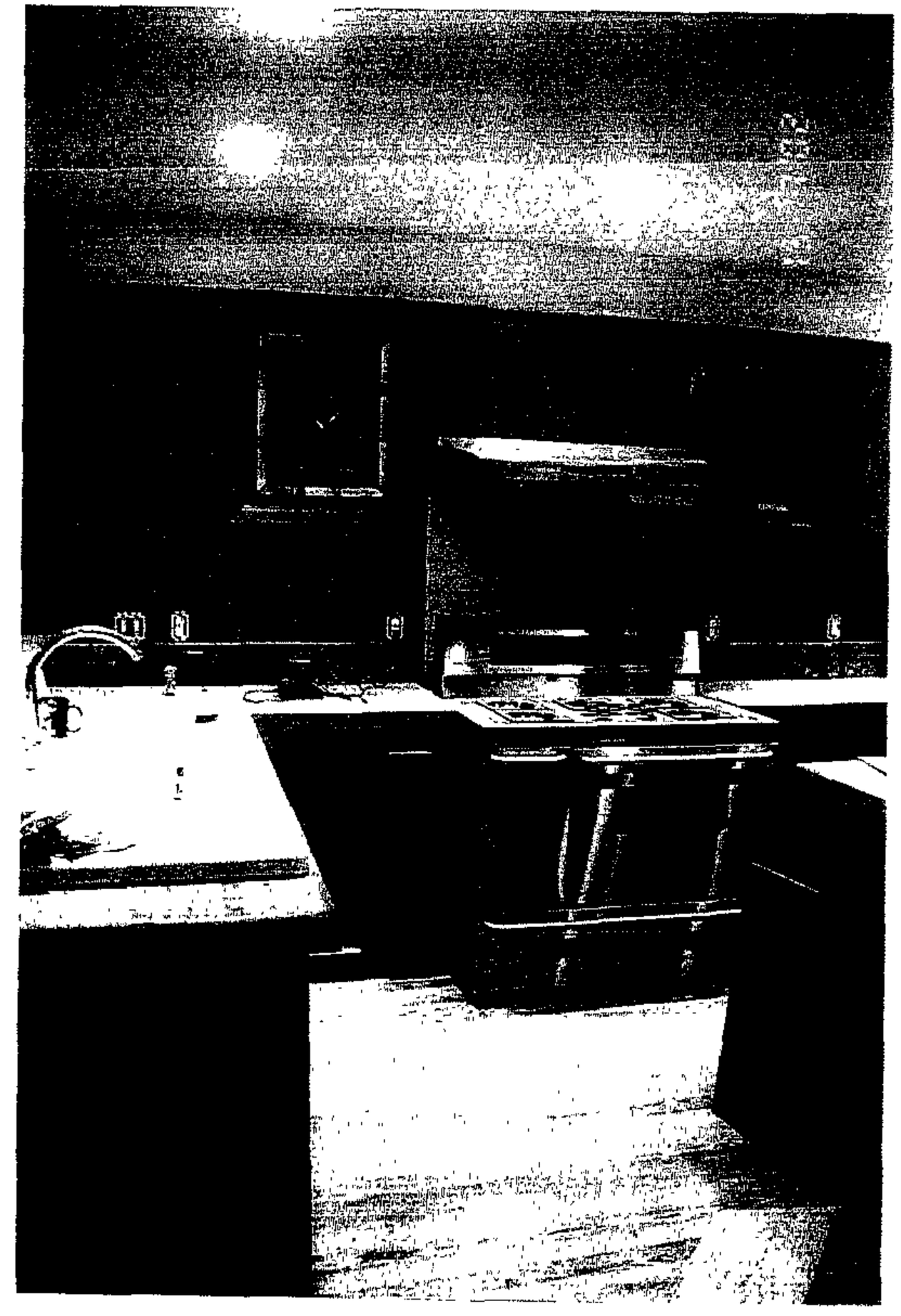
The Spring House

Before

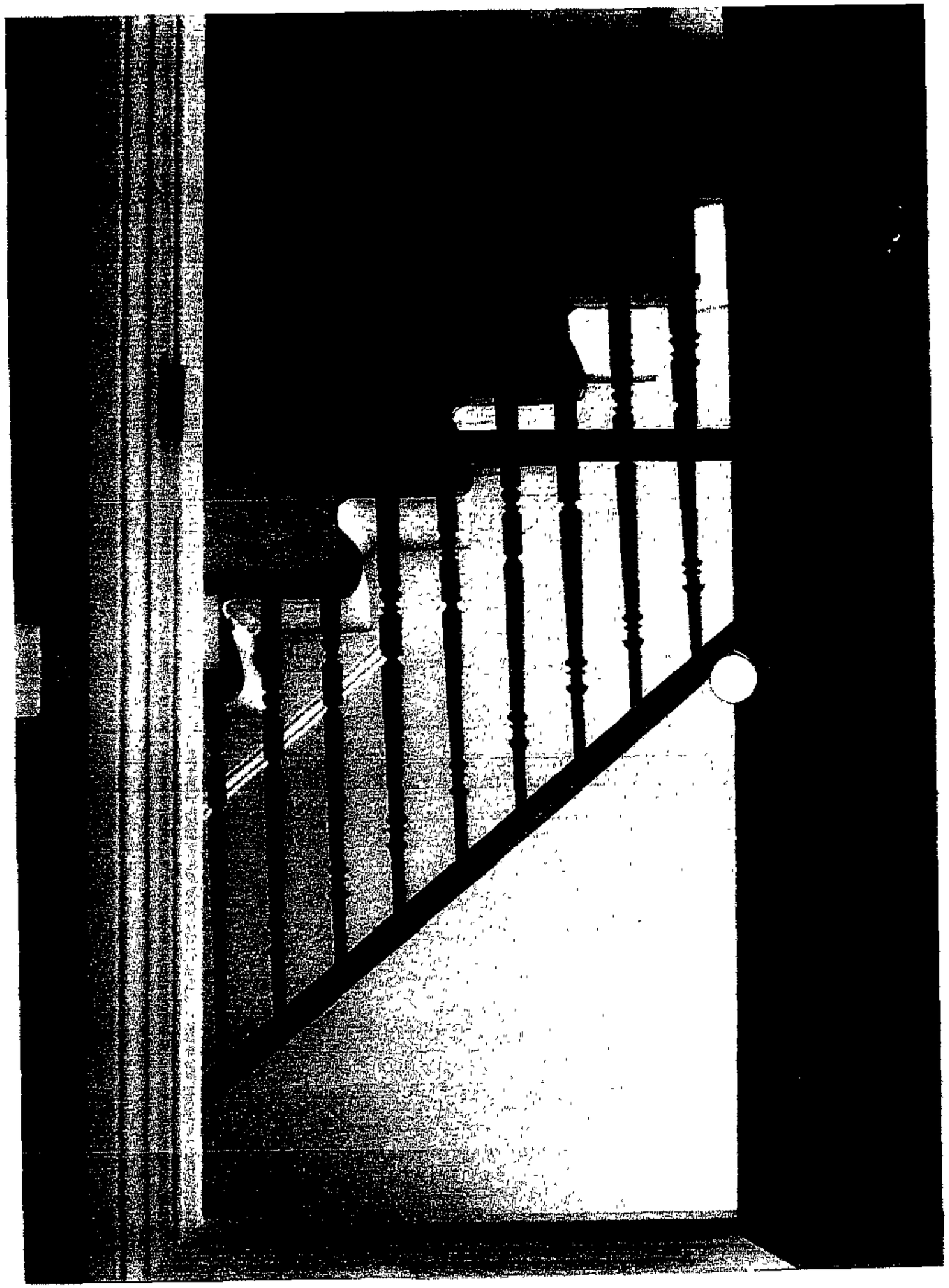
After

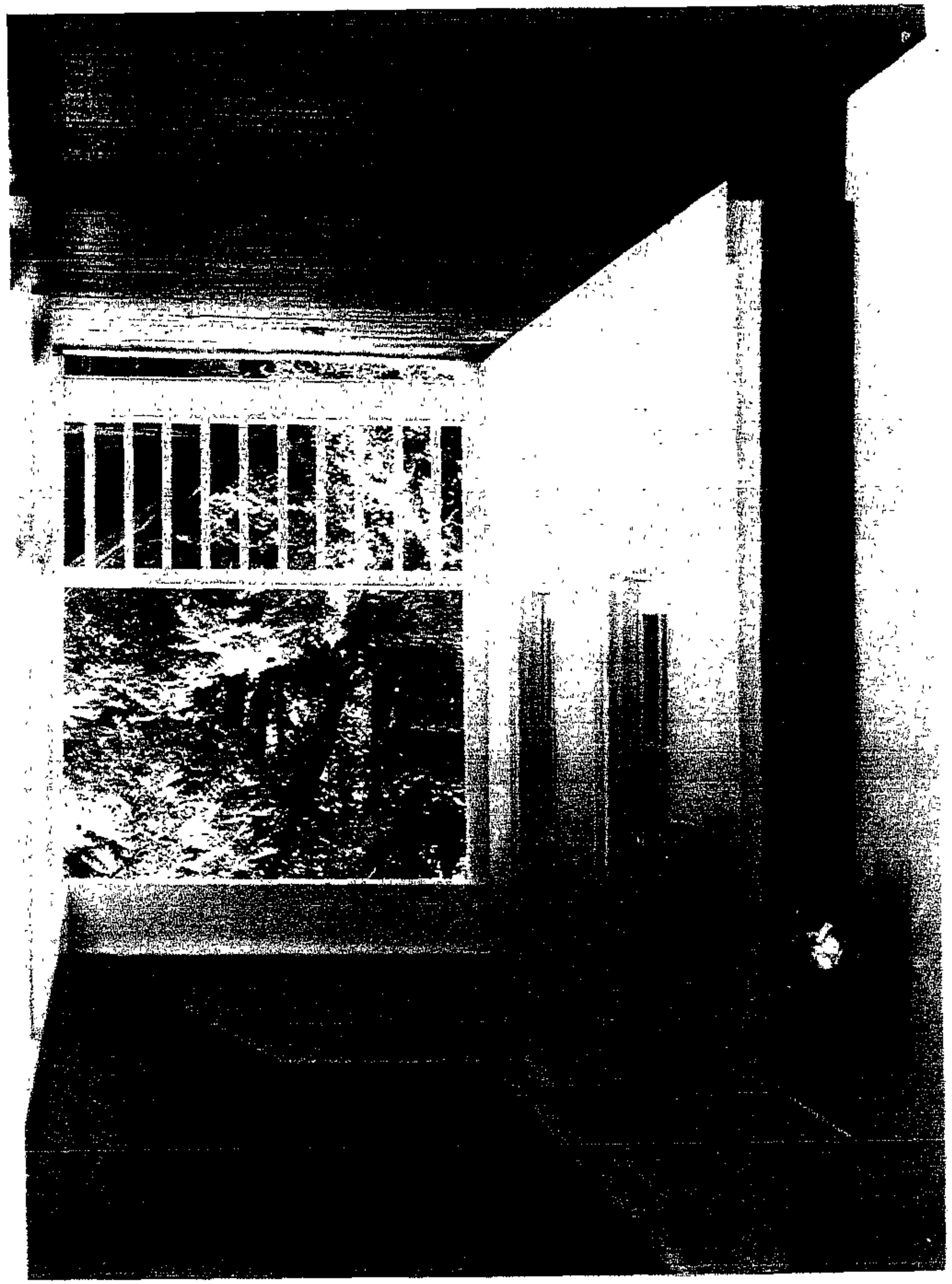


Front Hall

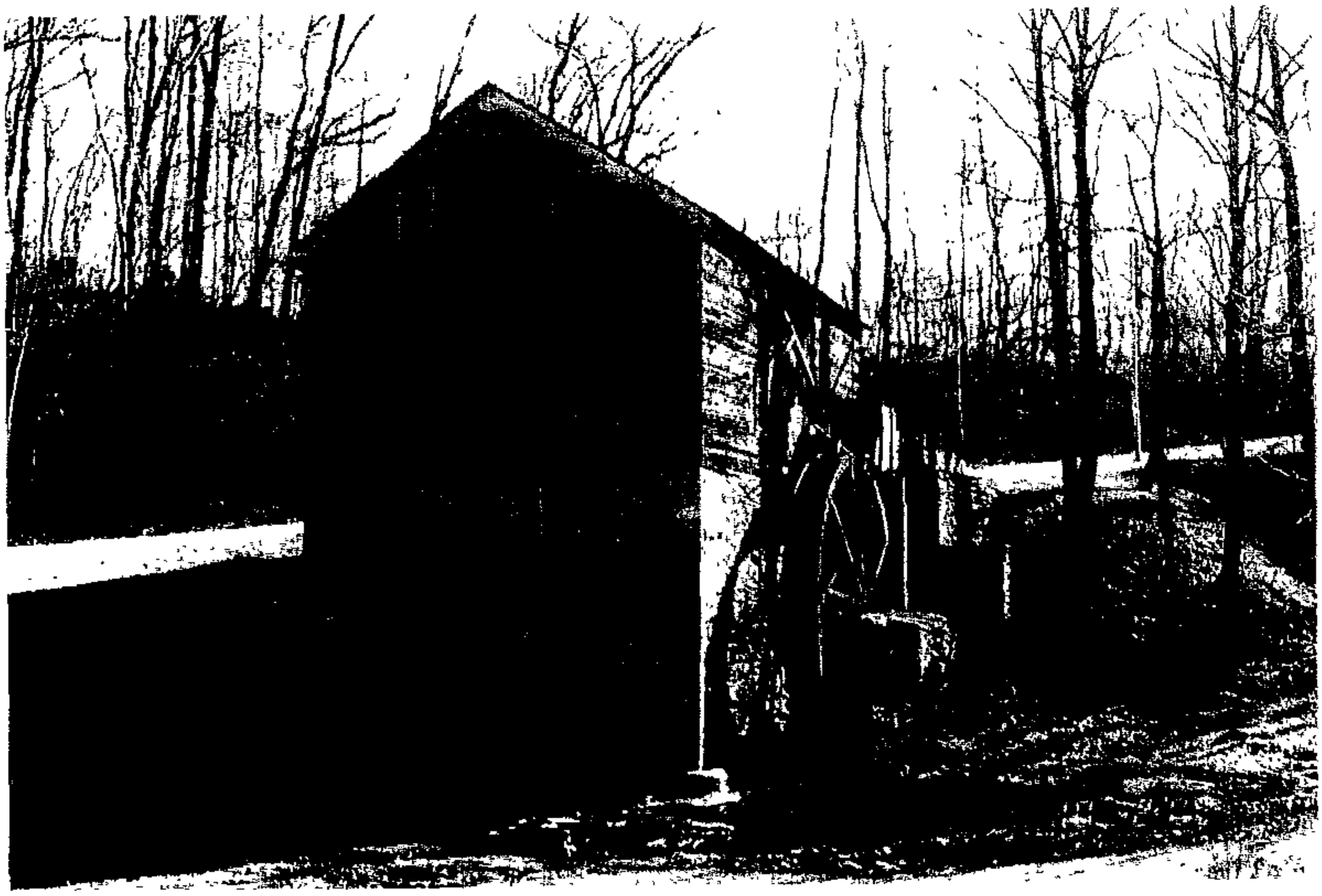


Kitchen





View of NCR Trail Parking from driveway



A22

... To Restore Cameron Mill.

0014871 032

Appendix 4

File No: 11106

TAX ID #

FEE SIMPLE DEED

THIS DEED, Made this 1st day of December, 2000, by and between **MARTIN B. HART*** and **CONNIE B. HART HIS WIFE,** parties of the first part; and **W. TALBOT DALEY,** party of the second part, at 19503 CAMERON MILL Road, PARKTON, MD.

* by Connie B. Hart, his attorney-in-fact

WITNESSETH, That in consideration of the sum of **One Hundred Fifty Five Thousand dollars and Zero cents $155,000.00,** the said parties of the first part do(es) grant and convey to the said party of the second part, his personal representatives, in fee simple, all that property situate in Baltimore County, State of Maryland, that is to say:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

BEING THE SAME PROPERTY WHICH BY DEED DATED AUGUST 24, 1995 AND recorded among the land records of Baltimore County in Liber SM 11223 folio 673 was granted and conveyed by Ruth Ann DeSoto unto Martin B. Hart and Connie B. Hart, grantor herein. **

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said party of the second part, his personal representatives, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted, and they will execute such further assurances as may be requisite.

**SEE ALSO POWER OF ATTORNEY DATED November 30, 2000 and to be recorded among the land records of Baltimore County immediate prior hereto, wherein Martin B. Hart appointed Connie B. Hart his wife to be his attorney-in-fact.

Return to: Equity Title Co., Inc.
1404 E. Joppa Road
Towson, Maryland 21286

STEWART TITLE
GUARANTY COMPANY

0014871 035

EXEMPTION TO THE LOCAL TRANSFER TAX

W. TALBOT DALEY ~~and~~ _____, ~~hereby~~ _____

GRANTEE(S) in (within Deed/in the Deed from MARTIN B. HART and CONNIE B. HART . as GRANTOR), hereby certify(s) under the penalties of perjury, that the land conveyed in said deed is residentially improved owner-occupied real property and that the residence will be occupie by me/us.

W Talbot Daley
Grantee

Grantee

Subscribed and sworn before me this 1ST day of DECEMBER, 2

My commission expires : 7-1-02

Notary Public

MICHAEL E. ROCHE NOTARY PUBLIC BALTIMORE COUNTY

0014871 033

File No: 11106

TAX ID #

WITNESS the hand and seal of the said parties of the first part.

WITNESS:

Martin B Hart by Connie B. Hart his attorney in fact (SEAL)
MARTIN B. HART, by Connie B Hart, his attorney in-fact

Connie B Hart (SEAL)
CONNIE B. HART

(SEAL)

(SEAL)

STATE OF MARYLAND

{ To Wit:

CITY/COUNTY OF BALTIMORE COUNTY

I HEREBY CERTIFY, that on this 12/1/2000, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared MARTIN B. HART* and CONNIE B. HART HIS WIFE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.
* by Connie B. Hart, his attorney-in-fact

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

MICHAEL E. ROCHE NOTARY PUBLIC BALTIMORE COUNTY, MD.

My Commission Expires: May 1, 2002

This is to certify that the within instrument has been prepared by, or under the supervision, of the undersigned Maryland Attorney, or by a party to this instrument.

Michael E. Roche, Esq.

Return to: Equity Title Co., Inc.
1404 E. Joppa Road
Towson, Maryland 21286

STEWART TITLE®
GUARANTY COMPANY

99-C-1

11106

EXHIBIT "A" - LEGAL DESCRIPTION

BEING KNOWN AND DESIGNATED AS LOT 50,COMPRISING 5.854 ACRES (4.344 ACRES +/- PARCEL AND 1.510 ACRES +/- PARCEL) AS SHOWN ON A PLAT ENTITLED, "Final Subdivision Plat, Section One, Plat Two, Cameron Mill"dated March 14, 1991, WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF Baltimore COUNTY IN PLAT BOOK SM No. 67, FOLIO 2.

THE IMPROVEMENTS THEREON BEING KNOWN AS NO: 19503 CAMERON MILL Road

Tax ID Number: _____

Return to: Equity Title Co., Inc.
1404 E. Joppa Road
Towson, Maryland 21286

STEWART TITLE
GUARANTY COMPANY

Appendix 3A

UBER 6015 PAGE 08

NO TITLE EXAMINATION
NO MONETARY CONSIDERATION

THIS DEED, Made this 22nd day of March, 1979, by and between PATRICIA ANN TAYLOR, of Baltimore County, Maryland, party of the first part, and RICHARD R. CAMERON, of Baltimore County, Maryland, party of the second part,

WITNESSETH, That in consideration of the sum of no dollars, the said PATRICIA ANN TAYLOR, does hereby grant and convey unto RICHARD R. CAMERON for and during the term of his natural life with full powers and authorities as hereinafter referred to and immediately upon the death of the said, RICHARD R. CAMERON the remainder or remainders, if any, to his daughter, RUTH ANN DeSOTO, her personal representatives and assigns, in fee simple, all that lot or parcel of ground situated in the Seventh Election District, Baltimore County, Maryland, and referred to and described as follows:

BEING the same two lots of ground fully described in a Deed of even date and recorded prior hereto among the Land Records of Baltimore County were granted and conveyed by Richard R. Cameron to Patricia Ann Taylor, saving and excepting 1½ acres conveyed by a Deed of even date by within grantor to Richard R. Cameron in fee simple absolutely.

