RE:	PETITION FOR VARIANCE Parcel 194, Goose Harbor Road; N/S Goose Harbor Rd, 500' E Bowleys Quarters Rd 15th Election & 6th Councilmanic Districts Legal Owner(s): Sandra Lucky Contract Purchaser(s): James Gernhart, Jr. Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-177-A

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

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 and all 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 5th day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to, James Gernhart, Jr, 6801 Schaadts Road, Baltimore, MD 21220, Petitioner(s).

RECEIVED
OCT 05 2005
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

October 13, 2005

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: 06-177-A
Parcel 194, Goose Harbor Road
N/side of Goose Harbor Road, 500 feet east of Bowley's Quarters Road
15th Election District – 6th Councilmanic District
Legal Owner: Sandra Lucky
Contract Purchaser: James Gernhart, Jr.

Variance to permit a proposed single family dwelling to have a height of 50 feet in lieu of the required 35 feet.

Hearing: Monday, November 14, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: James Gernhart, Jr., 6801 Schaadts Road, Baltimore 21220
Sandra Lucky, 8406 Charles Valley Court, Apt. B., Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 29,2005.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 27, 2005 Issue - Jeffersonian

Please forward billing to:
Sandra Lucky
8406 Charles Valley Court, Apt. B
Towson, MD 21204

410-828-0069

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:

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Parcel 194, Goose Harbor Road
N/side of Goose Harbor Road, 500 feet east of Bowley's Quarters Road
15th Election District – 6th Councilmanic District
Legal Owner: Sandra Lucky
Contract Purchaser: James Gernhart, Jr.

Variance to permit a proposed single family dwelling to have a height of 50 feet in lieu of the required 35 feet.

Hearing: Monday, November 14, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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: 06-177-A

Petitioner: Sandra Lucky.

Address or Location: Parcel 194 Goose Harbor Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Sandra Lucky

Address: 8406 Charles Valley ct. Apt. B.
MD. 21204

Telephone Number: (410) 828-0069

Revised 7/11/05 - SCJ

CBCA - Flood

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at PARCEL 194, GOOSE HARBOR RD

which is presently zoned RC 20

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 Variance from Section(s) 1A05.4.A (BCZR)

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING TO HAVE A HEIGHT OF 50' IN LIEU OF THE REQUIRED 35'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To Be discussed at Hearing.

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

James Gerwhart Jr.
Name - Type or Print

Signature

6801 Schaadts Rd (410) 852-0793
Address Telephone No.

Balto MD. 21220
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Sandra Lucky
Name - Type or Print

Sandra Lucky
Signature

Name - Type or Print

Signature

8406 Charles Valley Ct. Apt B. (410) 8280069
Address Telephone No.

Towson MD. 21204
City State Zip Code

Representative to be Contacted:

James Gerwhart Jr.
Name

6801 Schaadts Rd. (410) 852.0793
Address Telephone No.

Balto. MD. 21220
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-177-A

Reviewed By LTM **Date** 9/23/05

REV 9/15/98

7/16/05

Zoning Description for Parcel 194 Goose Harbor Rd.

Beginning at a point on the North side of Goose Harbor Rd. which is 30 feet wide at a distance of 500 feet East of the centerline of the nearest improved intersecting street Bowlys Quarters Rd. which is 40 ft. wide containing @ 9.7 acre. Also known as Parcel 194 grid 5 map 198 and located in the 15 Election district, 6 councilmatic district.

As Recorded in Deed.
* Liber 6448, Folio 47 and including the measurements and directions here and on the plat in the correct location. S 73° 35' 00" W 217.99' S 53° 14' 20" W 241' S 80° 51' 20" W 39.29' S 33° 32' 50" E 990.72' N 62° 21' 30" E 76.95' N 72° 50' 50" E N 26° 50' 40" W 1023.64'. In the Subdivision known as Bowlys Quarters.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0801

DATE 9/23/05 ACCOUNT 1001006 6150

AMOUNT $ 65.00

RECEIVED FROM: JAMES GOLDHAMMER

FOR: 06-172-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/23/2005	9/23/2005	08:33:20	2

REG REC2 MAIL JEWA JEE

>RECEIPT # 427487 9/23/2005 OFLM

Dept 5 520 ZONING VERIFICATION

CR Nl. 000311

Recpt Tot 465.00

0.00 CK 465.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

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: #06-177-A
Parcel 194, Goose Harbor Road
N/side of Goose Harbor Road, 500 feet east of Bowley's Quarters Road
15th Election District
6th Councilmanic District
Legal Owner(s): Sandra Lucky
Contract Purchaser:
James Gernhart, Jr.
Variance: to permit a proposed single family dwelling to have a height of 50 feet in lieu of the required 35 feet.
Hearing: Monday, November 14, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.