TO HAVE AND TO HOLD THE said lots of ground and improvements thereon unto and to the use of the said RICHARD R. CAMERON for and during the term of his natural life with full powers and authorities, however, to the said RICHARD R. CAMERON, without the consent of the said RUTH ANN DeSOTO, or any other person or corporation to sell, mortgage, lease, grant, convey, and assign or in any manner, except by Last Will and Testament, dispose of the entire fee simple interest or any interest in the said lots without any obligation on the part of any purchaser, mortgagee, lessee, or other person deriving title under this power to see to the application of the money or proceeds received therefrom and immediately upon the death of the said RICHARD R. CAMERON as to so much or all of the fee simple interest as may now have been disposed of by the said RICHARD R. CAMERON unto and to the use of the said RUTH ANN DeSOTO, her personal representatives,

LAW OFFICES
THOMPSON, BALDWIN
BALTIMORE, MARYLAND

and assigns, in fee simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the said Grantor.

TEST:

PATRICIA ANN TAYLOR (SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 22nd day of March, 1979, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared PATRICIA ANN TAYLOR, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My Commission Expires:
July 1, 1982

Recd for Record MAY 2 1979 at 9:57
Mail to
Receipt No.

A 3B

LIBER 9508 PAGE 481

NO TITLE EXAMINATION
NO CONSIDERATION

THIS DEED, Made this 17th day of ~~November~~ December, 1992, by and between Ruth A. DeSoto, and Mayer C. Kalichman, trustees, parties of the first part and Ruth A. DeSoto, individually, party of the second part.

WHEREAS, The Last Will and Testament of Richard R. Cameron, deceased, who died on May 6, 1979, was admitted to probate in the Orphans' Court of Baltimore County (reference estate no. 44233) on May 18, 1979; and

WHEREAS, Item Three of the Last Will and Testatment of Richard R. Cameron, deceased, provides, in part, the hereinafter described property is to be held in trust during the lifetime of Sarah King Cameron and upon her death the remainder interest in said property is to pass to Ruth A. DeSoto, individually, the said Sarah King Cameron having departed this life on August 19, 1991.

NOW, THEREFORE, THIS DEED WITNESSETH, that for no consideration and pursuant to the terms and conditions of the Last Will and Testament of Richard R. Cameron, dated March 22, 1979, the said parties of the first part do grant and convey unto the party of the second part, her heirs, personal representatives, and assigns, in fee simple, all that lot, or parcel of ground situate and lying in Baltimore County and described as follows, that is to say:

BEGINNING for a corner at a steel pin, said pin being South 69 degrees 18 minutes 9 seconds East, 266.89 feet from a post that is the beginning of the North 35 degrees 30 minutes East, 258.00 foot line of a deed recorded among the Land Records of Baltimore County in Deed Liber 5822, Folio 822, then running (1) North 55 degrees 36 minutes 1 second East, 415.29 feet to a steel pin, then (2) South 79 degrees 44 minutes 0 seconds East, 283.09 feet to a steel pin, then (3) South 12 degrees 4 minutes 52 seconds East, 827.58 feet to a bolt in the center of a lane and also the center of a 20 foot right-of-way, then (4) South 70 degrees 52 minutes 45 seconds West, 25.00 feet to a flange axle, then continuing with the same line South 70 degrees 52 minutes 45 seconds West, 299.90 feet to a flange axle near the eastern edge of Gunpowder River, then running along the eastern side of Gunpowder River (5) North 48 degrees 34 minutes 13 seconds West, 572.50 feet to a flange axle then (6) North 31 degrees 9 minutes 43 seconds West, 302.23 feet to a steel pin, then leaving said river (7) North 46 degrees 13 minutes 30 seconds East, 135.97 feet to a steel pin, the place of beginning, containing 12.2032 Acres neat measure, and being 4.3740 acres of the 193 acre parcel and 7.8292 acres of the 66 acre parcel described in the aforementioned deed and lying in the northern portion of the aforementioned deed.

This property has the right of ingress and egress over a 20 foot right-of-way with the centerline being described as follows:

CULTURAL TRANSFER TAX
APPLICABLE
SIGNATURE _____ DATE 12/15/92

...VED FOR TRANSFE...
State Department of
Assessments & Taxation
for Baltimore County
_____ 12/15/92

BEGINNING at a point in the center of Cameron Mill Road (1) North 49 degrees 52 minutes 20 seconds West, 27.51 feet to a point, then by a curve to the right whose radius is 44.42 feet, an arc distance of 28.93 feet, the long chord which is (2) North 31 degrees 12 minutes 45 seconds West, 28.43 feet to a point, then (3) North 12 degrees 33 minutes 11 seconds West, 108.58 feet to a point, then by a curve to the left whose radius is 589.65 feet, an arc distance of 79.88 feet, the long chord which is (4) North 16 degrees 26 minutes 1 second West, 79.82 feet to a point, then (5) North 20 degrees 18 minutes 53 seconds West, 568.50 feet to a point, then by a curve to the left whose radius is 105.27 feet, an arc distance of 39.53 feet, the long chord which is (6) North 31 degrees 4 minutes 18 seconds West, 39.30 feet to a point, then (7) North 41 degrees 49 minutes 46 seconds West, 64.67 feet to a point, then by a curve to the right whose radius is 195.19 feet, an arc distance of 49.73 feet, the long chord which is (8) North 34 degrees 31 minutes 48 seconds West, 49.59 feet to a point, then (9) North 27 degrees 13 minutes 54 seconds West, 56.12 feet to a bolt at the end of the South 12 degrees 4 minutes 52 seconds East, 827.58 foot line of the aforementioned property. Consisting of 12.2032 acres.

Above description furnished by J. H. Rife, Registered Land Surveyor - Maryland No. 2537, on March 7, 1979. His Plan File No. C-925, File No. H-2550.

BEING the same lot or parcel of ground which by Deed dated October 18, 1982, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6445, page 175, etc., was granted and conveyed by Ruth A. DeSoto and Mayer C. Kalichman, personal representatives of the Estate of Richard R. Cameron, deceased unto Ruth A. DeSoto and Mayer C. Kalichman, trustees, in fee simple.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging to anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said party of the second part, her heirs, personal representatives and assigns, in fee simple.

AS WITNESS the hand and seal of said grantors, the day and year first above written.

TEST:

Patricia A. Shaffer

Ruth A. DeSoto (SEAL)
Ruth A. DeSoto

Patricia A. Shaffer Mayer C. Kalichman (SEAL)
Mayer C. Kalichman
Trustees under the Will of
Richard R. Cameron, Deceased

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY on this 11TH day of December, 1992, before me, a Notary Public of the State of Maryland, in and for the County of Harford, personally appeared Ruth A. DeSoto and Mayer C. Kalichman, trustees under the Will of Richard R. Cameron, deceased, known to me (or satisfactorily proven) to be the grantors named in the foregoing Deed, and they acknowledged the same to be their act, as trustees, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Patricia A. Shaffer
Patricia A. Shaffer, Notary Public

PATRICIA A. SHAFFER NOTARY PUBLIC HARFORD CO., MD.

My Commission Expires:

8/29/94

THIS IS TO CERTIFY that the within instrument was prepared by and under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals for Maryland.

Mayer C. Kalichman
Mayer C. Kalichman

AFTER RECORDING
PLEASE RETURN TO:

THOMAS & KALICHMAN
7 SAINT PAUL STREET
SUITE 950 SIGNET TOWER
BALTIMORE MD 21202-1626

Cameron Mill 2003

(after restoration)

03-508

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#03-508-SPH

History of Cameron Mill House

A21 • A22

The first mill on this site, located about 1-1/2 miles northwest of Parkton, was a log structure built before 1795. The mill was built by a known Pennsylvanian of German ancestry, Daniel Curfman (also spelled Kirkman when the mill was shown on Dennis Griffith's 1795 map of Maryland and Delaware). By 1794 Daniel Curfman was a resident of Frederick County, and his will of 1805 states that he sold land in Baltimore County to Christian and Daniel Walker. The 1798 tax list of Mine Run Hundred apparently charges this mill to Daniel Walker. Walker owned land on the Great Falls and adjoined Captain Calder. His business enterprise was described as "1 mill of logs, 1 pair of stones, much out of repair" and "1 Saw Mill, Do., much out of repair." His dwelling was old, log, and 25'x18' in dimension. The mill was probably totally replaced in 1886 when the millstone technology was superseded by a steel-roller grinding mechanism. In its latter years the old mill had figured in a landmark case (Gladfelter v. Walker, 40 Md. 1 (1874)) involving water pollution by Gladfelter's paper mill further up the Little Falls stream. The mill burned around 1943-1944.

The miller's house was probably built for the Walker family and was built after the writing of the 1798 tax list. When the house was added to the Landmarks List in 1977, Mr. Richard Cameron (deceased; whose family had inherited the property 100 years earlier) estimated the construction date at 1800-1805.

Sometime between 1818 and 1823, Walker's Mill at Walker's Switch, as it was then known, was passed down to Daniel Walker's son, Joseph Walker. Joseph Walker lived in the present stone house and carried on farming and milling. At age 71, it was Joseph Walker who brought suit against the Gladfelter paper mill further upstream in 1874.

In early 1877 Joseph Walker died and left all of his real estate to his nephew Daniel Walker Cameron, who was already a large landowner in the area. At the time of Joseph Walker's death, the mill was a grist and saw mill. In 1886, Daniel W. Cameron put into place the steel-roller technology, doing away with the old millstone grinding. In the 1887 State business directory, Cameron Mill was listed as "a large flour mill at Walker's Switch."

After Daniel W. Cameron's death in 1904, the mill was left to George H. Cameron and the house was left to Lucinda A. Cameron and Elizabeth Lassiter for their natural lives, to pass then to George H. Cameron. George H. Cameron died in 1928. Following some legal complications the mill was auctioned in 1939 and sold to Claude A. Hanley, a Towson attorney, who conveyed the mill to D. Webster Cameron and the dwelling property to Harry G. Cameron. The 1928 tax ledger shows a correction made in 1940, with the house and mill charged to Harry G. Cameron. The entire property devolved on Richard R. Cameron over 1960-1963. Upon his death the property was passed onto a niece, Ruth Ann Desoto. The house became vacant in 1976 and has suffered vandalism over the years.

In 1988 there was a citizen complaint that the house was far gone in neglect. Mrs. DeSoto agreed to secure the old well, tear down a wooden rear wing of 20th century origin, and secure the main house against vandals, in short to stabilize the house. In 1995 Mrs. DeSoto sold the house to Martin and Connie Hart, with the intention of preserving and restoring the original dwelling. The only work performed, to date, on the property was the digging of a well. As of this writing, October 2000, the house stands in total disrepair and neglect.

(Taken in part from the Maryland Inventory Form for State Historic Sites Survey, MHT Inventory No. BA 996 A 1) A21 A21b

History of the Development

April 1990

Proposed development of Cameron Mill Property by the Cameron Mill Partnership headed by James McKee, involved 276 acres to build 49-3 acre lots

Dec 5, 1990

Office of Planning & Zoning made recommendations to the Baltimore County Planning Board because it involved a structure on the Baltimore County Landmarks List **(A 19).** They state, "Before the County Review Group can take final action on any plan for development on a property which involves a building, structure or site included on the landmarks preservation. . .list" the plan must be referred to the Planning Board. The Board then has 45 days to 'file its written decision with the CRG, including the reasons therefor.'
The Board's "decision" will be **BINDING** upon the CRG and shall be incorporated as a part of the CRG final action on a plan.'

- McKee's original plan erroneously stated there were "no historic structures" on the property.
- Fulfilling the county's preservation requirements involved not only the miller's house but also its related structures and overall setting.

Office of Planning & Zoning recommendations

- The overall purpose was to achieve a private sector restoration and long-term preservation of the miller's house and the integrity of its setting; thus Lot 50 and subsequent CRG plan should be modified as follows and as illustrated on the attached Nov 30, 1990 sketch by OPZ. **(refer to sketch in A 19)**

- The greatest danger to the site's integrity would come from the grading of the hillside-thus they proposed reducing the width of the road widening right of way.

- Enlarge Lot 50 to approximately 5.6 acres including about 1.2 acres on the west/south side of Cameron Mill Road. "The additional acreage across the road **would give the owner of the house full control over most of the other foundations (not including the mill-which still fell into the road widening right of way) and allow for a parking pad or garage which would not easily be accommodated on the steep hillside at the house.** Shifting the northern line would give the owner more complete protection of the hillside. The enlargement would also be consistent with the estimated "5 acres in the vicinity of house" entered on the Landmarks List nomination form (Among other recommd.).

Dec 6, 1990

David Lykens of DEPRM approved the plan **(A5)**

Dec 6, 1990

Motion made at the Baltimore County Planning Board to adopt the recommendations in the Dec 4, 1990 staff report to constitute the Board's decision regarding the development of the property involving the "Cameron Millers House." The motion was seconded and passed unanimously. **(EX A)**

Dec 7, 1990

A memo was sent to Leslie Schreiber, Co-Chairman of the Community Review Group (CRG) regarding the minor subdivision Plat, Lot 50, Cameron Mill from David Fields, director of OPZ-which constituted the boards decision to the CRG **(A6)**.

Aug 12, 1990

The Maryland Line Area Association appealed the Decision for a whole host of reasons regarding the entire development. County Board of Appeals **(EX L)** ordered that the decision of the CRG dated 3/14/91 **(EX E/A7)** in which the plan was approved and the decision of the planning board dated 12/6/90 contained therein, be and the same is AFFIRMED.

April 2, 1993

Circuit Court for Baltimore County: "This court is satisfied to adopt the reasoning of the County Attorney's office as its own and for the reasons set forth in the brief filed by counsel as well as the a foregoing, this Court AFFIRMS the County Board of Appeals in it's opinion and order of August 12, 1992 in these matters." **(EX D)**

CRG, FDP and Final Subdivision Plat

Community Review Group Plan

- 3/14/91-Approval of CRG Plan **(EX E/A7)**
- Lot 50 cross hatched out
- Note on Lot 50-"Lot 50 as shown cross-hatched on this sheet and the adjacent road right of ways ARE NOT PART of this CRG Plan. It is being subdivided as a minor subdivision, No. 90443M with a right of way Plat prepared for the Public Road Dedication. The acreage of this portion of ground, however, has been included in the density notes at the request of the zoning officer **for purposes of density confirmation only."**

- NOTE-forest buffer easement lines are drawn to the property line and DO NOT CROSS into Lot 50.

- Although a minor subdivision was proposed and drawn up by the CRG-WITHOUT FOREST BUFFER EASEMENT **(A8)**-it was lost in the shuffle and for whatever reason was not filed or approved.

Final Development Plan (FDP)

- Chronologically, move from the 1991 CRG Plan, which clearly shows the Planning Board's decision and recommendations on the plan to the 1992 Final Development Plan (FDP) **(EX I/A9).**

- Which arbitrarily has taken the forest buffer easement line and placed it across Lot 50's boundary lines-encumbering the property with DEPRM restrictions and ignoring the Planning Boards decision that was upheld by the County Board of Appeals and the Circuit Court. These restrictions are contrary to the long-term preservation of the miller's house and the integrity of the setting.

- As previously stated, the whole purpose of enlarging lot 50 to include the 1.2 acre lot on the south side of the road was to give the owner of the land full control over most of the foundations and allow for parking or a garage.

- The Daley's have been fighting for that very thing. With the DEPRM regulations they can not have a parking pad-but have been told they "can walk on the land-that is pretty much it."

Final Subdivision Plan

- From the 1992 Final Subdivision Plan was drawn a 1994 Final Subdivision Plat-which reflects the 1992 FDP BUT NOT THE 1991 CRG Plan **(EX G/A10).**

How the Daley's become aware there was a problem

- Roy List from DEPRM came out on Aug 29, 2002 to notify them there was a complaint lodged against the placement of a Landmark Homes sign (see photo) that was in the Forest Buffer Easement. Linda Losey-Daley was shocked and showed him all that she had on record that showed the Planning Board's decision and the Nov 30 1990 sketch of the whole property that was adopted by the board and the subsequent court proceedings. He said he would get back to the office and check out what he had on file.

- On Aug 30 2002 Roy List called Linda back to say that although the sign was not in the easement, the driveway was and that he would issue a cease and desist letter **(A11).**

- Linda then spoke to David Lykens on that Friday and he said they could apply for a variance through Jim McKee, the developer, who would have standing to apply for a small parking pad. However, we could have no livestock. David Lykens said the director may or may not grant the variance and their request for a parking pad.

- At that point Linda went down to the County Office buildings to start researching how the property could have been encumbered with the DEPRM restrictions, which clearly were not compliant with the Planning Board's decision.

- On Sept 10, 2002 Linda spoke to Don Rascoe and Walt Smith who said indeed the CRG, FDP and Final recorded plat are supposed to reflect the same thing. If they don't reflect what the CRG Plan showed, the final recorded plat was filed in error. They referred Linda to Eric Rockell in Land Acquisition.

- Linda went to talk to Eric Rockell. He pulled the Cameron Mill files and there was a conveyance in the file by Jim McKee regarding Cameron Mill (Linda already had this in her files). He said he'd need to add up what was in the conveyance to see if it included the Daley's plot of land-the 1.2 acres on the south side of Cameron Mill Road. He said if the conveyance didn't include the lot then it would show it's not in the forest buffer easement, because it would therefore never have been conveyed to the county for forest buffer easements to apply to it. Linda asked if it did indeed showed that it wasn't conveyed to the county what would the next step be? He said he would call DEPRM and tell them it wasn't Baltimore County's land to "cite" the Daley's on. He would ask them to back off if it showed there wasn't a conveyance.

- On Sept 12,2002 Linda called Eric Rockell. He was in a meeting. He called Linda back at 11:30 am. He said he spoke to DEPRM and told them this needed to be in abeyance until they could figure it out. They asked him to put it in writing. He said he would write a letter stating that. He asked Walt Smith to pull the development file-which he was going to look at. Then, he would review the FDP to make sure it was all in accordance to what Linda had said.

- They were then going to ask Jim McKee why he did what he did Eric Rockell said for now, just wait until Linda heard back from him and that the Daley's did not have to remove the driveway at this point.

- On Sept 16, 2002 : Linda met with Tim Dugan and Amy Trexter-Montoy. Tim found the Planning Board's decision, meeting and recommendations and did not recall it ever being placed in forest buffer easement.

- He brought Jeff Lang and Lynn Lanham in. Jeff suggested a meeting with Arnold Jablon to help figure it out. Lynn recognized that the line to the west of the Daley's property line for the forest buffer easement looked like it extended across the property-thus placing it into the forest buffer easement. WHY? Nobody knew. Lynn theorized it was in error. The CRG Plan needed to be obtained she said in order to confirm the error theory.

- On Sept 23, 2002 Linda picked up the CRG plan from Bob Bowling's office, as archives did not have it. The forest buffer line on the CRG Plan (as previously shown) shows it is pointing to the right of way in-between the Daley lot and the lots to the west. It appears as though when the FDP was made, an engineer in Jim McKee's office picked up the road right of way line and extended it across the front of the Daley property.

- The CRG plan states it's not a part of the plan and is filed as a minor subdivision. (REFFERENCE 90443M) When Linda looked for the minor subdivision plan there did not appear to be an amended one anywhere. Carol Brown in Bob Bowlings office was trying to obtain one for her.

- Linda then spent a long time with Joe Chemora from PDM (who does minor subdivisions). He had nothing on record-and couldn't understand that. Everything turned into a dead end-not for lack of trying.

- While Linda was there seeing Joe Chemora, she had a conversation with Don Rascoe and Walt Smith, when Bruce Sealy from DEPRM showed up. He said he knew who Linda was and briefly reviewed what she had. He said DEPRM was trying to figure it out. When Walt Smith asked about it being conveyed to Baltimore County, Bruce Sealy acknowledged that it had never been conveyed. He suggested she set up a meeting with himself and David Lykens. Linda then called and left a message for David Lykens to set the meeting up.

- On Sept 23, 2002 Linda met with Jim McKee at 5:00 pm. He met with her and reviewed all that she had. He said he needed to talk to Jeff Schultz, his VP. He said, "to be honest, he didn't care about that parcel" It never exchanged into his hands; it was Ruth DeSoto's. He did not recall why or how the land got into the Forest Buffer Easement. He was totally relieved that it was not conveyed to the county. He said it would be a lot easier to deal with if that was the case. He asked Linda to get him copies of all the county plans-which she did. He made copies of the Planning Board's Decision. He was going to meet with Jeff Schulz who he said was intimately involved with the project to see what he could do. Linda told him if it was drawn in error that she would need an engineer to re-draw the FDP and Final Plat, along with re-recording it, the amended plans and plats. He was agreeable to that.

- On Sept 24, 2002 : Carol Brown called from PDM and said that she had the minor subdivision plan. Problem was that it wasn't an approved plan. She sent Linda over to

see Bruce Sealy at DEPRM as it may have fallen under the Health Master Plan back in 1988-1990.

- Linda met with Bruce Sealy, be he didn't have it as an approved minor subdivision either. He was helpful but not hopeful. Basically, he said DEPRM's position was that the Planning Board has no authority over DEPRM to tell them whether or not the land should be in Forest Buffer Easement. Linda said DEPRM had agreed to the plan and was in on the discussions (see previous exhibit with David Lyken's signature).

- Linda also indicated to Bruce Sealy that she had a memo from J. Lawrence Pilson, the Program supervisor for Environmental Impact Review to Mr. Walter Beaumont, Jr, Office of Law regarding the "record plat" that the office of law prepare an instrument for Forest Buffer Easement and declaration of protective covenants for forest buffer easement, dated July 20, 1994. **(A12) REGS (EX K).**

- Bruce Sealy asked if she had it in writing and she told him yes. Linda also told him that this had gone to the Board of Appeals and the Circuit Court and that there decision was binding. He said DEPRM would not have been aware of that. But that it didn't really matter because the Planning Board does not supersede DEPRM's regulations. He said the whole thing was a mess and perhaps it was time to bring in a lawyer. He recommended that she write/fax Roy List saying that she had been working on the case diligently, that issues had been raised, and that they were still trying to figure it all out. NOTE: On Nov 3, 2002 the extension would expire and that the Daley's would need to petition for a hearing. **(A 13)**

- After that meeting Linda went to see Don Rascoe and Walt Smith. The Cameron Mill files came in. Walt highly recommended that she go through them, which she did and was able to pull and copy old records.

- On Sept 25, 2002 Linda met with Don Rascoe. Arnold Jablon had called him and told him to meet with Linda, formally. They reviewed everything she had. Don Rascoe understood. Rascoe said the CRG is first and everything from that point should reflect it. He knew the Planning Board's position, Board of Appeals decision, etc and recognized what they stated. He stated Lot 50 was never part of the development-it was a minor subdivision, regardless of whether or not it was an approved subdivision-it was held out of the development and was in "exceptance." It never passed over to the developer. It states on the CRG plan that its not part of the CRG and therefore should not be part of the FDP or Final Recorded Plat. Because it wasn't part of the development it should have never been subject to the Forest Buffer Easement or flood plain restrictions. He wanted to set up a meeting with Tom Vidmar and or Bruce Sealy of DEPRM with everybody together. He said he would work on it and call Linda back.

- Oct 4, 2002 : Linda spoke to Don Rascoe. He met with DEPRM and was totally upset. They refused to look at the evidence. Pat Far told him it was none of his business. He

talked to Robert Loskot, Assistant County Attorney. Robert Loskot told Don Rascoe that the whole matter would be held in abeyance until it was all figured out. (Affidavit **A 14)**

- Oct 11, 2002 : Don Rascoe, Robert Loskot, Tom Vidmar, David Carrol met to discuss the matter. They met for 1-½ hours. They looked at the evidence Linda had gathered. Linda **apparently** did not have a 1996 amended CRG Plan in her body of evidence. **(A 15/Exhibit H).** He said they worked on it and sequentially put it all together. It **appeared** as though some of the land was in the forest buffer easement and some was not. Don Rascoe said they figured where the flood plain was and adding 25 feet would be the forest buffer easement. He said the forest buffer easement-flood plain regulation **appeared** to apply because the 1996 CRG Plan was amended to include the property in **the** development.

- Linda was confused by this 1996 amended CRG Plan because she had not encountered it before in any of her research pertaining to Lot 50. So it didn't make sense to her but she believed what she was told at that point and proceeded with this new thought process-thinking "ok, it is legally encumbered with these restrictions by the newly found 1996 amended CRG Plan even though it was amended AFTER it was sold by Ruth DeSoto to Connie and Martin Hart-and they were never aware that his MATERIAL change took place to their land."

- Don Rascoe asked Linda to set up a meeting with him, DEPRM and herself-and she set **the meeting** up for Oct 16th. Thinking that the land was indeed encumbered by this floodplain plus 25 feet scenario, she drew up a proposed variance request and map. **(A 16)**

- She drew where the forest buffer line would extend through their driveway and mapped out a new entrance, which would require a 775 sq feet variance. She did this in preparation for the Oct 16th meeting.

THE MEETING

- Oct 16, 2002: Linda met with Don Rascoe, Dave Lykens, Tom Vidmar, Dave Carroll and Jeff Schulz-the VP from Jim McKee's office.

- Once again she presented all that she had uncovered-her entire body of evidence. They said she was missing a crucial document-the 1996 Amended CRG Plan. They made the point that indeed this document placed Cameron Mill-the Daley's lot-back into the plan. She asked to see a copy of the 1996 Amended CRG Plan. **They would not produce the document.**

- Jeff Schulz from McKee's office said indeed mistakes were made. Jeff indicated there were so many documents on Cameron Mill that probably what happened regarding the differences in plans and plats was that an engineer went back and grabbed what he

thought was a current one and then submitted it for approval-even though it truly wasn't the current one.

- Linda et.al. went round and round for a while on the legality of the whole thing based on the original 1992 CRG Plan, Planning Board's decision and Circuit Court of Appeals decision.

- At one point she asked David Carroll to look her in the eye and tell her that this whole thing wasn't without mistakes. He agreed it had mistakes but that the end product, the legal plat, had the forest buffer easement on it and that is what gives him the right to enforce his regulations. She pleaded with them to do the right thing, he told her to apply for the variance.

- Defeated, she presented her drawing and photos-with the 775 sq feet variance request based on the floodplain + 25 feet scenario.

- But she was informed at that point that DEPRM regulations could make that floodplain limit go out past that by whatever footage they felt necessary and could indeed encumber the ENTIRE PARCEL. And, that she could not have horses on the property.

- They talked about the restoration of the mill (the one made famous by environmental case law) and they said that whole thing would be an uphill battle with the entire county-not just them.

- She asked them what her options were. During the meeting, David Carroll had threatened Linda with the statement, "be careful what you uncover young lady or we will take your house as well" - which of course upset her greatly. Don Rascoe calmed her down and said no one was going to take her house.

- They presented Linda with 3 options in her view:
  - If she kept pressing for her property rights with respect for the rule of law--they would take her house. OR,

  - David Lykens suggested she could purchase acreage elsewhere (approximately 5 acres) in Baltimore County and deed it to DEPRM and perhaps they would approve the Daley's use of the land for parking only. OR,

  - She could apply for a variance in which they would probably approve a small, 2 car parking pad only. Under no circumstances would horses be allowed and probably no restoration of the historic mill.

- Linda left deflated, with the petition for variance papers in her hand.

- Over the weekend Linda thought about the whole meeting, the evidence she had

uncovered and the critical piece of evidence David Carroll said she had missed-the Amended CRG Plan of 1996-which they said gave them the authority to enforce forest buffer easements on the Daley's lot-even though that was contrary to the legal evidence she had produced.

- In the meeting DEPRM had refused to show Linda the Amended CRG Plan of 1996, so on Oct 22, 2002 Linda went back to DEPRM to see if she could get a copy of the amended CRG Plan. Tom Vidmar produced it and Linda made a copy of it. The CRG plan shows the reason the plan was amended was to subdivide Lot 53-ONLY. There was no mention of Lot 50. Indeed, the amended CRG plan was erroneous pertaining to Lot 50 in that it showed Lot 50 without any of the crosshatching BUT the 1.2 acre parcel of land in question **wasn't even included on the 1996 Amended CRG Plan-it simply no longer was the Daley's property and was designated as county greenspace. THIS, AFTER the lot was sold to Martin & Connie Hart in 1995.**

- The very evidence DEPRM said in the meeting was the crucial piece of evidence that Linda was missing--that supposedly proved that the CRG Plan, FDP, Final Subdivision Plat were all in sync did nothing of the kind.

- Linda was thoroughly upset that a citizen trying to restore a Maryland Landmark List house in accordance with the original hearings would be treated this way. The Daley's HIRED A LAWYER AND HERE THEY ARE.

- But, the intimidation did not stop there. The fines that Mr. Loskot on Oct 4, 2002 told Don Rascoe would be in abeyance until the matter was cleared up, the Daley's now find out, have been accruing since November of 2002 and on April 1st-just a few days before the special hearing they received a "bill" if you will from DEPRM for $608,000 for failure to remedy the violations **(A 17).**

WHY THE DALEY'S SHOULD HAVE CONTROL OF THEIR LAND

- DEPRM does not have the right to encumber the land with their regulations. It is totally against the CRG Plan of 1991 and the Planning Board's Decision that was upheld by the Board of Appeals and the Circuit Court-AND NO PROTECTIVE COVENANTS WERE FILED WITH THE DEED.

- As previously stated David Lykens told Linda as homeowners the Daley's can not file a variance with DEPRM-they do not have standing.

- It is not an esoteric argument. There is no other place to park:
  - On the north side of the land it is a very steep hillside that would have to be excavated and even DEPRM said they did not want that **(article-EX B).**

- The Planning Board acknowledges this lack of parking space and placed the 1.2 acres of land on the south side with the parcel to accomplish this parking purpose.

- If the Daley's were to place parking on the north side where the construction entrance was it would be totally unsafe, dumping one out onto a blind curve. The construction workers, when leaving the site, had to have someone stand in the street to be sure it was safe. The Daley's have 6 kids and a number of teenage drivers that this site would put at risk, not to mention themselves and their neighbors. **(A 2)**

- It is continued use of the land-see photo **(A 18) As** evidenced by the stone wall one can see that it follows the driveway entrance that was used for decades.

- DEPRM does not even need the Daley's land to protect the resources of the Little Falls River. When Jim McKee drew up the development plan he designated a certain amount of land as greenspace which acts as a buffer for the stream. The Daley's land is north of this already established buffer of the stream.

- The State and County are allowing two parking pads (one of which the Daley's believe is partially on their property) that hold more cars and are closer to the river than the Daley's existing driveway and their driveway is farther away and on much higher land-farther above the mill race than the NCR parking pads. The NCR parking pads are clearly closer to the river and at a lower elevation than the Daley's-and yet DEPRM seems to have no problem with this encroachment. **(A 20)** A/C b

- To the Daley's, the whole thing in a nutshell is that DEPRM is NOT complying with the Planning Board's 1990 BINDING decision that was upheld by the County Board of Appeals and the Circuit Court.

- Just as an interesting side to this whole thing, the Daley's find it ironic that every plan after the initial CRG Plan of March 14, 1991 was drawn up, they all have stated on them "CRG approval of March 14, 1991", and yet they don't even come close to reflecting what the CRG plan states that was stipulated by the planning board's binding decision.

Restoration Plans for the Cameron Mill Complex

Linda Losey-Daley and Tal Daley have restored the original house and spring house to replicate the original structure and an addition that was built in the late 1870's. But more work needs to be done to complete the restoration of the Walker/Cameron mill complex. We intend to restore the mill to its 1840's look and place a plaque noting its historic environmental relevance (mid-1870's Maryland case law establishing downstream anti-pollution rights in Walker vs. Glatfelter). The original foundation still exists at the corner of Walker Road, Cameron Mill Road and Stabler's Church Road. The barn on the south west side of Cameron Mill Road was once a beautiful rendition of northern Baltimore County architecture (late 1940's aerial photos attest to this). We hope to restore the barn in the tradition of the overall mill complex. Adjacent to the main house remains the foundation of either the foreman's quarters or a meat house which we would also like to restore. While there are other out buildings/foundations that could be restored over the next several years it is our intent to concentrate on the mill, the barn and the foreman's house. This should create a beautiful gateway to the development north of our property while providing a peek into the history of a once thriving milling economy. (A 22)

EXB

"By extending the lot size to 5.6 acres, the ENTIRE historic complex stands a better chance of restoration, three county agencies agree." – Dept. of Public Works
– DEPRM
– Planning Board.

Exhibits & Appendices

Exhibits and Appendices
(listed in order of appearance in aforementioned)

A1
Maryland Inventory Form for State Historic Sites Survey, MHT Inventory No. BA 996

A19
Office of Planning & Zoning's Recommendations

A5
David Lykens' 1990 signed Approval Cameron Mill Lot 50 plan

EX A
Baltimore County Planning Board's Decision to Adopt OPZ's recommendations

A6
Leslie Schreiber, Co-Chairman of the Community Review Group (CRG) regarding the minor subdivision Plat, Lot 50, Cameron Mill from David Fields, director of OPZ-which constituted the boards decision to the CRG.

EX L
County Board of Appeals Decision

EX E/A7
CRG dated 3/14/91

EX D
Circuit Court for Baltimore County Decision

A8
Proposed minor subdivision

EX I/A9
1992 Final Development Plan (FDP)

EX G/A10
1994 Final Subdivision Plat

A11
Roy List Cease and Desist letter

A12
Environmental Impact Review to Mr. Walter Beaumont, Jr, Office of Law regarding the "record plat" that the office of law prepare an instrument for Forest Buffer Easement and declaration of protective covenants for forest buffer easement, dated July 20, 1994.

EX K
- DEPRM **REGS**

.A 13
Diligently working on case letter to Roy List from Linda Losey-Daley

A 14
Linda Losey-Daley Affidavit

A 15/Exhibit H
1996 amended CRG Plan

A 16
Proposed variance request and map

A 17
DEPRM $608,000 fine letter to the Daley's

EX B
Article

A 2
Construction entrance parking photo's on blind curve

A 18
Continued use of the land photo

A 20
NCR Trail Parking Lots

A 21
Before and After Photos of Cameron Mill

A 22
Restoration Plans

A 3A, 3B 4
Deed Information

BALTIMORE COUNTY LANDMARKS COMMISSION

MARYLAND HISTORICAL TRUST

Approx 1

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC Miller's House at Cameron Mill

AND/OR COMMON

2 LOCATION

STREET & NUMBER Cameron Mill Road and Walker Road

CONGRESSIONAL DISTRICT 3rd Councilmanic District

CITY, TOWN Parkton ___ VICINITY OF

COUNTY 2nd Congressional District

STATE Maryland

COUNTY Baltimore County

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE	
__DISTRICT	__PUBLIC	__OCCUPIED	__AGRICULTURE	__MUSEUM
X BUILDING(S)	X PRIVATE	X UNOCCUPIED	__COMMERCIAL	__PARK
__STRUCTURE	__BOTH	__WORK IN PROGRESS	__EDUCATIONAL	X PRIVATE RESIDENCE
__SITE	**PUBLIC ACQUISITION**	**ACCESSIBLE**	__ENTERTAINMENT	__RELIGIOUS
__OBJECT	__IN PROCESS	X YES RESTRICTED	__GOVERNMENT	__SCIENTIFIC
	__BEING CONSIDERED	__YES UNRESTRICTED	__INDUSTRIAL	__TRANSPORTATION
		__NO	__MILITARY	__OTHER

4 OWNER OF PROPERTY

NAME Richard R. Cameron

Telephone #: 357-5963 357-8923

STREET & NUMBER Box 6

STATE, zip code Md. 21161

CITY, TOWN White Hall ___ VICINITY OF

5 LOCATION OF LEGAL DESCRIPTION

Liber #: EHK JR. 5501

Folio #: 910

COURTHOUSE, REGISTRY OF DEEDS, ETC County Courts Building

STREET & NUMBER 401 Bosley Avenue

STATE Md. 21204

CITY, TOWN Towson,

6 REPRESENTATION IN EXISTING SURVEYS

TITLE Baltimore County Historic Sites Inventory
Maryland Historical Trust

MHT Inventory No. BA 7

DATE On-going since 1964

__FEDERAL X STATE __COUNTY __LOCAL

DEPOSITORY FOR SURVEY RECORDS 21 State Circle

STATE Md. 21401

CITY, TOWN Annapolis

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
__PREHISTORIC	__ARCHEOLOGY-PREHISTORIC	__COMMUNITY PLANNING	__LANDSCAPE ARCHITECTURE	__RELIGION
__1400-1499	__ARCHEOLOGY-HISTORIC	__CONSERVATION	__LAW	__SCIENCE
__1500-1599	__AGRICULTURE	__ECONOMICS	__LITERATURE	__SCULPTURE
__1600-1699	X ARCHITECTURE	__EDUCATION	__MILITARY	__SOCIAL/HUMANITARIAN
__1700-1799	__ART	__ENGINEERING	__MUSIC	__THEATER
X 1800-1899	__COMMERCE	__EXPLORATION/SETTLEMENT	__PHILOSOPHY	__TRANSPORTATION
__1900-	__COMMUNICATIONS	X INDUSTRY	__POLITICS/GOVERNMENT	__OTHER (SPECIFY)
		__INVENTION		

SPECIFIC DATES BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

The Cameron Mill House or miller's dwelling house was home for the owner of the mill on the opposite side of Cameron Mill Road. The land here was held in reserve by the Lord Proprietor's land office and was not parceled out until almost the time of the Revolution. Daniel Curfman, whose name also appears as Kirkman, had a tract called Curfmanstadt surveyed sometime before 1792 and had a resurvey made of it in 1792 but did not receive his corrected certificate until 1804.

The terrain was once called "The Barrens," and the tree cover was apparently growing back after a fire, caused either by the Indians or by lightning, which had created devastation sometime prior to the first visits by Europeans. A newspaper ad of 1793 mentioned Daniel Kerfman (sic) as a resident of the Barrens.

He had been called Daniel Coufman in the 1790 census of Mine Run Hundred. By 1794, Daniel Curfman was a resident of Frederick County, and his will of 1805 states that he sold land in Baltimore County to Christian and Daniel Walker, as had his son George. Curfman had been a native of York County, descended from a family of Rhineland Hesse and had served in the Revolution as a private in Captain John Miller's Company, 7th, Battalion, in 1777-78, and 1782.

Dennis Griffith's map of Maryland was made in 1794 and showed Kirkmans Mill locat 4.5 miles south of the Mason-Dixon line. The 1798 tax list of Mine Run Hundred apparently charges this mill to Daniel Walker; Walker owned land on the Great Falls and adjoined Captain Calder. His business enterprise was described as "1 mill of logs, 1 pair of stones, much out of repair" and "1 Saw Mill, Do., much out of repair." His dwelling was old, log, and 25 x 18 in dimension.

George Curfman was also on the 1798 tax list but his dwelling was also built of logs and assessed at a mere $20; his entire estate came to $296. That Curfman's neighbors were Captain Daniel Walker and Captain Calder.

In 1808, Daniel Curfman's widow Barbara, a resident of Frederick County, confirmed Daniel Walker's title to Curfmanstadt. The 1818 assessor's field book listed Daniel Walker as owner of 604 acres of Curfmanstadt, along with a Grice [sic] Mill and a saw mill, worth $800 and $70, respectively. The 1823 book showe Joseph Walker as owner of a grist and sawmill while the 1833 assessor's field book charged Prudence Walker with 19 acres of Cherfmans Tadt and one grist mill worth $800.