10/320 Oct. 27 72676

CERTIFICATE OF PUBLICATION

10/27/, 2005

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 10/27/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

Department of Permits and Development Management

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

Baltimore County

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

November 14, 2005

Sandra Lucky
8406 Charles Valley Court, Apt. D.
Towson, Maryland 21204

Dear Ms. Lucky:

RE: Case Number: 06-177-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 2005.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
James Gernhart 6801 Schaadts Road Baltimore 21220

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

State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 10-4-05

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

RE: Baltimore County
Item No. 177 LTM

Dear. Ms. Matthews:

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

Steven D. Foster, Chief
Engineering Access Permits Division

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J Hohman, Chief

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

Oct. 6,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18, 2005

Item No.: 167 thru 174 176 ~~thru~~ 184 Also case # 05-502-A

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O)410-887-4881
MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: October 19, 2005

DAK

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2005
Item No. 177

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show a 40-foot right-of-way centered on existing 30-foot right-of-way. Setback shall be adjusted accordingly.

The flood protection elevation for this site is 11.2 feet.

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

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

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 177-10192005.doc

Pow 11/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 28, 2005

RECEIVED

NOV - 3 2005

ZONING COMMISSIONER

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

SUBJECT: Parcel 193, Goose Harbor Road

INFORMATION:

Item Number: 6-177

Petitioner: Sandra Lucky

Zoning: RC 20

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request provided the applicant submit architectural elevations to the Office of Planning prior to the issuance of any building permits for review and approval. Elevations should illustrate a minimized, or mitigated impact of exposed foundation.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-177.doc

Sandra Lucky
410-828-0069
410-296-0136

November 4, 2005

Mr. Timothy Kotroco, Director
Department of Permits and Development Management
Director's Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

CASE NUMBER: 06-177-A
Parcel 194, Goose Harbor Road
N/side of Goose Harbor Road, 500 feet east of Bowley's Quarters Road
15th election District- 6th Councilmanic District
Legal Owner: Sandra Lucky
Contract Purchaser: James Gernhart, Jr.

Dear Mr. Kotroco:

Please be advised that Mr. James Gernhart will represent me in the above listed matter. I grant this permission to him for this purpose.

Sincerely, Sandra Lucky

Sandra Lucky

TO: File

DATE: November 16, 2005

FROM: William J. Wiseman, III
Zoning Commissioner

SUBJECT: **Parcel No. 194 of Goose Harbor Road**
Sandra Lucky, Legal Owner; James Gernhart, Jr., Contract Purchaser
Case No. 06-177-A

This matter was scheduled for a public hearing on Monday, November 14, 2005 at 11:00 AM in Room 407 of the Circuit Courts Building in Towson. Mr. James Gernhart, Jr., Contract Purchaser and representative of the property owner, Sandra Lucky, appeared before this Zoning Commissioner. He indicated that he was aware of the failure of the owner to post the property and does not know what Ms. Lucky intends to do; however, in view of some problems he had encountered with DEPRM, he has decided not to purchase the property. I indicated that I would not take any testimony since no disposition could be rendered and that should they decide to pursue the variance request, the property would have to be re-advertised and re-posted.

However, it is also worthy of mention that there was no comment from DEPRM with respect to this proposal, which would be mandatory in view of Section 500.14. Therefore, a comment should be received from DEPRM prior to this matter being rescheduled.

In the meantime, the case file will be returned to the Department of Permits and Development Management for safekeeping and should the Petitioners decide to pursue the matter, the hearing can be rescheduled before either this Zoning Commissioner or the Deputy Zoning Commissioner.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID A.C. CARROLL, *Director*
Department of Environmental Protection and Resource Management

November 10, 2005

Ms. Sondra Lucky
29 Landau Drive
Westminster, MD 21157

Re: Parcel 194 Goose Harbor Road
Critical Area Administrative Variance

Dear Ms. Lucky:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to construct a single family dwelling by impacting 10,500 square feet of non-tidal forested wetlands and 4,538 square feet of wetland buffer at the above referenced property.

However, review of the application package revealed that it is incomplete; thus, we cannot determine if it meets all variance criteria. Specifically, there were no alternate locations or house designs included with the request that would have less impact to wetlands, buffer, and forest. Additionally, the plan is very unclear as to which side of the wetland limit shown is the actual wetland, as it doubles back on itself, and the entire property is not shown.

In order to process this request further, please provide the following information:

1. The wetland delineation and accompanying report must be approved onsite by DEPRM staff, and the approved wetland line surveyed and clearly shown on the revised plan along with the required buffers.
2. Once that information is on the plan, alternate designs and layouts based on the approved wetland line must be considered that minimize impacts to wetlands and buffer as well as forest fragmentation to the greatest extent possible while still providing for a reasonably sized house. In considering alternate designs, please be advised that direct impacts to wetlands should be avoided, as wetland fill for home site development in the Chesapeake Bay Critical Area is typically not permitted by Baltimore County.

3. State and possibly U.S. Army Corps of Engineers authorization will be required to impact any wetlands and associated buffer, assuming the requested variance to Chesapeake Bay Critical Area regulations were granted to allow such impacts. A copy of the Joint Permit Application must be included in a resubmittal.
4. Mitigation should be proposed in the variance that offsets the proposed impacts. However, given that this 9.9-acre property is entirely forested, part of a forest corridor, contains forest interior bird dwelling habitat, may contain a State- rare plant species (Arundinaria gigantea), and is predominantly non-tidal wetland, it will be extremely difficult to minimize water quality impacts and impacts to fish, wildlife, or plant habitat.

If you have questions regarding this project, please contact Ms. Martha Stauss at 410-887-3980.