Sidney's 1850 county map showed "J. Walker's Grist and Sawmill" on the opposite corner from the present mill ruin. The present house is probably the dwelling shown o the east side of the road.

CONTINUE ON SEPARATE SHEET IF NECESSARY

The 1877 atlas plate of District 7 seems to show the mill as D.W. Cameron's, while the District 6 plate still shows it as Joseph Walker's. The road is shown passing to the east of the mill rather than to the west as was the case in the 1850 Sidney map. Possibly the mill was rebuilt or the road moved in the period.

The 1880 census of manufacturing gave the complete technical statistics on D.W. Cameron's mill, which was described as doing all custom business--i.e.. grinding grain for payment in kind rather than purchasing grain for resale. The following statistics were recorded on the census form:

Capital investment	$1000	Output	600 bbl flour
Run of stones	4		25 rye
Maximum per diem	60 bu		4 tons buckwheat
Fall of water	11 ft		150 tons feed
Overshot wheels	2		
. Speed (rpm)	28	Total value of output/annum	$10,125
. Width	4 ft		
. Rated power (hp)	20		

The sawmill had $250 capital invested in it and was equipped with one each circular and Muley (up-and-down) saw; annual output was 50,000 board feet ($620); the works was driven by a 5 hp overshot wheel, 4 ft broad, at 28 rpm, driven by a 9-foot fall of water.

The American Miller, a Chicago trade journal, reported in 1884

> Daniel W. Cameron, Walker's Switch, Baltimore Co., Md., is putting in a Success Water Wheel, built by S. Morgan Smith, York, Pa., who also has the contract for all the new machinery of a first-class saw-mill. (9)

The whole mill may have been rebuilt in 1886 to do away with millstone grinding and convert to flour making by self-contained steel-roller units:

> The new roller mill recently put up by Mr. A. Lohr, of Beckleysville, at Walker's Switch, is now in successful operation, comprising a full set of Steven's rolls, superior four reel, besides an extra one reel bolt, with all necessary improved machinery. The propietors, Mr. Geo. A. Cameron and Mr. J.M. Jones, are now enabled to supply their friends with a good article in the way of flour as the market affords at 30 barrels per day. (10)

The 1887 State business directory listed Camerons Mills as "a large flour mill at Walker's Switch".

Daniel W. Cameron (1811-1904) was also a member of the House of Delegates, in 1867, and 1870. He appears in the tax list of 1896 with a flour mill and "mansion house" and other outbuildings plus 6 silver spoons worth a total of $4.50 and $30 worth of "Brittania Ware".

Cameron left the mill to George H. Cameron. The dwelling was left to Lucinda A. Cameron and Elizabeth Lassiter for their natural lives, to pass then to George H. Cameron. The Daniel Cameron inventory mentioned four bedroons. Some of the items listed were, inter alia:

Notes:

1. Patents IC No. S, f. 172
2. Maryland Journal, Baltimore, November 20, 1793.
3. Robert Joseph Curfman, The Curfman-Kurfman - Corfman - Korfman Genealogy (Denver, 1971), page 109.
4. B.C. Deeds, WG 96:552. This quit-claim is the only deed recorded.
5. Judicial Records, EHA 26:187
6. Maryland Reports, 1874, 40:1. Also, Baltimore Sun, June 14, 26, 1873
7. Inventories, JBM 14:509.
8. Inventories, JBM 14:572.
9. American Miller, 12 (July 1, 1884): 371.
10. Maryland Journal, Towson, October 2, 1886.
11. Wills, HR 13:272; Inventories, HR 33:513
12. District 7 Tax Ledger, 1918, f. 457
13. Judical Records, CWB 459:369.

Cameron Mill House--misc data

1798 tax list George Curfman (Mine Run HD & Gunp. Upper)
1 tract of land and the Improvements: Vizl.

1 dwelling of logs 12 - 14 adjoining Captain Calder, Daniel Walker

Summary: 1 Dwelling $20 140 acres $296

Notes from Jamie Stills:

Joseph Walker (1794-1877); lived in stone house; son of Daniel & Prudence Walker; was in War of 1812

Daniel Walker (1752-1820); married Prudence Purdue

Prudence Purdue Walker (d. 1831 or 1841 ?)

Joseph Walker not married; was sheriff of B.C.

Daniel Walker Cameron (1811-1904); served in House of Delegates; introduced some bills

From Diehlman file at MHS

Walker, Daniel, m. 5 Nov. 1783 by Rev. Mr. Gerock, Daniel Walker to Prudence Perdue (B.M.L.)

A ~~neighboring~~ mill in Mine Run Hundred--1798 tax list [SAME AS CURFMAN MILL

1910 Daniel Walker 1 tract of land & Improvements, Viz.

1 old dwelling house of logs 25 x 18

1 old meat house 16 feet square

1 mill of logs, 2 pair of stones, much out of repair

1 saw mill, Do. much out of Repair

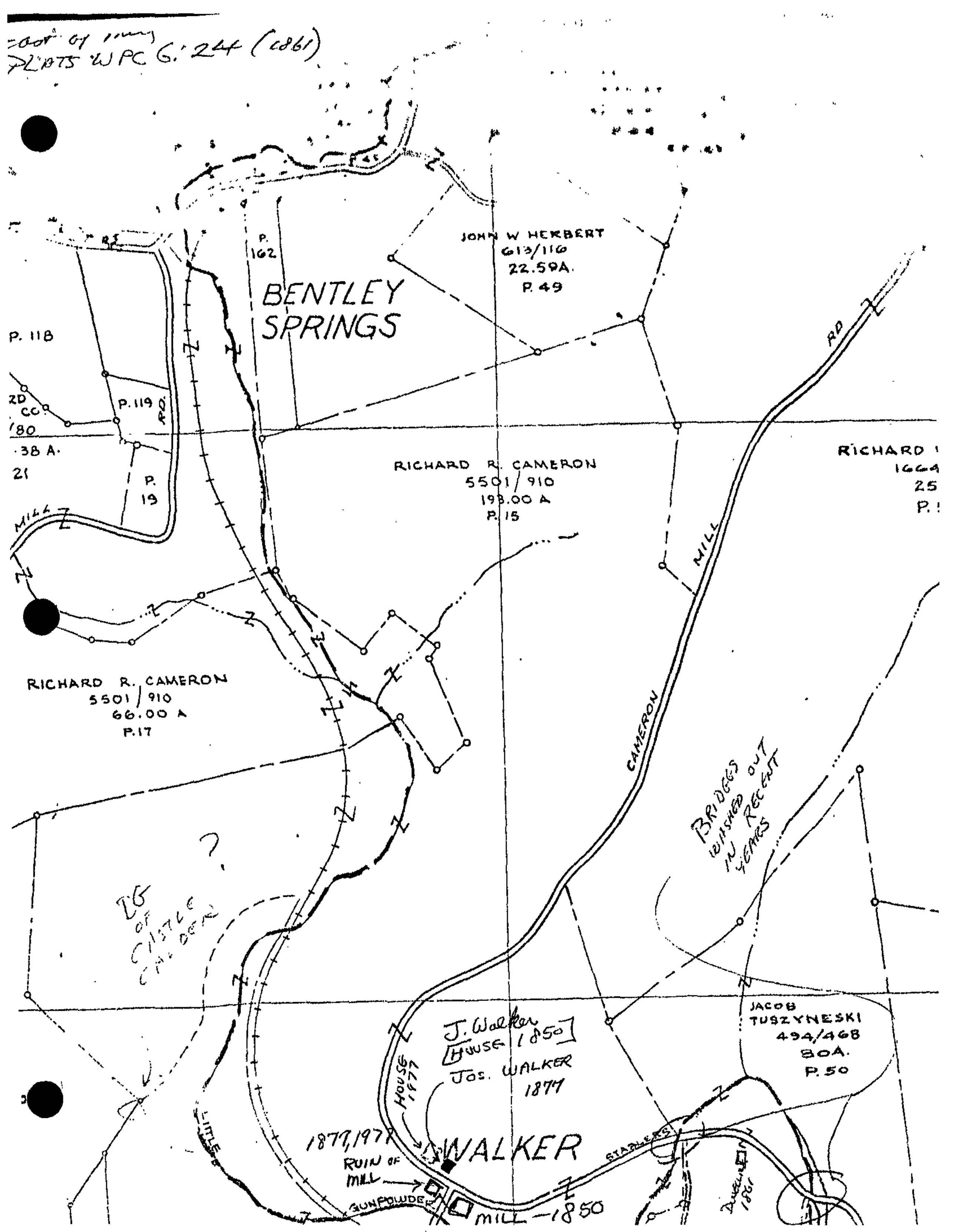
Adjacent Capt. James Calder Great Falls $1818 50 acres

(Shown in cross-index to lie in "Mine Run Hundred"

Md. Hist. Magazine, 50 (March 1955): 22 ... ref to deed ~~from~~ Barbara Curfman, widow of Daniel Curfman, to Daniel Walker ... 1808 ... WG 96:552 ... also a ref in Md. J., Nov. 20, 1793 ... to ... land "in the Barrens near Capt. James Calder and Daniel Kerfman ...." in "The Great Maryland Barrens," William B. Marye.

a quit claim deed

Copy of Plats WPC G. 24 (1861)



Appendix 19

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

Property # for 50A
tax bills

TO: Baltimore County Planning Board

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: Proposed Development Involving a Structure on the Baltimore County Landmarks List -- "Cameron Miller's House"

DATE: December 5, 1990

Background - Planning Board's Role

Before the County Review Group (CRG) can take final action on any plan for development on a property which "involves a building, structure or site included on the landmarks preservation...list" the plan must be referred to the Planning Board. The Board then has 45 days to "file its written decision with the CRG, including the reasons therefor." The Board's "decision" will be "binding upon the CRG and shall be incorporated as a part of the CRG final action on a plan." These requirements are specified in the Development Regulations at sub-sections 22-59(a)(4), 22-60(b)(2) and 22-60(c).

It may be noted that the Planning Board's authority in this case is very broadly conferred, and is independent of the role of the Landmarks Preservation Commission (which has authority only in regard to the exterior of the structures on the Landmarks Lists).

Background - Cameron Mill Complex

The first mill on this site, located about 1-½ miles northwest of Parkton, was a log structure built before 1795. The mill was probably totally replaced in 1886 when the millstone technology was superseded by a steel-roller grinding mechanism. In its latter years the old mill had figured in a landmark case (Gladfelter v. Walker, 40 Md. 1 (1874)) involving water pollution by another mill further up the Little Falls stream.

The miller's house was built after the writing of the 1798 tax list; when the house was added to the Landmarks List in 1977, Mr. Richard Cameron (whose family had inherited the property 100 years earlier) estimated the construction date at 1800-1805. The house, built of stone in the plain, well-proportioned style typical of the homes of

Maryland and Pennsylvania Germans, is two stories high, with a full, walk-in basement. It is built into a steep, wooded hillside, only about 15' from the edge of Cameron Mill Road.

The miller's house, and a springhouse immediately to the east (and even closer to the road) are the only remaining standing structures from the half-dozen or more that had been part of the milling complex. The mill burned in the mid-1940s, but its stone foundation walls (in the southwest corner of the road intersection) are still an important element in the visual quality of the complex. The ruined foundations of other outbuildings west of the road are less evident. An old, private cemetery of indeterminate current ownership lies above the crest of the slope, northeast of the miller's house.

Preservation Requirements

Section 22-100 of the Development Regulations specifies flatly that "historic structures or sites" on the Landmarks List "must be preserved." Likewise, Section 22-152 of the County Code requires County approval, through the Landmarks Preservation Commission, before the demolition or other exterior change to a Listed structure; Section 22-153 prevents "demolition by neglect."

In response to a complaint regarding the deteriorated condition of the house, the Commission approved (on April 14, 1988) a set of actions, subsequently completed, by which the owner would stabilize and secure the house against vandalism and further deterioration.

Development Proposals

The mill complex is part of 278.6-ac. property now controlled for development purposes by Cameron Mill Partnership. A CRG Plan ("Cameron Mill") for dividing the property into 49 three-ac. lots and several other tracts was submitted in April 1990. The miller's house was included in a 3-ac. "Parcel 'B'" on the east side of Cameron Mill Road. The mill and other foundations on the west side would have been within the proposed 60-ft. road right-of-way and/or within a proposed Resource Conservation Area for the home-owner's association.

The Plan erroneously stated that there were "no historical areas" on the property. After discussions with OPZ staff, a Minor Subdivision Plat dated September 21, 1990 was filed in the name of the owner of the entire acreage (Ruth Ann Desoto). The new Plat proposes a two-lot subdivision; "Lot 50" covers the same configuration as "Tract 'B'" on the April Plat, with a 275.4-ac. "residue."

Preservation Issues

Fulfilling the County Code's preservation requirements involves not only the miller's house but also its related structures and its overall setting. The architectural merit of the structure and its association with a once-thriving rural industry are reinforced by its dramatic location perched on the steep hillside amidst the mature trees over-arching the narrow road. The roadside springhouse and the foundation walls of the mill, jutting towards the road intersection, are equally integral, supporting elements of the site's distinctive rural character.

The historic character of the site would be irreparably jeopardized by several proposals in the "Lot 50" Plat. From discussions among the staff of the relevant County agencies (OPZ, DPW and DEPRM) and with the owner's agent (the Partnership), OPZ staff is confident that mutually-acceptable revisions for protecting the historic resources can be achieved through the recommendations listed below.

Recommendations

The overall purpose of the following set of proposals is to achieve a private-sector restoration and long-term preservation of the miller's house and the integrity of its setting by enhancing the property's attractiveness to a preservation-minded purchaser; to that end, the "Lot 50" plat and any subsequent CRG Plan for the adjoining area of the "residue" should be modified approximately as follows and as illustrated on the attached November 30, 1990 sketch plan by OPZ:

1. Accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stablers Church Roads, reduce the width to 45-ft. - The greatest danger to the site's integrity would come from the grading of the hillside and removal of mature trees that would be part of any road-widening. Commendably, the Department of Public Works has agreed that road widening is not now needed and that less than the customary 60-ft. right-of-way is acceptable. Shifting the right-of-way lines as far west and south as possible maximizes the already-miniscule "front yard" at the house and keeps the springhouse outside the right-of-way, improving the prospect that it also would be restored.

   There does not appear to be any way to keep all of the mill foundation outside of the proposed road rights-of-way, but it is to be hoped that DPW would cooperate in allowing a future owner to stabilize and maintain the walls at their present height.

2. Enlarge the "Lot 50" to approximately 5.6 acres, including about 1.2 acres on the west/south side of Cameron Mill Road - The additional acreage across the road would give the owner of the house full control over most of the other foundations (outside the road right-of-way) and allow for a parking garage or pad which could not easily be accommodated on the steep hillside at the house. Shifting the northern line would give the owner more-complete protection of the hillside. The enlargement would also be consistent with the estimated "5-ac. in vicinity of house" entered on the Landmarks List nomination form. In addition, shifting the northern line would obviate the need for seeking a variance if a new owner would wish to build an addition onto the rear of the house (as had been done once before).

3. Revise (and correct) Note #8 to protect the springhouse. - The note should read "Existing dwelling and springhouse are to be renovated and restored subject to approval by the Landmarks Preservation Commission."

4. Establish a perpetual easement to protect the cemetery and to allow pedestrian access. - The configuration shown on the sketch is illustrative; alternative boundaries achieving the same purpose by access from the north or west would be acceptable.