Sincerely,

Glenn E. Shaffer, Supervisor
Environmental Impact Review

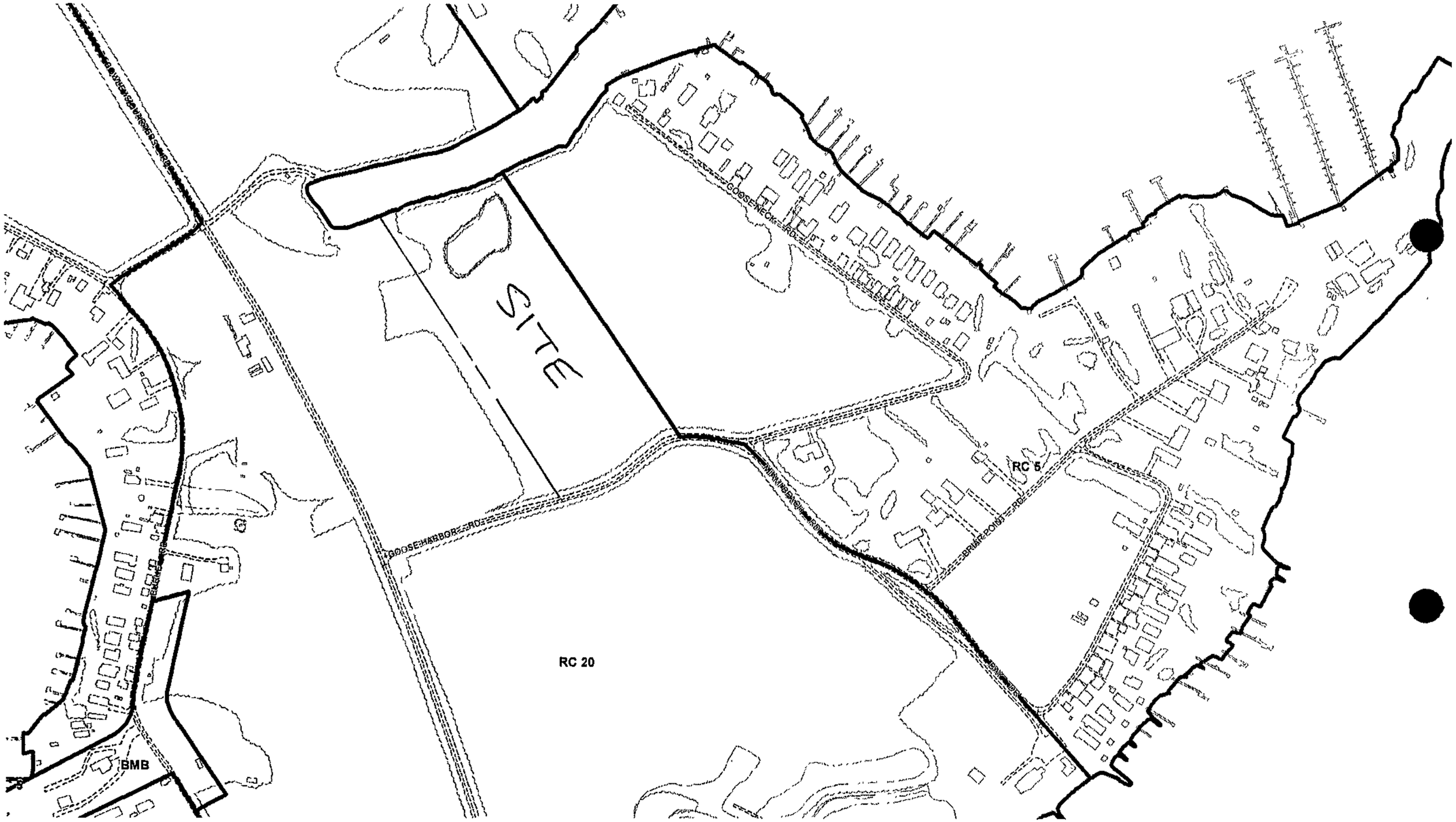
GES: mls

shreir/martha/cav/lucky propertyCAAV-D.doc

Case No.: 06-177 A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		


SITE
GOOSENECK RD
GOOSE HARBOR RD
MINNINGBERRY RD
BRIAR POINT RD
RC 5
RC 20
BMB

09801

177

View of back corner from Bowlys Ct
Rd.

11/05

Right of property up goose harbor

11/05

Rear of property water side across Goose Harbor Inlet.