Dave Fields

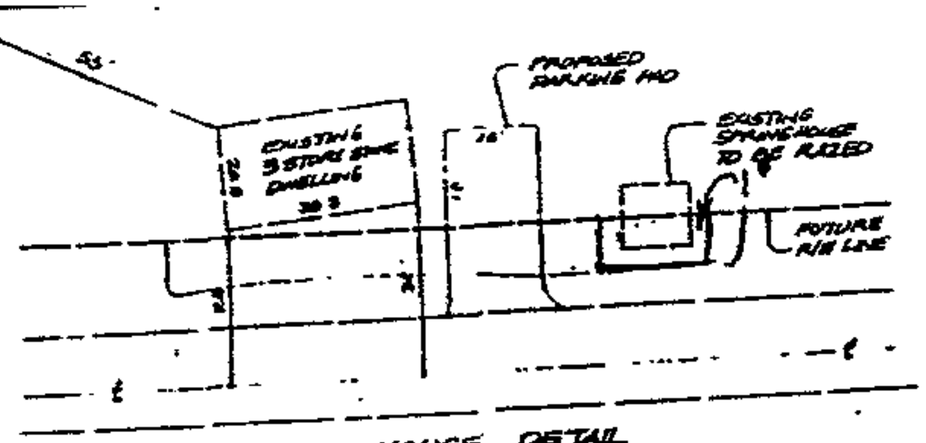
P. David Fields

PDF/TD/prh
CAMERMIL/TXTPRH

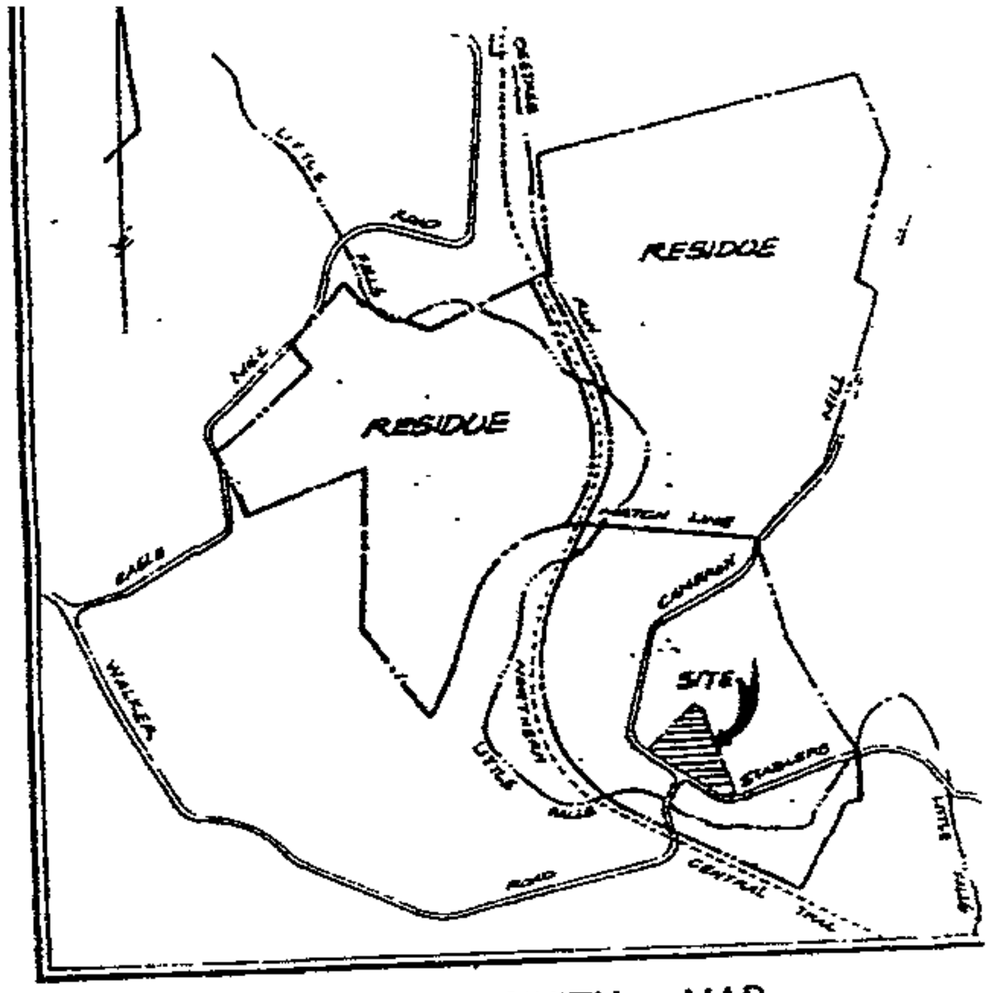
Attachments

GENERAL NOTES

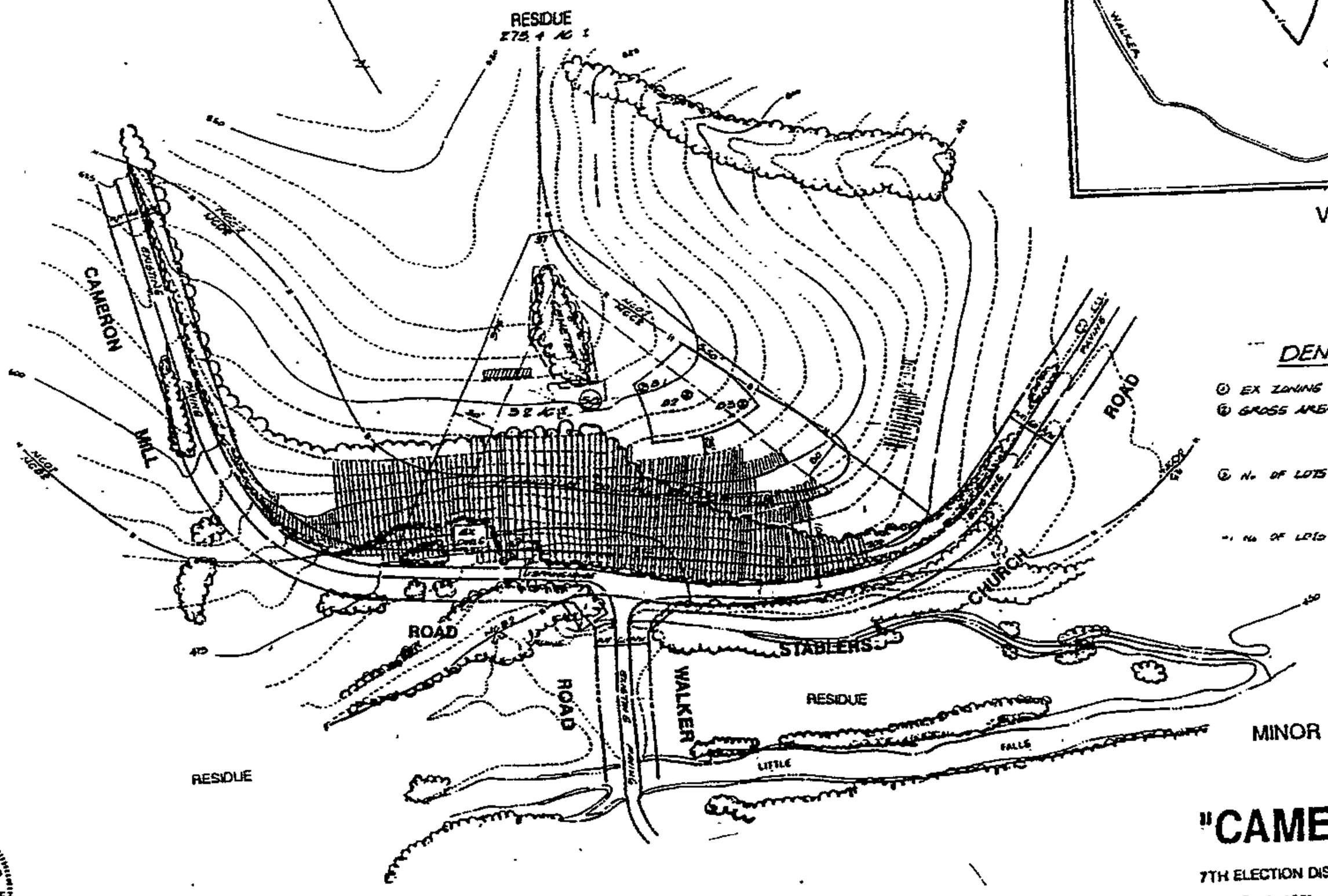
- MASTER PLAN DESIGNATION - RESOURCE CONSERVATION
- CENSUS TRACT : 4060
- COUNCILMATIC DISTRICT : 3
- WATERSHED - M SUBSEWERSHED - D1
- STORM WATER MANAGEMENT IS NOT REQUIRED FOR THIS SUBDIVISION.
- THE EXISTING DWELLING APPEARS AS ITEM # 29 ON THE FINAL HISTORICAL LANDMARKS LIST
- FOR ADDITIONAL INFORMATION REGARDING THE RESIDUE BOUNDARY SEE THE C.R.G. PLAN FOR "CAMERON MILL" ON FILE IN BALTIMORE COUNTY
- EXISTING DWELLING IS TO BE RENOVATED AND RESTORED, SUBJECT TO APPROVAL BY THE HISTORIC PRESERVATION COMMITTEE



HOUSE DETAIL
SCALE : 1"=20'



VICINITY MAP
SCALE 1"=1000'



DENSITY NOTES

① EX ZONING OF PROPERTY		RC-4 + RC 5
② GROSS AREA	RC-4	275.7 AC ±
	RC-5	4.9 AC ±
	TOTAL	280.6
③ No. OF LOTS PERMITTED	RC 4	(275.7 ÷ 20) = 5
	RC 5	(4.9 ÷ 4.7)
	TOTAL	[illegible]
④ No. OF LOTS PROPOSED		2 LOTS

MINOR SUBDIVISION PLAT

LOT 50

"CAMERON MILL"

7TH ELECTION DISTRICT — BALTIMORE CO. MD

SCALE: 1"=100' — SEPTEMBER 21 1990

APPLICANT & OWNER

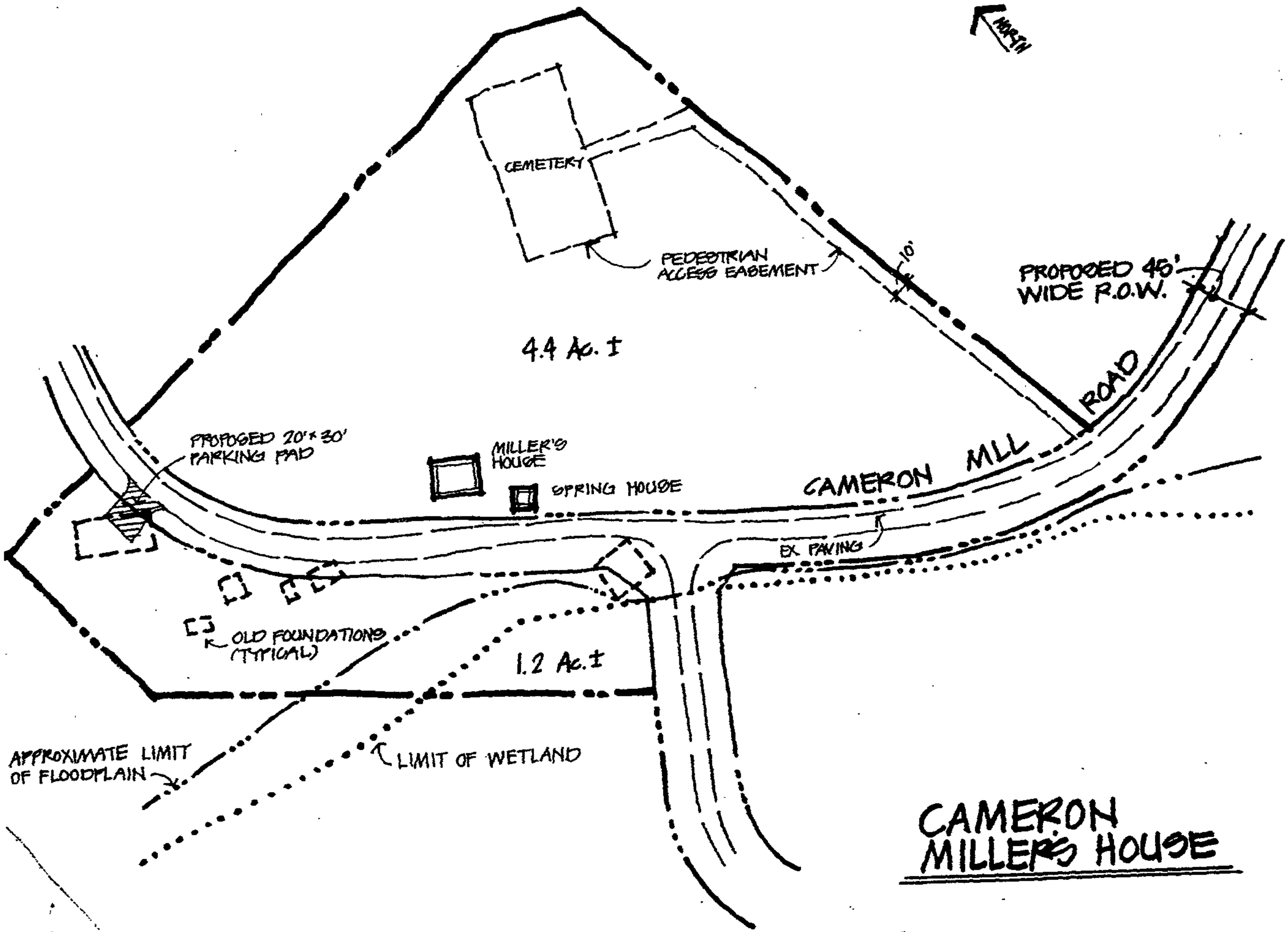
RUTH ANN DESOTO

1431 WHITE HALL ROAD

WHITE [illegible]

STATE OF MARYLAND — JAMES W. McKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS AND SURVEYORS
SHAWAN PLACE
PINE VALLEY
SHAWAN ROAD
[illegible]



ORE COUNTY OFFICE OF PLANNING & ZONING · [illegible] 30, 1990 · SCALE 1" = 100'

Appendix 5

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

TO: / / Sediment Control
/ x / Public Services
/ / _____

Date: 12/6/90

Project Name: Cameron Mill Lot 50

Type of Plan: _____

Plan/Revision Date: _____

The above-referenced plan has been reviewed by the Environmental Impact Review Section of the Bureau of Water Quality and Resource Management and the following recommendations are made:

x Approved

___ Disapproved

___ State and Federal review will be required. This will result in either issuance (or denial) of a Corps of Engineers 404 Permit and a State Water Quality Certificate; or a letter of no jurisdiction.

Reviewer: David Lykens Phone: 887-3980

DISPOSITION: Approved DL

Name/Date: 12/4/90

Exhibit A

INDEX TO THE
MINUTES
Baltimore County Planning Board
December 6, 1990

1. Introduction of Board Members, and Announcements

2. Recommendations by the ad hoc Committee on Development Plans and Issues

3. Other Business

APPENDICES

APPENDIX A-1 - Report ... to the Zoning Commissioner on the amendment to the Owings Mills New Town P.U.D. formerly Lakeside, December 6, 1990

APPENDIX A-2 - Staff report -- "Cameron Miller's House", December 5, 1990

APPENDIX A-3 - "Resolution Requesting Advice on the Reservation of Certain Land (Langenfelder Property)"

APPENDIX B - "Proposed Amendments to the Baltimore County Zoning Regulations Concerning Membership Warehouse Clubs", November 28, 1990

MINUTES
Baltimore County Planning Board
December 6, 1990

A special meeting of the Planning Board was called to order at 4:55 p.m. by the Chairman, Mr. Reid.

Board Members Present

Mr. Harold Gibbs Reid, Chairman
Mr. H. John Barnhart, Vice Chairman
Ms. Deborah M. Anderson
Mr. I. William Chase
Mr. Charles Culbertson
Ms. Barbara Jean DeGuilmi
Ms. Dorothy Foos
Mr. R. Scott Graham
Mr. John M. Kerney
Mr. Stephen W. Lafferty
Mr. Joseph M. Leshko
Mr. Judson H. Lipowitz
Mr. Chester J. Madigan
Mr. Paul Saval
Mr. Phillip W. Worrall

OPZ staff present included David Fields, Secretary to the Planning Board, Robert Bendler, Pat Keller, J. Michael DeLuca, Tim Dugan, Frank Fisher, Jack Dillon, Michele LeFaivre, Wallace Lippincott, Jr., John McGrain, Gary Kerns, Hillorie Richman and Karin Brown.

1. **Introduction of Board Members, and Announcements**

Chairman Reid and the other members of the Board introduced themselves.

2. **Recommendations by the ad hoc Committee on Development Plans and Issues**

a. Ms. Foos moved the Committee's recommendation that the Baltimore County Planning Board approve the draft Resolution adopting a favorable report on the amended Authorization Plan, as modified, for the "Owings Mills New Town" planned unit development. The motion was seconded by Mr. Chase. On a roll call vote, the motion was passed by thirteen-to-naught, with Mr. Worrall abstaining. Absent at the time of the vote was Mr. Barnhart.

A copy of the report is filed with the Minutes as Appendix A-1.

b. Ms. Foos moved the Committee's recommendation that the Baltimore County Planning Board adopt the recommendations in the December 4, 1990 staff report to constitute the Board's

decision regarding the development of the property involving the "Cameron Miller's house." The motion was seconded by Mr. Worrall and, on a roll call vote, was passed unanimously.

A copy of the report is filed with the Minutes as Appendix A-2.

c. Mr. Worrall moved, and Ms. Anderson seconded, the Committee's recommendation that the Board adopt the draft Resolution requesting advice on the reservation of the Langenfelder property. On a roll call vote, the motion was passed thirteen-to-naught, with Ms. Foos and Mr. Graham abstaining.

A copy of the Resolution is filed with the Minutes as Appendix A-3.

3. Other Business

a. Ms. Anderson distributed copies of reports and other materials received at various meetings and workshops of the Maryland Citizen Planners Association, and reported on several of the zoning cases discussed. Mr. Reid noted that all of the Board Members are also MCPA members and could benefit from attending the Association's meetings.

b. Mr. Kerney moved the recommendation by the ad hoc Committee on Regulations and Standards that the Baltimore County Planning Board adopt the November 28, 1990 staff report to constitute a Final Report by the Planning Board re-iterating the Board's October 1989 recommendations regarding membership warehouse clubs. The motion was seconded by Ms. DeGuilmi. On a roll call vote, the motion was passed by thirteen-to-naught, with Messrs. Reid and Chase abstaining.

A copy of the report is filed with the Minutes as Appendix B.

c. Mr. Chase expressed appreciation for the dedication of the Board members and the leadership of Mr. Reid and Mr. Fields. Mr. Reid also strongly saluted the members, noting their exceptionally high attendance record, and acknowledged the fine accomplishments of Mr. Fields, who had so considerably improved OPZ and assisted the Board over the past several years.

The meeting was adjourned at 5:20 p.m.

PDF/TD/prh
DECEMBER/TXTPRH

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

Minutes
Elected
Approved

TO: Baltimore County Planning Board

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: Proposed Development Involving a Structure on the Baltimore County Landmarks List -- "Cameron Miller's House"

DATE: December 5, 1990

Background - Planning Board's Role

Before the County Review Group (CRG) can take final action on any plan for development on a property which "involves a building, structure or site included on the landmarks preservation...list" the plan must be referred to the Planning Board. The Board then has 45 days to "file its written decision with the CRG, including the reasons therefor." The Board's "decision" will be "binding upon the CRG and shall be incorporated as a part of the CRG final action on a plan." These requirements are specified in the Development Regulations at sub-sections 22-59(a)(4), 22-60(b)(2) and 22-60(c).

It may be noted that the Planning Board's authority in this case is very broadly conferred, and is independent of the role of the Landmarks Preservation Commission (which has authority only in regard to the exterior of the structures on the Landmarks Lists).

Background - Cameron Mill Complex

The first mill on this site, located about 1-½ miles northwest of Parkton, was a log structure built before 1795. The mill was probably totally replaced in 1886 when the millstone technology was superseded by a steel-roller grinding mechanism. In its latter years the old mill had figured in a landmark case (Gladfelter v. Walker, 40 Md. 1 (1874)) involving water pollution by another mill further up the Little Falls stream.

The miller's house was built after the writing of the 1798 tax list; when the house was added to the Landmarks List in 1977, Mr. Richard Cameron (whose family had inherited the property 100 years earlier) estimated the construction date at 1800-1805. The house, built of stone in the plain, well-proportioned style typical of the homes of

Maryland and Pennsylvania Germans, is two stories high, with a full, walk-in basement. It is built into a steep, wooded hillside, only about 15' from the edge of Cameron Mill Road.

The miller's house, and a springhouse immediately to the east (and even closer to the road) are the only remaining standing structures from the half-dozen or more that had been part of the milling complex. The mill burned in the mid-1940s, but its stone foundation walls (in the southwest corner of the road intersection) are still an important element in the visual quality of the complex. The ruined foundations of other outbuildings west of the road are less evident. An old, private cemetery of indeterminate current ownership lies above the crest of the slope, northeast of the miller's house.

Preservation Requirements

Section 22-100 of the Development Regulations specifies flatly that "historic structures or sites" on the Landmarks List "must be preserved." Likewise, Section 22-152 of the County Code requires County approval, through the Landmarks Preservation Commission, before the demolition or other exterior change to a Listed structure; Section 22-153 prevents "demolition by neglect."

In response to a complaint regarding the deteriorated condition of the house, the Commission approved (on April 14, 1988) a set of actions, subsequently completed, by which the owner would stabilize and secure the house against vandalism and further deterioration.

Development Proposals

The mill complex is part of 278.6-ac. property now controlled for development purposes by Cameron Mill Partnership. A CRG Plan ("Cameron Mill") for dividing the property into 49 three-ac. lots and several other tracts was submitted in April 1990. The miller's house was included in a 3-ac. "Parcel 'B'" on the east side of Cameron Mill Road. The mill and other foundations on the west side would have been within the proposed 60-ft. road right-of-way and/or within a proposed Resource Conservation Area for the home-owner's association.

The Plan erroneously stated that there were "no historical areas" on the property. After discussions with OPZ staff, a Minor Subdivision Plat dated September 21, 1990 was filed in the name of the owner of the entire acreage (Ruth Ann Desoto). The new Plat proposes a two-lot subdivision; "Lot 50" covers the same configuration as "Tract 'B'" on the April Plat, with a 275.4-ac. "residue."

Preservation Issues

Fulfilling the County Code's preservation requirements involves not only the miller's house but also its related structures and its overall setting. The architectural merit of the structure and its association with a once-thriving rural industry are reinforced by its dramatic location perched on the steep hillside amidst the mature trees over-arching the narrow road. The roadside springhouse and the foundation walls of the mill, jutting towards the road intersection, are equally integral, supporting elements of the site's distinctive rural character.

The historic character of the site would be irreparably jeopardized by several proposals in the "Lot 50" Plat. From discussions among the staff of the relevant County agencies (OPZ, DPW and DEPRM) and with the owner's agent (the Partnership), OPZ staff is confident that mutually-acceptable revisions for protecting the historic resources can be achieved through the recommendations listed below.

Recommendations

The overall purpose of the following set of proposals is to achieve a private-sector restoration and long-term preservation of the miller's house and the integrity of its setting by enhancing the property's attractiveness to a preservation-minded purchaser; to that end, the "Lot 50" plat and any subsequent CRG Plan for the adjoining area of the "residue" should be modified approximately as follows and as illustrated on the attached November 30, 1990 sketch plan by OPZ:

1. Accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stablers Church Roads, reduce the width to 45-ft. - The greatest danger to the site's integrity would come from the grading of the hillside and removal of mature trees that would be part of any road-widening. Commendably, the Department of Public Works has agreed that road widening is not now needed and that less than the customary 60-ft. right-of-way is acceptable. Shifting the right-of-way lines as far west and south as possible maximizes the already-miniscule "front yard" at the house and keeps the springhouse outside the right-of-way, improving the prospect that it also would be restored.

   There does not appear to be any way to keep all of the mill foundation outside of the proposed road rights-of-way, but it is to be hoped that DPW would cooperate in allowing a future owner to stabilize and maintain the walls at their present height.

2. Enlarge the "Lot 50" to approximately 5.6 acres, including about 1.2 acres on the west/south side of Cameron Mill Road - The additional acreage across the road would give the owner of the house full control over most of the other foundations (outside the road right-of-way) and allow for a parking garage or pad which could not easily be accommodated on the steep hillside at the house. Shifting the northern line would give the owner more-complete protection of the hillside. The enlargement would also be consistent with the estimated "5-ac. in vicinity of house" entered on the Landmarks List nomination form. In addition, shifting the northern line would obviate the need for seeking a variance if a new owner would wish to build an addition onto the rear of the house (as had been done once before).

3. Revise (and correct) Note #8 to protect the springhouse. - The note should read "Existing dwelling and springhouse are to be renovated and restored subject to approval by the Landmarks Preservation Commission."

4. Establish a perpetual easement to protect the cemetery and to allow pedestrian access. - The configuration shown on the sketch is illustrative; alternative boundaries achieving the same purpose by access from the north or west would be acceptable.

Dave Fields

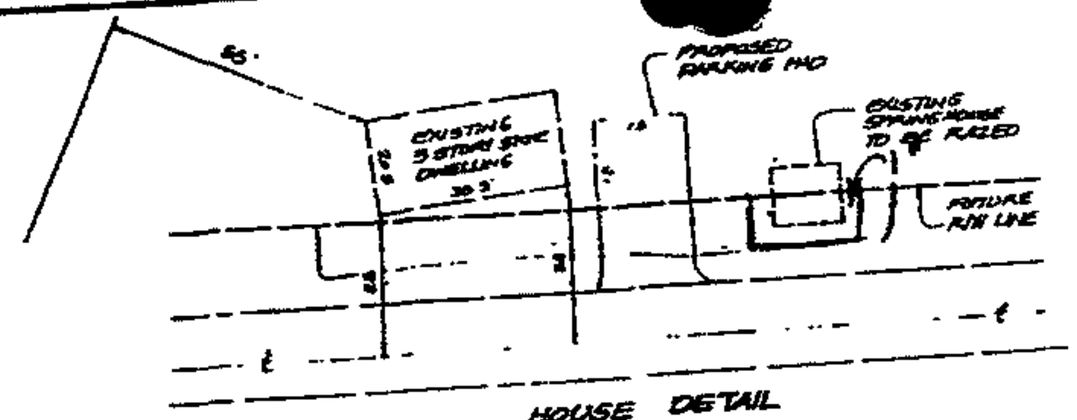
P. David Fields

PDF/TD/prh
CAMERMIL/TXTPRH

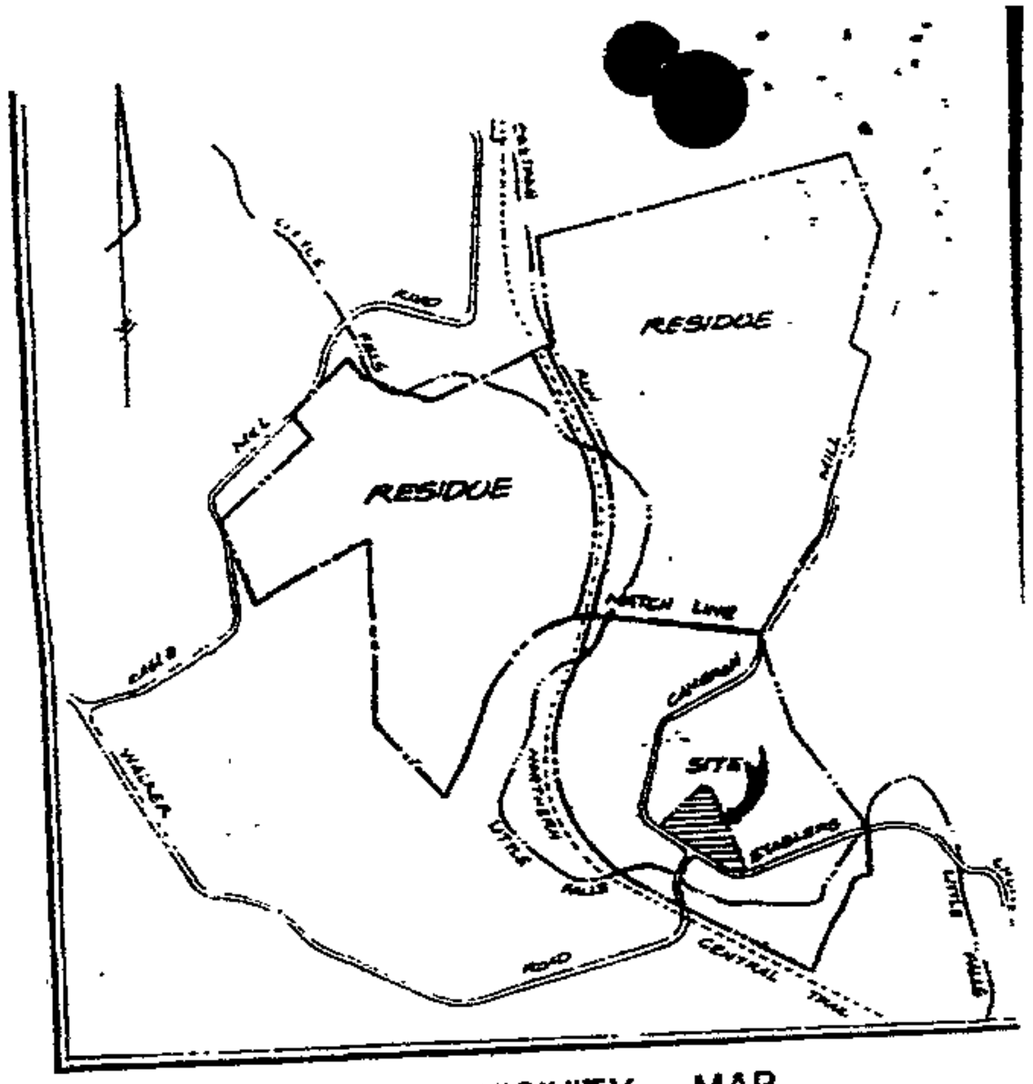
Attachments

GENERAL NOTES

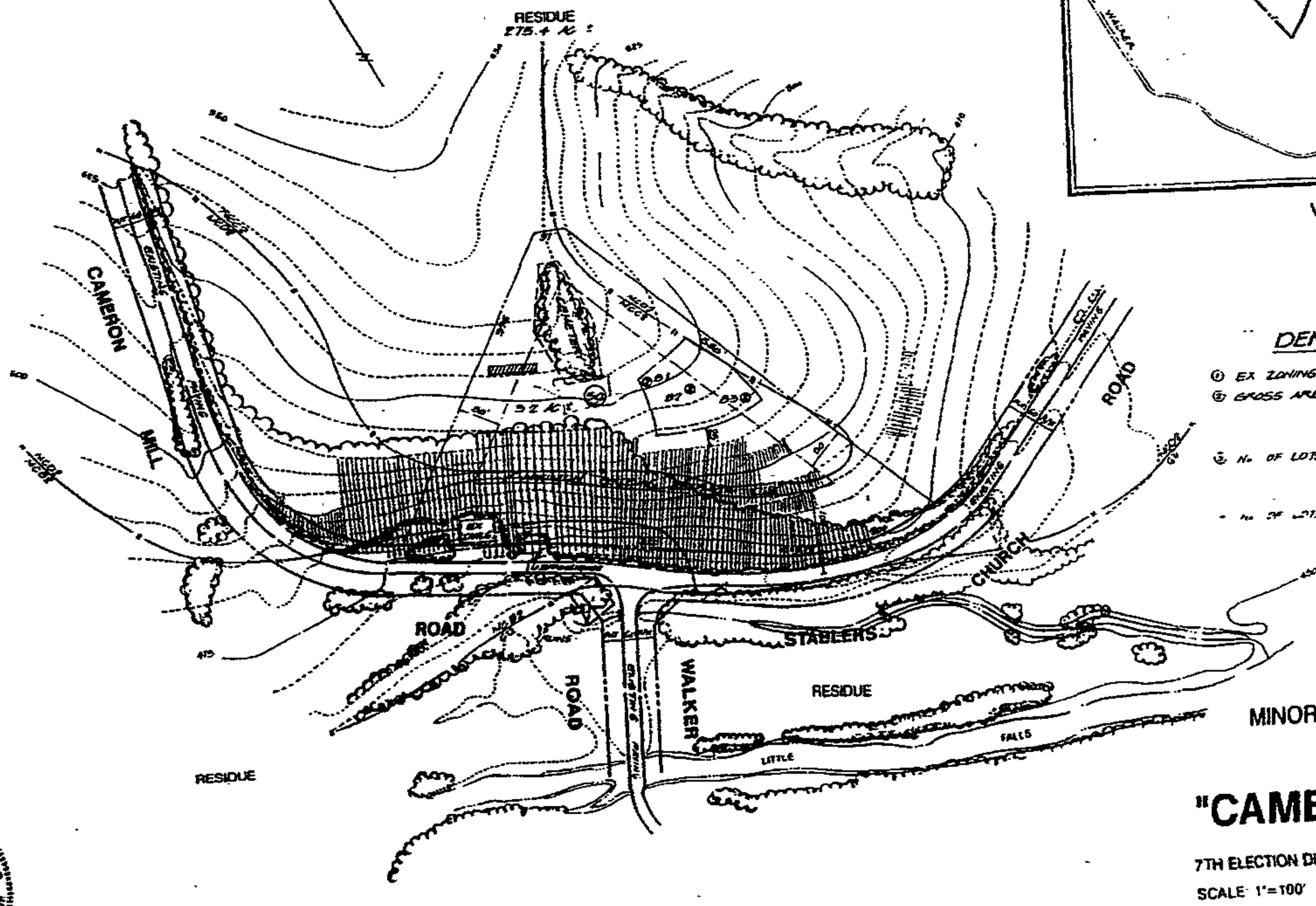
MASTER PLAN DESIGNATION · RESOURCE CONSERVATION
CENSUS TRACT · 4060
COUNCILMATIC DISTRICT · 5
WATERSHED 14 SUBSEWERSHED : B1
STORM WATER MANAGEMENT IS NOT REQUIRED FOR THIS SUBDIVISION.
THE EXISTING DWELLING APPEARS AS ITEM # 24 ON THE FINAL HISTORICAL LANDMARKS LIST
FOR ADDITIONAL INFORMATION REGARDING THE RESIDUE BOUNDARY SEE THE C.R.G. PLAN FOR "CAMERON MILL" ON FILE IN BALTIMORE COUNTY.
EXISTING DWELLING IS TO BE RENOVATED AND RESTORED, SUBJECT TO APPROVAL BY THE HISTORIC PRESERVATION COMMITTEE



HOUSE DETAIL
SCALE : 1"=20'



VICINITY MAP
SCALE 1" 1000'



DENSITY NOTES

① EX ZONING OF PROPERTY		RC-4 & RC 5
② GROSS AREA	RC-4	273.7 AC ±
	RC 5	4.9 AC ±
	TOTAL	278.6
③ No. OF LOTS PERMITTED	RC 4	(273.7 ÷ 20) = 54
	RC 5	(4.9 ÷ 3.71)
	TOTAL	57
④ No. OF LOTS PROPOSED		2 LOTS

MINOR SUBDIVISION PLAT

LOT 50

"CAMERON MILL"

7TH ELECTION DISTRICT — BALTIMORE CO. MD

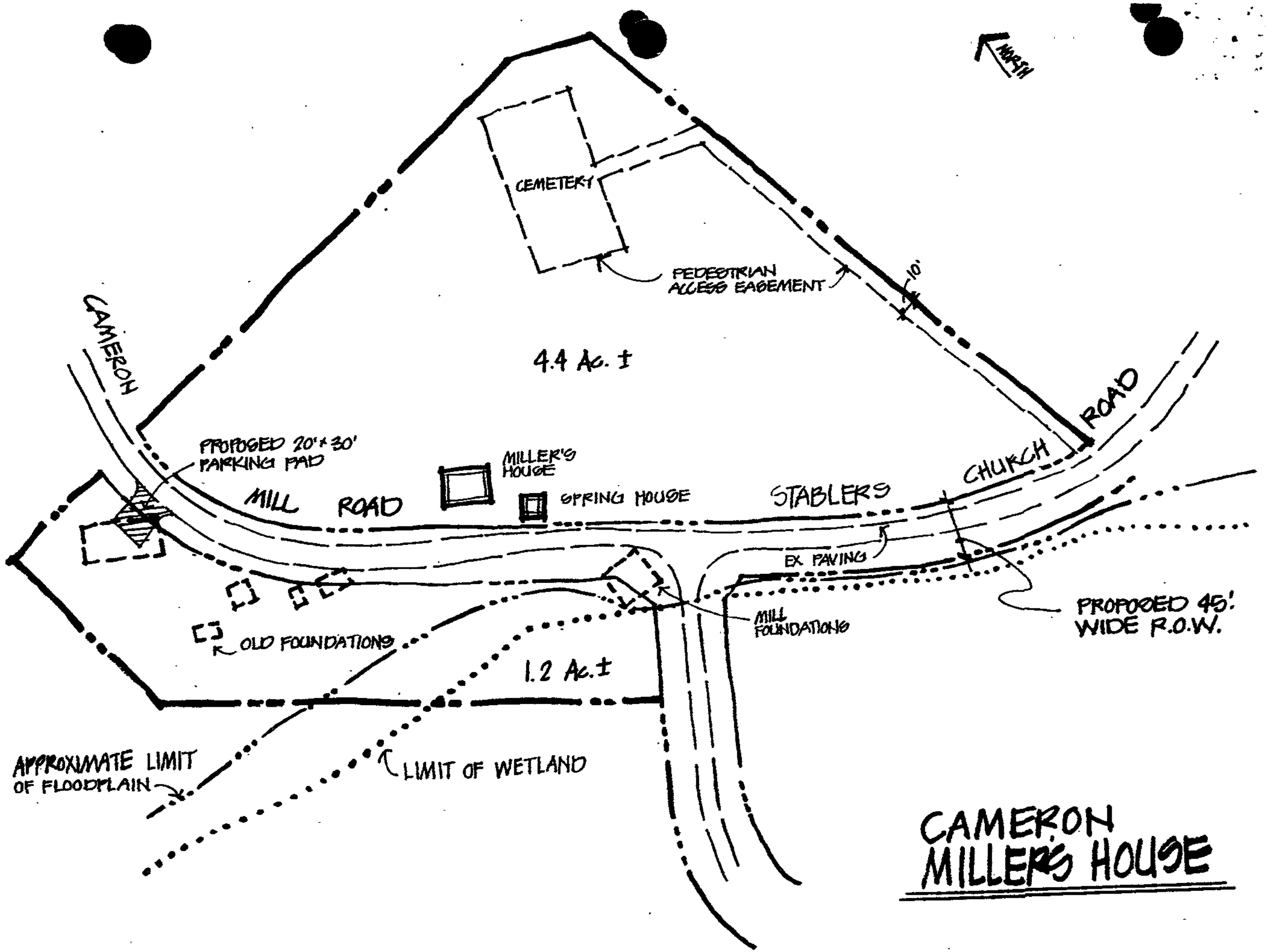
SCALE 1"=100' — SEPTEMBER 21, 1990

APPLICANT & OWNER

RUTH ANN DESOTO
1434 WHITE HALL ROAD
WHITE HALL MD 21161

STATE OF MARYLAND — JAMES W. McKEE — No. 9014 — REGISTERED PROFESSIONAL ENGINEER

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS LAND SURVEYORS



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING · NOV. 30, 1990 · SCALE 1" = 100'

Baltimore County Government
Planning Board

Appendix 6

1 Bosley Avenue
Towson, MD 21204

887-3211

TO: Leslie Schreiber, Co-chairman
County Review Group

FROM: P. David Fields, Secretary
to the County Planning Board

SUBJECT: Minor Subdivision Plat,
Lot 50, "Cameron Mill"

DATE: December 7, 1990

At yesterday's special meeting, the Baltimore County Planning Board adopted the recommendations in the enclosed December 5, 1990 staff report to constitute the Board's decision to the CRG, in accordance with Sections 22-60(b)(2) and 22-60(c) of the Development Regulations, regarding the proposed minor subdivision ("Lot 50") of the "Cameron Mill" (Desoto) property.

Dave Fields

P. David Fields

PDF/TD/prh
SCHREIBR/TXTPRH

Enclosure

cc: Frank Fisher, Co-chairman CRG
Gary Kerns
Wallace S. Lippincott, Jr.
Cameron Mill Partnership

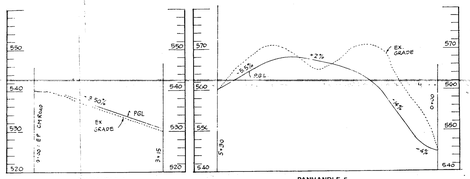
GENERAL NOTES

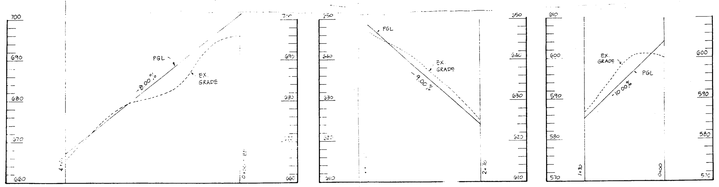
1. This site is designated as a Resource Conservation Area by the Baltimore County Master Plan.
2. This site lies within Census Tract Nos. 4060 and 4071.
3. This site lies within Councilmanic District No. 3.
4. This site lies within Watershed No. 1%.
5. This site lies within Subwatershed No. B1.
6. All proposed lots are for single family residential use and will be for sale.
7. Existing land use is agricultural, residential, and vacant woods. (See Land Use Table.)
8. To the best of our knowledge, there are no cemetery areas, archaeological sites, endangered species habitats or hazardous materials on this site.
9. Trash is to be collected by Baltimore County.
10. Individual lot grading will be accomplished by the home building contractor.
11. A waiver to the storm water management requirements has been applied for.
12. No local open space is required.
13. Topography shown hereon is taken from Baltimore County 200 scale topography.
14. Existing trees and vegetation are to be preserved where possible. No more than 25% of the natural vegetation may be removed.
15. Soils shown hereon are taken from Baltimore County Soil Survey Maps.
16. Lots shown hereon will operate on private well and septic systems.
17. Average daily trips 69 x 12.4 = 869
18. This proposed development is in close proximity to active agricultural operations. It is the developer's responsibility to advise future homeowners that agriculture has a preferred use status and the odors, noise, dust, farm equipment, livestock and the use of agricultural chemicals (pesticides, fertilizers, herbicides, and other control agents) are in active use.
19. No more than 10% of any lot may be covered by impermeable surfaces in an RC-4 zone.
20. Covenants shall be recorded to restrict the limits of disturbance on each lot.
21. Mitigated measures for soils with limitations due to steep slopes.
    A. No areas with 25% or greater slopes will be disturbed.
    B. All disturbed areas will stabilized with permanent seeding and vegetation.
    C. Whenever possible, runoff will be diverted away from severe slopes.
    D. Storm drain outfalls will be designated so as to spread runoff and avoid concentrated flows.
22. Flood plains shown hereon are taken from National Flood Insurance Program Firm Map No. 240010 0050 B.
23. The developer will comply with all applicable COMAR requirements.
24. FOR PANHANDLE LOTS - Refuse collection, snow removal, and roadway maintenance shall be provided to the junction of the panhandle and street right-of-way line only, and not onto the panhandle driveway. Maintenance agreements governing the use of the panhandles shall be recorded. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first.
25. WATER QUALITY NOTE - All storm drain outfalls will be designed under the direction of the Environmental Impact Review Division of DEPRM to achieve minimal erosion with maximum infiltration.
26. The Environmental Impact Review Division of DEPRM will be notified prior to any clearing or grading operations begin for Road "A" so that any wildplants suitable for transplanting may be salvaged by their office.
27. Lot 50 contains a structure which appears on the Final Historical Landmarks List as Site 29 Cameron Miller's House near Parkton.
28. Restrictive covenants will be recorded with the lots limiting the amount of clearing and grading to 10,000 square feet.
29. Pretty Boy Elementary School District