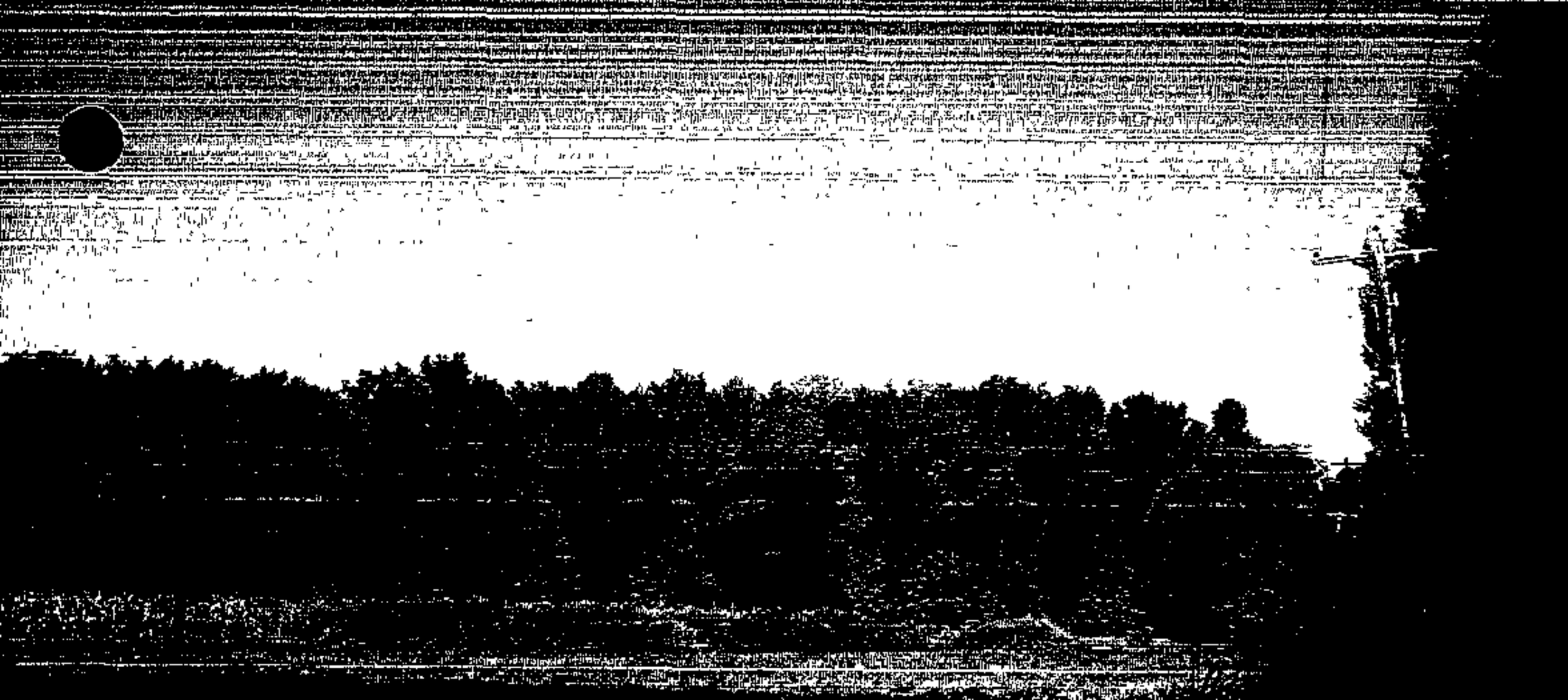
11/05

left of property up goose harbor