School Capacity	320
1990 Enrollment	440
Estimated Pupil Yield	2

7th District Elementary School District

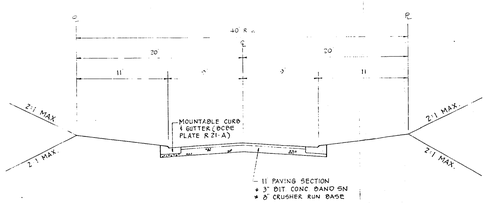
School Capacity	364
1990 Enrollment	381
Estimated Pupil Yield	4



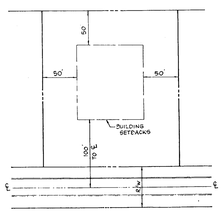


PANHANDLE PROFILES

SCALE: HOR.1 = 100 VERT.1"=10'



PAVING SECTION
40'RW - 18' PAVING

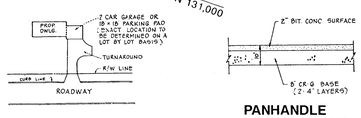


TYPICAL LOT SETBACKS

(RC-4 Lots Only)

LEGEND

EXISTING CONTOURS	450	PERC TESTS (PASSING)	
PROPOSED CONTOURS	445	PERC TESTS (FAILING)	
25% SLOPES OR GREATER		WELL ENVELOPES	
EXISTING STREAMS		PROPOSED PAVING	
WOODS LINE		DIRECTIONAL ARROW	
SOIL TYPES	WoCB WoBB	PROPOSED STREET LIGHTS	
PROPERTY LINE		LOT NUMBER	14

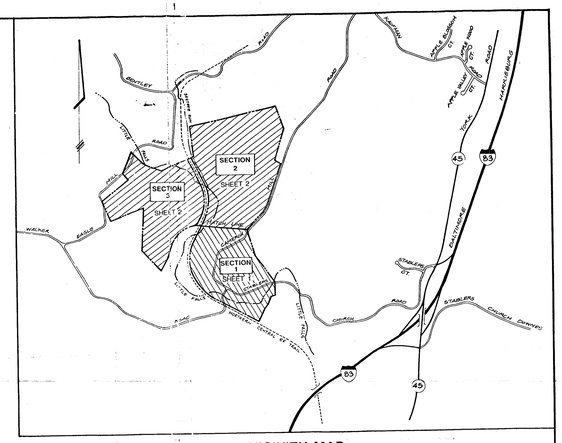


TYPICAL PARKING LAYOUT

PANHANDLE PAVING SECTION

SOIL TYPES & LIMITATIONS

TYPE	CLASS	FILTER FIELDS	HOMESITES W/ BASEMENTS	HOMESITES W/O BASEMENTS	STREETS & PARKING LOTS	MITIGATION
GeC2 GeD2 GeE2 HeC2 HeD2 HeE2	B	SLIGHT	SLIGHT	SLIGHT	MODERATE - SLOPE	SEE GENERAL NOTE 21
HeB2	B	MODERATE - SLOPE	MODERATE - SLOPE	MODERATE - SLOPE	SEVERE - SLOPE	SEE GENERAL NOTE 21
HeB Hel2 Hel3	B	SEVERE - SLOPE	SEVERE - SLOPE	SEVERE - SLOPE	SEVERE - SLOPE	SEE GENERAL NOTE 21
JuA	A	SEVERE - MODERATELY HIGH WATER TABLE, FLOODING HAZARD	SEVERE - FLOODING HAZARD	SEVERE - FLOODING HAZARD	SEVERE - FLOODING HAZARD	NOT TO BE DISTURBED
LaB	C	SEVERE - HIGH WATER TABLE, POOR NATURAL DRAINAGE, SLOW PERMEABILITY	SEVERE - HIGH WATER TABLE, POOR NATURAL DRAINAGE	SEVERE - HIGH WATER TABLE, POOR NATURAL DRAINAGE	SEVERE - HIGH WATER TABLE, POOR NATURAL DRAINAGE	NOT TO BE DISTURBED
GuB	C	SEVERE - HIGH WATER TABLE, MODERATELY SLOW PERMEABILITY	SEVERE - HIGH WATER TABLE	MODERATE - HIGH WATER TABLE	SEVERE - HIGH WATER TABLE	NOT TO BE DISTURBED
HlB	D	SEVERE - HIGH WATER TABLE, FLOODING HAZARD	SEVERE - HIGH WATER TABLE, FLOODING HAZARD	SEVERE - HIGH WATER TABLE, FLOODING HAZARD	SEVERE - HIGH WATER TABLE, FLOODING HAZARD	NOT TO BE DISTURBED
GrA	B	SEVERE - FLOODING HAZARD	SEVERE - FLOODING HAZARD	SEVERE - FLOODING HAZARD	SEVERE - FLOODING HAZARD	NOT TO BE DISTURBED



VICINITY MAP

SCALE 1"=1000'

NOTE (LOT 50)

Lot 50 as shown cross-hatched on this sheet and the adjacent road right-of-ways are not part of this CRG Plan. It is being subdivided as Minor Subdivision No. 90443M with a Right-of-way plat prepared for the Public Road Dedication. The acreage of this portion of ground, however, has been included in the density notes at the request of the Zoning Office for purposes of density confirmation only.

NOTE:

This property as shown on the plan has been held intactly the ownership shown since March 22, 1979
The Developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized recorded or represented as density or area to support any off-site dwellings

PLANNING BOARD RECOMMENDATIONS

(CONCERNING HISTORIC LOT 50)

The following recommendations as adopted by the Planning Board by resolution dated December 7, 1990 have been complied with and are reflected on this plan:

1. Accepting the western/southern line of the proposed right-of-way for Cameron Mill - Stablers Church Roads, reduce the with to 40 feet.
2. Enlarge "Lot 50" to approximately 5.6 acres, including about 1.2 acres on the west/south side of Cameron Mill Road.
3. Protect the springhouse as well as the existing historic dwelling to be renovated and restored subject to approval by the Landmarks Preservation Commission.
4. Establish a perpetual easement to protect the cemetery and to allow pedestrian access.

ADDITIONAL NOTES

1. Where proposed sewage disposal areas fall within the Forest Buffer, DEPRM will allow disturbance for installation or replacement of septic systems only.
2. Cameron Mill Road is maintained by Baltimore County from Stablers Church Road to Kaufman Road.
3. This site is partially located within the Pretyboy elementary school district where enrollment exceeds capacity by 20% or more as designated on the Interim Control Map (ICM) adopted by the County Council. Therefore at this time of Section Three of this development (Lots 13 through 29 inclusive) shall occur up to but not including the point of issuance of the grading permit building permit, public works agreement, and record plat.

ZONING REQUESTS

LOT VARIANCES

Requesting a variance to Section 1B03.4.B.3) of the Baltimore County Zoning Regulations for Lots 1, 3, 4, 7, 9, 10, 11, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 36, 37, 38, 42, 43, 44, 45, 46, 47, 48, and 50 to permit a minimum diametral dimension of less than the required 300 feet for each lot. The specific diametral dimensions requested for each lot are as follows:

LOT	DIAMETRAL	LOT	DIAMETRAL	LOT	DIAMETRAL
1	240	18	280	37	220
3	260	19	260	38	250
4	210	22	270	42	220
7	240	23	200	43	180
9	180	24	190	44	180
10	220	25	230	45	190
11	280	26	230	46	200
14	280	27	220	47	230
15	200	28	210	48	210
16	200	29	290	50	200
17	210	36	220		

LOT 53 VARIANCES

1. Requesting a variance to Section 101 (definition) to permit an accessory structure (barn) larger than the principle building on the lot.
2. Requesting a variance to Section 400.1 to permit an accessory structure (barn) to be located in the side and front yard of the lot.
3. Requesting a variance to Section 400.3 to permit a height of an accessory building (barn) of 35 feet in lieu of the maximum permitted height of 15 feet.

SITE TABULATION

1.	Existing Zoning of Property	RC-4 & RC-5
2.	Gross Area of Property	(RC-4) 271.8 Ac. (RC-5) 4.4 Ac.
		TOTAL 276.2 Ac.
3.	Number of Lots Allowed	(RC-4) 271.8 x .2 = 54 lots (RC-5) 4.4 x .667 = 2 lots
4.	Number of Lots Proposed	(RC-4) 52 lots (RC-5) 1 lot
		TOTAL 53 lots
5.	Highway Widening Area	
	A. Cameron Mill Road	4.0 Ac.
	B. Eagle Mill Road	0.8 Ac.
	C. Walker Road	0.5 Ac.
	D. Stabler's Church Road	1.7 Ac.
		TOTAL 7.0 Ac.
6.	Road Dedication	
	A. Road A	1.4 Ac.
	B. Road B	2.4 Ac.
	C. Road C	0.6 Ac.
		TOTAL 4.4 Ac.
7.	HOA Resource Conservation Area	66.7 Ac.
8.	DNR Green Space	17.5 Ac.
9.	Net Area of Lots	180.6 Ac.
10.	Average Lot Size	3.4 Ac.±

PRE-CRG REVISIONS

DEVELOPERS
Added dimensions of all paving and right-of-ways.
Clarified status of Lot 50.

PLANNING
Added General Notes 27, 28, and 29, revised Note #8.
Revised future access to Dell and Herbert.
Changed lot numbers to agree with Planning Board.
Added existing ruins to Lot 50.

D.E.P.R.M.
Increased Forest Buffers of Road A and Road C.
Added General Notes 25 and 26.
Revised Septic Areas as requested.

STORM WATER MANAGEMENT
Increased area of Lot 52 to two acres.
Located ditch at Eagle Mill Road.
Applied for storm water management exemption.

RECREATION AND PARKS
Added access parcel adjacent to Little Falls.

ZONING
Revised zoning request.
Added note for Lot 50 status.

CRG REVISIONS

1. Included "additional notes" on this sheet.
2. Added well envelope for Lot 9 and revised septic area for Lot 52.
3. Added trash pads for panhandle lots.
4. Labeled "Baltimore County Greenway Reservation.

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 3-14-91 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW
Plan Approved OPZ
Approval Expiration Date 3-14-94
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

RECEIVED APR 15 1991 OFFICE OF LAND DEVELOPMENT

C.R.G. PLAN

SECTIONS ONE, TWO, AND THREE

CAMERON MILL

SHEET 1 OF 2

6th. & 7th. Election Districts — Baltimore County, Md.

Scale: 1"=100' — February 6, 1991

Exhibit 1

OWNER

RUTH ANN DESOTO
1431 WHITE HALL ROAD
WHITE HALL MD 21161

TAX MAP 12 - PARCELS 15, 17, AND 179
DEEDS - EHK, Jr. 6015/408 & 6445/175
ACCOUNT NOS.: 07-09-000075 , 16-00-006467
18-00-014127 , 19-00-010988

APPLICANT & DEVELOPER

CAMERON MILL PARTNERSHIP
%/ McKEE & ASSOCIATES, INC.
5 SHAWAN RD.
HUNT VALLEY, MD. 21030
(301) 527-1555

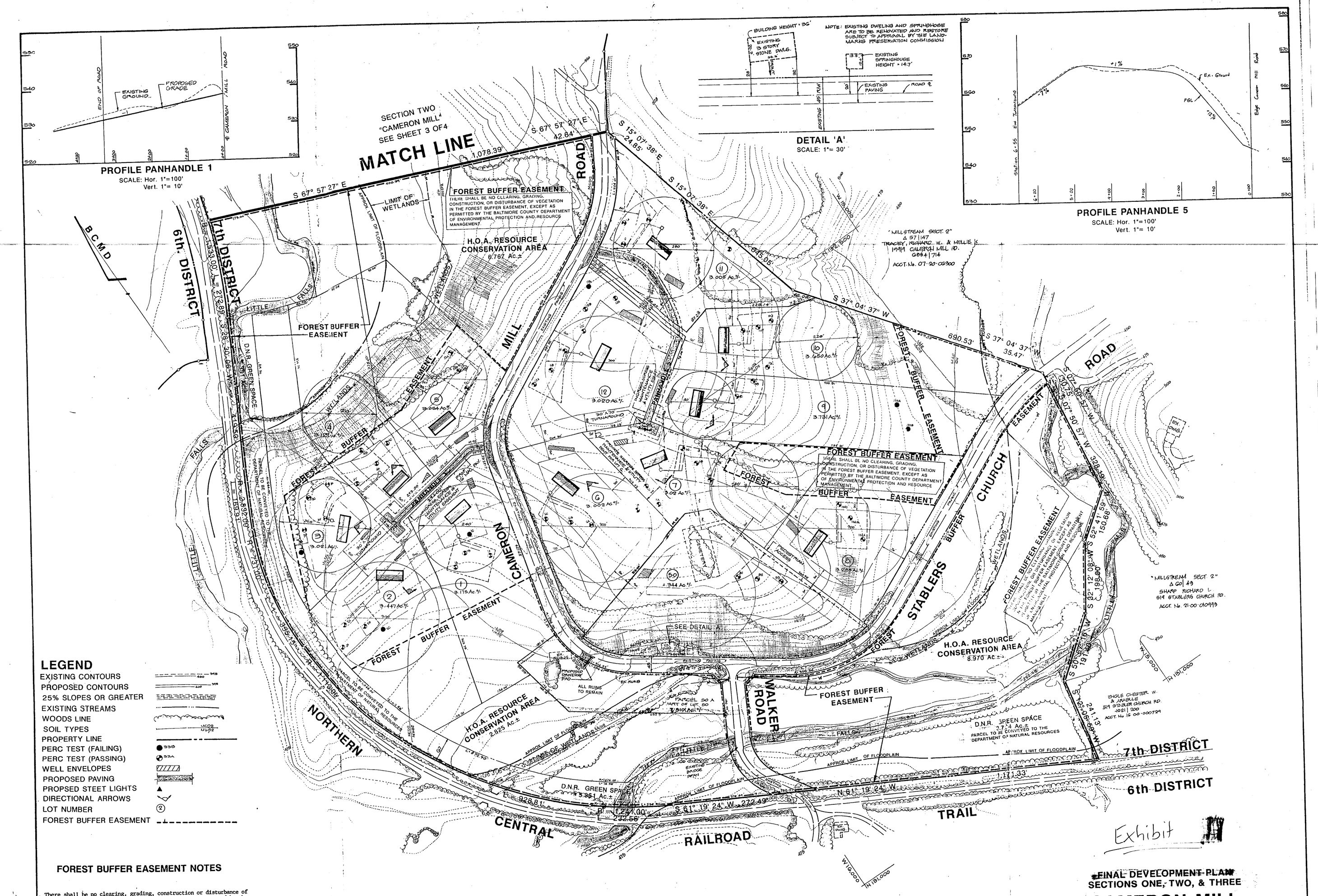
Public Services CRG No. 90212 | Planning No. VII-244

McKEE & ASSOCIATES, INC.

Engineering Surveying Real Estate Development
5 SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY MARYLAND 21030
(301) 527-1555

Designed by GGS	
Drawn by JGK	
Checked by GGS	James W. McKee
Job Number 90-11	(Maryland Registered P.E. ...)

DATE	REVISION
3-8-91	AS PER PRE-CRG MEETING COMMENTS (SEE LIST)
2-13-91	AS PER CRG MEETING COMMENTS (SEE LIST)



LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- 25% SLOPES OR GREATER
- EXISTING STREAMS
- WOODS LINE
- SOIL TYPES
- PROPERTY LINE
- PERC TEST (FAILING)
- PERC TEST (PASSING)
- WELL ENVELOPES
- PROPOSED PAVING
- PROPSED STEET LIGHTS
- DIRECTIONAL ARROWS
- LOT NUMBER
- FOREST BUFFER EASEMENT

FOREST BUFFER EASEMENT NOTES

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

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

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

(301) 527-1555

Computed by: G.C.S.	James W. McKee 11/23/92
Drawn by: J.G.K.	James W. McKee Date
Checked by: G.C.S.	(Maryland Registered No. 9012)
Job Number: 90-11	

STATE OF MARYLAND JAMES W. McKEE No. 9012 REGISTERED PROFESSIONAL LAND SURVEYOR

PLAN VIEW
SECTION ONE
1"= 100'

Exhibit

~~FINAL DEVELOPMENT PLAN~~
SECTIONS ONE, TWO, & THREE

CAMERON MILL

6TH & 7TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1"= 100' OCTOBER 29, 1992

SHEET 2 OF 4

OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING DATE
for M J Kelly 12/30/92
DIRECTOR OF Z.A.D.M. DATE

MICROFILMED

General Notes

1 The recording of this Plat does not constitute or imply acceptance by the county of any street, easement, park, open spaces, or other public area shown on this Plat

2 This Plat may expire in accordance with the provisions of the Baltimore County Code, Section 26-216

3 The recording of this Plat does not guarantee the installation of streets or utilities by Baltimore County

4 The information shown hereon may be superseded by a subsequent or amended Plat

5 Additional information concerning this Plat may be obtained from the Baltimore County Office of Planning and Zoning and the Department of Public Works

6 Highways and highway widenings slope easements, drainage and utility easements, access easements, forest buffer areas in fee or easement and stormwater management areas, no matter how entitled, shown hereon, are reserved unto the owner and, except for those indicated as private, are hereby offered for dedication to Baltimore County, Maryland The owner, his personal representatives and assigns will convey said areas by deed, to Baltimore County, Maryland, at no cost

7 The owner/developer will comply with the best management practices adopted by the Baltimore County Department of the Environmental Protection and Resource Management

8 Except as otherwise indicated, all building restriction lines shown hereon have been place as a result of an interpretation only of currently applicable regulations and policies of the Baltimore County Office of Planning and Zoning Exceptions to these restrictions may apply

9 Any forest buffer easement shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas

10 Soil percolation tests will be valid for a period of five years from the date the Record Plat is signed by the Director, Department of Environmental Protection and Resource Management At the expiration of this period, new tests may be required

11 All requirements of the Maryland State Department of the Environment and Baltimore County Department of Environmental Protection and Resource Management pertaining to private water and/or sewer systems must be complied with prior to the approval of building applications

12 There shall be no clearing, grading, construction, or disturbance of vegetation in the forest buffer easement, except as permitted by the Baltimore County Department of the Environmental Protection and Resource Management

13 Panhandle drives will be maintained by the owners of the properties sold

14 Easement agreements for panhandles to be recorded simultaneously with Plat of record

15 The formal irrevocable offers of dedication have been made

16 The area designated as a floodplain includes the area inundated by the 100 year frequency storm and a minimum of 9 foot vertical freeboard The elevations shown on the floodplain sections are the 100 year design frequency surface elevations +9 foot freeboard

17 Trash collection, snow removal, and road maintenance are to be provided to the junction of the panhandle and street rights-of way