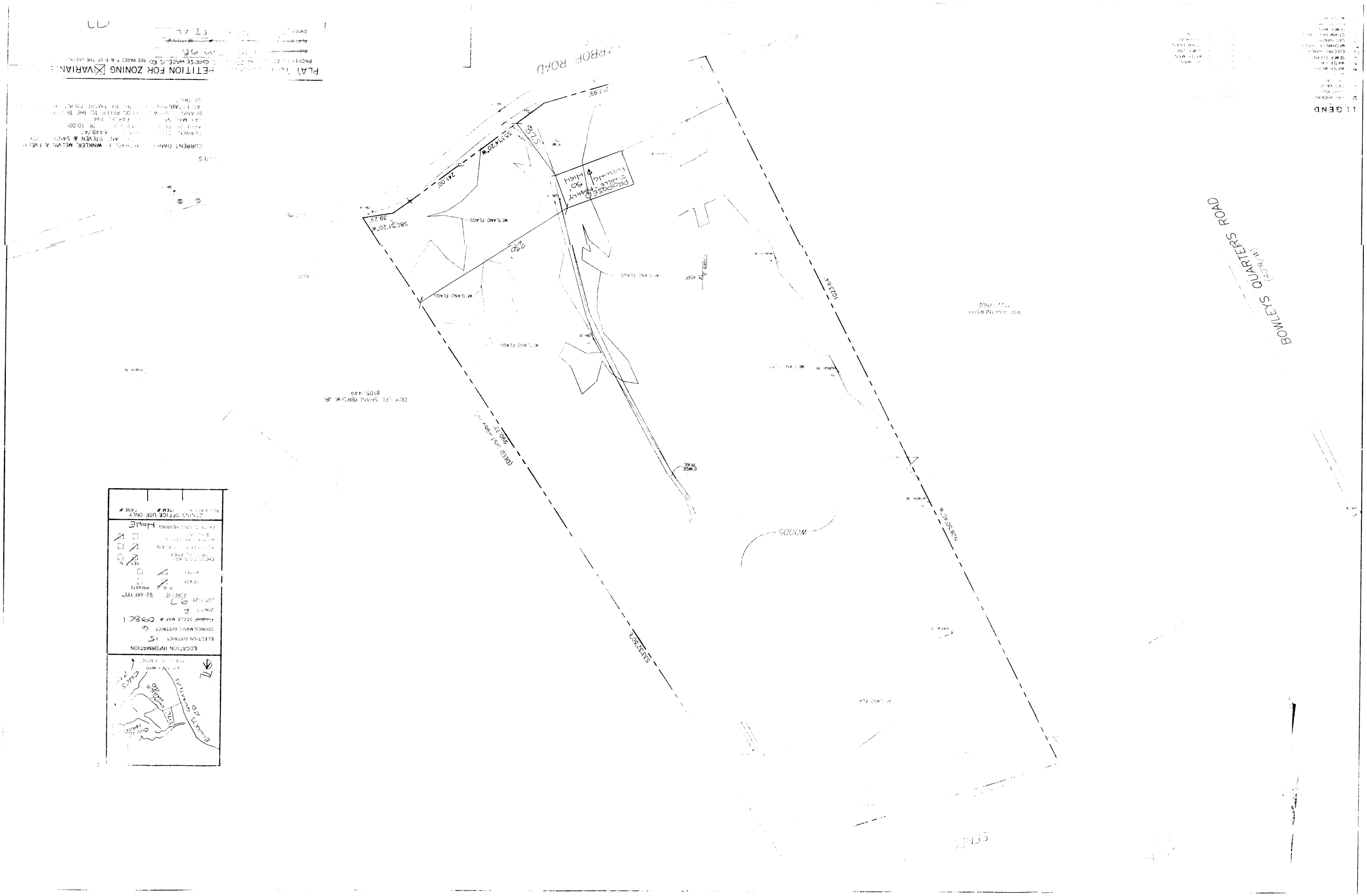
11/05
Complete length of Carroll Ferry Rd.

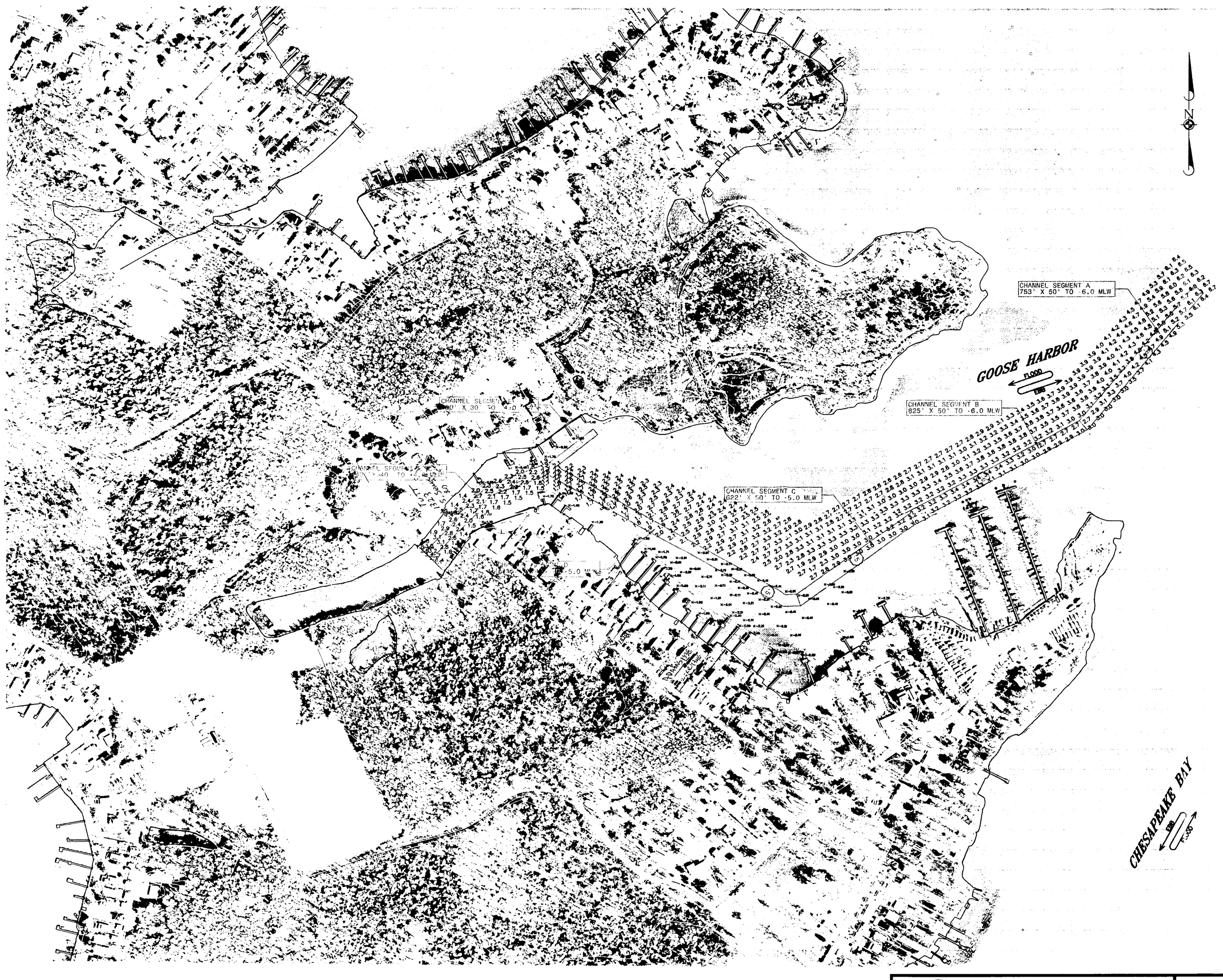
Nov. 2005

Goose Harbor Rd. and Miami Beach across street.



View from Bowlys Otrs Rd.
194 Goose Harbor Rd.


PLAT TO ACCOMPANY PETITION FOR ZONING ☒VARIANCE
PROPERTY ADDRESS 6 BOWLEYS QUARTERS ROAD
SEE PAGES 1 & 6 OF THE GUIDE
CURRENT OWNER WINKLER, MELVIN & EVELYN
AND STEVEN & SANDRA
6448/42
LOT SIZE 1.00 ACRE(S) 50,000 SQ. FEET
ZONING RC
ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
SCALE MAP # 0980C1
ZONING OFFICE USE ONLY
ITEM #
CASE #
LOCATION INFORMATION
ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
ZONING RC
LOT SIZE 1.00 ACRE(S) 50,000 SQ. FEET
WATER P.B.C. PRIVATE
SEWER P.B.C. PRIVATE
CHESAPEAKE BAY CRITICAL AREA YES NO
WETLANDS YES NO
FLOOD PLAIN YES NO
BUILDING YES NO
PRIOR ZONING HEARINGS None
VICINITY MAP
SCALE: 1" = 1000'
BOWLEYS QUARTERS RD
CLUES
LEGEND
WATER MAIN
SEWER MAIN
STORM DRAIN
GAS MAIN
ELECTRIC MAIN
WETLANDS
WOODS
GRAVEL
PROPOSED SINGLE FAMILY DWELLING
80' HIGH
ARROW ROAD
S51°14'20"W
241.00'
S80°51'20"W
39.23'
N48°50'40"W
1023.64'
S33°32'50"E
(DEED 351.49')
990.75'
GUY LEE SHANE FABRICK JR
R105/449
E WOOD TRAIL
WETLAND FLAGS
WETLAND FLAGS
WETLAND FLAGS



SAV LEGEND

LEGEND	
	PROPOSED COUNTY CHANNEL
	PROPOSED CHANNEL DEPTH
x 3.6	SOUNDINGS BY BAYLAND
3.6	SOUNDINGS BY DNR

NOTE:
1. SOUNDING DATA FROM DNR, SURVEY DATED 10/24/2001 TO 11/08/2001 AND BATHYMETRY PERFORMED BY BAYLAND ON 3/17/04.
2. BASEMAP COMPILED FROM BALTIMORE COUNTY 1995 PLANIMETRICS AND COUNTY 2002 AERIAL PHOTOGRAPHY.
3. CONTOUR LINES AT 2 FEET INTERVALS

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 INCH = 200 FT.

BayLand Consultants & Designers, Inc.
"Integrating Engineering and Environment"
1321 Mercedes Drive, Suite C
Hanover, Maryland 21076
Phone: (410) 694-9401
Fax (410) 694-9405

GOOSE HARBOR
INITIAL PROJECT PLANNING
MARCH 2004