COORDINATES

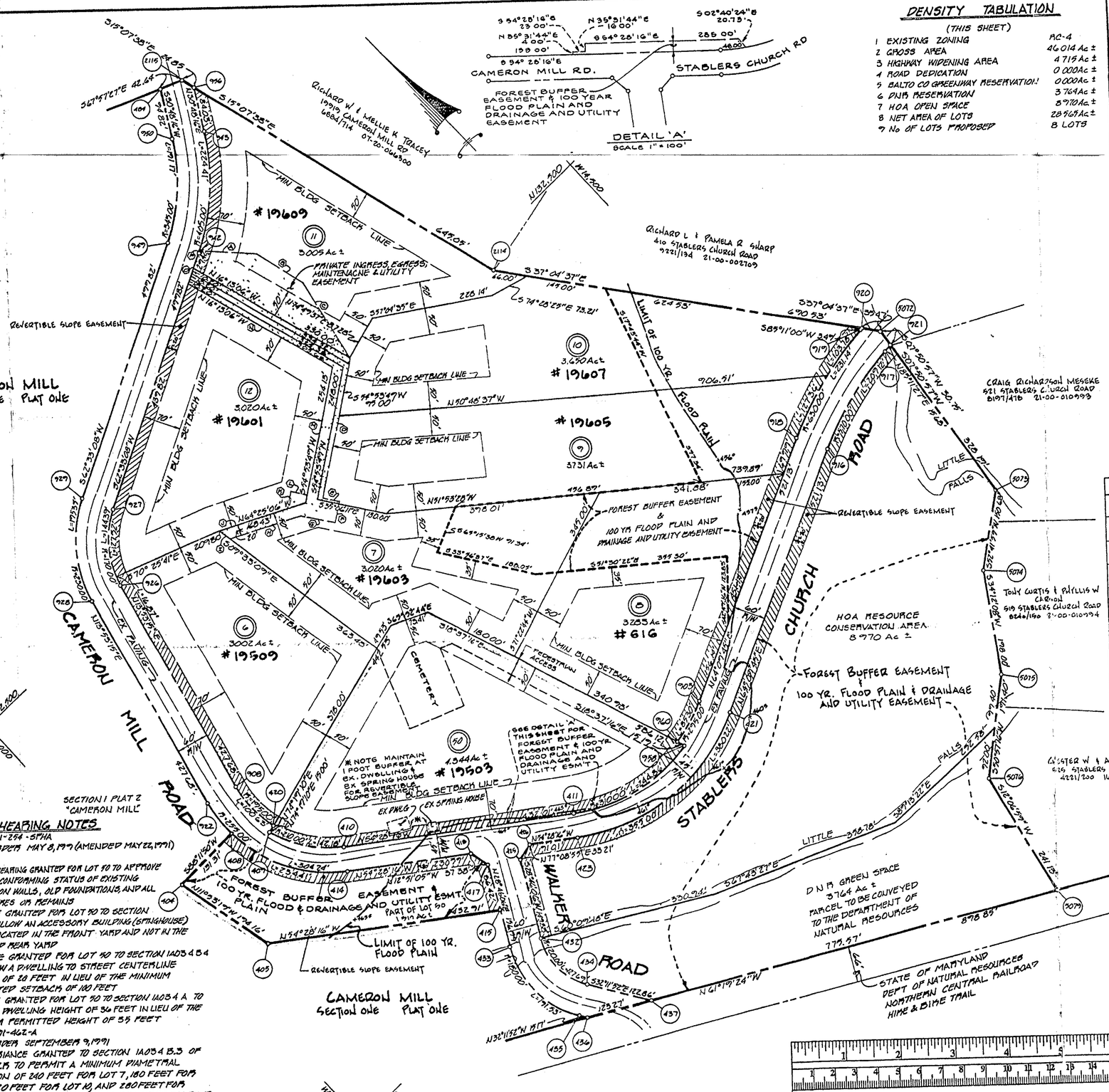
NO	NORTH	WEST	NO	NORTH	WEST
404	132045.000	15940.000	917	131850.040	14319.882
405	131955.000	15900.000	918	131849.095	14346.587
408	132049.131	15808.792	919	131909.849	14324.920
409	132000.396	15786.063	920	131910.141	14321.446
410	131886.250	15675.912	921	131851.375	14304.260
411	131639.201	15524.331	922	132118.357	15801.424
414	131849.628	15702.062	926	132519.134	15620.928
415	131603.429	15547.686	927	132629.195	15595.898
417	131679.189	15506.091	928	132533.335	15478.795
418	131715.631	15514.405	929	132482.441	15581.516
420	132004.490	15741.621	942	132839.581	15110.302
421	131567.974	14989.470	943	133011.987	15949.120
423	131598.579	15370.481	947	132912.827	15157.799
425	131644.077	15456.920	950	133042.515	15000.685
426	131651.464	15424.945	996	133085.799	14906.089
432	131512.697	15529.033	998	131381.943	15091.811
433	131541.573	15581.647	9040	131596.340	15096.662
434	131371.003	15525.410	2115	133107.750	14912.575
435	131399.033	15576.182	5072	131881.840	14300.060
436	131346.174	15548.078	5073	131926.260	14349.080
437	131287.039	15459.965	5074	131434.950	14468.960
484	133123.753	14952.039	5075	131271.190	14580.060
903	131621.977	15015.619	5076	131150.620	14728.890
908	132103.996	15745.178	5079	130916.866	14779.302
916	131799.093	14520.438	2114	132461.063	14737.755

CURVE DATA

FROM TO	RADIUS	DELTA	ARC	TANGENT	CHORD
949-950	345.00'	31°44'52"	191.17'	98.11'	N42°40'42"E 188.73'
942-943	405.00'	31°44'52"	224.41'	115.17'	S42°40'42"W 221.59'
926-927	230.00'	48°37'53"	195.35'	104.01'	N38°15'12"E 189.53'
924-927	170.00'	48°37'53"	144.39'	76.87'	S38°15'12"W 140.09'
914-922	299.00'	68°21'51"	304.24'	173.16'	N20°11'31"W 286.91'
920-908	175.00'	29°34'05"	100.65'	51.46'	S00°53'47"E 99.52'
409-410	210.00'	38°41'26"	142.18'	73.93'	S35°04'33"E 139.48'
432-434	120.00'	60°57'38"	127.69'	70.64'	S01°42'53"E 121.79'
433-435	180.00'	60°57'38"	191.53'	105.96'	N01°42'53"W 182.62'
411-423	339.00'	61°21'59"	380.22'	210.64'	N13°09'19"W 362.31'
411-918	310.00'	45°15'20"	244.86'	129.22'	S17°05'06"E 238.54'
903-960	295.00'	16°36'01"	85.30'	42.95'	N72°26'46"E 85.00'
916-917	570.00'	21°01'15"	209.12'	105.75'	S74°40'23"W 207.99'
918-919	630.00'	21°01'15"	231.14'	116.88'	N74°40'23"E 229.84'

LINE DATA

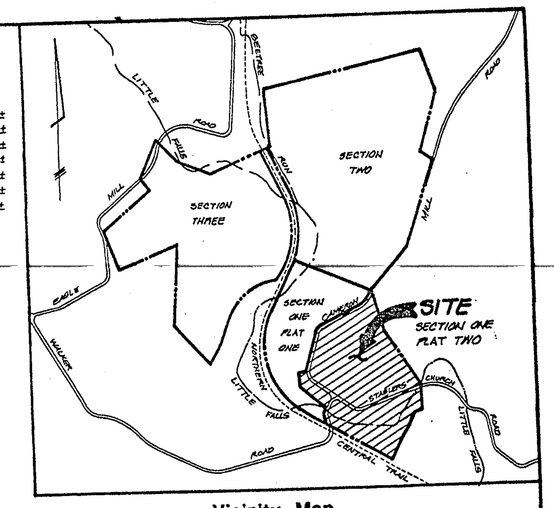
(A)	S 43° 32'46"E	106.06'	(I) N 09°33'09"W 244.6'
(B)	S 14° 30'38"E	100.00'	(K) S64°25'06"E 134.05'
(C)	S 12° 28'02"W	165.91'	(L) N 54°55'49"E 31.70'
(D)	S 54°55'49"W	260.72'	(M) S 35°06'11"E 30.00'
(E)	S 35°06'11"E	30.00'	(N) N 54°55'49"E 239.27'
(F)	S 54°55'49"W	40.00'	(O) N 16°13'06"W 309.68'
(G)	N 35°06'11"W	65.93'	(P) N 62°33'08"E 60.05'
(H)	N 64°25'06"W	138.62'	(R) R=405.00' L=5.00'



DENSITY TABULATION

(THIS SHEET)

1	EXISTING ZONING	RC-4
2	GROSS AREA	46.014 Ac ±
3	HIGHWAY WIDENING AREA	4.719 Ac ±
4	ROAD DEDICATION	0.000 Ac ±
5	BALTO CO GREENWAY RESERVATION	0.000 Ac ±
6	DNR RESERVATION	3.764 Ac ±
7	HOA OPEN SPACE	8.770 Ac ±
8	NET AREA OF LOTS	28.965 Ac ±
9	No OF LOTS PROPOSED	8 LOTS



Vicinity Map
Scale 1"= 1000'

Density Tabulations

	SECTION ONE	SECTION TWO	SECTION THREE	OVERALL
Existing Zoning	RC 4	RC-4 + RC-5	RC-4	RC-4 + RC-5
Gross Area RC 4 / RC 5	76.783 Ac ± (76.783 Ac ± / 0.000 Ac ±)	112.041 Ac ± (107.850 Ac ± / 4.191 Ac ±)	87.907 Ac ± (87.907 Ac ± / 0.000 Ac ±)	276.231 Ac ± (271.540 Ac ± / 4.191 Ac ±)
No of Lots Allowed RC 4 / RC 5	23 (26 (R) + 0.2 × 15) / (0)	23 (101.540 × 0.2 × 1.1) / (4.191 × 0.467 2)	17 (85.407 × 0.2 × 1.1) / (0)	56 (231.840 × 0.2 × 1.1) / (4.191 × 0.467 × 2)
No of Lots Proposed RC 4 / RC-5	13 (13) / (0)	23 (21) / (11)	17 (17) / (0)	53 (52) / (11)
Highway Widening Area	4.719 Ac ±	1.208 Ac ±	2.512 Ac ±	8.441 Ac ±
Road Dedication	0.000 Ac ±	3.201 Ac ±	1.543 Ac ±	4.744 Ac ±
Baltimore County Greenway Reservation	0.000 Ac ±	0.000 Ac ±	3.740 Ac ±	3.740 Ac ±
DNR Reservation	0.192 Ac ±	3.572 Ac ±	—	3.764 Ac ±
HOA Open Space	18.562 Ac ±	16.315 Ac ±	18.517 Ac ±	53.394 Ac ±
Area of Parcel "A"	0.000	0.656 Ac ±	0.000	0.656 Ac ±
Net Area of Lots	49.391 Ac ±	85.934 Ac ±	54.332 Ac ±	189.777 Ac ±
Average Lot Size	3.515 Ac ±	3.858 Ac ±	3.196 Ac ±	3.347 Ac ±
Parking Required	2 per lot + 2S	2 per lot + 4S	2 per lot + 3S	2 per lot + 10S
Parking Proposed	* per lot + 2S	* per lot + 4S	* per lot + 3S	2 per lot + 10S

Exhibit H

Filed for record
S.M. 67 FOLIO 002
Date AUG 10 1994
Test:
Clerk

Final Subdivision Plat
Section One Plat Two

CAMERON MILL

6th & 7th Election District
Scale. 1"= 100'

Baltimore County, Maryland
January 12, 1994

19503 Cameron Mill Rd
Owned by: Talbot Daley

Date of C.R.G. approval 3/14/91

Developer
Cameron Mill Partnership
5 Shawan Rd
Hunt Valley, Maryland 21030
(410) 527-1555

Owner
Ruth Ann Desoto &
Mayor Kalichman
Deed References : 6015/408
6445/175
Account Numbers : 07-03-000075
16-00-009467
18-00-014127
19-00-010988

✓The streets and/or roads shown hereon and the mention thereof in deeds are for the purposes of description only, and the same are not intended to be dedicated to public use The fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this Plat is attached, their heirs and assigns

Coordinates and bearings shown on this Plat are referred to the system of coordinates established in the Baltimore County Metropolitan District, and are based on the following traverse stations

Station 13871 N 132,784.03 W 15,374.93 — N 61° 50' 22" E 391.59' To — Station 13872 N 132,948.84 W 15,653.49

Surveyor's Certification
The undersigned, a Registered Land Surveyor of the State of Maryland does hereby certify that he is the surveyor who prepared this Plat and that the land shown hereon has been laid out and the Plat thereof has been prepared in compliance with Subsection (C) Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as the same concerns the making of Plat and marker setting

James W Mckee — 1/21/94 Date

Owner's Certification
The undersigned, owner of the land shown hereon, hereby certifies that to the best of its knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland has been complied with, as same concerns the making of the Plat and setting of markers

Owners — 11/28/94 Date

Approved:
Department of Environmental Protection and Resource Management
Director — 7/6/94 Date

Approved:
For the department of public works, and the office of planning and zoning
Director — 6/20/94 Date

P.W.A. Completed:
Final Plat Checked: 7/6/94
Planning:
Engineering: Rwb 6/6/94
House Numbers: CCR 5/12/94
Land Acquisition: 5/12/94
Rec'd Forms 5/12/94

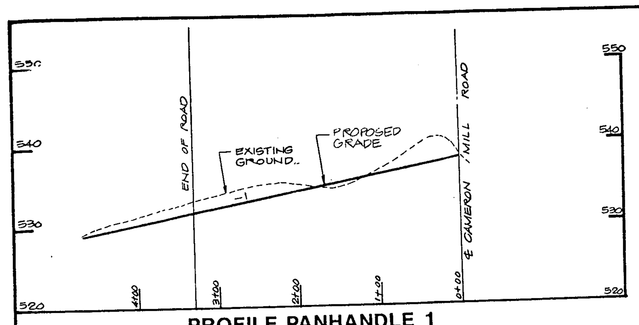
McKEE & ASSOCIATES, INC.

Engineering-Surveying-Real estate Development
Shawan Place, 5 Shawan Road — Hunt Valley, Maryland 21030
(410) 527-1555

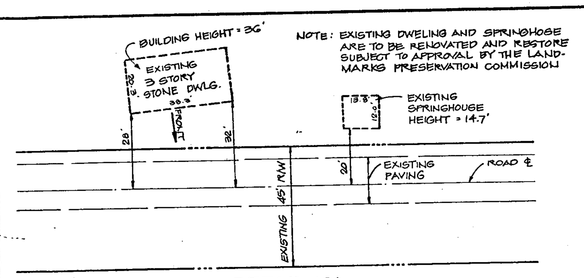
Computed: GCS	Drawn: MGY	Checked: GCS	Job No.: 90-11

MSA SOU 1236-9198-2 67-2

508

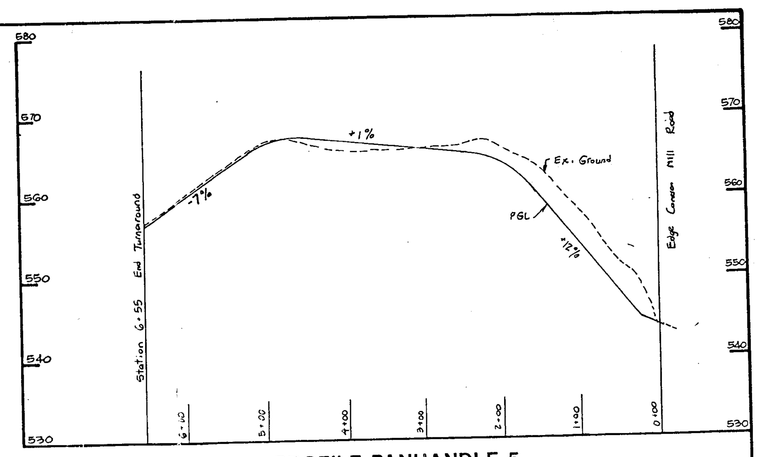


PROFILE PANHANDLE 1
SCALE: Hor. 1"=100'
Vert. 1"= 10'

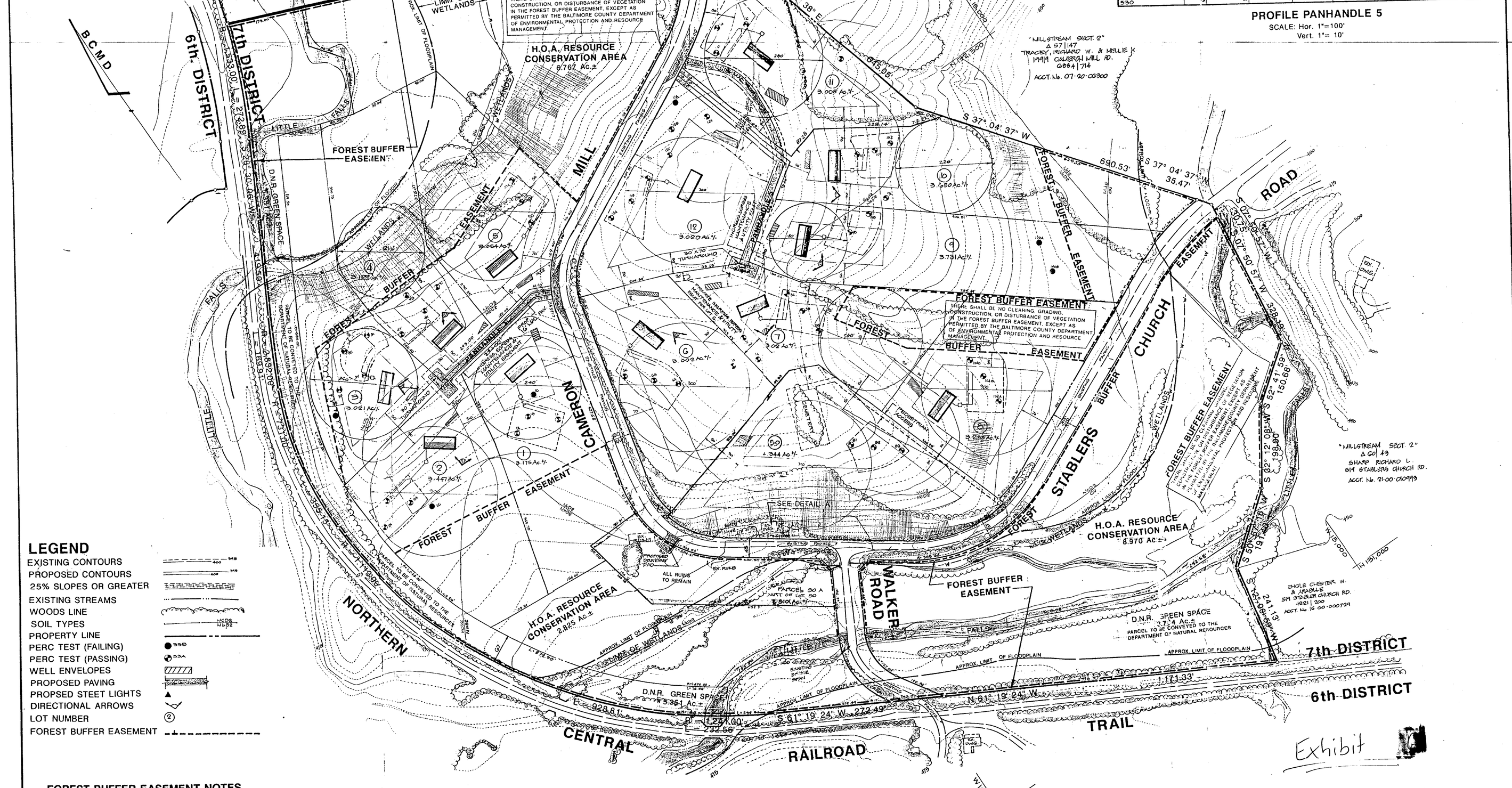


NOTE: EXISTING DWELING AND SPRINGHOUSE ARE TO BE RENOVATED AND RESTORE SUBJECT TO APPROVAL BY THE LANDMARKS PRESERVATION COMMISSION

DETAIL 'A'
SCALE: 1"= 30'



PROFILE PANHANDLE 5
SCALE: Hor. 1"=100'
Vert. 1"= 10'



LEGEND

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- PROPOSED CONTOURS
- 25% SLOPES OR GREATER
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PLAN VIEW
SECTION ONE
1"= 100'

Exhibit

~~FINAL~~ DEVELOPMENT PLAN
SECTIONS ONE, TWO, & THREE

CAMERON MILL

6TH & 7TH ELECTION DISTRICT — BALTIMORE COUNTY, MD.
SCALE: 1"= 100' — OCTOBER 29, 1992

SHEET 2 OF 4

OFFICE OF PLANNING AND ZONING
APPROVED BY:
DIRECTOR OF PLANNING — DATE
for — 12/30/92
DIRECTOR OF Z.A.D.M. — DATE

MICROFILMED

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD — HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by: G.C.S.	
Drawn by: J.G.K.	
Checked by: G.C.S.	
Job Number: 90-11	James W. McKee — Date 11/23/92 (Maryland Registered No. 9012)

STATE OF MARYLAND — JAMES W. McKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR