

M E M O R A N D U M

DATE: February 11, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0453-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on February 10, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING *

(5401 Campbell Blvd.)

15th Election District *

6th Council District

Whitemarsh Associates, LLC *

Legal Owner *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0453-SPH

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration of the December 5, 2019 Order issued in the above case. That Order dismissed without prejudice the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve a waiver under Section 125.1 of the Baltimore County Code ("BCC"), and a floodplain waiver under the Baltimore County Code ("BCC") Section 32-4-107 in order to permit development of a site in a riverine floodplain, and more specifically, to allow grading, culvert construction, and other related site work, within the riverine floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9).

On December 24, 2019, a timely Motion for Reconsideration was filed by Petitioner's counsel, Edward J. Gilliss, Esq. The Motion notes that in my previous Order I had misconstrued the testimony of Petitioner's expert, and had therefore been under the misconception that the proposed Wawa store, if built, would remain within the floodplain, even after the proposed preliminary floodplain work was completed. *See*, Motion at P 25.

In support of this position Petitioners have attached an excerpt from their Hearing Exhibit 7 which shows that after the proposed floodplain work is completed the Wawa building will be constructed outside the riverine floodplain. *See*, Motion, Exhibit F.

ORDER RECEIVED FOR FILING

Date

1/9/2020

By

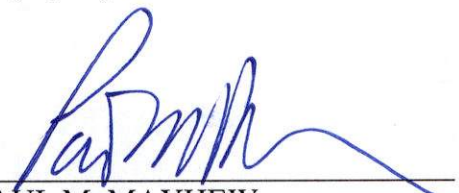
Sen

Under BCC Sec. 32-8-303 (a) (2), floodplain waivers may only be granted if “failure to grant a waiver would result in exceptional hardship, *other than economic hardship*, to the applicant.” In the instant case there was no specific evidence of exceptional hardship adduced, and the most readily envisioned hardship would be purely economic. That said, I will defer to the judgment and expertise of the Director of Public Works, who has reviewed Petitioner’s engineering studies and concludes that the proposed floodplain site work “will have zero adverse impact on the floodplain.”

THEREFORE, IT IS ORDERED this **9th** day of **January, 2020**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby GRANTED, subject to the following conditions:

1. All provisions of BCC Sec. 32-8-207 shall be satisfied before any permits are issued or any development may proceed.

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


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

ORDER RECEIVED FOR FILING

Date 1/9/2020
By Sen

IN RE: **PETITION FOR SPECIAL HEARING** *

(5401 Campbell Blvd.)

15th Election District *

6th Council District *

Whitemarsh Associates, LLC *

Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0453-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Whitemarsh Associates, LLC., legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a waiver of Section 125.1 of the Baltimore County Building Code, and to request a floodplain waiver under Baltimore County Code Section 32-4-107 in order to permit development of a site in a riverine floodplain and, more specifically, to allow grading, paving, landscaping and other site work, as well as construction of a commercial building, parking and a road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9). A site plan was marked and admitted as Petitioner’s Exhibit 1.

Jack Gease of Whitemarsh Associates, LLC, the property owner, appeared in support of the petition. Edward J. Gilliss, Esq. represented Petitioner. There were interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Department of Environmental Protection and Sustainability (“DEPS”), the Bureau of Development Plans Review (“DPR”), the Department of Public Works (“DPW”) and the State Highway Administration (“SHA”).

ORDER RECEIVED FOR FILING

Date 12/5/19

By Sen

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner wants to construct a Wawa convenience store and gas station on the parcel in question, which is partially located in a riverine floodplain. They are, therefore, seeking a waiver of the provisions in the Baltimore County Code (BCC) and the Baltimore County Building Code, which prohibit such development. As will be explained, I do not believe the Hearing Officer has the authority under the BCC to grant the requested waiver.

Note 16 on the site plan acknowledges that “the site lies partially within flood zone AE and the 0.2% annual chance flood hazard as shown on F.I.R.M. # 2400100430G, Panel # 430 of 580 dated May 5, 2014.” The boundaries of the 100 year floodplain are depicted on the site plan, and Petitioner’s hydrology engineering expert, Theodore Scott, testified that approximately $\frac{3}{4}$ of an acre of the proposed development site lies in the riverine floodplain. Mr. Scott testified that in his professional opinion the proposed development would have “zero impact” on the floodplain because of improvements that have been made to the drainage capacity under the CSX bridge downstream, and also because of the proposed “compensatory storage” that would be provided per the site plan. According to Mr. Scott, this compensatory storage area, which is downstream and to the east of the proposed Wawa structure, would, in conjunction with the proposed stormwater management facility, offset the additional impervious surface area of the proposed Wawa gas station and convenience store and all the surrounding parking and infrastructure.

A detailed report titled “2015 Refined Proposed Flood Study, Maryland Rte. 7 and Mohrs Lane (Updated September 2019)” was prepared and submitted by Mr. Scott and was admitted as Petitioner’s Exhibit 7. The report details a hydrology study of the site and its surrounding area which was performed by Mr. Scott’s firm, Stormwater Maintenance & Consultants (SMC). The report concludes, in relevant part, that “[t]he 2015 refined HEC-RAS model floodplain analysis

ORDER RECEIVED FOR FILING

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Date

12/5/19

By

Sen

for the current proposed Wawa development results in no *increase* for the 100-year water surface elevation for each river section compared to the existing floodplain.” (emphasis added). Mr. Scott’s testimony, and the calculations described within this study are, to some extent, beyond a layman’s comprehension. However, a fair summary of the study’s conclusions and of Mr. Scott’s testimony is that the proposed development project – because of the stormwater management and proposed grading improvements – will not adversely impact the existing state of the floodplain. In short, as the report concludes, the development would purportedly not *increase* the floodplain elevations. But Mr. Scott did not testify, nor does the study conclude, that the site is not currently in a riverine floodplain, or that it would no longer be in a riverine floodplain if the proposed development were built. And that is the problem.

BCC Sec. 32-4-107(a)(1) states in relevant part that “[a]t the *request* of a department director, the Hearing Officer *may grant a waiver of any or all requirements of Subtitles 3, 4, or 5* of this title if the Hearing Officer finds that:

- (i)
 - 1. The size, scope, and nature of a proposed development does not justify strict compliance with this title;
 - 2. A waiver would be within the scope, purpose, and intent of this title; and
 - 3. All other county laws and regulations have been complied with; or
- (ii) Compliance with this title would cause unnecessary hardship.”

(emphasis added)

However, subsection 32-4-107(a)(2) states that “[a] *waiver can be granted only in accordance with Title 8 of this article.*” (emphasis added). Read together, these Code sections give the Hearing Officer discretion to grant floodplain waivers of any or all of the requirements of Subtitles 3, 4 or 5, but *only* to the extent Title 8 is complied with.

ORDER RECEIVED FOR FILING

Date 12/5/19

By Sen

Petitioner submitted a letter dated August 26, 2019 from Steve Walsh, the Director of the Department of Public Works to the former Administrative Law Judge, John E. Beverungen, Esq. (Petitioner's Exhibit 8). This letter references Mr. Scott's engineering studies and Scott's conclusion that the proposed project "will have zero adverse impact on the floodplain." Mr. Walsh then states that "[i]n light of the engineering studies, the Department of Public Works has no objection to the requested waiver." First, though perhaps a matter of semantics, I do not believe this letter is a "*request*" from Director Walsh that the waiver be granted. The letter merely states that DPW has no objection. And, Mr. Walsh then equivocates by stating that an indemnification agreement would need to be provided by the Petitioner against potential liability "should additional flooding occur in contravention of the already submitted engineering studies." Second, even if Director Walsh had made an express and unequivocal request that the waiver be granted, I do not believe the BCC permits a waiver here. To the contrary, BCC Sec. 32-8-304, entitled "**Waivers Prohibited**" states, point blank, that "*Waivers may not be granted for the following: (2) New buildings in the riverine floodplain.*"¹ (emphasis added). As noted above, although BCC Sec. 32-4-107(a)(1) provides that waivers can be granted from the provisions of Subtitles 3, 4, and 5; subsection 107(a)(2) then states that "a waiver can be granted only in accordance with Title 8 of this article." It is therefore clear that the requested waiver cannot be granted because it is undisputed that the proposed Wawa development is within a riverine floodplain. Again, Petitioner's engineering expert, Mr. Scott, testified that this proposed project will not adversely impact the existing floodplain conditions but he acknowledged that the property lies within a riverine floodplain.

¹ Petitioner's Exhibit 1 is the site plan that was introduced at the hearing. This site plan does not depict the proposed Wawa or its surrounding infrastructure. Although it was not introduced by Petitioner at the hearing, there is a site plan drawing in the file that depicts the proposed Wawa store and infrastructure and they are located within the floodplain.

ORDER RECEIVED FOR FILING

Date 12/5/19
By Sen

Within Petitioner's Exhibit 7 (the hydrology study and report) is a letter dated September 18, 2019 from Eugene Fleagle, PE of Stormwater Maintenance & Consulting (SMC) to Terry W. Curtis, Jr., an Engineer III in DPW. This letter states that it is "in response to your review letter dated July 15, 2019," and that it will address the comments in DPW's letter.² Mr. Fleagle's letter responds to five different comments made by DPW, presumably in regard to the site plan and floodplain waiver requests that are at issue in this case. Comments 4 and 5, and SMC's response thereto, pertain directly to the question of whether a floodplain waiver is permitted under the circumstances in this case. Those comments and responses are as follows:

"4. Comment: The engineer must submit a Conditional Letter of Map Amendment or revision (CLOMA or CLOMR; to The Federal Emergency Management Administration (FEMA) at the developer's expense. Upon completion of the development, the engineer must submit a Letter of Map Amendment or Revision (LOMA or LOMR) to the Federal Emergency Management Administration (FEMA) at the developer's expense. Failure to do so could result in forfeit of public works and/or utility agreement funds. *A waiver to Baltimore County Code Section 32-4-414 and 32-8 will not be supported by the Department of Public Works until we have a copy of the CLOMR approval.* This must be done before our office can accept the report for filing and copies of documents must be added to the report.

Response: Whitemarsh Associates, LLC is aware a CLOMA or CLOMR and a LOMA or LOMR is required for the proposed development. As per discussions with Steven Walsh, PE and attorney Edward J. Gillis this comment will be addressed, assuming approval of a floodplain development waiver, when the proposed development is presented.

5. Comment: The engineer must submit a Joint Permit Application with the Army Corps. Of Engineers and the Maryland Department of the Environment. A copy of the application and a response letter from the Maryland Department of the Environment must be submitted to this office before approval of study. All other government permits and waivers must be filed and are the responsibility of the engineer. *This must be done before our office can accept the report for filing and copies of documents must be added to the report.*

Response: Whitemarsh Associates, LLC is aware a Joint Permit Application with the Army Corps. Of Engineers and the Maryland Department of the Environment is required. As per discussion with Steven Walsh, PE and attorney Edward J. Gillis this comment will be addressed, assuming approval of a floodplain development waiver, when the proposed development is presented." (emphasis added).

² This DPW letter is not contained in the file that OAH was provided, nor was it introduced at the hearing.

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Date 12/5/19
By sen

I am not conversant with the intricacies of FEMA's flood map amendment process. However, it does appear that at minimum a Conditional Letter of Map Amendment (CLOMA) or Conditional Letter of Map Revision (CLOMR) is required in order to even begin the process of attempting to develop a site which is currently within a FEMA floodplain map, as is the site in question here.

CONCLUSION

For the reasons stated above, the Baltimore County Code and Building Code do not permit a floodplain waiver for new development within a riverine floodplain. In the final analysis I do not believe this case, in its current posture, is even the proper subject of a Special Hearing under BCC Sec. 500.7 because it appears to me that the Hearing Officer has no authority under the County Code to grant the requested relief, at least not before a CLOMA or CLOMR is issued by FEMA. Therefore, under the circumstances, rather than denying the requested Special Hearing relief the case will be dismissed, without prejudice.

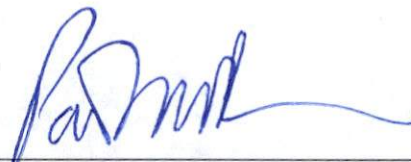
THEREFORE, IT IS ORDERED this **5th** day of **December, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to approve a waiver of Baltimore County Building Code Section 125.1, and BCC Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301 to permit development of a site located in a riverine floodplain and to allow grading, paving, landscaping and other site work and construction of a building, parking and road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9), be and is hereby DISMISSED, WITHOUT PREJUDICE.

ORDER RECEIVED FOR FILING

Date 12/5/19

By Sen

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln

ORDER RECEIVED FOR FILING

Date 12/5/19

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 5401 5450 Campbell Boulevard, 21236

which is presently zoned ML IM

Deed References: 13490/00220

10 Digit Tax Account # 1 5 1 4 6 5 1 4 4 0

Property Owner(s) Printed Name(s) Whitemarsh Associates, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a waiver of Balto. Co. Code Section 125.1 and of BCC Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301, et seq., to permit development of a site located in a riverine floodplain - to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9)
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Edward J. Gilliss

Name- Type or Print

Signature

Royston, Mueller, McLean & Reid, LLP

102 W. Pennsylvania Ave., Ste. 600, Towson, MD

Mailing Address

City

State

21204

410-823-1800

egilliss@rmmr.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Whitemarsh Associates, LLC

Name #1 - Type or Print

Name #2 - Type or Print

By:

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jack Gease

Name - Type or Print

Signature

1604 Creston Drive

Forest Hill

MD

Mailing Address

City

State

21050

410-241-0390

jgease@gmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2019-0453-SPH

Filing Date

9, 6, 19

Do Not Schedule Dates:

Reviewer

AT

REV. 10/4/11

* DROP OFF, NO REVIEW

**ZONING PROPERTY DESCRIPTION FOR
5401 CAMPBELL BOULEVARD
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the **southeast** side right-of-way of **Philadelphia Road (Maryland Route #7)** at a distance of **385 +/- feet south** of the centerline of the nearest improved intersecting street **Campbell Boulevard**:

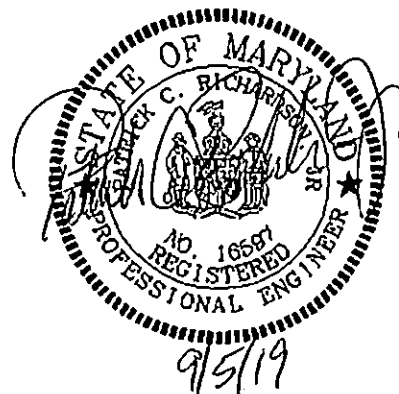
Thence the following courses and distances:

- (1) North 30 degrees 21 minutes 40 seconds East 319.87 feet,
- (2) North 30 degrees 21 minutes 40 seconds East 60.80 feet,
- (3) South 50 degrees 21 minutes 27 seconds East 186.78 feet,
- (4) 305.48 feet along the arc of a non-tangent curve to the right having a radius of 957.00 feet subtended by a chord bearing South 41 degrees 12 minutes 46 seconds East 304.18 feet,
- (5) 30.23 feet along the arc of a non-tangent curve to the right having a radius of 385.74 feet subtended by a chord bearing South 29 degrees 49 minutes 23 seconds East 30.22 feet,
- (6) North 62 degrees 25 minutes 20 seconds East 60.00 feet;
- (7) 102.65 feet along the arc of a non-tangent curve to the right having a radius of 445.74 feet subtended by a chord bearing South 20 degrees 58 minutes 48 seconds East 102.43 feet,
- (8) South 14 degrees 22 minutes 57 seconds East 70.46 feet,
- (9) North 74 degrees 34 minutes 22 seconds West 4.39 feet,
- (10) North 74 degrees 34 minutes 22 seconds West 679.28 feet to the point of beginning.

Containing a net area of 144,708 square feet or 3.322 acres.

PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2021



2019-045-SPH



JOHN A. OLSZEWSKI, JR.
County Executive

STEVEN A. WALSH, *Director*
Department of Public Works

August 26, 2019

John E. Beverungen, Esquire
Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

Re: Whitemarsh Associates, LLC
Rte. 7 and Campbell Boulevard

Dear Judge Beverungen:

With this letter, on behalf of Baltimore County's Department of Public Works, I write concerning Whitemarsh Associates, LLC's Petition for Riverine Floodplain Waiver.

Although construction in a floodplain should be avoided, waivers are allowed. Whitemarsh Associates, LLC has provided engineering studies which reflect that its desire to construct a commercial building on its parcel at the intersection of Rte. 7 and Campbell Boulevard will have zero adverse impact on the floodplain. In light of the engineering studies, the Department of Public Works has no objection to the requested waiver.

I do add that a separate Petition will be required when the proposed development is presented. At that time, the Department of Public Works will work with the developer to ensure that Baltimore County is indemnified against potential liability should additional flooding occur in contravention of the already submitted engineering studies.

Hence, the intent of this letter is to confirm that the Department of Public Works has no objection to the grant of the requested riverine floodplain waiver.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Walsh", is written over the typed name and title.

Steve Walsh, PE
Director

cc: Terry Curtis, DPW Bureau of Engineering
Vishnu Desai, Permits, Approvals and Inspections



JOHN A. OLSZEWSKI, JR.
County Executive

STEVEN A. WALSH, *Director*
Department of Public Works

August 26, 2019

John E. Beverungen, Esquire
Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

Re: Whitemarsh Associates, LLC
Rte. 7 and Campbell Boulevard

Dear Judge Beverungen:

With this letter, on behalf of Baltimore County's Department of Public Works, I write concerning Whitemarsh Associates, LLC's Petition for Riverine Floodplain Waiver.

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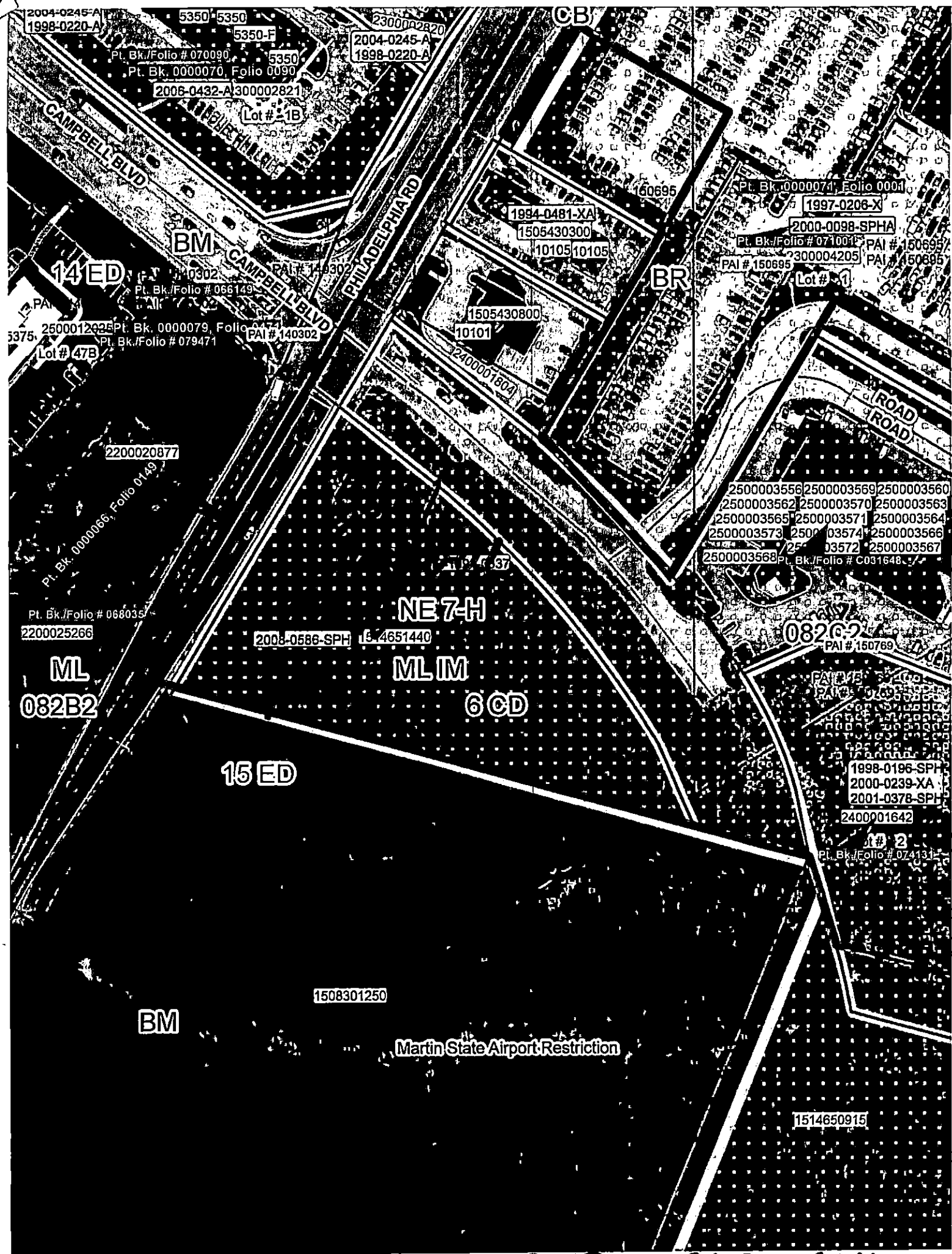
Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Walsh", is written over the word "Sincerely,".

Steve Walsh, PE
Director

cc: Terry Curtis, DPW Bureau of Engineering
Vishnu Desai, Permits, Approvals and Inspections

2019-0453-SPH



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2001-0378-SPH
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Pt. Bk./Folio # 074131

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Martin State Airport Restriction

1514650915

2019-0453-SDH

ROYSTON

ROYSTON, MUELLER, McLEAN & REID, LLP

Edward J. Gilliss, Esq.
egilliss@rmmr.com

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102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

Tel: 410.823.1800
Fax: 410.828.7859
www.rmmr.com

December 24, 2019

VIA HAND DELIVERY

The Honorable Paul M. Mayhew
Managing Administrative Law Judge for
Baltimore County
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204



Re: Petition for Special Hearing
Case No. 2019-0453-SPH
Property: 5401 Campbell Boulevard

Dear Judge Mayhew:

This letter follows my December 9, 2019 receipt of your December 5, 2019 Opinion and Order in this matter.

Enclosed with this letter please find the Petitioner's Motion for Reconsideration of December 5, 2019 Opinion and Order.

If you desire further information or desire the Petitioner to re-appear please advise.

Very truly yours,

Edward J. Gilliss

EJG/vrk

Enclosure

cc: Devin Crum, w/enclosure
Judith Davies, w/enclosure

PM 11-18-19



JOHN A. OLSZEWSKI, JR.
County Executive

STEVEN A. WALSH, *Director*
Department of Public Works

December 23, 2019

The Honorable Paul M. Mayhew
Managing Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204



Re: Petition for Special Hearing
(5401 Campbell Boulevard)
Whitemarsh Associates, LLC
Case No. 2019-0453-SPH
15th Election District
6th Council District

Dear Judge Mayhew:

On behalf of the Department of Public Works I write this brief letter to provide some background regarding the riverine floodplain waiver process in light of your December 5, 2019 Opinion and Order dismissing the above-referenced Petition for Special Hearing without prejudice.

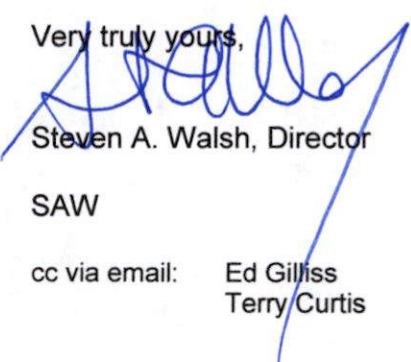
Baltimore County has a codified provision for granting riverine floodplain waivers and has granted such waivers in the past.

The Department of Public Works' role in this waiver process is to provide technical review of engineering studies which demonstrate the impact a proposed development activity has on the floodplain. DPW's primary concern is to make sure any action has minimal impact on the floodplain on adjacent properties.

While DPW's role is to protect and manage floodplains as a resource, and cannot support all development within floodplains, DPW does understand that development activities, when reviewed in context of economic development, environmental, and socioeconomic benefits, should be considered, and in many cases takes no exception to floodplain waiver proposals as long as the engineering can be supported.

I hope that this letter provides some clarity.

Very truly yours,


Steven A. Walsh, Director

SAW

cc via email: Ed Gilliss
Terry Curtis

IN RE: PETITION FOR SPECIAL HEARING
(5401 Campbell Blvd.)
15th Election District
6th Council District
Whitemarsh Associates, LLC
Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2019-0453-SPH



* * * * *

**MOTION FOR RECONSIDERATION
OF DECEMBER 5, 2019 OPINION AND ORDER**

Whitemarsh Associates, LLC, Petitioner, by its undersigned counsel, pursuant to Rule 4K of Rules of Practice and Procedure Before The Zoning Commissioner/Hearing Officer of Baltimore County, files this Motion for Reconsideration of December 5, 2019 Opinion and Order, and as reasons therefor states:

1. Whitemarsh Associates, LLC filed a Petition for Special Hearing seeking a riverine floodplain waiver.
2. The Special Hearing was held on November 18, 2019 before Managing Administrative Law Judge Paul M. Mayhew.
3. The Petitioner's case was unopposed. Professional Engineer (P.E.) Ted Scott was qualified as an expert witness in floodplain analysis and water resources engineering and offered testimony and a written report supporting the requested relief.
4. On December 5, 2019, Judge Mayhew issued his Opinion and Order dismissing the Petition without prejudice.
5. This Motion for Reconsideration is timely filed pursuant to Rule 4K of the aforesaid Rules of Practice.

6. Whitemarsh Associates, LLC asserts that the requested riverine floodplain waiver relief should be granted as the Petitioner has satisfied the County's underlying requirements for the grant of such relief.

7. There is no doubt, as intimated in Judge Mayhew's Opinion, that the riverine floodplain waiver process is cumbersome, but there is also no doubt that riverine floodplain waivers are permitted pursuant to Baltimore County Code provisions.

8. The dilemma confronted by the Petitioner, especially in light of the December 5, 2019 Order, may fairly be described as a "Catch-22" problem or a "chicken and egg" problem.

9. The Petitioner does not seek relief to build in a floodplain, but, instead, seeks relief to disturb the land within the floodplain in order to remove the site from any described floodplain zone.

10. This Petitioner intentionally bifurcated the riverine floodplain waiver process from a later and separate zoning petition specific to the use proposed on the property.

11. The need for a riverine floodplain waiver is the first step, not the entire process.

12. As the Opinion and Order recites, Baltimore County Building Code §125.1 precludes building in a floodplain.

13. Floodplain waiver provisions exist in the County Code to address matters such as this.

14. For the Petitioner to be able to take a next step in the process it needs a waiver.

15. Performing the engineering described by Ted Scott will REMOVE the property from the floodplain and allow development on the property (because it will no longer be subject to the §125.1 restriction).

16. BCC §32-8-301(b) gives the ALJ express authority to grant a waiver, and also states that when granted, BCC §32-8-207 provisions must be satisfied BEFORE any development may proceed.

17. Section 32-8-303 of the Baltimore County Code details the “Reasons for Granting a Waiver.” The proposal does not negatively impact the floodplain. Ted Scott’s uncontroverted testimony and report so confirm.

18. This process is in place to ensure compliance. The County agencies will all be afforded opportunity to comment on any future development plan.

19. Copies of relevant Building Code and County Code provisions are attached as:

- Exhibit A (Building Code §125.1),
- Exhibit B (County Code §32-8-301),
- Exhibit C (County Code §32-8-207) and
- Exhibit D (County Code §32-8-303).

20. As reflected in the Department of Public Works (DPW) letter attached to this Motion as Exhibit E, DPW confirms the representations set out above, namely that riverine floodplain waivers are permitted.

21. The expected process upon the grant of a waiver (in effect, a conditional grant) is to then work with the Maryland Department of Environment (MDE) to determine if a Conditional Letter of Map Amendment (CLOMA) or Conditional Letter of Map Revision (CLOMR) is required. DPW advises that MDE has, at times, determined that no CLOMA or CLOMR is required based upon the engineering reports submitted to MDE.

22. At the November 18, 2019 hearing in this matter, the engineering report from Ted Scott of Stormwater Maintenance & Consultants was submitted. Mr. Scott was qualified as an expert

and testified consistent with the report that upon completion of the suggested site work including creating a new compensatory storage basin, the desired development site would no longer be within the floodplain, as the proposed site work would shift the floodplain area toward Rte. 40 and into the planned “compensatory storage” area.

23. No opposition was offered. No “protestants” appeared or testified.

24. The result of the planned site work would be that the development site would no longer be within the floodplain and development could occur consistent with the requirements of §125.1 of the Baltimore County Building Code.

25. Contrary to the Opinion and Order’s statement on page 3, lines 8-10, in fact, Mr. Scott testified that the proposed site work would shift the floodplain line and remove the development site from the floodplain. See Exhibit F, a portion of Exhibit 1 of SMC’s “Refined Proposed Flood Study” introduced at the November hearing.

26. The net result of the desired site work would remove the site from the strictures of Baltimore County Code §32-8-301 (as cited on p. 4 of the Opinion and Order). No building would occur in the riverine floodplain AFTER the site work moves that floodplain line; instead, any proposed building would occur on land outside of the floodplain.

27. Although some of the documents presented at the November 18, 2019 hearing note a proposed Wawa (and, hence the Opinion and Order references such) the hearing was not a petition for special exception for a fuel service station. Such petition must necessarily follow as a separately filed proceeding and a hearing before the ALJ at a later date. The County will also need to approve a Development Plan.

28. The previously referenced “Catch-22” is avoided by first seeking waiver from the riverine floodplain rules, to be followed by MDE review and approval, all in an effort to allow site

work to remove the site from the floodplain. Thereafter, the development plan review can occur as a traditional development without the “Catch-22” or “chicken and egg” concerns of whether first to seek floodplain relief or first to seek development plan approval.

29. Of course, after conditional grant of a floodplain waiver, the project would still require MDE review and approval (CLOMA/CLOMR) AND would then require County development plan review.

WHEREFORE, for the reasons set forth herein, and in the attached DPW letter, Whitemarsh Associates, LLC requests that the December 5, 2019 Opinion and Order be reconsidered and that a revised Order be issued granting conditional approval of the requested riverine floodplain waiver subject to MDE approval and Baltimore County development review approval.



Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
410-823-1800
egilliss@rmmr.com
Attorney for Petitioner

1 BE UNLAWFUL TO FILL OR REFILL ANY SUCH TANK THAT IS NOT SO ANCHORED OR
2 ELEVATED.

3 **PART 124.11 NEW OR REPLACED OIL TANKS.** ALL NEW OR REPLACED OIL TANKS SHALL
4 HAVE THEIR VENT PIPE AND NON-LIQUID TIGHT FILL CONNECTION TERMINATION POINT
5 AT LEAST TWO FEET ABOVE THE FPE. THIS PROVISION SHALL ALSO APPLY TO
6 SUBSTANTIAL IMPROVEMENT BUILDINGS AND BUILDINGS EXPERIENCING A REPETITIVE
7 LOSS. VENT AND FILL PIPE SUPPORT SHALL BE IN ACCORDANCE WITH SECTION 305 OF
8 THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION.

9 **PART 124.12 FUEL OIL SYSTEMS.** FUEL OIL SYSTEM INSTALLATION SHALL COMPLY WITH
10 SECTION 1305 OF THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION, UNLESS
11 OTHERWISE MODIFIED BY THIS CODE.

12 **PART 125 AREAS SUBJECT TO INUNDATION BY RIVERINE SURFACE WATERS WITHIN
13 THE 100-YEAR FLOODPLAIN.**

14 **PART 125.1 NO NEW BUILDINGS OR ADDITIONS.** NO NEW BUILDINGS OR ADDITIONS
15 SHALL BE CONSTRUCTED IN ANY RIVERINE FLOODPLAIN. THE 100-YEAR FLOODPLAIN
16 SHALL BE BASED UPON THE FEDERAL FLOOD INSURANCE STUDY OR AS ESTABLISHED BY
17 THE DIRECTOR OF PUBLIC WORKS, WHICHEVER IS THE MORE RESTRICTIVE. THIS
18 DETERMINATION SHALL INCLUDE PLANNED FUTURE DEVELOPMENT OF THE
19 WATERSHED AREA.

20 **PART 125.2 RECONSTRUCTION OR REPAIR OF EXISTING BUILDINGS.**

21 RECONSTRUCTION OR REPAIR OF EXISTING BUILDINGS SHALL BE GOVERNED BY PART
22 121 "UNSAFE STRUCTURES AND EQUIPMENT". ALL SUBSTANTIAL IMPROVEMENTS TO
23 EXISTING BUILDINGS SHALL BE PERMITTED ONLY ON THE BASIS OF AN APPROVED
24 WAIVER IN ACCORDANCE WITH ARTICLE 32, TITLE 8, SUBTITLE 3 OF THE BALTIMORE
25 COUNTY CODE, 2003, AS AMENDED, "WAIVERS", AND SHALL BE SUBJECT TO ALL
26 APPLICABLE CONDITIONS OF SECTION 32-8-207 OF THE BALTIMORE COUNTY CODE, 2003,
27 AS AMENDED, AND THE REQUIREMENTS OF THIS CODE WHERE REPLACEMENT
28 STRUCTURES CANNOT BE RELOCATED OUT OF THE FLOODPLAIN, THEY SHALL BE
29 LIMITED TO THE FOOTPRINT OF THE PREVIOUS STRUCTURE. ALL SUBSTANTIALLY
30 IMPROVED STRUCTURES, INCLUDING MANUFACTURED HOMES, SHALL HAVE THE
31 LOWEST FLOOR ELEVATED TO OR ABOVE THE FPE. THE LOWEST FLOOR ELEVATION FOR
32 HOUSES OR BUILDINGS ADJACENT TO A RIVERINE FLOODPLAIN SHALL BE TWO FEET
33 ABOVE THE BASE FLOOD ELEVATION.

34 **PART 126 ROOF DRAINAGE AND PROTECTION OF EXTERIOR OPENINGS.**

§ 32-8-301. - AUTHORIZED.

- (a) *In general.* As provided in § 32-4-107 of this article, waivers of the provisions of § 32-4-414 of this article or Subtitle 2 of this title and any regulations or codes adopted in accordance with § 32-4-414 of this article or Subtitle 2 of this title may be granted as specified in this subtitle.
- (b) *Hearing Officer.* The Hearing Officer, as defined in § 32-4-101 of this article, shall hear and decide requests for waivers under this subtitle.
- (c) *General standards.* Waiver actions shall be consistent with sound floodplain management and the number of waiver actions shall be kept to a minimum.
- (d) *Specific requirements.* For any waiver issued in a riverine floodplain or tidal floodplain, all applicable conditions of § 32-8-207 of this title and the Building Code shall be met.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004; Bill No. 75-03, § 38, 7-1-2004)

§ 32-8-207. - DEVELOPMENT IN THE FLOODPLAIN AREA.

- (a) *In general.* This section applies to all development in the floodplain area notwithstanding any provision in the building code that is to the contrary or less restrictive.
- (b) *Permit required.*
 - (1) The Building Engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the floodplain area.
 - (2) The permit shall be granted only after necessary permits from the state and federal agencies have been obtained.
- (c) *Register of permits.*
 - (1) The county shall maintain a register of permits issued for any residential or nonresidential building construction or improvement in the floodplain area, including the elevation of the lowest floor or the elevation to which the structure was floodproofed, and the elevation of the related base flood level.
 - (2) The following items are to be maintained in this register, as applicable:
 - (i) Agreement to supply elevation certificate;
 - (ii) Non-conversion agreement;
 - (iii) Declaration of land restrictions;
 - (iv) Work sheet for substantial improvement;
 - (v) Checklist for items below flood elevation;
 - (vi) Floodproofing certificate; and
 - (vii) Elevation certificate.
- (d) *Flood resistant construction.*
 - (1) Flood resistant construction shall be in accordance with the requirements of the International Code Council's International Building Code currently adopted by the county and as modified in this subsection.
 - (2) The lowest floor elevations of all new or substantially improved structures shall be those elevations required by the Building Code of Baltimore County.
 - (3) Basements are not permitted in the floodplain area.

(1988 Code, § 26-668) (Bill No. 174, 1991, §§ 1, 2, 12-23-1991; Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004; Bill No. 47-10, § 5, 7-19-2010)

Editor's note:

The amendments enacted under Bill 47-10 are effective retroactive to July 1, 2010.

§ 32-8-303. - REASONS FOR GRANTING A WAIVER.

- (a) *In general.* Waivers may only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant a waiver would result in exceptional hardship, other than economic hardship, to the applicant; and
 - (3) A determination that the granting of a waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws and ordinances.
- (b) *Minimum necessary.* The waiver action shall be the minimum necessary, considering the flood hazard, to afford relief.
- (c) *Comments.* In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)



JOHN A. OLSZEWSKI, JR.
County Executive

STEVEN A. WALSH, *Director*
Department of Public Works

December 23, 2019

The Honorable Paul M. Mayhew
Managing Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

Re: Petition for Special Hearing
(5401 Campbell Boulevard)
Whitemarsh Associates, LLC
Case No. 2019-0453-SPH
15th Election District
6th Council District

Dear Judge Mayhew:

On behalf of the Department of Public Works I write this brief letter to provide some background regarding the riverine floodplain waiver process in light of your December 5, 2019 Opinion and Order dismissing the above-referenced Petition for Special Hearing without prejudice.

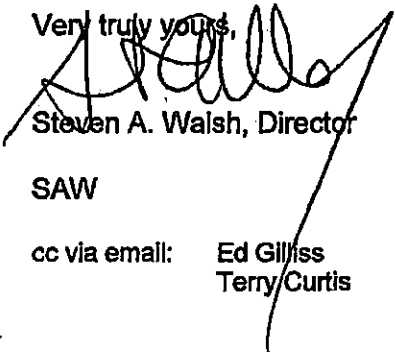
Baltimore County has a codified provision for granting riverine floodplain waivers and has granted such waivers in the past.

The Department of Public Works' role in this waiver process is to provide technical review of engineering studies which demonstrate the impact a proposed development activity has on the floodplain. DPW's primary concern is to make sure any action has minimal impact on the floodplain on adjacent properties.

While DPW's role is to protect and manage floodplains as a resource, and cannot support all development within floodplains, DPW does understand that development activities, when reviewed in context of economic development, environmental, and socioeconomic benefits, should be considered, and in many cases takes no exception to floodplain waiver proposals as long as the engineering can be supported.

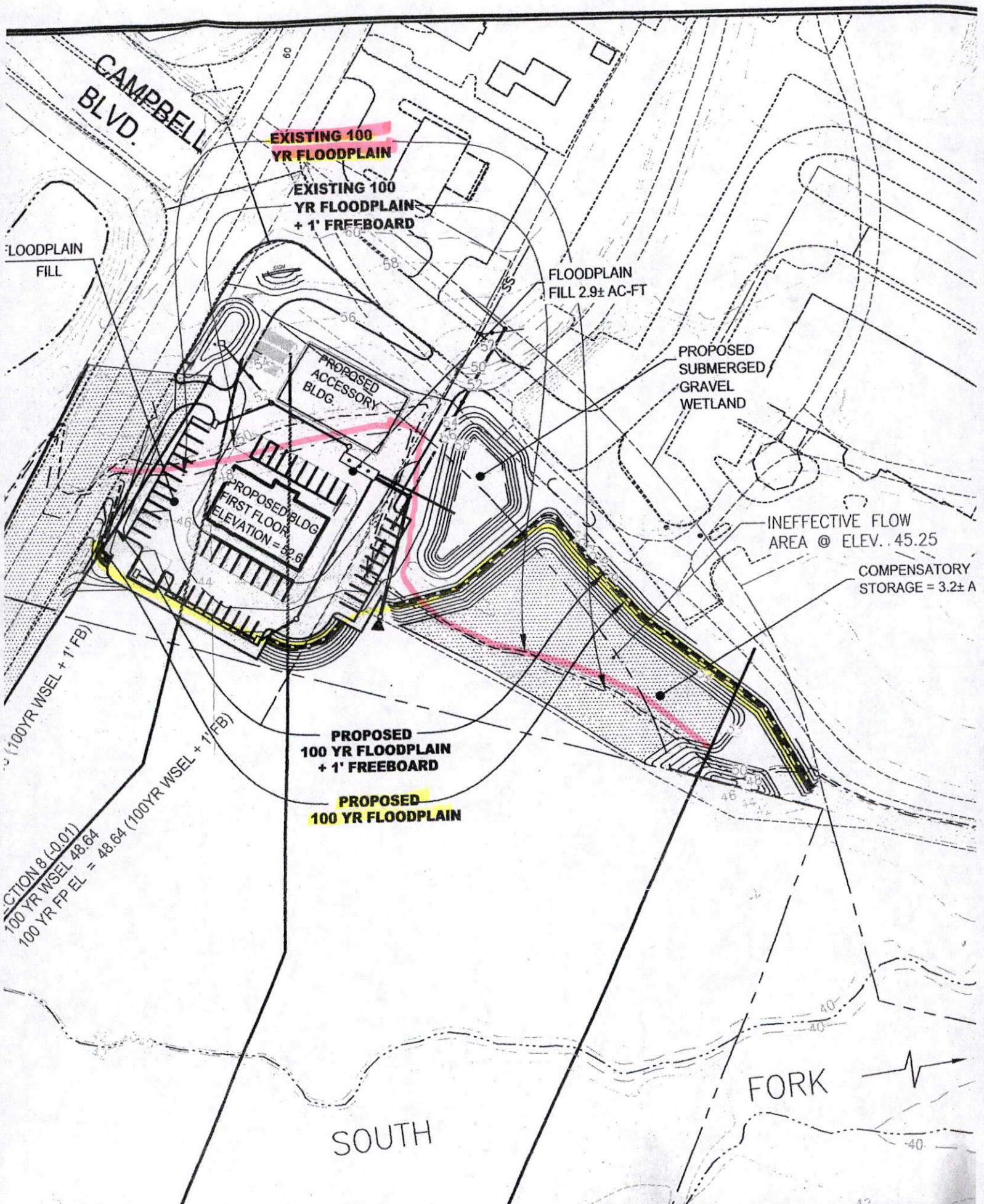
I hope that this letter provides some clarity.

Very truly yours,


Steven A. Walsh, Director

SAW

cc via email: Ed Gilliss
Terry Curtis



CAMPBELL
BLVD.

EXISTING 100
YR FLOODPLAIN

EXISTING 100
YR FLOODPLAIN
+ 1' FREEBOARD

FLOODPLAIN
FILL

FLOODPLAIN
FILL 2.9± AC-FT

PROPOSED
SUBMERGED
GRAVEL
WETLAND

INEFFECTIVE FLOW
AREA @ ELEV. 45.25

COMPENSATORY
STORAGE = 3.2± A

PROPOSED
100 YR FLOODPLAIN
+ 1' FREEBOARD

PROPOSED
100 YR FLOODPLAIN

SECTION 8 (-0.01)
100 YR WSEL 48.64
100 YR FP EL = 48.64 (100YR WSEL + 1' FB)

FORK

SOUTH

PROFESSIONAL CERTIFICATION*

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME
OR APPROVED BY ME AND THAT I AM DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND
LICENSE NO.: 44289 EXPIRATION: 08/08/2021



PROPOSED
Q₁₀₀ 2735.2 CFS
W.S. 47.86
E.G. 48.16
Q₁₀ 1494 CFS
W.S. 44.20
Q₂ 787 CFS
W.S. 40.15

**RS
1**

EXISTING
Q₁₀₀ 2735.2 CFS
W.S. 47.86
E.G. 48.16
Q₁₀ 1494 CFS
W.S. 44.20
Q₂ 787 CFS
W.S. 40.15

Date	No.	Revision	Description
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"SOUTH" REACH
ULTIMATE CONDITIONS
FLOODPLAIN MAP
MARYLAND ROUTE 7 & MOHRS LANE

SMC
STORMWATER MAINTENANCE
& CONSULTING

10944 Beaver Dam Rd. Suite C
Hunt Valley, MD 21030
p: 410.785.0875
f: 443.269.0216

www.swmaintenance.com | www.mdswm.com

**2019 REFINED FLOODPLAIN
PLAN & PROFILE**

Designed By: GF/TG	Scale:	Project No.: 2301
Drawn By: TG	Date: 09 11 2019	SHEET: 4 OF 8
Checked By: GF	Approved:	

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(5401 Campbell Blvd.)		
15 th Election District	*	OFFICE OF
6 th Council District		
Whitemarsh Associates, LLC	*	ADMINISTRATIVE HEARINGS
Legal Owner		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2019-0453-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Whitemarsh Associates, LLC., legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a waiver of Section 125.1 of the Baltimore County Building Code, and to request a floodplain waiver under Baltimore County Code Section 32-4-107 in order to permit development of a site in a riverine floodplain and, more specifically, to allow grading, paving, landscaping and other site work, as well as construction of a commercial building, parking and a road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9). A site plan was marked and admitted as Petitioner’s Exhibit 1.

Jack Gease of Whitemarsh Associates, LLC, the property owner, appeared in support of the petition. Edward J. Gilliss, Esq. represented Petitioner. There were interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Department of Environmental Protection and Sustainability (“DEPS”), the Bureau of Development Plans Review (“DPR”), the Department of Public Works (“DPW”) and the State Highway Administration (“SHA”).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner wants to construct a Wawa convenience store and gas station on the parcel in question, which is partially located in a riverine floodplain. They are, therefore, seeking a waiver of the provisions in the Baltimore County Code (BCC) and the Baltimore County Building Code, which prohibit such development. As will be explained, I do not believe the Hearing Officer has the authority under the BCC to grant the requested waiver.

Note 16 on the site plan acknowledges that “the site lies partially within flood zone AE and the 0.2% annual chance flood hazard as shown on F.I.R.M. # 2400100430G, Panel # 430 of 580 dated May 5, 2014.” The boundaries of the 100 year floodplain are depicted on the site plan, and Petitioner’s hydrology engineering expert, Theodore Scott, testified that approximately $\frac{3}{4}$ of an acre of the proposed development site lies in the riverine floodplain. Mr. Scott testified that in his professional opinion the proposed development would have “zero impact” on the floodplain because of improvements that have been made to the drainage capacity under the CSX bridge downstream, and also because of the proposed “compensatory storage” that would be provided per the site plan. According to Mr. Scott, this compensatory storage area, which is downstream and to the east of the proposed Wawa structure, would, in conjunction with the proposed stormwater management facility, offset the additional impervious surface area of the proposed Wawa gas station and convenience store and all the surrounding parking and infrastructure.

A detailed report titled “2015 Refined Proposed Flood Study, Maryland Rte. 7 and Mohrs Lane (Updated September 2019)” was prepared and submitted by Mr. Scott and was admitted as Petitioner’s Exhibit 7. The report details a hydrology study of the site and its surrounding area which was performed by Mr. Scott’s firm, Stormwater Maintenance & Consultants (SMC). The report concludes, in relevant part, that “[t]he 2015 refined HEC-RAS model floodplain analysis

for the current proposed Wawa development results in no *increase* for the 100-year water surface elevation for each river section compared to the existing floodplain.” (emphasis added). Mr. Scott’s testimony, and the calculations described within this study are, to some extent, beyond a layman’s comprehension. However, a fair summary of the study’s conclusions and of Mr. Scott’s testimony is that the proposed development project – because of the stormwater management and proposed grading improvements – will not adversely impact the existing state of the floodplain. In short, as the report concludes, the development would purportedly not *increase* the floodplain elevations. But Mr. Scott did not testify, nor does the study conclude, that the site is not currently in a riverine floodplain, or that it would no longer be in a riverine floodplain if the proposed development were built. And that is the problem.

BCC Sec. 32-4-107(a)(1) states in relevant part that “[a]t the *request* of a department director, the Hearing Officer *may grant a waiver of any or all requirements of Subtitles 3, 4, or 5* of this title if the Hearing Officer finds that:

- (i)
 - 1. The size, scope, and nature of a proposed development does not justify strict compliance with this title;
 - 2. A waiver would be within the scope, purpose, and intent of this title; and
 - 3. All other county laws and regulations have been complied with; or
- (ii) Compliance with this title would cause unnecessary hardship.”

(emphasis added)

However, subsection 32-4-107(a)(2) states that “[a] *waiver can be granted only in accordance with Title 8 of this article.*” (emphasis added). Read together, these Code sections give the Hearing Officer discretion to grant floodplain waivers of any or all of the requirements of Subtitles 3, 4 or 5, but *only* to the extent Title 8 is complied with.

Petitioner submitted a letter dated August 26, 2019 from Steve Walsh, the Director of the Department of Public Works to the former Administrative Law Judge, John E. Beverungen, Esq. (Petitioner's Exhibit 8). This letter references Mr. Scott's engineering studies and Scott's conclusion that the proposed project "will have zero adverse impact on the floodplain." Mr. Walsh then states that "[i]n light of the engineering studies, the Department of Public Works has no objection to the requested waiver." First, though perhaps a matter of semantics, I do not believe this letter is a "*request*" from Director Walsh that the waiver be granted. The letter merely states that DPW has no objection. And, Mr. Walsh then equivocates by stating that an indemnification agreement would need to be provided by the Petitioner against potential liability "should additional flooding occur in contravention of the already submitted engineering studies." Second, even if Director Walsh had made an express and unequivocal request that the waiver be granted, I do not believe the BCC permits a waiver here. To the contrary, BCC Sec. 32-8-304, entitled "**Waivers Prohibited**" states, point blank, that "*Waivers may not be granted for the following: (2) New buildings in the riverine floodplain.*"¹ (emphasis added). As noted above, although BCC Sec. 32-4-107(a)(1) provides that waivers can be granted from the provisions of Subtitles 3, 4, and 5; subsection 107(a)(2) then states that "a waiver can be granted only in accordance with Title 8 of this article." It is therefore clear that the requested waiver cannot be granted because it is undisputed that the proposed Wawa development is within a riverine floodplain. Again, Petitioner's engineering expert, Mr. Scott, testified that this proposed project will not adversely impact the existing floodplain conditions but he acknowledged that the property lies within a riverine floodplain.

¹ Petitioner's Exhibit 1 is the site plan that was introduced at the hearing. This site plan does not depict the proposed Wawa or its surrounding infrastructure. Although it was not introduced by Petitioner at the hearing, there is a site plan drawing in the file that depicts the proposed Wawa store and infrastructure and they are located within the floodplain.

Within Petitioner's Exhibit 7 (the hydrology study and report) is a letter dated September 18, 2019 from Eugene Fleagle, PE of Stormwater Maintenance & Consulting (SMC) to Terry W. Curtis, Jr., an Engineer III in DPW. This letter states that it is "in response to your review letter dated July 15, 2019," and that it will address the comments in DPW's letter.² Mr. Fleagle's letter responds to five different comments made by DPW, presumably in regard to the site plan and floodplain waiver requests that are at issue in this case. Comments 4 and 5, and SMC's response thereto, pertain directly to the question of whether a floodplain waiver is permitted under the circumstances in this case. Those comments and responses are as follows:

"4. Comment: The engineer must submit a Conditional Letter of Map Amendment or revision (CLOMA or CLOMR; to The Federal Emergency Management Administration (FEMA) at the developer's expense. Upon completion of the development, the engineer must submit a Letter of Map Amendment or Revision (LOMA or LOMR) to the Federal Emergency Management Administration (FEMA) at the developer's expense. Failure to do so could result in forfeit of public works and/or utility agreement funds. *A waiver to Baltimore County Code Section 32-4-414 and 32-8 will not be supported by the Department of Public Works until we have a copy of the CLOMR approval.* This must be done before our office can accept the report for filing and copies of documents must be added to the report.

Response: Whitemarsh Associates, LLC is aware a CLOMA or CLOMR and a LOMA or LOMR is required for the proposed development. As per discussions with Steven Walsh, PE and attorney Edward J. Gillis this comment will be addressed, assuming approval of a floodplain development waiver, when the proposed development is presented.

5. Comment: The engineer must submit a Joint Permit Application with the Army Corps. Of Engineers and the Maryland Department of the Environment. A copy of the application and a response letter from the Maryland Department of the Environment must be submitted to this office before approval of study. All other government permits and waivers must be filed and are the responsibility of the engineer. *This must be done before our office can accept the report for filing and copies of documents must be added to the report.*

Response: Whitemarsh Associates, LLC is aware a Joint Permit Application with the Army Corps. Of Engineers and the Maryland Department of the Environment is required. As per discussion with Steven Walsh, PE and attorney Edward J. Gillis this comment will be addressed, assuming approval of a floodplain development waiver, when the proposed development is presented." (emphasis added).

² This DPW letter is not contained in the file that OAH was provided, nor was it introduced at the hearing.

I am not conversant with the intricacies of FEMA's flood map amendment process. However, it does appear that at minimum a Conditional Letter of Map Amendment (CLOMA) or Conditional Letter of Map Revision (CLOMR) is required in order to even begin the process of attempting to develop a site which is currently within a FEMA floodplain map, as is the site in question here.

CONCLUSION

For the reasons stated above, the Baltimore County Code and Building Code do not permit a floodplain waiver for new development within a riverine floodplain. In the final analysis I do not believe this case, in its current posture, is even the proper subject of a Special Hearing under BCC Sec. 500.7 because it appears to me that the Hearing Officer has no authority under the County Code to grant the requested relief, at least not before a CLOMA or CLOMR is issued by FEMA. Therefore, under the circumstances, rather than denying the requested Special Hearing relief the case will be dismissed, without prejudice.

THEREFORE, IT IS ORDERED this **5th** day of **December, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to approve a waiver of Baltimore County Building Code Section 125.1, and BCC Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301 to permit development of a site located in a riverine floodplain and to allow grading, paving, landscaping and other site work and construction of a building, parking and road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9), be and is hereby DISMISSED, WITHOUT PREJUDICE.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:slm

ROYSTON

ROYSTON, MUELLER, McLEAN & REID, LLP

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egilliss@rmmr.com

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Fax: 410.828.7859
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December 12, 2019

VIA HAND DELIVERY

The Honorable Paul M. Mayhew
Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204



Re: Whitemarsh Associates, LLC
5401 Campbell Boulevard
15th Election District
6th Council District

Dear Judge Mayhew:

Pursuant to the Rules of Practice and Procedure before Zoning Commissioner/Hearing Officer of Baltimore County (Appendix G to the Baltimore County Zoning Regulations, paragraph K), I use this letter to advise that Whitemarsh Associates will file a Motion for Reconsideration of your December 5, 2019 Order, all within the thirty days permitted pursuant to paragraph K.

If you have any comments or questions in advance of receiving the planned Motion for Reconsideration, please contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to be "EJ Gilliss", written over a circular stamp.

Edward J. Gilliss

EJG/vrk

cc: Mr. Jack Gease

CASE NAME _____
CASE NUMBER 2019-0453-SPH
DATE _____

[illegible]

CASE NAME 2019 0453-SPH
CASE NUMBER WHITE MARSH ASSO.
DATE 1.18.19

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment10/29DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment11/12DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

10/30PLANNING
(if not received, date e-mail sent _____)Opposed10/3

STATE HIGHWAY ADMINISTRATION

Comment

TRAFFIC ENGINEERING

8/26 Dept of Public WorksComment

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

9/26/19 Councilwoman BevinsSupport

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2008-05810-SPH)

NEWSPAPER ADVERTISEMENT

Date:

10/29/19SIGN POSTING (1st)

Date:

10/24/19

by

LoakSIGN POSTING (2nd)

Date:

11/14/19

by

Loak

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

You may experience issues today as SDAT works to restore all services. SDAT apologizes for any inconvenience the last few days, and asks for patience as we continue to work to make the site better.

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Tax Exempt: None		Special Tax Recapture: None
Exempt Class: None		
Account Identifier:		District - 15 Account Number - 1514651440
Owner Information		
Owner Name:	WHITEMARSH ASSOCIATES LLC	Use: INDUSTRIAL NO
Mailing Address:	1604 CRESTON DRIVE FOREST HILL MD 21050-	Deed Reference: /13490/ 00220
Location & Structure Information		
Premises Address:	PHILADELPHIA RD 0-0000	Legal Description: 4.046 AC PHILADELPHIA RD SES CORNER OF CAMPBELL BLVD
Map:	Grid:	Parcel:
0082	0011	0026
Neighborhood:	Subdivision:	Section:
30000.04	0000	
Block:	Lot:	Assessment Year:
		2018
Plat No:	Plat Ref:	
Special Tax Areas: None	Town:	None
	Ad Valorem:	None
	Tax Class:	None
Primary Structure Built	Above Grade Living Area	Finished Basement Area
		Property Land Area
		4.0500 AC
County Use		18
Stories	Basement	Type
		Exterior
		Quality
		Full/Half Bath
		Garage
		Last Notice of Major Improvements
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	4,000	4,000
Improvements	0	0
Total:	4,000	4,000
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		4,000
		4,000
Transfer Information		
Seller: REDLAND GENSTAR INC	Date: 02/01/1999	Price: \$2,650,000
Type: ARMS LENGTH MULTIPLE	Deed1: /13490/ 00220	Deed2:
Seller: FLINTKOTE COMPAN Y	Date: 10/28/1986	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07309/ 00582	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

SDAT

Tax Exempt: None**Special Tax Recapture:** None**Exempt Class:** None

Homestead Application Information**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information**Homeowners' Tax Credit Application Status:** No Application**Date:**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 12, 2019

Edward J. Gilliss
102 W. Pennsylvania Ave Ste 600
Towson MD 21204

RE: Case Number: 2019-0453-SPH, 5401 Campbell Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 06, 2019. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Jack Gease 1604 Creston Drive Forest Hill MD 21050

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 12, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0453-SPH- **REVISED**
Address 5401 Campbell Blvd.
(Whitemarsh Associates, LLC
Property)

Zoning Advisory Committee Meeting of **September 27, 2019.**

These are revised comments regarding #2019-0453-SPH. The previously submitted comments are advisory and will be appropriate for any permit or development activity if or when any is proposed. With regard to the current zoning proposal to fill in the 100-year floodplain, the Department of Environmental Protection and Sustainability will defer to the Department of Public Works.

11-18-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 3, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0453-SPH
Address 5401 Campbell Blvd.
(Whitemarsh Associates, LLC
Property)

Zoning Advisory Committee Meeting of **September 27, 2019**.

X The Department of Environmental Protection and Sustainability 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 33-3-101 through 33-3-120 of the Baltimore County Code).

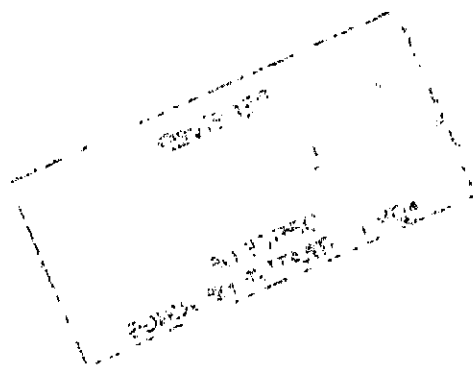
Additional Comments:

Development of this site would require a variance to the Law for the Protection of Water Quality Streams, Wetlands and Floodplains. Any such buffer variance request must clearly meet the requirements of Section 33-3-106 and the legislative intent outlined in Section 33-3-103. Given the amount of forested non-tidal wetland fill, Forest Buffer impacts, and floodplain fill proposed on the plan accompanying the zoning petition, the development proposal does not meet variance criteria, as it demonstrates no attempt at minimizing impacts to surface water resources and associated buffer.

Reviewer: Glenn Shaffer

1. This project requires DRC review for process determination.

Reviewer: Steve Ford, EPS



PM 11-18-19
10 Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 10/30/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-453



INFORMATION:

Property Address: 5401 Campbell Boulevard
Petitioner: Whitmarsh Associates, LLC
Zoning: ML-IM
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to approve a waiver to permit development of site located in a riverine floodplain, to allow grading, paving, landscaping and other site work and construction of building, parking, and road within a floodplain and to allow a zero foot freeboard line building setback.

A site visit was conducted on September 30, 2019. The site is nearly entirely vegetated with forest, wetlands and floodplains along the southern portion of the site

The Department opposes granting the petitioned zoning relief.

The petition is not supported by the Baltimore County Master Plan 2020 (MP2020) sustainability goals. A stated MP2020 policy is to *"continue to protect, enhance, and restore degraded waterways to meet water quality standards and permit requirements"* with a specific action to *"Continue to enforce development regulations for the protection of water quality, streams, wetlands, and floodplains"* (MP2020 pg. 156). The proposed use is contrary to the spirit and intent of the provisions of BCC § 32-4-414 having a stated purpose to reduce loss of life and property from flooding, avoid the need for public expenditures for flood protection and protect or enhance the environmental quality of watersheds.

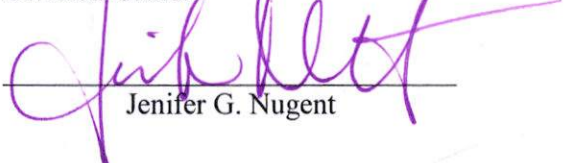
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

CPG/JGN/LTM/

c: Wally Lippincott
Jack Geese
Edward J. Gillis
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals

FROM: *MCD* Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 27, 2019
Item No. 2019-0453-SPH

DATE: 10/29/19

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Hearing is successful a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required

Need to review and confirm the presence of Recreational Greenways on the subject property

The minimum allowable width for commercial entrance in Baltimore County is 24-foot wide, as per Baltimore County Standard Details for Construction, R-32. Drawings shall be revised accordingly.

Please find attached a letter (dated August 26, 2019) from the Director of Public Works regarding subject property.

* * * * *

VKD: cen
cc: File

October 3, 2019

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review the site plan to accompany the special hearing application for the proposed Wawa Convenience Store located on the south side of MD 7 (Philadelphia Road)) in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and is pleased to respond.

Wawa Store
Site Plan to accompany special hearing application
Case No. 2019-0453-SPH
SHA Tracking No. 13APBA038XX
MD 7 (south side) at Campbell Boulevard (southwest corner)
Mile Post 5.71
Baltimore County

An access permit will be required for the proposed right-in only entrance on MD 7. In a letter dated December 21, 2018, the MDOT SHA granted approved of the traffic impact study (TIS) prepared for this development. Comments contained in that letter regarding the required entrance/road improvements and requested plan submittal toward the issuance of the required access permit, remain valid. A copy of that letter is attached for the design engineer's use and information.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) or by email at (rzeller@mdot.maryland.gov).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

cc: Richardson Engineering, LLC / 30 East Padonia Road, Suite 500, Timonium, MD 21093
Whitemarsh Associates, LLC / 1604 Creston Drive, Forest Hill, MD 21050
Mr. Jan M. Cook / 111 West Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 West Chesapeake Avenue, Towson, MD 21204
Mr. Donald Distance, MDOT SHA District 4 Traffic
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Wil Clark, MDOT SHA District 4 Maintenance

Handwritten signature

Kristen Lewis

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

December 21, 2018

Carl R. Wilson, Jr., P.E. PTOE
The Traffic Group
9900 Franklin Square Drive, Suite H
Baltimore MD 21236

Dear Mr. Wilson:

Thank you for the opportunity to review the Traffic Impact Study (TIS) for WaWa. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has completed our review of the submittal listed below and comments are attached.

WaWa Store - MD 7 (Philadelphia Road) at Campbell Boulevard
MDOT SHA Tracking No. 13APBA038XX
Traffic Impact Study Dated November 9, 2018
Mile Point 5.71; Baltimore County

Based on the information provided in the traffic study analysis, MDOT SHA will accept the analysis and will not require the submission of any additional reports. MDOT SHA concurs with the proposed signal modification to include crosswalks, count downs, and APS across the east leg of MD 7 and the south leg of Campbell Boulevard. Also, we will be permitting a right-in only entrance on MD 7. MDOT SHA does not support the recommendation to provide an eastbound MD 7 double left turn lane by reconfiguring and shifting the existing westbound through lane. These improvements are not in line with long range plans for MD 7 in connection with the Mohr's Lane County project between MD 7 and US 40. However, for a future dedicated westbound MD 7 double left turn lane, the developer will grant and dedicate right-of-way along the south side of MD 7 beginning 15 feet behind the new curb and gutter at Campbell Boulevard to beginning and end of the property frontage adjacent to MD 7. An access permit will be required for all construction within MDOT SHA right-of-way.

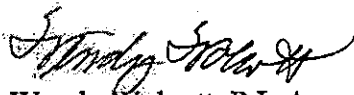
To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine sets of plans reflecting the required improvements as noted above. The plan submittal should include one set of hydraulic computations and a CD containing plans. Please submit all supporting documentation to Mr. Rich Zeller at 320 West Warren Road, Hunt Valley MD 21030. Please utilize the MDOT SHA tracking number when making this submission.

Mr. Carl R. Wilson, Jr.
Page Two

Please note, if this project has not obtained an MDOT SHA access permit and begun construction of the required improvements within five years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for MDOT SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development.

If you have any questions, or require additional information, please contact Mr. Zeller at 410-229-2332 or via email at rzeller@sha.state.md.us.

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
MDOT State Highway Administration
District 4 - Baltimore and Harford Counties

Attachment

Mr. Carl R. Wilson
Page Three

cc: Mr. Jan M. Cook, Development Plans Review, Baltimore County
Mr. Vishnu Desai, Development Plans Review, Baltimore County
Ms. Rola Daher, Consultant for MDOT, TFAD, MDOT SHA
Mr. Donald C. Distance, Team Leader for Traffic, District Four, MDOT SHA
Ms. Sarah Gary, Consultant for MDOT, TFAD, MDOT SHA
Ms. Erin Kuhn, Assistant District Engineer for Traffic, District Four, MDOT SHA
Ms. Tina Saxon, Administrative Assistant, OPPE RIPD, MDOT SHA
Ms. Lisa Shemer, Division Chief, OPPE, TFAD, MDOT SHA
Ms. Lisa Sirota, Regional Planner, RIPD, MDOT SHA
Mr. Oscar Yen, Transportation Engineer, OOTS, MDOT SHA
Mr. Rich Zeller, Transportation Engineer, District Four Access Management, MDOT
SHA
file/DCD/BG23259

WaWa Store - MD 7 (Philadelphia Road) at Campbell Boulevard
MDOT SHA Tracking No. 13APBA038XX
Traffic Impact Study Dated November 9, 2018
Mile Point 5.71; Baltimore County

The Traffic Impact Study for the WaWa Store report findings and MDOT SHA comments and conclusions:

- The proposed construction site for the WaWa Store includes 4,737 gross square foot (gsf) convenience store with 12 fuel dispensers.
- The study analyzed the following intersections under existing, background, and future conditions:
 - MD 7 (Philadelphia Road) and Cowenton North
 - MD 7 (Philadelphia Road) and Cowenton South
 - MD 7 (Philadelphia Road) and Commercial Site
 - MD 7 (Philadelphia Road) and Nottingham Ridge Industrial Site

The result of the traffic impact study shows that all intersections are projected to operate at levels of services "C" or better under existing, background, and total traffic conditions.

MDOT SHA comments and conclusions:

- MDOT SHA will accept the analysis and will not require the submission of any additional reports. MDOT SHA concurs with the proposed signal modification to include crosswalks, count downs and APS across the east leg of MD 7 and the south leg of Campbell Boulevard. Also, we will be permitting a right-in only entrance on MD 7. The developer's consultant needs to submit a preliminary design request to initiate the OOTS review and approval process.
- MDOT SHA does not support the recommendation to provide an eastbound MD 7 double left turn lane by reconfiguring and shifting the existing westbound through lane. These improvements are not in line with long range plans for MD 7 in connection with the Mohr's Lane County project between MD 7 and US 40. However, for a future dedicated westbound MD 7 double left turn lane, the developer will grant and dedicate right-of-way along the south side of MD 7 beginning 15 feet behind the new curb and gutter at Campbell Boulevard to beginning and end of the property frontage adjacent to MD 7.
- MDOT SHA has a concern that the westbound MD 7 left turn lane will not be able to accommodate future traffic and the existing left turn lane should be increased an additional 100 feet.

All MDOT SHA Policies, Standards, and Specifications must be followed when preparing the access permit plans for review, including, but not limited to the following documents:

- MDOT SHA Access Manual
- MDOT SHA Business Standards and Specifications
- MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities
- MDOT SHA Bicycle Policy and Design Guidelines

The Access Management Plan Review Checklist must also be utilized in drafting the MDOT SHA improvement plans. Please include a copy of the completed checklist with each submittal. All of these documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.



JOHN A. OLSZEWSKI, JR.
County Executive

2019-0453-SPH
STEVEN A. WALSH, Director
Department of Public Works

August 26, 2019

John E. Beverungen, Esquire
Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

Re: Whitemarsh Associates, LLC
Rte. 7 and Campbell Boulevard

Dear Judge Beverungen:

With this letter, on behalf of Baltimore County's Department of Public Works, I write concerning Whitemarsh Associates, LLC's Petition for Riverine Floodplain Waiver.

Although construction in a floodplain should be avoided, waivers are allowed. Whitemarsh Associates, LLC has provided engineering studies which reflect that its desire to construct a commercial building on its parcel at the intersection of Rte. 7 and Campbell Boulevard will have zero adverse impact on the floodplain. In light of the engineering studies, the Department of Public Works has no objection to the requested waiver.

I do add that a separate Petition will be required when the proposed development is presented. At that time, the Department of Public Works will work with the developer to ensure that Baltimore County is indemnified against potential liability should additional flooding occur in contravention of the already submitted engineering studies.

Hence, the intent of this letter is to confirm that the Department of Public Works has no objection to the grant of the requested riverine floodplain waiver.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Walsh", is written over a circular stamp.

Steve Walsh, PE
Director

cc: Terry Curtis, DPW Bureau of Engineering
Vishnu Desai, Permits, Approvals and Inspections

11-18

Debra Wiley

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Wednesday, October 9, 2019 7:55 AM
To: Debra Wiley
Subject: Whitemarsh Associates, LLC / 2019 453 SPH
Attachments: 20191009074711473.pdf, 20190827113453892.pdf

CAUTION: This message from egilliss@rmmr.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Deb,

Attached is a copy of a letter I received from Councilwoman Bevins and which I ask that you place in the file.

I also attach a copy of a letter from Steve Walsh, DPW's Director; it was submitted with the Petition, but I ask that you ensure that it, too, is placed in the file.

Although I have not received a Notice of Hearing, I have received Mr. Zimmerman's Entry of Appearance (from which I took the case number!).

Do you have a copy of the Notice and can you tell me the assigned Hearing date?

Thanks.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com





COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVINS
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-8791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

September 26, 2019

Paul M. Mayhew, Esquire
Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

RE: Whitemarsh Associates, LLC
Rte. 7 and Campbell Boulevard

Dear Judge Mayhew:

With this letter, and in my capacity as the County's Sixth District Councilwoman, I write concerning Whitemarsh Associates, LLC's Petition for Riverine Floodplain Waiver.

Although construction in a floodplain should be avoided, waivers are allowed. Whitemarsh Associates, LLC has provided engineering studies to the County's Department of Public Works which reflect that its desire to construct a commercial building on its parcel at the intersection of Rte. 7 and Campbell Boulevard will have zero adverse impact on the floodplain. In light of the engineering studies, the Department of Public Works has voiced no objection to the requested waiver.

In light of these facts, and in light of the benefits of prudent development in the Sixth District, I voice my support for the grant of a riverine floodplain waiver.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Cathy Bevins", is written over the typed name.

Councilwoman Cathy Bevins
Baltimore County Council, Sixth District



JOHN A. OLSZEWSKI, JR.
County Executive

STEVEN A. WALSH, Director
Department of Public Works

August 26, 2019

John E. Beverungen, Esquire
Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

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Rte. 7 and Campbell Boulevard

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I do add that a separate Petition will be required when the proposed development is presented. At that time, the Department of Public Works will work with the developer to ensure that Baltimore County is indemnified against potential liability should additional flooding occur in contravention of the already submitted engineering studies.

Hence, the intent of this letter is to confirm that the Department of Public Works has no objection to the grant of the requested riverine floodplain waiver.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Walsh", is written over the word "Sincerely," and the printed name "Steve Walsh, PE".

Steve Walsh, PE
Director

cc: Terry Curtis, DPW Bureau of Engineering
Vishnu Desai, Permits, Approvals and Inspections



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVINS
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-5791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

September 26, 2019

Paul M. Mayhew, Esquire
Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

RE: Whitmarsh Associates, LLC
Rte. 7 and Campbell Boulevard

Dear Judge Mayhew:

With this letter, and in my capacity as the County's Sixth District Councilwoman, I write concerning Whitmarsh Associates, LLC's Petition for Riverine Floodplain Waiver.

Although construction in a floodplain should be avoided, waivers are allowed. Whitmarsh Associates, LLC has provided engineering studies to the County's Department of Public Works which reflect that its desire to construct a commercial building on its parcel at the intersection of Rte. 7 and Campbell Boulevard will have zero adverse impact on the floodplain. In light of the engineering studies, the Department of Public Works has voiced no objection to the requested waiver.

In light of these facts, and in light of the benefits of prudent development in the Sixth District, I voice my support for the grant of a riverine floodplain waiver.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Cathy Bevins".
Councilwoman Cathy Bevins
Baltimore County Council, Sixth District

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
5401 Campbell Boulevard; SE/S of Philadelphia *
Road, 385' S of c/line Campbell Blvd * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Whitemarsh Associates, LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-453-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to Jack Gease, 1604 Creston Drive, Forest Hill, Maryland 21050 and Edward Gilliss, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

OCT 02 2019



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 9, 2019

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0453-SPH

5401 Campbell Boulevard

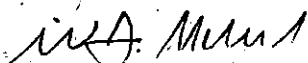
SE side of Philadelphia Road, south of centerline of Campbell Blvd.

15th Election District – 6th Councilmanic District

Legal Owners: Whitemarsh Associates, LLC

Special Hearing to permit development of a site located in a riverine floodplain, to allow grading, paving, landscaping and other site work and construction of building, parking, and road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9).

Hearing: Monday, November 18, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Michael Mallinoff
Director

MM:kl

C: Edward Gilliss, 102 W. Pennsylvania Avenue, Rm. 600, Towson 21204
Jack Gease, 1604 Creston Drive, Forest Hill 21050

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 29, 2019**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Tuesday, October 29, 2019 - Issue

Please forward billing to:

Edward Gilliss
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0453-SPH

5401 Campbell Boulevard

SE side of Philadelphia Road, south of centerline of Campbell Blvd.

15th Election District – 6th Councilmanic District

Legal Owners: Whitemarsh Associates, LLC

Special Hearing to permit development of a site located in a riverine floodplain, to allow grading, paving, landscaping and other site work and construction of building, parking, and road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9).

Hearing: Monday, November 18, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
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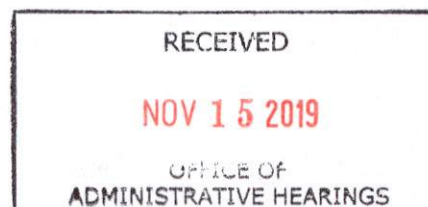
Debra Wiley

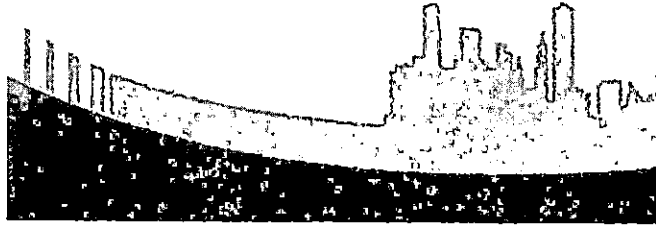
From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Friday, November 15, 2019 9:35 AM
To: Sherry Nuffer
Cc: Administrative Hearings
Subject: Case #2019-0453-SPH posting cert
Attachments: Posting cert 11 15 19.pdf

CAUTION: This message from bdoak@bruceedoakconsulting.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Bruce

Bruce E. Doak Consulting
410-419-4906
bdoak@bruceedoakconsulting.com
3801 Baker Schoolhouse Road
Freeland, MD 21053





CERTIFICATE OF POSTING

October 24, 2019 (amended November 15 2019)

Re:

Zoning Case No. 2019-0453-SPH

Legal Owner: Whitemarch Associates, LLC

Hearing date: November 18, 2019

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 5401 Campbell Boulevard.

The signs were posted on October 24, 2019.

The signs were inspected again on November 14, 2019.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0453-SPH

5401 Campbell Boulevard

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Monday November 19, 2019 10:00 AM

REQUESTS:

**SPECIAL HEARING TO PERMIT DEVELOPMENT OF A SITE
LOCATED IN A RIVERINE FLOODPLAIN, TO ALLOW GRADING,
PAVING, LANDSCAPING AND OTHER SITE WORK AND
CONSTRUCTION OF A BUILDING, PARKING, AND A ROAD
WITHIN THE FLOODPLAIN AND TO ALLOW A ZERO FOOT
FREEBOARD LINE BUILDING SETBACK (DPW PLATE D-9).**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS AND SOMETIMES
NECESSARY, TO CONFIRM THE HEARING CALL 410-487-3551.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 9-0453-SPH

5401 Campbell Boulevard

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Monday November 18, 2019 10:00 AM

REQUESTS:

SPECIAL HEARING TO PERMIT DEVELOPMENT OF A SITE
LOCATED IN A RIVERINE FLOODPLAIN, TO ALLOW GRADING,
PAVING, LANDSCAPING AND OTHER SITE WORK AND
CONSTRUCTION OF A BUILDING, PARKING, AND A ROAD
WITHIN THE FLOODPLAIN AND TO ALLOW A ZERO FOOT
FREEBOARD LINE BUILDING SETBACK (DPW PLATE D-9).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-667-3321.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

10/29/2019

Order #: 11802856
 Case #: 2019-0453-SPH
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
 2019-0453-SPH



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County**NOTICE OF ZONING HEARING**

The Administrative Law Judge 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: 2019-0453-SPH

5401 Campbell Boulevard

SE side of Philadelphia Road, south of centerline of Campbell Blvd.

15th Election District - 6th Councilmanic District

Legal Owners: Whitmarsh Associates, LLC

Special Hearing to permit development of a site located in a riverine floodplain, to allow grading, paving, landscaping and other site work and construction of building, parking, and road within the floodplain and to allow a zero foot fescue board line building setback (DPW plate D-9).

Hearing: Monday, November 18, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

o29

**DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2019-0453-SPH
Property Address: 5401 CAMPBELL BLVD
Property Description: _____

Legal Owners (Petitioners): _____
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Company/Firm (if applicable): _____
Address: 5401 Campbell BLVD

Telephone Number: _____

Revised 7/9/2015

H72-8240 -P102
Q142 1047

1 BE UNLAWFUL TO FILL OR REFILL ANY SUCH TANK THAT IS NOT SO ANCHORED OR
2 ELEVATED.

3 **PART 124.11 NEW OR REPLACED OIL TANKS.** ALL NEW OR REPLACED OIL TANKS SHALL
4 HAVE THEIR VENT PIPE AND NON-LIQUID TIGHT FILL CONNECTION TERMINATION POINT
5 AT LEAST TWO FEET ABOVE THE FPE. THIS PROVISION SHALL ALSO APPLY TO
6 SUBSTANTIAL IMPROVEMENT BUILDINGS AND BUILDINGS EXPERIENCING A REPETITIVE
7 LOSS. VENT AND FILL PIPE SUPPORT SHALL BE IN ACCORDANCE WITH SECTION 305 OF
8 THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION.

9 **PART 124.12 FUEL OIL SYSTEMS.** FUEL OIL SYSTEM INSTALLATION SHALL COMPLY WITH
10 SECTION 1305 OF THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION, UNLESS
11 OTHERWISE MODIFIED BY THIS CODE.

12 **PART 125 AREAS SUBJECT TO INUNDATION BY RIVERINE SURFACE WATERS WITHIN**
13 **THE 100-YEAR FLOODPLAIN.**

14 **PART 125.1 NO NEW BUILDINGS OR ADDITIONS. NO NEW BUILDINGS OR ADDITIONS**
15 **SHALL BE CONSTRUCTED IN ANY RIVERINE FLOODPLAIN.** THE 100-YEAR FLOODPLAIN
16 SHALL BE BASED UPON THE FEDERAL FLOOD INSURANCE STUDY OR AS ESTABLISHED BY
17 THE DIRECTOR OF PUBLIC WORKS, WHICHEVER IS THE MORE RESTRICTIVE. THIS
18 DETERMINATION SHALL INCLUDE PLANNED FUTURE DEVELOPMENT OF THE
19 WATERSHED AREA.

20 **PART 125.2 RECONSTRUCTION OR REPAIR OF EXISTING BUILDINGS.**

21 RECONSTRUCTION OR REPAIR OF EXISTING BUILDINGS SHALL BE GOVERNED BY PART
22 121 "UNSAFE STRUCTURES AND EQUIPMENT". ALL SUBSTANTIAL IMPROVEMENTS TO
23 EXISTING BUILDINGS SHALL BE PERMITTED ONLY ON THE BASIS OF AN APPROVED
24 WAIVER IN ACCORDANCE WITH ARTICLE 32, TITLE 8, SUBTITLE 3 OF THE BALTIMORE
25 COUNTY CODE, 2003, AS AMENDED, "WAIVERS", AND SHALL BE SUBJECT TO ALL
26 APPLICABLE CONDITIONS OF SECTION 32-8-207 OF THE BALTIMORE COUNTY CODE, 2003,
27 AS AMENDED, AND THE REQUIREMENTS OF THIS CODE WHERE REPLACEMENT
28 STRUCTURES CANNOT BE RELOCATED OUT OF THE FLOODPLAIN, THEY SHALL BE
29 LIMITED TO THE FOOTPRINT OF THE PREVIOUS STRUCTURE. ALL SUBSTANTIALLY
30 IMPROVED STRUCTURES, INCLUDING MANUFACTURED HOMES, SHALL HAVE THE
31 LOWEST FLOOR ELEVATED TO OR ABOVE THE FPE. THE LOWEST FLOOR ELEVATION FOR
32 HOUSES OR BUILDINGS ADJACENT TO A RIVERINE FLOODPLAIN SHALL BE TWO FEET
33 ABOVE THE BASE FLOOD ELEVATION.

34 **PART 126 ROOF DRAINAGE AND PROTECTION OF EXTERIOR OPENINGS.**



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5450 Campbell Blvd., 21236
which is presently zoned ML IM

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

a waiver of Balto. Co. Bldg. Code § 3112.2 and of BCC §§ 32-4-107, 32-4-404, 32-4-414 and 32-8-301, et seq., to permit development of a site located in a riverine floodplain - to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9)

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 _____

Attorney For Petitioner:

Edward J. Gilliss
Name - Type or Print _____ City _____
Royston, Mueller, McLean & Reid, LLP
Signature EG
Company _____
102 W. Pennsylvania Avenue., Suite 600
Address _____ Telephone No. _____
Towson MD 21204
City State Zip Code

Legal Owner(s):

Whitemarsh Associates, LLC
Name - Type or Print _____
By: JH Gease
Signature John H. Gease
Name - Type or Print _____
Signature _____

Address _____ Telephone No. _____
NAME AS BELOW
State _____ Zip Code _____

Representative to be Contacted:

Jack Gease
Name _____
1604 Creston Drive
Address _____ Telephone No. _____
Forest Hill MD 21050
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2008-0506-SP14

REV 9/15/98

Reviewed By PROP OFF Date 6-24-08
CM

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



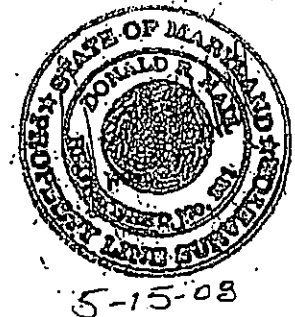
May 15, 2008

ZONING DESCRIPTION

Beginning at a point on the southeasterly right of way line of Philadelphia Road, a variable width right of way, forty feet from the center of said road, approximately 60 feet southwest of Campbell Boulevard, 120 foot wide, said point being at the westerly most corner of the Highway Widening shown on a plat entitled "Final Plat, Lot 2, Whitmarsh Associates, LLC" and recorded among the Plat Records of Baltimore County in Plat Book Liber S.M. 73 folio 7, running thence the following courses and distances, viz;

South 50°21'28" East 177.00 feet, to a point of curvature; By a tangent curve to the right with a radius of 897.00 feet and an arc length of 286.33 feet, said curve being subtended by a chord bearing South 41°12'47" East 285.11 feet, to a point of compound curvature; By a tangent curve to the right with a radius of 325.74 feet and an arc length of 100.55 feet, said curve being subtended by a chord bearing South 23°13'32" East 100.15 feet; North 74°22'40" West 545.03 feet; North 30°36'04" East 316.78 feet, to the point of beginning, having an address of Philadelphia Road and being located along the southeasterly side of said Philadelphia Road.

Containing an area of 98,284 square feet or 2.256 acres of land, more or less, and being located in the Fifteenth Election District, Sixth Councilmanic District, Baltimore County, Maryland.



0586

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mraqta.com P:\15360\Surveys\Descriptions\15360_ZoningDesc.doc

Abingdon, MD	+	Laurel, MD	+	Towson, MD	+	Georgetown, DE	+	Wilmington, DE	+	York, PA
(410) 515-9000		(410) 792-9792		(410) 821-1690		(302) 855-5734		(302) 326-2200		(717) 751-6073

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: # 2008-0586-SPH
5450 Campbell Boulevard
E side of Philadelphia Road, s/east side of Campbell Boulevard
and Philadelphia Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Whitmarsh Associates, LLC, John Gease
Special Hearing: for a waiver to permit development of a site located in a riverine floodplain to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback.

Hearing: Tuesday, August 26, 2008 at 11:00 a.m. in Hearing Room 1, Jefferson Building, 105 West Chesapeake 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.

JT 8/6/08 Aug. 12 180630

CERTIFICATE OF PUBLICATION

8/14, 2008

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 8/12, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 17580

Date: 6-24-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		000		6150				325.00

Total: 325.00

Rec From: E. G. Ilic

For: 5450 CAMPBELL BLVD

2008-0506-SPH

2008-0506-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 2003-0586-SPH

Petitioner/Developer: _____

Whitemarsh Associated LLC

Date of Hearing/Closing: 26 Aug 08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews ((410) 887-3394)

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: _____

5450 Campbell Boulevard

The sign(s) were posted on _____

11-Aug 08

(Month, Day, Year)

Sincerely,



(Signature of Sign Poster)

11-Aug 08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

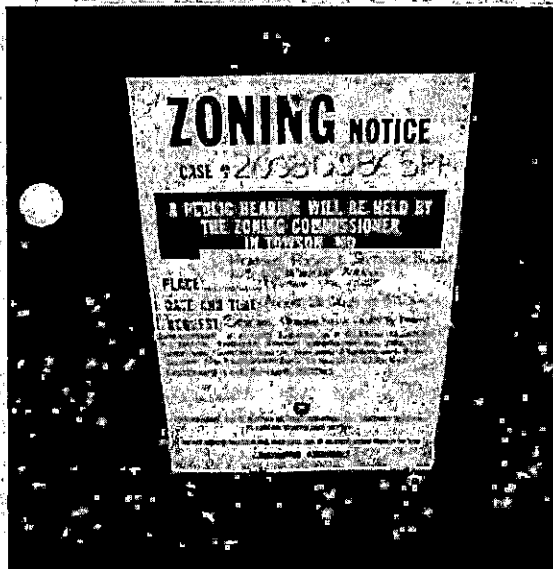
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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: 2008-0586-SPH

Petitioner: Whitemarsh Associates LLC

Address or Location: 5450 Campbell Blvd., 21236

PLEASE FORWARD ADVERTISING BILL TO:

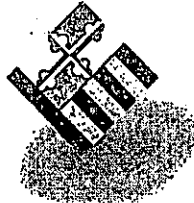
Name: Jack Gease

Address: 1604 Creston Drive

Forest Hill, MD 21050

Telephone Number: 410-241-0390

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 14, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 2008-0586-SPH

5450 Campbell Boulevard

E/side of Philadelphia Road, s/east side of Campbell Boulevard and Philadelphia Road

15th Election District – 6th Councilmanic District

Legal Owners: Whitmarsh Associates, LLC, John Gease

Special Hearing for a waiver to permit development of a site located in a riverine floodplain – to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback.

Hearing: Tuesday, August 26, 2008 at 11:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
John Gease, 1604 Creston Drive, Forest Hill 21050

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 11, 2008.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 12, 2008 Issue - Jeffersonian

Please forward billing to:

Jack Gease
1604 Creston Drive
Forest Hill, MD 21050

410-241-0390

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: 2008-0586-SPH

5450 Campbell Boulevard

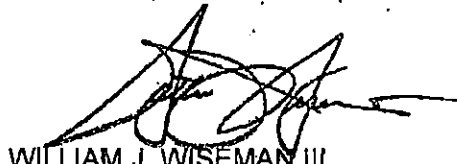
E/side of Philadelphia Road, s/east side of Campbell Boulevard and Philadelphia Road

15th Election District – 6th Councilmanic District

Legal Owners: Whitmarsh Associates, LLC, John Gease

Special Hearing for a waiver to permit development of a site located in a riverine floodplain – to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback.

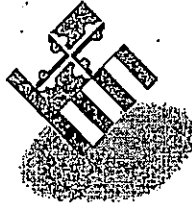
Hearing: Tuesday, August 26, 2008 at 11:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III

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
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

August 20, 2008

Edward J. Gilliss
102 W. Pennsylvania Ave. Ste. 600
Towson, MD 21204

Dear: Edward J. Gilliss

RE: Case Number 2008-0586-SPH, 5450 Campbell Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

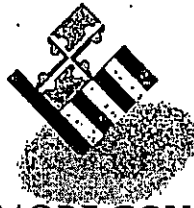
A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
White Marsh Associates, LLC, 1604 Creston Dr., Forest Hill, MD 21050



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 3, 2008, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 7, 2008

Item Number: 0581, 0586

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: July 11, 2008

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

RE: Baltimore County
Item No 2008-0586-SP14
9450 CAMPBELL BLVD
EAST SIDE OF MD 7
WHITE MARSH ASSOCIATES, LLC
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
for Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



TB 8/26
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

RECEIVED
JUL 16 2008

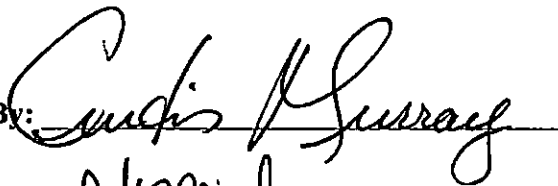
BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-586- Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

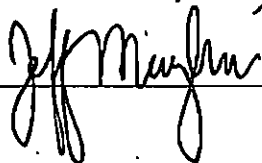
For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:

CM/LL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 8, 2008

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 14, 2008
Item No. 08-0586

Floodplain waiver is subject to comments by D.P.W. Director; the flood study is under review by Bureau of Engineering.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 08-0586--07082008

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works



DATE: August 25, 2008

SUBJECT: Case No. 08-586-SPH
5450 Campbell Blvd. At Rte. 7
Whitemarsh Associates LLC Property

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

Case No. 08-586-SPH involves a waiver to floodplain regulations (specifically Section 32-4-414 BCC) concerning development in the riverine floodplain) to fill riverine floodplain to prepare the site to be marketed for development. The subject project was found to be in the riverine floodplain as mapped on the Federal Flood Insurance Rate Map (FIRM), Panel 240010-0430F dated September 26, 2008.

The property in question is part of a development site previously recorded on Plat SM 73/7 and is adjacent to a right of way for a possible future extension of Campbell Boulevard; however, the final alignment and status of the roadway have not yet been determined.

This department recommends deferral of this waiver request and continuation of the hearing to allow time for the County to study the issues involved.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Bill Wiseman, Zoning Commissioner; Peter Zimmerman, Peoples Counsel; Dennis Kennedy, Chief, Development Plan Review Bureau; Edward Gilliss, Royston, Mueller, McLean & Reid, LLP; Dean Hoover, Morris & Ritchie Associates



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Please reply to:
Office of the District Engineer
Highway Engineering District 4
Baltimore and Harford Counties

September 22, 2008

Mr. Edward C. Adams Jr., P.E.
Director - Baltimore County
Department of Public Works
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Adams: *Ed*

Thank you for your recent letter regarding the development proposal in the vicinity of Philadelphia Road (MD 7) ~~and Campbell Boulevard~~. Your letter requested information on any road closure due to flooding in the past five (5) years. It is my pleasure to respond to your request.

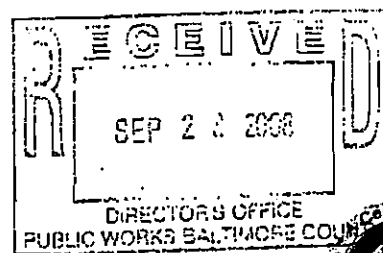
As a result of your request, the Golden Ring Maintenance facility reviewed its records of the vicinity of Philadelphia Road (MD 7) and Campbell Boulevard. The records show the area between Nottingham Road and Campbell Boulevard as well as Honeygo Run and Cowenton Avenue were closed several times in June & July of 2006 due to flooding. On two of these occasions the road was closed for extended periods of time and required minor roadway repair. Flooding in these areas also occurred in 2007 with no extended closer or roadway surface damage.

Thank you for the opportunity to respond to your request. If you have any additional questions, please do not hesitate to call Mr. Andre Futrell, Assistant District Engineer - Maintenance at 410-321-2761 or myself at 410-321-2810.

Sincerely,

David J. Malkowski
District Engineer
Baltimore and Harford Counties

cc: Mr. Andre Futrell, Assistant District Engineer
Mr. Eric Lincoln, Resident Maintenance Engineer



From: William H. Spencer-Strong, III
To: Demski, Mark; Thomas, David
Date: 8/27/2008 3:18 PM
Subject: Re: Philadelphia Road & Campbell Blvd. - Flooding

Mohrs Run.

2 swift water calls: One in 1999 at Phil Rd and Campbell Bd and one in 6/06 at 5200 Campbell Bd (Best Buy).

William Spencer-Strong
Division Chief
Baltimore County Fire Department
700 E. Joppa Road
Suite 409
Towson, MD 21286
(443) 829-8116 (cell)
(410) 832-8515 (fax)

From: David Thomas
To: Bostwick, Thomas
Date: 11/17/08 11:15:10 AM
Subject: Case No. 2008-0586 SPH - 5450 Campbell Blvd floodplain waiver information

Tom,

At the waiver hearing which I believe you conducted on 8/26/2008 the community persons present (Ms. Davies and Mr. Dudanowski) asked about whether there was a history of road flooding in the vicinity of the site. Please see the attached documentation concerning that issue.

Please include this in your public-record file for this waiver petition (2008-0586 SPH) so that it will be available at any future hearings.

Thanks,

Dave Thomas

David L. Thomas
Baltimore County DPW
(410) 887-3984

CC: Adams, Edward; Lovelist, Diane; Wiley, Debra; Wiseman, Bill

Please file
in Case
file
9/4 Thank

TB
8-26-08

Nottingham Improvement Association Inc.
(Nottingham) 21237

RECEIVED
SEP 04 2008

Dear Mr. Bostwick,

BY:.....

My Name is Lorenzo DiCocco and I am president of the Nottingham Improvement Association.

On Tuesday, August 26th 2008, Board members of the Nottingham Improvement Association Judy Davies and John Dudnanski attended Special Zoning Hearing Case Number 2008-0586-SPH.

I want to assure you, Mr. Bostwick, and the rest of the commissioner's office that John and Judy represented the Nottingham community with our unanimous support.

We as a community have had many discussions with county officials from all departments including the Army Core of Engineers as to what can and can not be done with wetlands and floodplains. Our topic of discussions then involved the extension of Campbell Blvd. through the same general location that is being requested to be filled, graded and possibly built on. We were told candidly by public works officials that building a road through wetlands and floodplains while maintaining the integrity of the wetlands was just too costly and that federal laws would prohibit them from doing it without federal approval.

Our biggest concern at the moment is the environmental impact that hard surfacing of this property will have on the neighboring community. Currently a good heavy rain will flood out the corner of Philadelphia Rd. and Mohrs Lane. Any additional filling and grading without proper drainage will compound the flood problem we already have.

I would like to thank you personally for hearing our petitions against this zoning request and would hope that everyone involved would please consider not allowing this flood plain to be filled in.

Sincerely,

Lorenzo DiCocco

Lorenzo DiCocco - (President N.I.A)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5450 Campbell Blvd; E/S Philadelphia Road, * ZONING COMMISSIONER
SE/S Campbell Blvd & Philadelphia Road *
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Whitmarsh Associates, LLC* FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-586-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 and all documentation filed in the case.

RECEIVED

JUL 11 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Jack Gease 16094 Creston Drive, Forest Hill, MD 21050 & Edward Gillis, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: August 29, 2008

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

SUBJECT: Case No. 2008-0586-SPH – Whitemarsh Associates, LLC

This matter came before me on August 26, 2008 as a request by Petitioner for a waiver to permit development of a site located in a riverine floodplain (at a proposed address of 5450 Campbell Boulevard - an extension of that road - in the Nottingham area of the County). The purpose of the request is to allow grading, paving, landscaping and other site work on the property and eventual construction of a building, parking and road within the floodplain, and to allow a zero foot freeboard line building setback (per DPW plate D-9).

Edward J. Gilliss appeared and represented Petitioner John Gease who also appeared. Dave Thomas (x3984) of DPW, who reviews floodplain related matters and assists in providing the Director's required recommendation concerning waiver requests, also appeared at the hearing. Several interested citizens attended the hearing as well.

Petitioner's consulting engineer, Ernie Sheppe, testified briefly and provided an overview of Petitioner's waiver request and answered some questions of the citizens in attendance. The citizens in attendance, Ms. Davies and Mr. Dudnanski, then testified in opposition to Petitioner's waiver request.

Following the testimony of the interested citizens, with the consent of Mr. Gilliss and his client, and the urging of Mr. Thomas with DPW (so DPW's review of the waiver request can continue), the case was postponed pending notification from Mr. Thomas or Mr. Gilliss that the floodplain evaluation is completed and the case can be reset. Mr. Gilliss also requested at that time that the citizen input/testimony phase of the hearing be closed. That request was granted.

Therefore, this case is postponed for the time being. Mr. Gilliss indicated that when he becomes aware that DPW's floodplain review is complete, he will notify Kristin Matthews with the Zoning Review Office in order to have the matter re-scheduled before the Undersigned. The case will not need to be re-posted or re-published. Please also send notification of the next hearing date to the interested citizens on the "Citizen's Sign-In Sheet," Ms. Judith Davies and Mr. John Dudnanski.

Patricia Zook - Case 2008-0586-SPH

From: Patricia Zook
To: Duvall, David
Date: 3/17/2011 12:29 PM
Subject: Case 2008-0586-SPH
CC: Kotroco, Timothy

Hi Dave -

Tim showed me this file and mentioned that you are looking for the signed Order on this case. The file contains a Memo to the File from Tom Bostwick. The case was scheduled for a hearing on August 26, 2008 which was postponed at the request of Petitioner's attorney pending resolution of issues. Therefore, no final Order has been issued on this matter.

I have removed the draft Order from the file. The file is ready for pick up.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

OF COUNSEL

EUGENE W. CUNNINGHAM, JR., P.A.
H. EMSLIE PARKS*
BRADFORD G.Y. CARNEY
LISA J. McGRATH

COUNSEL EMERITUS

RICHARD A. REID

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

* ALSO ADMITTED IN D.C.

R. TAYLOR McLEAN
E. HARRISON STONE
WILLIAM E. BLUE
THOMAS E. McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
JOHN W. BROWNING
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG E. WARD

LEANNE M. SCHRECENGOST
DAVID F. LUBY
JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE

June 17, 2008

VIA HAND-DELIVERY

Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
re: part of 5450 Campbell Boulevard
Nottingham, Maryland 21236

Dear Sirs:

I enclose the following materials relating to the request for a Petition for Special Hearing regarding a portion of the property known as 5450 Campbell Boulevard, Nottingham, Maryland 21236:

1. Three original Petition forms signed and fully completed;
2. 14 Plats with all information indicated;
3. Three sealed descriptions of the property;
4. One copy of the zoning with the location and boundaries accurately depicted;
5. A check made payable to Baltimore County in the amount of \$325.00; and
6. The Advertising form.

I look forward to hearing from you as soon as this matter has been assigned a matter number and as soon as a hearing date has been set.

ROYSTON, MUELLER, McLEAN & REID, LLP

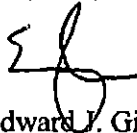
Baltimore County Department of
Permits and Development Management

Page 2

June 17, 2008

I thank you for your cooperation and in the meantime, ask that you telephone me if you have any questions or comments.

Very truly yours,



Edward J. Gilliss

EJG/ges

Enclosures

cc: Mr. John H. Gease, III

Mr. Dean Hoover

CASE NAME 5450 CAMPBELL BLVD
CASE NUMBER 2008 0586 SP4
DATE 8.26.08

[illegible]

CASE NAME :

DATE 8-26-08

NAME _____

ADDRESS

CITY, STATE, ZIP

E-MAIL

JUDITH DAVIES

9929 PHILADELPHIA RD

ROSDALE MD 21237

BixFax@aol.com

John Dudzinski

10,000 Phila. Rd.

Rosedale MD 21237

John@parryski.comcast.net

Marie Caroline

East County Times

543 Balta NO 21212

Sincha 100 Conest' 14

CASE NAME _____
CASE NUMBER 2008
DATE 8-26-08

[illegible]

IN RE: PETITION FOR SPECIAL HEARING *

Corner SE/S Pulaski Highway and
SW/S Rossville Boulevard
(8733 Pulaski Highway)
15th Election District
7th Council District

Commerce Bank, N.A., Owner
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

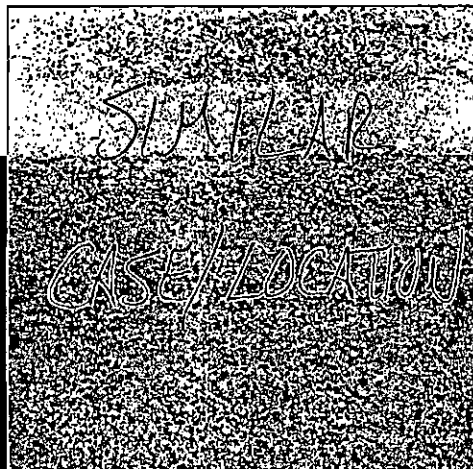
Case No. 08-321-SPH

* * * * *

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 legal owner of the subject property, Commerce Bank, N.A., by and through its attorney Arnold Jablon, Esquire with Venable LLP. The Petitioner requests a special hearing for a waiver pursuant to Section 500.6 of Baltimore County Zoning Regulations (B.C.Z.R.), Section 3112.2 of the Baltimore County Building Code, and Sections 32-4-414, 32-8-301 et seq., and 32-4-107 of the Baltimore County Code (B.C.C.) for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities, and other site work and the construction of portions of a building, related parking, a stormwater management facility, and a retaining wall, within the floodplain. The subject property and requested relief are more particularly described on a two page site plan, which was submitted into evidence and marked as Petitioner's Exhibits 1A-1B.

Appearing at the requisite public hearing in support of the request were Michael Powell, construction manager for Commerce Bank, N.A.; John W. Clapsaddle, professional engineer, Scott R. Wolford, landscape architect, and Daniel M. Blevins, project manager, all with Patton Harris Rust & Associates, PC, the firm responsible for the preparation of the site plan. David H. Karceski, Esquire appeared on behalf of the Petitioner. Rick Cobert, Business Development Representative for the Baltimore County Department of Economic Development, and Sheldon



8/26/08

2008-0586-JPH

Mr. Gease - Petitioner

Ernie Sheppe - MPA, Inc.

Ed Gelles - Counsel for Petitioner

Judith Davies

John Dudranski

> Protestants

Diane Carliner - East County Times

- 2.26 acres

- 1.55 acres in floodplain - 68% of site

- plan is to grade the site to fill $\approx$ 1.5 acres of floodplain to create a pad site of $\approx$ 2 acres of buildable area.

Ms. Davies - concern is about the stream and flooding on Philadelphia Road

- concerned about environmentally ^{actually floodplain} $\uparrow$ cannot be built properly - the wetland area takes up some of rain - concerned about filling in the area

- Mr. Dudranski

↳ Nottingham Improvement Association - member

- don't support development of this site

- they believe wetlands & floodplains should be preserved
- flooding as things exist is very substantial and they could cause even further problems.
- disagree w/ granting waiver of floodplain at this location.

Dave Thomas - Asst. to Director - DPW

- submitted comment dated 8-25-08
- DPW at this time recommends that waiver request be deferred at present and continuation of the hearing to allow time for County to study the issues regarding the floodplain and Pet's plans.

-
- Evidence introduced by Petitioner and Mr. Sheppe gave general overview of plan

- Mr. Thomas of DPW submitted his department's interim comment

- Ms. Davies and Mr. Dudranski testified as interested citizens (and potentially on behalf of Nottingham Improvement Assn. - if they submit proper documentation)

- the community input / testimony portion of hearing was CLOSED

Case No.: 2008-0586-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	A - Site Plan - Existing Cond. B - Site Plan - Proposed Grading	Photos of area after a rain storm
No. 2	7-10-08 letter of support from nearby property owner	
No. 3	ZAC Comments	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



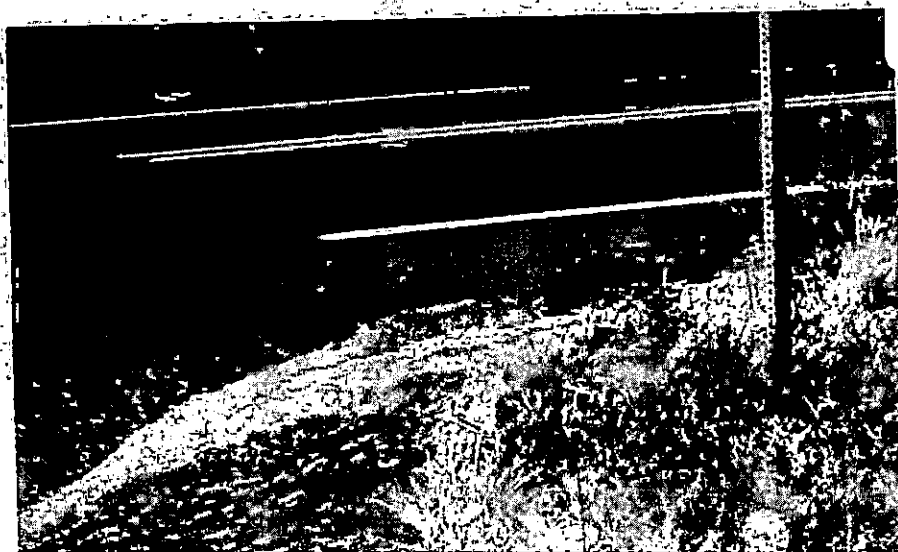
A



B

PROTESTANT' S

EXHIBIT NO. 1



C

**Whitemarsh Associates, LLC
1604 Creston Drive
Forest Hill, Maryland 21050**

PHONE: (410) 893-8394

FACSIMILE: (410) 856-1110

July 10, 2008

Mr. Joe Holman
12800 Bottom Road
Hydes, MD 21082

Post-It® Fax Note	7671	Date	7/14/08	# of pages	2
To	ED GILLIS	From	JACK GEASE		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	410 828-7859	Fax #			

RE: Development of Adjoining Land

Dear Mr. Holman,

I am writing to inform you about the plans to develop approximately 2 acres of property by Whitemarsh Associates which lies to the northwest of your land on Mohrs Lane. The site is shown on the accompanying exhibit and is on the far side of the south branch of White Marsh Run opposite Campbell Boulevard.

Our plan calls for the filling of approximately 1.5 acres of floodplain in order to create a pad site of nearly 2 acres. A flood study by Morris and Ritchie Associates demonstrates that the fill will cause a negligible increase in the 100 year flood elevation; approximately 5 one-hundredths of a foot (.05 foot). This fill will not interfere with nor affect the developability of your property. In addition, it is our intent to seek permission to fill a small area of wetlands.

No specific use for the site has been determined at this time.

If you have no objections to the plans that I have outlined above, please sign where provided for below so that I may demonstrate that to the Department of Environmental Protection and Resource Management.

Thank you for your assistance in this manner.

Ret 2



JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

August 20, 2008

Edward J. Gilliss
102 W. Pennsylvania Ave. Ste. 600
Towson, MD 21204

Dear: Edward J. Gilliss

RE: Case Number 2008-0586-SPH, 5450 Campbell Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

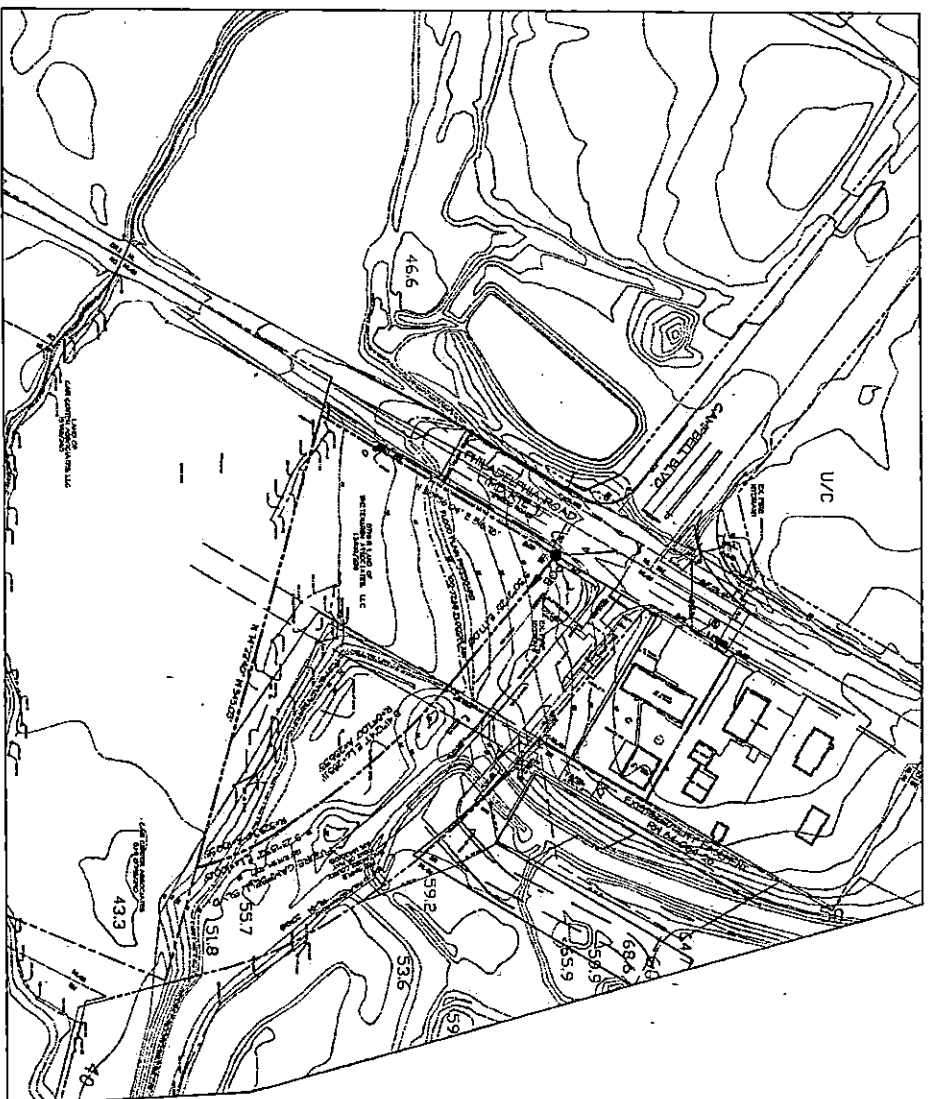
W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
White Marsh Associates, LLC, 1604 Creston Dr., Forest Hill, MD 21050

Ret 3



SITE DATA:

[illegible]

GENERAL NOTES:

1. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE COASTAL PLANE DISTRICT AREA.
2. THE SUBJECT PROPERTY IS LOCATED WITHIN THE COASTAL PLANE DISTRICT AREA AND THEREFORE WILL BE REDEVELOPED.
3. THERE ARE NO HISTORICAL PROPERTIES LOCATED ON THE SUBJECT PROPERTY.
4. AS PER THE BALTIMORE COUNTY PLANNING BOARD'S VIEW, THERE ARE NO HISTORICAL PROPERTIES OF VALUE DEEMED WORTH THE AND NOT REDEVELOPED.

ZONING HISTORY:

THERE ARE NO PREVIOUS ZONING CASES FOR THE SUBJECT PROPERTY.

SPECIAL HEARING REQUEST:

MRI

MORRIS & KATZ ASSOCIATES, INC.
LAWYERS
10000 Wilshire Boulevard
Suite 1000
Beverly Hills, California 90210
Tel. 310/277-1000
Telex 980000





PLAN TO ACCORDARY SPECIAL FOR A FLOOD PLAN WATER

PORTS LAKE

THINNING CONDITIONS

9702

	100%
	100%
	100%

15	16
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Case No.: 2019-0453-SPH 5401 Campbell
Blvd.

Exhibit Sheet

Petitioner/Developer

low
2-11-2020

Protestants

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12/5/19

No. 1	Site Plan	
No. 2	Aerial Photo	
No. 3	Theodore Scott C.V.	
No. 4	CSX BRIDGE STREAM CHANNEL Drawing	
No. 5	Photo of CSX BRIDGE Stream Channel	
No. 6	Photo of South Fork of WHITE MANSK RUN	
No. 7	2015 REFINED PROPOSED FLOOD Plain Study Rt. 7 and MONNS Lane	
No. 8	8/26/19 letter from Steve Walsh, Dir. DPW	
No. 9	E-mail string	
No. 10		
No. 11		
No. 12		



Curriculum Vitae

Theodore E. Scott, PE
Executive Vice President

Registration:	Maryland Registered Professional Engineer, #32602, 2005 U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Accredited Professional (AP)
Certifications:	Maryland Department of the Environment Erosion & Sediment Control Certification (Green Card) Master Stormwater Practitioner (MSP) – Chesapeake Bay Stormwater Training Partnership OSHA First Responder Hazmat Operations Certification OSHA Confined Space Certification
Employment:	2002- Present Stormwater Maintenance & Consulting, Hunt Valley, Maryland - Founder & Exec. VP 1986-2002 Morris & Ritchie Associates, Inc., Towson, Maryland – Principal 1985-1986 Century Engineering, Towson, Maryland

A practicing Professional Engineer, Mr. Scott has over 30 years of progressive experience in the design, inspection, construction, repairs, retrofit, and maintenance of stream restoration projects and all types of stormwater practices.

He is the founder and Executive Vice President of SMC, which was formerly known as Stormwater Maintenance & Consulting. SMC provides engineering, inspection, surveying, construction, and maintenance of existing drainage-related infrastructure including streams and stormwater systems, primarily throughout the Chesapeake Bay watershed. The goal of SMC is to facilitate environmental restoration and compliance for municipalities and industrial NPDES permit holders; and to help the owners and managers of stormwater infrastructure meet operational obligations and minimize maintenance costs.

Mr. Scott is also a sought-after consultant and national speaker on stormwater management issues, including the application of emerging technologies such as low impact development, integrated stormwater management design, stormwater on green building projects, alternative practices such as permeable paving and bioretention, and the programmatic and implementation issues of inspection, maintenance, and repair of stormwater management infrastructure.

While Mr. Scott continues to consult on select projects that are focused on green stormwater and integrated site design (LID/ESD), his primary focus is on the analysis, inspection, maintenance, and remediation of existing facilities and the design of retrofit projects.

Mr. Scott has managed design, permitting, and support services for a wide variety of projects including heavy industrial, commercial, residential, and specialty water resources projects. Specific experience includes:

DEVELOPER' S

EXHIBIT NO. 3

- Integrated stormwater management site and stormwater management design
- Site specific and regional quantity and water quality stormwater management
- Zoning analysis, case preparation, and expert witness testimony
- Water Quality retrofit of existing quantity facilities
- Master Planning
- Recreational pond and lake design
- Embankment Breach Analysis
- Analysis of existing embankment issues that includes dewatering problems, sediment deposition, outfall structure remediation, and retrofit for enhanced stormwater management.
- Stormwater management facility and embankment inspection and as-built analysis
- Stream assessment, restoration / relocation design, and classification using Rosgen methodologies
- Watershed and floodplain analysis
- Mine planning, reserves analysis, cost / benefit analysis
- Surface mine Reclamation and development Plans
- Underground mine reclamation
- On-site construction monitoring and oversight
- Design of impoundments and channels in Karst topography
- Sediment control design and inspection
- Stormwater management plan review for local municipalities
- Retrofit and field design to address post-construction problems
- Flood mitigation analysis

Mr. Scott has been involved with issues that impact his clients such as regulatory changes, emerging technologies and techniques, unique applications of traditional methodologies, practical applications of regulations and design, and emerging site and stormwater management design techniques. His past involvement in local, state, and discipline-related issues has been through project-specific applications and industry groups. To this end, Mr. Scott has regularly communicated with reviewers, municipal department staff and management, and politicians. He has developed and presented numerous presentations for key meetings, project issue presentations, training workshops, and seminars. His on-the-ground design experience and reputation as an accomplished speaker continue to influence his career, reinforcing his reputation as a mentor and expert in the application of contemporary stormwater management trends. In recent years, Mr. Scott has been very involved in training initiatives focused on the inspection, maintenance, and retrofit of existing stormwater infrastructure.

As a Principal of his previous firm, Morris & Ritchie Associates, Inc. (MRA), Mr. Scott oversaw the corporate water resources engineering practice, assisted in direct management of a multi-disciplinary land development design staff of approximately 40 employees, and the corporate management of approximately 250 employees. Mr. Scott supervised the planning, design, construction drawing preparation, and permitting for projects including surface mining, water resources, commercial, residential, and industrial development, wetland permitting and mitigation design, underground mine reclamation, washwater pond reclamation, etc.

A member of the Maryland Society of Professional Engineers Stormwater Management Committee, Mr. Scott was involved in the review of the 2008-9 Chapter 5 revision to Maryland's Stormwater Design Manual that requires Environmental Site Design (ESD) practices.

Mr. Scott was invited by Tom Schueler of the Chesapeake Stormwater Network (CSN) to be part of the Chesapeake Bay Stormwater Training Partnership (CBSTP), which also includes the Center for Watershed Protection (CWP). In this role, he has been involved in training efforts such as webcasts and presentations and is the co-author of Bioretention Illustrated (<http://tinyurl.com/k9fg47y>), a definitive guide on inspection and maintenance of bioretention facilities. Mr. Scott often speaks with Mr. Schueler and CSN/CWP staff in training seminars on the specifics of bioretention design, inspection, and maintenance.

Mr. Scott is also active in the non-profit community and is the past Chair of the Board of Directors of Blue Water Baltimore (BWB). BWB is a non-profit with a \$3 million annual budget and 18 employees that is dedicated to improving water quality in Baltimore with community-based programs, advocacy, and infrastructure improvements that range from school restoration and retrofit projects through on-lot rain gardens. The majority of BWB funding is grant driven, which gives Mr. Scott a unique perspective into the mechanics and nuances of funding water quality improvement projects. Mr. Scott also volunteered on the

Healthy Harbor Task Force, which is a public-private partnership dedicated to restoring the Baltimore Harbor to be fishable and swimmable by 2020.

Relevant Project Experience:

Virginia Department of Transportation BMP Maintenance Manual – Mr. Scott provided consulting services to assist VDOT in preparing Inspection and Maintenance Manuals to be implemented throughout the Commonwealth. Work included review of manual format and content, developing detailed inspection criteria and methodology, maintenance work scopes, activity descriptions, crew descriptions, and maintenance triggers for every type of BMP used in Virginia.

Howard County SWM Design, Build, Operate, & Maintain, Howard County, MD – Mr. Scott was the Principal in charge of the design of three stormwater retrofits on church properties in Howard County. As the principal in charge, he provided quality assurance and constructability oversight to the primary engineer and designs staff. The retrofits add a gabion sand filter sandwich to existing detention ponds to provide water quality treatment for at least the first inch of runoff. The work will provide 15 acres of impervious acres treated toward the County's MS4 permit requirements.

Prince George's County Public Private Partnership (P3), Prince George's County, Maryland - O&M lead, Design/Build Contractor, and a member of the Design Advisory Committee of a groundbreaking 30-year program that has and will be restoring over 4000 acres of impervious area over the next three years. This effort is changing the way urban watersheds are restored in many areas of the United States by streamlining the design, permitting, and construction processes and significantly reducing the costs of impervious area treatment.

Chesapeake Stormwater Partnership - Mr. Scott provides design and O&M training services including workshops, seminars, webinars, [videos](#), and technical consulting in conjunction with Tom Schueler and the Center for Watershed Protection. In this role he co-authored [Bioretention Illustrated](#), a technical manual on inspection of LID practices and developed [mobile inspection applications](#) for LID inspections.

Fairfax Stormwater Maintenance Contract, Fairfax County, Virginia – Principal-in-charge for the maintenance (including routine and non-routine) of approximately 1300 stormwater facilities throughout Fairfax County.

Montgomery County Stormwater Engineering and Inspection Support Services, Montgomery County, Maryland – Principal lead and QA/QC auditor for the triennial inspection of approximately 12,000 public and private stormwater facilities and annual inspection of numerous high hazard dams.

Walmart, Maryland – Management of inspection, maintenance, and repair of stormwater systems and emergency response for approximately 50 locations throughout Maryland for a national big box retailer.

Lowe's Companies, Inc., Mid-Atlantic, US – Management of inspection, maintenance, and repair of stormwater systems for approximately 175 locations throughout the northeastern United States for a national big box retailer.

St. Johns Properties, Maryland – Management of inspection, maintenance, and repair of multiple stormwater management facilities and accompanying drainage infrastructure.

Redland Genstar Medford Quarry, North Stream Relocation, Carroll County, Maryland – Complete design, permitting, and construction management, using fluvial geomorphologic principles, for over 2 miles of Use IV trout stream relocation (350-acre drainage area), mitigation design.

Greenspring II Stormwater Design/Build, Stevenson, Maryland – Principal- and Engineer-in-charge for the design/build for an emergency repair of a large CMP riser structure and the HDPE slip lining of the outfall barrel.

Forest Lake Stormwater Design/Build, Forest Lake, Maryland – Engineer-in-charge for the design/build for a stormwater repair of an existing detention pond. Work included the removal of the existing riser and trash rack, construction of concrete weir spillway, and a rip rap outfall channel.

UPS Joh Avenue, Baltimore, MD – Engineer-in-charge for the design/build for a stormwater facility remediation. Work included slip lining of an outfall barrel with an HDPE liner.

Lake Lariat High Hazard Dam, Lusby, MD – Engineer-in-charge of the ongoing inspection, maintenance and repair of a high hazard dam as classified by Maryland Department of the Environment (MDE). Additionally, oversaw the development of an updated Emergency Action Plan (EAP) as required by the MDE for potential dam failure emergency situations.

White Marsh Run Restoration, Baltimore County, Maryland – Restoration and relocation of 2500 LF of White Marsh Run (6.8 square mile drainage area) using bioengineering design, step pool design, fluvial geomorphologic principles, and hydraulic modeling using HEC-RAS.

Baltimore City Academy for College and Career Exploration Pavement – to Prairie De-paving and Rain Garden – Principal-in-Charge and Project Manager for one of several de-paving and rain garden projects on Baltimore City School property.

Linden Ave Retaining Wall & Water Quality Retrofit, Montgomery County, Maryland – Principal-in-Charge for the design of a retaining wall, pocket park, and a submerged gravel wetland water quality retrofit.

Langston Golf Course Bioretention Retrofit Design/Build, Washington DC – Technical Lead and QC manager for the design and construction of a retrofit bioretention facility. Project is grant funded with defined water quality and aesthetic goals.

Philadelphia Water Department Post-Construction Stormwater Management Facility As-built Inspections – Technical Lead for the inspection portion of an as-built survey and analysis of approximately 500 existing stormwater management facilities to qualify for CSO Consent Decree credit.

T. Rowe Price Investor Center Phase 3, Owings Mills, Maryland – Principal- and Engineer-in-charge for a confined space entry of a large underground sand filter, two smaller underground perimeter sand filters, and a large concrete vault detention facility to verify as-built conditions. Discovered significant deviations from plans and specifications, workmanship issues, and sediment deposition. Prepared documentation of conditions and monitored remediation efforts by others.

Montessori Manor, Phoenix, Maryland – Principal-in-charge for a surface sand filter design/build to treat stormwater runoff from a new parking lot at a private school.

The Park School Bioretention Retrofit, Brooklandville, Maryland – Principal- and Engineer-in-charge for the design/build stormwater retrofit of a school parking lot.

Greenspring II Stormwater Design/Build, Stevenson, Maryland – Principle- and Engineer-in-charge for the design/build for an emergency repair of a large CMP riser structure and the HDPE slip lining of the outfall barrel.

Forest Lake Stormwater Design/Build, Forest Lake, Maryland – Engineer-in-charge for the design/build for a stormwater repair of an existing detention pond. Work included the removal of the existing riser and trash rack, construction of concrete weir spillway, and a rip rap outfall channel.

UPS Joh Avenue, Baltimore, MD – Engineer-in-charge for the design/build for a stormwater facility remediation. Work included slip lining of an outfall barrel with an HDPE liner.

Lake Lariat High Hazard Dam, Lusby, MD – Engineer-in-charge of the ongoing inspection, maintenance and repair of a high hazard dam as classified by Maryland Department of the Environment (MDE).

Additionally, oversaw the development of an updated Emergency Action Plan (EAP) as required by the MDE for potential dam failure emergency situations.

Forest Green, Ellicott City, Maryland – Howard County's first project under the Maryland 2010 Environmental Site Design (ESD) design criteria. Project included the application of innovative permeable pavement in fill soils and is approved.

EnviroCenter, Jessup, Maryland – Full civil, landscape architecture, and site design services for a green building environmental education center expansion. Design of Environmental Site Design practices that result in no site discharge.

Riverdale, Howard County, Maryland – Evaluated Traditional Neighborhood Design project to incorporate green building and environmentally sensitive design approaches.

Locust Chapel, Howard County, Maryland – Green stormwater and site design project under Howard County's recently enacted Green Neighborhood regulations.

Harmony Place, Bowie, Maryland – Evaluated intense apartment development for environment site design stormwater management and LEED credits including sustainable sites and water efficiency.

Mapleton Village, City of Mapleton, Utah – Sustainable SWM Concept and design direction for a 1200 unit Traditional Neighborhood Design Village in conjunction with the Jack Johnson Company, resort designer.

Whitemarsh Run Restoration, Whitemarsh, Maryland – Design and construction oversight and coordination of a \$1.5 mil stream and floodplain restoration project.

Monroe Point, Colonial Beach, Virginia – Concept stormwater management design for a 150 acre mixed use waterfront development.

Mew Woods, Harford County, Maryland – Application of non-structural BMP Credits top satisfy all stormwater management requirements for a minor subdivision.

Meadowridge Business Center, Howard County, Maryland – Design of integrated stormwater management facilities, including multiple bioretention facilities, an underground sand filter, and an underground 1-year facility for a 7 acre office building use.

Oak Glen, Howard County, Maryland – Application of non-structural BMP Credits top satisfy all stormwater management requirements for a minor subdivision.

Journey's End, Howard County, Maryland – Application of non-structural BMP Credits top satisfy all stormwater management requirements for a minor subdivision.

Dove Property, Howard County, Maryland – Application of non-structural BMP Credits top satisfy all stormwater management requirements for a minor subdivision.

Waverly Woods Business Center, Howard County, Maryland – Design of an integrated stormwater management system including bioretention, dry swale, and an extended detention facility for a commercial development.

Hyman Property, Howard County, Maryland – Application of non-structural BMP Credits top satisfy all stormwater management requirements for a minor subdivision.

Oak Dale, Howard County, Maryland – Application of non-structural BMP Credits top satisfy all stormwater management requirements for a minor subdivision.

Manor Lane, Howard County, Maryland – Application of non-structural BMP Credits top satisfy all stormwater management requirements for a minor subdivision

Myrtue Property, Howard County, Maryland – 2000 Maryland stormwater management for a 160 acre, 30 lot low density residential project. Developed a SWM plan that addressed all SWM requirements with Non-Structural BMP credits. Credit qualifications utilized recent MDE-endorsed application of Low Impact Development micro-management techniques including rain gardens and terracing.

Woods at Rock Glenn, Aberdeen, Maryland – 2000 Maryland stormwater management for a 35 lot mid-density subdivision. Design included applying multiple Non-structural BMP credits and 3 sand filter facilities - concept through final design.

Harlan's Glance, Churchville, Maryland – 2000 Maryland stormwater management sand filter concept through final design.

Beck Property, Howard County, Maryland – Application of non-structural BMP Credits top satisfy all stormwater management requirements for a minor subdivision.

Ryan Property, Cockeysville, Maryland – 2000 Maryland stormwater management credit analysis and preliminary design.

Columbia Gateway, Columbia, Maryland – Shallow Wetland stormwater management retrofit in accordance with 2000 Maryland stormwater management criteria.

Key Property, Howard County, Maryland – 2000 Maryland stormwater management pilot (pre-regulation) design.

Panther Branch, Baltimore County, Maryland – Design and permitting, using fluvial geomorphologic principles, for the restoration of approximately 200 LF of USE III step-pool trout stream.

Gap Distribution Center, Edgewood, Maryland – Regional industrial water quality plan, expert witness testimony, sediment and stormwater management design.

Koons Chevrolet, White Marsh, Maryland – Comprehensive site design and permitting for an auto dealership.

AAI Corporation, Cockeysville, Maryland – Design / permitting of office / maintenance facility, land planning, regional SWM planning and sand filter design.

Carmax, White Marsh, Maryland – Site design and permitting.

Sams Club / Lowes Home Center, Cockeysville, Maryland – Land planning, site design and permitting, environmental constraints analysis and mitigation.

Allison Transmission Plant, White Marsh, Maryland – Consulting to facilitate land transaction, record plat preparation and recordation, SWM review.

Spencer Construction, Harford County, Maryland – Consulting on zoning action, expert witness testimony.

300/303 Clubhouse Lane, Hunt Valley, Maryland – Land Planning, site design for office / industrial development.

Baltimore Clayworks, Mt. Washington, Baltimore City, Maryland – Civil and water resources engineering, reuse analysis for a campus and building expansion.

Biscayne Bay, Chase, Maryland – Design / permitting of a 131 unit mobile home park within the Critical Area.

UMBC Fieldhouse, Baltimore, Maryland – Site engineering, landscape architecture for a college fieldhouse addition.

Knecht Ave. Medical Center, Baltimore County, Maryland – Site and utility engineering for an office building.

Lake Campus Community Pond, Harford County – Riser / barrel remediation project of an existing recreational wet pond, including in-situ HDPE lining.

Harford County Parks and Recreation, Reconstruction of Bynum Pond, Bel Air, Maryland – Alternatives analysis and final design of improvements to existing recreational pond.

The Cloisters at Charles, Baltimore County, Maryland – Design of a 2.5-acre water quality pond as retrofit for Rodgers Forge Watershed and to accommodate new townhouse development.

City of Elkton Raceway Stabilization, Cecil County, Maryland – Design and construction management of water supply canal and embankment.

Hunters Run Drive, Harford County, Maryland – Design and DNR Dam Safety permitting for a high hazard in-stream embankment. Work included breach analysis using HEC-1, 50% PMF overtopping design, and remote warning system.

Underwater Explosion Test Facility (UNDEX), Aberdeen Proving Ground, Maryland – Responsible for site engineering, erosion and sediment control, stormwater management, and environmental design recommendations for a \$25M, 150-foot deep test facility and associated 80-acre Dredge Material Placement (DMP) facility.

Aberdeen Proving Ground, Harford County, Maryland – Design of grading, sediment control, hydraulic dredge containment, and construction, Underwater Explosion Test Facility (UNDEX) Pond, U.S. Army, CSTA, Live Fire Vulnerability Directorate.

Redland Genstar Medford Quarry, North Stream Relocation, Carroll County, Maryland – Complete design, permitting, and construction management, using fluvial geomorphologic principles, for over 2 miles of Use IV trout stream relocation (350-acre drainage area), mitigation design.

Genstar Texas Plant, Goodwin Run Relocation, Baltimore County, Maryland – Relocation of Goodwin Run floodplain analysis and concept development.

Rehabilitation of Lilly Run, City of Havre de Grace, Maryland – Scope included studying urban stream system, developing flooding, water quality, and environmental mitigation concepts, and researching available State and Federal funding.

White Marsh Run Restoration, Baltimore County, Maryland – Restoration and relocation of 2500 LF of White Marsh Run (6.8 square mile drainage area) using bioengineering design, step pool design, fluvial geomorphologic principles, and hydraulic modeling using HEC-RAS.

Beaver Dam Road Retrofit, Baltimore County, Maryland – Regional offline water quality retrofit design for 250 acre ultra-urban watershed.

Riverside Critical Areas, Harford County, Maryland – Water quality analysis/design for critical area Intensity Developed Area (IDA) development.

Cecil Sand and Gravel, Cecil County, Maryland – Washwater pond design, permitting, erosion and sediment control, NPDES SWP3.

Southern Maryland Sand and Gravel, Inc, Charles County, Maryland – Water balance analysis for sand and gravel mine.

Redland Genstar Bradshaw Mine, Baltimore County, Maryland – Reclamation plans.

Waysons Corner, Maryland – Mine Planning, Sediment and stormwater management design for a 450-acre surface mine within the critical area, master planning.

Redland Genstar Chase Plant, Baltimore County, Maryland – Mining and reclamation plans.

Honeygo Reclamation Center, Baltimore County, Maryland – Land use analysis, rezoning, surface mining and rubble fill consulting, and commercial master planning.

Vinci Stone Products, Inc. Howard/Baltimore County, Maryland – Mining reclamation plans, highwall reclamation, property acquisition consulting.

Redland Genstar Frederick Quarry, Frederick County, Maryland – Mining and reclamation plans, overburden stockpile design.

Redland Genstar Texas Quarry, Baltimore County, Maryland – Mining and Reclamation Plan development, numerous environmental improvement projects, surface and underground mine reclamation, and commercial site planning.

Redland Genstar White Marsh Sand and Gravel Mine, White Marsh, Maryland – Mining and Reclamation Plans, Washwater Pond Reclamation, White Marsh Run Stream Restoration, Commercial/Industrial Site Planning, utility engineering, and zoning actions. Work included the accelerated wick consolidation reclamation of 40 acres of abandoned wash-water ponds for commercial and industrial use.

Gravel Hill Rubble Fill, Harford County, Maryland – Design of stormwater conveyance systems, stormwater management, and erosion and sediment control for an 80-acre sand and gravel mine. Scope also included conversion of existing mine to a rubble landfill. Work included grading design for bottom of mine landfill cells, phased filling, and capping. Project included obtaining approvals from several State and local agencies.

Genstar Churchville Quarry, Harford County, Maryland – Mining and Reclamation development and permitting, berm design, line of site studies, expert witness testimony.

York Building Products, Mason Dixon Sand & Gravel Belvedere Plant, Cecil County, Maryland – Sand and gravel surface mine planning and permitting, high hazard dam design, emergency action plan, reclamation, NPDES Stormwater sampling.

York Building Products Perryville Plant, Cecil County, Maryland – Mining and reclamation plans, wetland permitting, mine planning, washwater pond design.

Aberdeen Proving Grounds, Edgewood, Maryland – Sediment control anti-tank containment facility.

North Bend Elementary School, Harford County, Maryland – Stormwater management design for new school.

On-Call Stormwater Management Review Services, City of Havre de Grace, Maryland – Technical review of stormwater management plans.

Publications / Presentations

Richmond, Virginia LID Inspection and Maintenance Training – Two day training seminar in conjunction with the Chesapeake Stormwater Network and the Center for Watershed Protection on the inspection and maintenance of LID practices, 2013

Bioretention Illustrated – Co-Author with Tom Schueler on a definitive guide to the inspection, maintenance and repair investigation of bioretention facilities. Speaker on webcasts and training seminars. 2013

Stormwater 2012, Ohio Stormwater Conference - Invited Keynote Speaker for a conference with 500 in attendance. June, 2012

Design Impacts on Maintenance of Stormwater Facilities and Stormwater Inspection and Maintenance Protocols, Invited to speak by Purdue University at the Indiana Local Technical Assistance Program, Lafayette, IN, February, 2012.

Reducing Costs and Spurring Job Growth: Using Green Infrastructure Practices to Protect and Restore Clean Water for Communities, Congressional Briefing hosted by American Rivers, with the American Society of Landscape Architects (ASLA), National Association of Clean Water Agencies (NACWA), and the Water Environment Federation (WEF). One of three invited speakers. Washington DC, October, 2011.

LID Changes Everything: The New Stormwater Maintenance Paradigm, the Chesapeake Stormwater Training Partnership, Chesapeake Stormwater Network, and the Center for Watershed Protection. Webcast, invited speaker with Tom Schueler, August, 2011, Maryland Department of the Environment – Presentation on Innovative Stormwater Maintenance, July, 2011

Environmental Site Design Seminar, Home Builders Association of Maryland Invited speaker and panelist. Presented Introduction to ESD and ESD Maintenance. Panelist for ESD Engineering Considerations, ESD Costs, and ESD Maintenance panels. June, 2011

Environmental Site Design 2-Day Training Workshop, 2010, Provided training for the U.S.Army Corps of Engineers Baltimore District Site Design Section on Maryland's new Environmental Site Design regulations.

Advanced Post-Construction Stormwater Inspection, Maintenance, and Repair StormCon 2009 Pre-Conference Workshop - Invited Instructor for a full day workshop at the world's largest conference for stormwater professionals.– Anaheim, California August, 2009

Managing Stormwater Management for Property Managers – Educational presentation for property managers on the "Whats, Whys, and Hows" of maintaining stormwater management, Provided for individual property management firms, various locations and dates.

Managing Stormwater Management – Inspection, Maintenance, & Repair – Filterra Stormwater BMP Maintenance Seminar, Vienna, VA, September, 2008.

Advanced Workshop: Post-Construction Stormwater Inspection, Maintenance, and Repair StormCon 2008 Pre-Conference Workshop - Invited Instructor for a full day workshop at the world's largest conference for stormwater professionals.– Orlando, Florida, August, 2008

Low Impact Development Site Design: Separating the Possible from the Impossible - StormCon 2008 Technical Paper Presentation – Orlando, Florida, August, 2008

Green Metrics and Stormwater Management Design - StormCon 2008 Technical Paper Presentation – Orlando, Florida, August, 2008

Underground Detention: Out of Sight, Out of Mind, Until... - StormCon 2008 Technical Paper Presentation – Orlando, Florida, August, 2008

Maryland State Highway Association Office of Environmental Design Annual Office Meeting – Invited guest Speaker - presentation on Sustainable Site and Stormwater Management Design. April, 2007.

Sustainable Sites: Integrating Stormwater Management into Site Design – US Green Building Council, Baltimore Chapter – Presentation to USGBC Chapter in application of sustainable stormwater management practices. March, 2007.

Applied Low Impact Development – Putting Theory into Practice Workshop Series – A national series of one-day workshops on the application of Low Impact Development (LID) site and stormwater management design. Applies the computational methodology presented in the TSA TOOLS LID Module and educates designers on techniques of applying integrated state-of-the-art stormwater management practices. Mid-Atlantic series in Fall, 2005; National series throughout 2006.

Saving Money through Smart Development – A Low Impact Development Seminar Series – University of Georgia Marine Extension Service, Coastal Georgia NEMO Program – Invited Guest Speaker with Larry Coffman, July, 2006

Finally! A Real-World Way to Apply Low Impact Development Site Design – ZweigWhite Land Development and EnviroExpo, Boston, Mass., May 2006, Focus Session presentation.

Applied Low Impact Development – Putting Theory into Practice – Land Development Breakthroughs Conference, Washington DC, December 2005 – Breakout technical session presentation.

Integrating Stormwater Management into Site Design - Challenges and Solutions – Published June, 2005 in Land Development Today Magazine.

Low Impact Development Introduction - Spotsylvania County, Virginia Staff – Invited Speaker. May, 2005

Stormwater Management Workshop Series – Series of workshops on Maryland Stormwater Management Design Manual, Integrating Stormwater Management into Site Design, Low Impact Development, and Bioretention for the Maryland Society of Professional Engineers.

2000 Stormwater Management Regulations Workshop presentation for the Maryland Society of Professional Engineers, October, 2004; February, 2005, June, 2005

Bioretention Workshop - presentation for the Maryland Society of Professional Engineers, October, 2004, June 2005

Integrating Bioretention into Site Design, presentation to the American Society of Landscape Architects Potomac Chapter and US Green Building Council Washington DC Chapter, June, 2004

2000 Maryland SWM Regulations – numerous presentations to consultants and regulatory agencies on practical design applications of the regulations and on the use of TSA TOOLS™.

Continuing Education

- Controlling Turbidity on Construction Sites Workshop (2009), North Carolina State University, Raleigh, North Carolina
- Lowe's Companies, Inc. Contractor Stormwater Training (2008, 2009), North Wilkesboro, NC

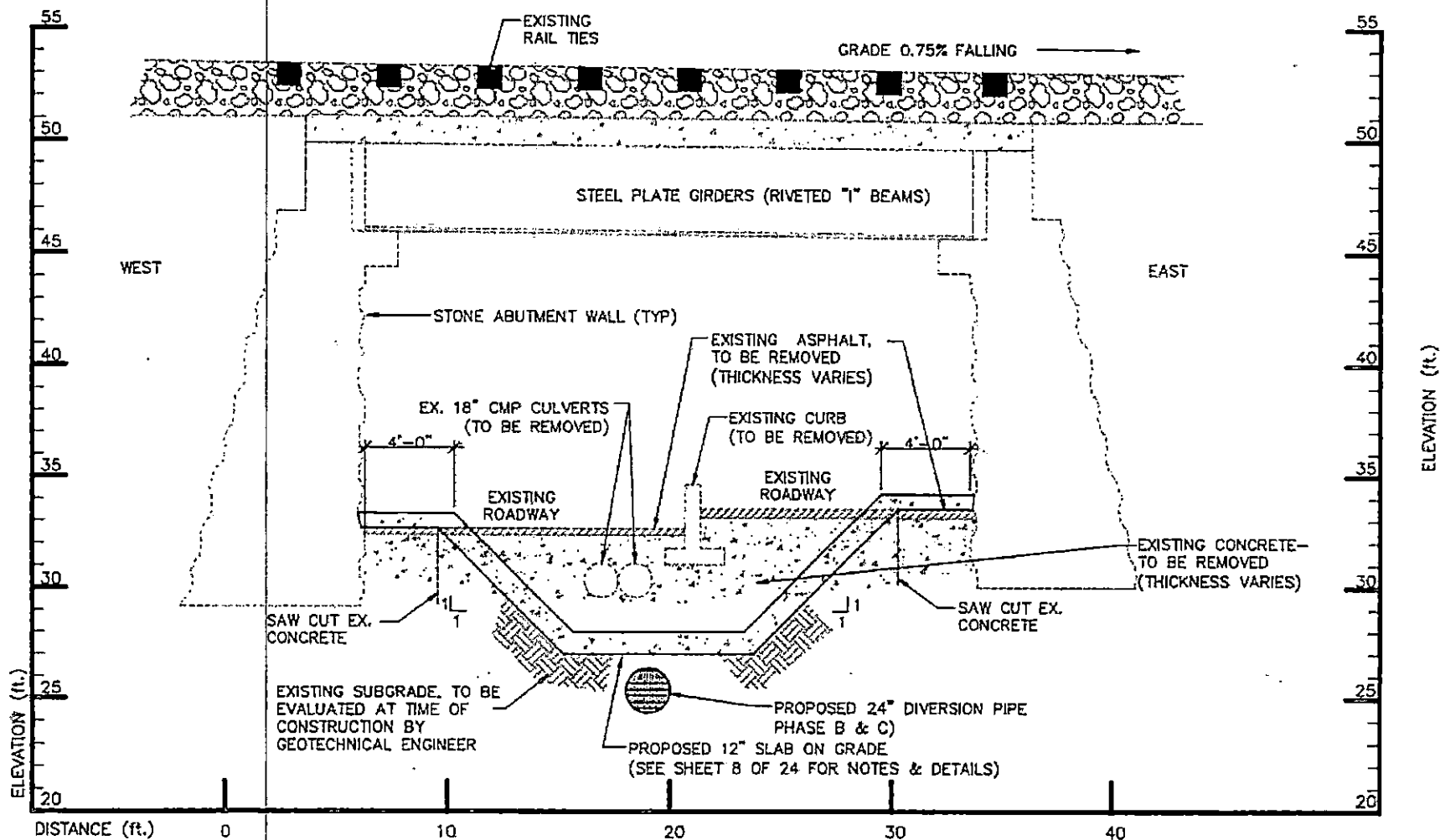
- LEED-NC Intermediate Full Day Workshop (2004 & 2008), US Green Building Council, Baltimore, Maryland
- Green Roof Workshop (2004), Penn State University
- Applied Fluvial Geomorphology (1994), Wildland Hydrology Consultants, Dave Rosgen, Pagosa Springs, Colorado
- TR-20 Workshop, United States Department of Agriculture – Soil Conservation Service/Engineering Society of Baltimore, Baltimore, Maryland
- Dam Safety Public Awareness Conference, Association of State Dam Safety Officials, Frederick, Maryland
- Sediment and Stormwater Conference, Department of Natural Resources, Washington College, Chestertown, Maryland
- TR-55 Workshop, United States Department of Agriculture – Soil Conservation Service/ Baltimore County, Towson, Maryland
- Professional Liability Loss Prevention Education Program, American Society of Foundation Engineers, Bel Air, Maryland
- Natural Design in Development Conference, Maryland Department of Natural Resources Forest Park & Wildlife Service Baltimore, Maryland
- HY-8 Seminar, The Engineering Society of Baltimore, Baltimore, Maryland

Expert Witness Testimony

- Russell Automotive - Forensic investigation, cost analysis, and reporting in preparation for a lawsuit regarding a failed stormwater facility.
- State of Maryland House of Delegates and Senate - Testimony regarding legislation intended to establish local Stormwater Utilities throughout the State of Maryland, March, 2012
- United States Senate Committee on Environment and Public Works, One of four speakers invited to testify at a hearing entitled Our Nations's Water Infrastructure: Challenges and Opportunities, December, 2012.
- Grand Oaks, Harford County, Maryland – Provided expert witness services on a stormwater management related civil litigation case.
- Channel Home Improvement Center, Harford County, Maryland – Qualified Expert in Stormwater management Design.
- Gap Distribution Center, Harford County, Maryland – Qualified Expert in Stormwater Management Design.
- Spencer Construction, Harford County, Maryland - Qualified Expert on site planning.
- Redland Genstar Churchville Plant, Harford County, Maryland - Qualified Expert in site and mine planning, and water resources engineering.
- Redland Genstar Texas Plant, Baltimore County, Maryland - Qualified Expert in site and mine planning, and water resources engineering.

Professional Affiliations

- Blue Water Baltimore – Former Board Chairman, Scientific and Technical Advisory Committee (STAC) Member
- ASCE EWRI - member
- Maryland Department of the Environment committee on Innovative Environmental Site Design (ESD) Technology Review
- National Society of Professional Engineers
- Maryland Society of Professional Engineers – Former Stormwater Management Committee Member
- Maryland Aggregates Association, Inc. – Former Board of Directors and P & Z Committee Chair



SECTION THROUGH PROPOSED STREAM CHANNEL UNDER CSX BRIDGE
SCALE: 1" = 5'

DEVELOPER'S

EXHIBIT NO.

4



DEVELOPER'S

EXHIBIT NO. 5



DEVELOPER' S

EXHIBIT NO. 6

Sawm Pond - flows
into Main Stem of
White Mound Run



JOHN A. OLSZEWSKI, JR.
County Executive

STEVEN A. WALSH, Director
Department of Public Works

August 26, 2019

John E. Beverungen, Esquire
Administrative Law Judge
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

Re: Whitemarsh Associates, LLC
Rte. 7 and Campbell Boulevard

Dear Judge Beverungen:

With this letter, on behalf of Baltimore County's Department of Public Works, I write concerning Whitemarsh Associates, LLC's Petition for Riverine Floodplain Waiver.

Although construction in a floodplain should be avoided, waivers are allowed. Whitemarsh Associates, LLC has provided engineering studies which reflect that its desire to construct a commercial building on its parcel at the intersection of Rte. 7 and Campbell Boulevard will have zero adverse impact on the floodplain. In light of the engineering studies, the Department of Public Works has no objection to the requested waiver.

I do add that a separate Petition will be required when the proposed development is presented. At that time, the Department of Public Works will work with the developer to ensure that Baltimore County is indemnified against potential liability should additional flooding occur in contravention of the already submitted engineering studies.

Hence, the intent of this letter is to confirm that the Department of Public Works has no objection to the grant of the requested riverine floodplain waiver.

DEVELOPER' S

EXHIBIT NO. 8

Sincerely

Steve Walsh, PE
Director

cc: Terry Curtis, DPW Bureau of Engineering
Vishnu Desai, Permits, Approvals and Inspections

Edward J. Gilliss

From: Jeff Mayhew <jmayhew@baltimorecountymd.gov>
Sent: Wednesday, November 13, 2019 3:10 PM
To: Edward J. Gilliss; Jenifer G. Nugent
Cc: John Gease
Subject: RE: Campbell and Rte 7

Ed,
You are correct, our comments rely on the policies contained in the Master Plan. The cited policy focuses on water quality by protecting and enhancing county waterways, which ties into the riverine floodplain waiver request. If the floodplain is modified through appropriate approval processes and new development is proposed, the Department of Planning would provide development comments regarding site layout, signage, landscaping, building materials, and design aesthetics.
Let me know if you have any questions.
Jeff

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Wednesday, November 13, 2019 12:27 PM
To: Jeff Mayhew <jmayhew@baltimorecountymd.gov>; Jenifer G. Nugent <jnugent@baltimorecountymd.gov>
Cc: John Gease <jgease@gmail.com>
Subject: Campbell and Rte 7

CAUTION: This message from egilliss@rmmr.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Jeff and Jenifer,

Thanks for meeting with Jack Gease (copied on this message) and me this morning.

As you requested, I attach the text component of SMC's floodplain analysis.

I also use this email to confirm that I will advise the ALJ that we met and that Planning's comments are based upon the Master Plan.

Planning's comments would change if the floodplain was adjusted and development would occur outside of the floodplain. Further, Planning's comments are better suited for a hearing related to a development proposal, rather than a pure riverine floodplain waiver request.

Should the ALJ want to hear from you on Monday, I will call you.

Thanks.

Ed Gilliss

DEVELOPER' S

EXHIBIT NO. 9

Edward J. Gilliss

Royston, Mueller, McLean & Reid, LLP

102 W. Pennsylvania Avenue, Suite 600

Towson, Maryland 21204

(office) 410-823-1800

(fax) 410-583-5330

(email) egilliss@rmmr.com



**CENSUS
2020**

EVERYONE COUNTS

CONNECT WITH BALTIMORE COUNTY



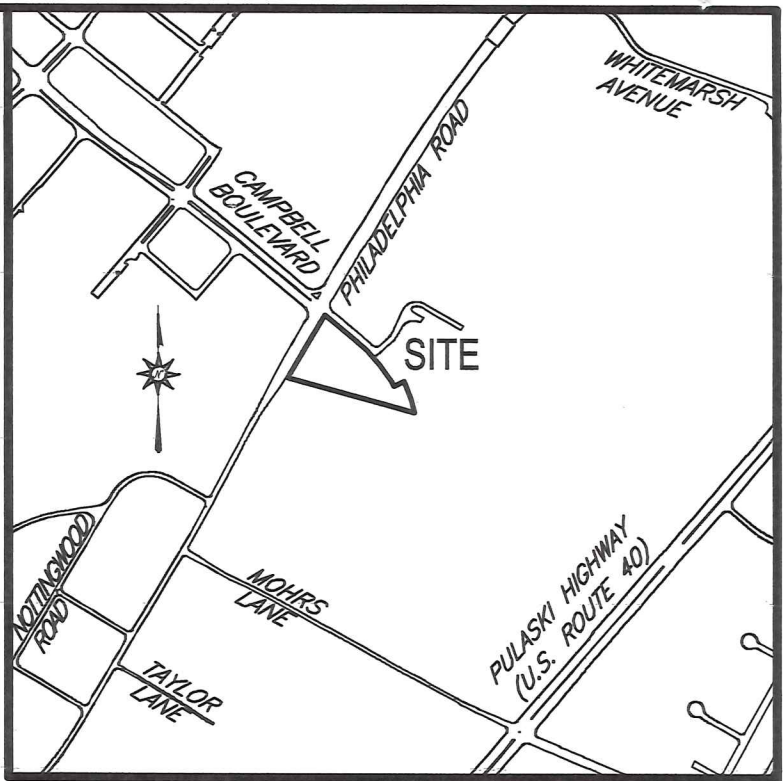
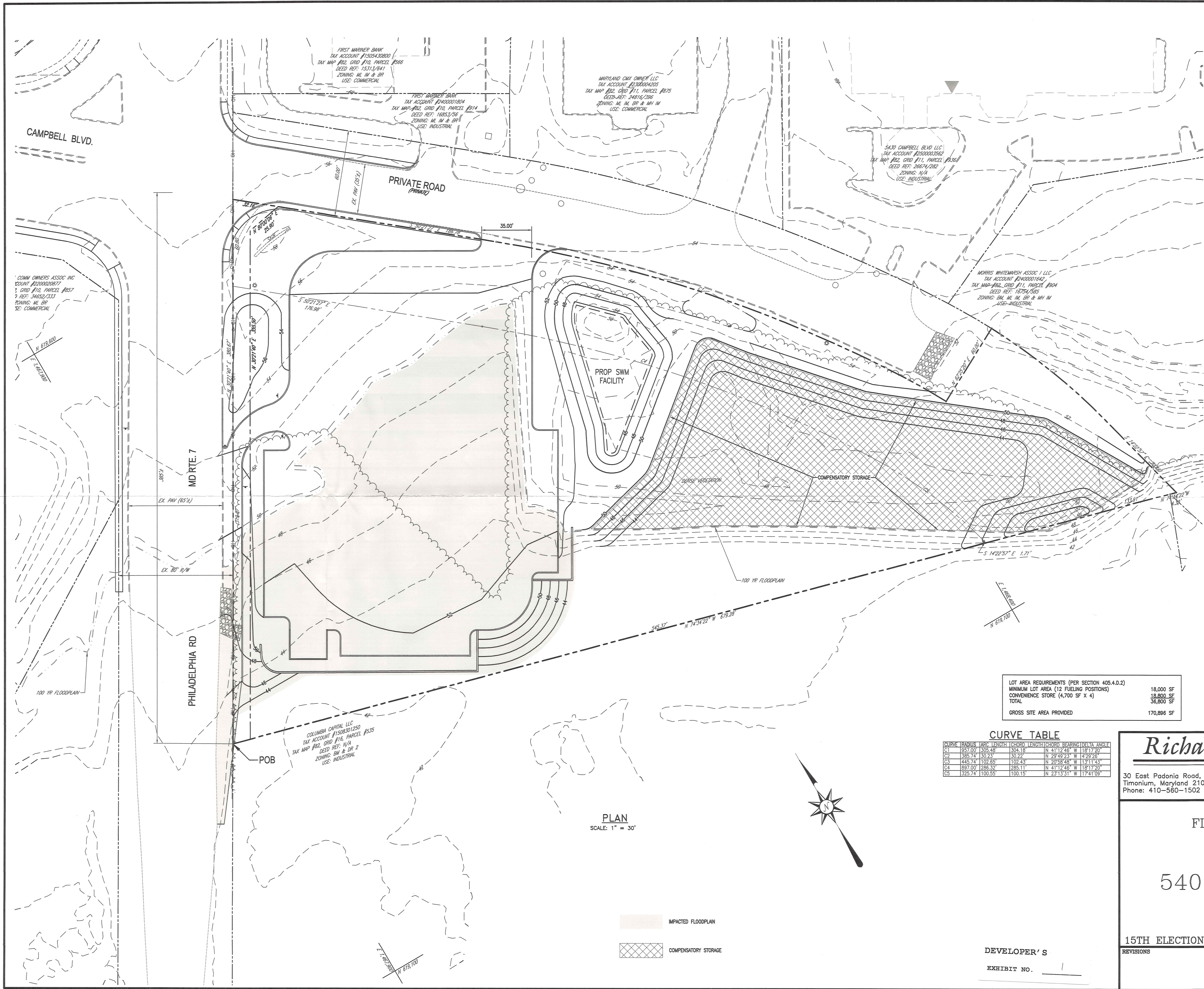
www.baltimorecountymd.gov



DEVELOPER' S

EXHIBIT NO. _____

2



- GENERAL NOTES:**
- OWNER:
WHITEMARSH ASSOCIATES LLC
1804 CRESTON DRIVE
FOREST HILL, MD. 21050
 - SITE AREA:
GROSS: 170,896 SF OR 3.92 AC.±
NET: 144,708 SF OR 3.32 AC.±
 - EXISTING BUILDING AREA: 0 SF
PROPOSED BUILDING AREA: 4,700 SF
TOTAL BUILDING AREA: 4,700 SF
 - UTILITIES
PUBLIC WATER
PUBLIC SEWER
 - USE
EXISTING: VACANT
PROPOSED: FUEL SERVICE AND CONVENIENCE STORE
 - DEED REF: 13490/220
 - TAX ACCOUNT: #1514651440
 - COUNCILMANIC DISTRICT: 6TH
 - REGIONAL PLANNING DISTRICT: WINDLASS
 - CENSUS TRACT: 4517.01
 - WATERSHED: BIRD RIVER
 - EXISTING ZONING: ML IM
(PER 200 SCALE GIS TILE # 082B2)
 - TAX MAP #82, GRID #11, PARCEL #26
 - PREVIOUS ZONING CASES:
R-1994-0337 FOR ZONING RECLASSIFICATION FROM ML-IM TO BR-IM. PETITION DECLARED MOOT AND DENIED FEBRUARY 25, 2002.
2008-0586-SPH FOR DEVELOPMENT OF A SITE LOCATED IN A RIVERINE FLOODPLAIN PETITION DECLARATION UNKNOWN
 - NO PREVIOUS BUILDING PERMITS ON FILE.
 - THE SITE LIES PARTIALLY WITHIN FLOOD ZONE AE AND THE 0.2% ANNUAL CHANCE FLOOD HAZARD AS SHOWN ON F.I.R.M. # 2400100430G, PANEL #430 OF 580 DATED MAY 5, 2014.
 - THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THERE ARE NO HISTORIC FEATURES ON-SITE NOR IS THE SITE ITSELF HISTORIC.
 - PARKING CALCULATIONS
REQUIRED:
ATM 1 SPACE
AIR OR VACUUM UNIT 1 SPACE
CONVENIENCE STORE @ 5/1000 24 SPACES
FIVE (5) EMPLOYEES 5 SPACES
TOTAL PARKING REQUIRED 31 SPACES
TOTAL PARKING PROVIDED (2 HC AND 36 STANDARD) 49 SPACES
 - FLOOR AREA RATIO (FAR) ML IM ZONE
MAX PERMITTED: 2.0
PROVIDED: 4,700/170,896 = 0.28
 - SETBACKS FOR ML IM ZONE
REQUIRED PROVIDED
TYPE 25' 165'±
FRONT 30' 74'±
SIDE 30' 88'±
REAR
 - HEIGHT OF STRUCTURE IS UNLIMITED. (MAX. HEIGHT OF 40' IF ANY PART OF BUILDING IS WITHIN 100' OF BOUNDARY LINE OF BUSINESS OR RESIDENTIAL ZONE.)
 - BASIC SERVICE MAPS (2017)
TYPE DEFICIENT (Y/N) NOTE
WATER N -
SEWER N -
TRANSPORTATION N -
 - ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- DESIGN AND DRAWINGS ARE BASED ON MARYLAND COORDINATE SYSTEM (MCS).
HORIZONTAL - NAD 83/(2011).
VERTICAL - NAVD 88.

LOT AREA REQUIREMENTS (PER SECTION 405.4.D.2)	18,000 SF
MINIMUM LOT AREA (12 FUELING POSITIONS)	18,800 SF
CONVENIENCE STORE (4,700 SF X 4)	56,800 SF
TOTAL	
GROSS SITE AREA PROVIDED	170,896 SF

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	851.00	1305.48	304.18	N 41°12'45" W	118°17'20"
C2	385.74	30.23	30.22	N 29°49'23" W	4°29'26"
C3	445.74	102.65	102.43	N 20°58'48" W	1°31'14.3"
C4	897.00	286.32	285.11	N 41°12'45" W	118°17'20"
C5	325.74	100.55	100.15	N 23°13'31" W	11°41'09"

PLAN
SCALE: 1" = 30'

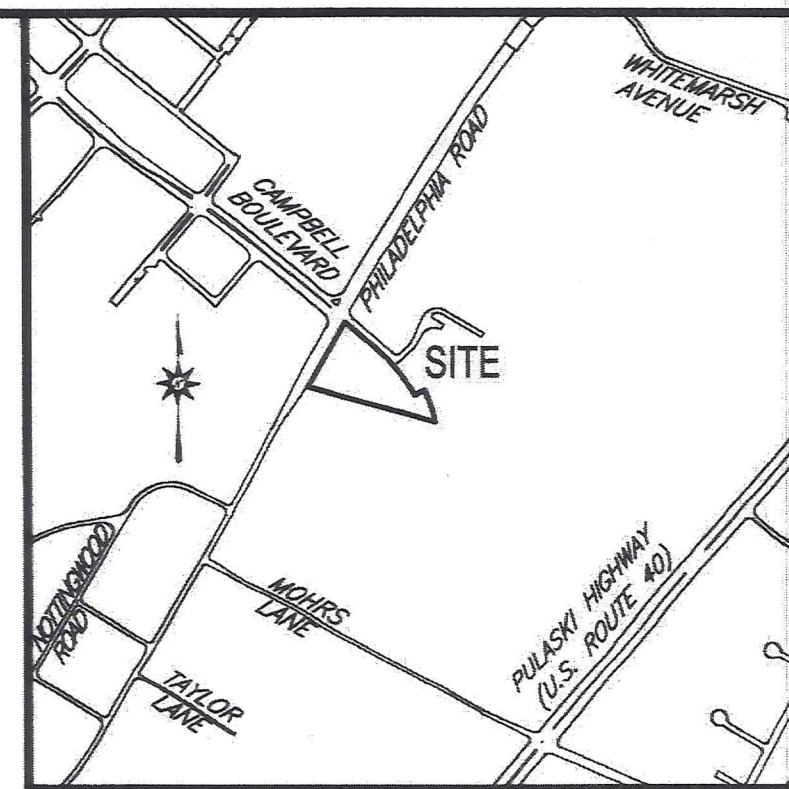
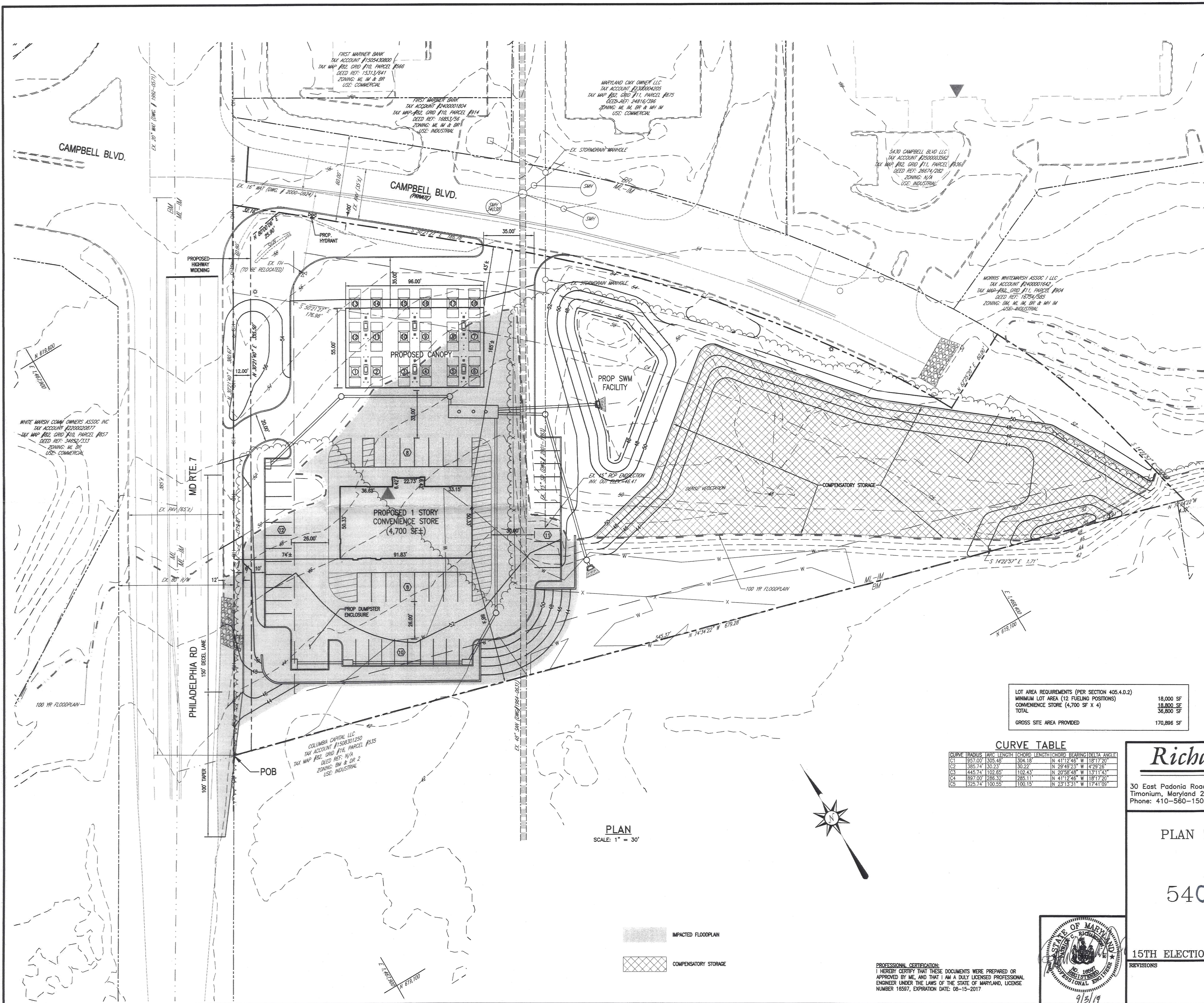
Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

FLOODPLAIN IMPACT EXHIBIT FOR

5401 CAMPBELL BLVD

15TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
REVISIONS	DRAWN BY: DNM	CHECKED BY: PCR	SCALE: 1" = 30'	
	DATE: 11-15-19	JOB NO.: 14058	SHEET NO.: 1 OF 1	



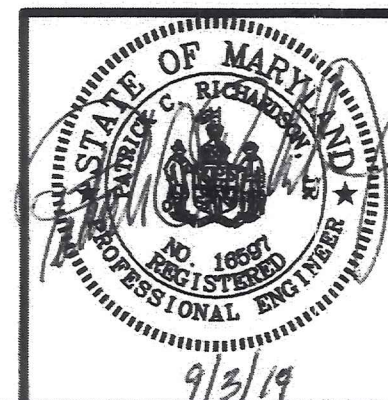
- GENERAL NOTES:**
- OWNER: WHITEMARSH ASSOCIATES LLC
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 - SITE AREA:
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CURVE TABLE				
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C5	325.74'	100.55'	100.15'	N 23°13'31" W 174°10'09"

PLAN
SCALE: 1" = 30'

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 16597, EXPIRATION DATE: 08-15-2017



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

5401 CAMPBELL BLVD

2019-0453-SPH

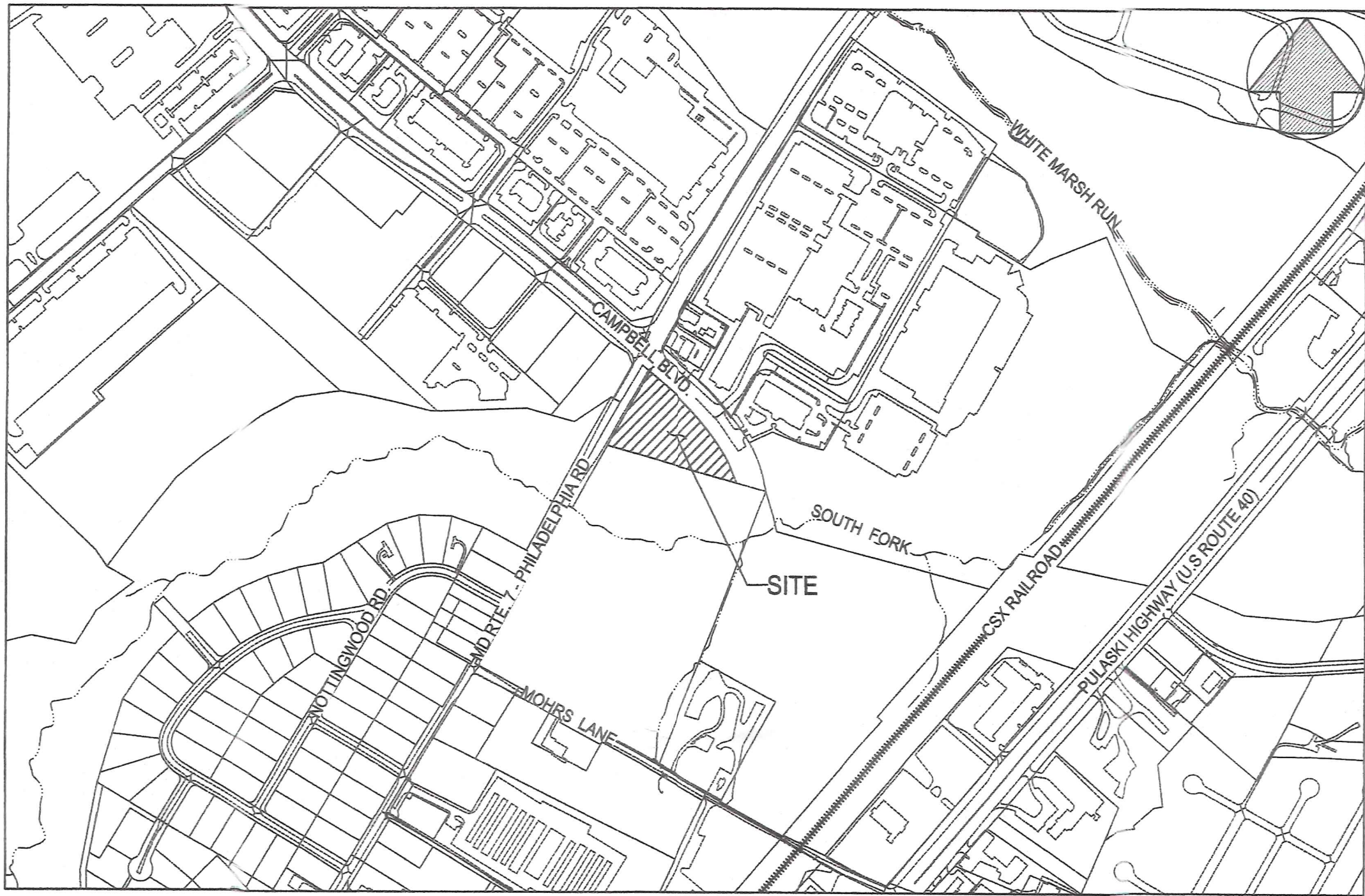
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: DNM	CHECKED BY: PCR	SCALE: 1" = 30'
	DATE: 08-28-19	JOB NO.: 14058	SHEET NO.: 1 OF 1

SOUTH FORK OF WHITEMARSH RUN ULTIMATE CONDITIONS FLOODPLAIN MAP MARYLAND ROUTE 7 & MOHRS LANE

GENERAL NOTES:

- CROSS SECTIONS FROM SOUTH FORK OF WHITEMARSH RUN WERE INPUT INTO THE HEC-RAS 4.1.0 PROGRAM YIELDING THE DATA SHOWN HEREON THIS SHEET REGARDING THE 100-YEAR WATER SURFACE ELEVATION.
- THE 100-YEAR FLOODPLAIN ELEVATION IS THE GREATER VALUE OF EITHER THE 100-YEAR WATER SURFACE ELEVATION PLUS 1-FOOT OF FREEBOARD OR THE 100-YEAR ENERGY GRADIENT ELEVATION.
- ONLY CROSS SECTIONS #6-#11 WERE REVISED FROM THE PREVIOUS FLOOD STUDY TITLED MARYLAND ROUTE 7 AND MOHRS LANE APPROVED ON MAY 13, 2009 PER THE ULTIMATE CONDITIONS. PLEASE NOTE THAT THE PROPOSED CONDITIONS FROM THE ABOVE REFERENCED PREVIOUS FLOOD STUDY NEVER WAS CONSTRUCTED, SO THE EXISTING CONDITIONS FROM THE PREVIOUS FLOOD STUDY ARE THE ELEVATIONS REFERENCED.



VICINITY MAP

SCALE: 1" = 500'

BENCHMARKS:

B00 1187
ELEV. 58.84
DESCRIPTION: CAPPED REBAR LOCATED SOUTH OF PULASKI HIGHWAY APPROXIMATELY 50' SOUTHWEST OF EX. FIRE HYDRANT ALONG PULASKI HIGHWAY TOWARDS MOHRS LANE.
N 618136.21
E 1469743.35

B00 1188
ELEV. 79.27
DESCRIPTION: CAPPED REBAR LOCATED ON THE SOUTHEAST QUADRANT OF PULASKI HIGHWAY AND MOHRS LANE NEAR UTILITY POLE #155915.
N 617759.50
E 1469423.82

LEGEND

---	EX. FLOODPLAIN
---	EX. FLOODPLAIN + 1' FREEBOARD
---	PROP. FLOODPLAIN
---	PROP. FLOODPLAIN + 1' FREEBOARD
---	PROP. FLOODPLAIN FILL
---	PROP. FLOODPLAIN EXTENSION

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

SHEET

1
2
3
4
5
6
7
8

DESCRIPTION

COVER SHEET
2019 REFINED FLOODPLAIN PLAN I
2019 REFINED FLOODPLAIN PLAN II
PLAN & PROFILE
CROSS SECTIONS 9-11
CROSS SECTIONS 6-8
CROSS SECTIONS 3-5
CROSS SECTIONS 1-2

FLOOD STUDY CERTIFICATION

I CERTIFY THAT THE 100-YEAR FLOODPLAIN OUTLINE SHOWN ON THIS PLAN IS CORRECT AND DONE IN ACCORDANCE WITH THE DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS, BUREAU OF DEVELOPMENT PLAN REVIEW'S POLICY MANUAL, APPENDIX B, RECOMMENDATIONS AND PROCEDURES FOR WATERSHED STUDIES - FLOODPLAIN STUDIES AND WATERWAY CROSSING STUDIES.

Ernesto A. Ingle
SIGNATURE

09/11/19
DATE

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 44289, EXPIRATION DATE: 08/08/2015.

Ernesto A. Ingle
SIGNATURE

09/11/19
DATE



Date	No.	Revision	Description
------	-----	----------	-------------

"SOUTH" REACH
ULTIMATE CONDITIONS
FLOODPLAIN MAP
MARYLAND ROUTE 7 & MOHRS LANE



10944 Beaver Dam Rd. Suite C
Hunt Valley, MD 21030
p: 410.785.0875
f: 443.269.0216
www.swmaintenance.com | www.mdswwm.com

COVER SHEET

Designed By: GF/TG	Scale: AS SHOWN	Project No.: 2301
Drawn By: TG	Date: 09 11 2019	SHEET: 1 OF 8
Checked By: GF	Approved:	

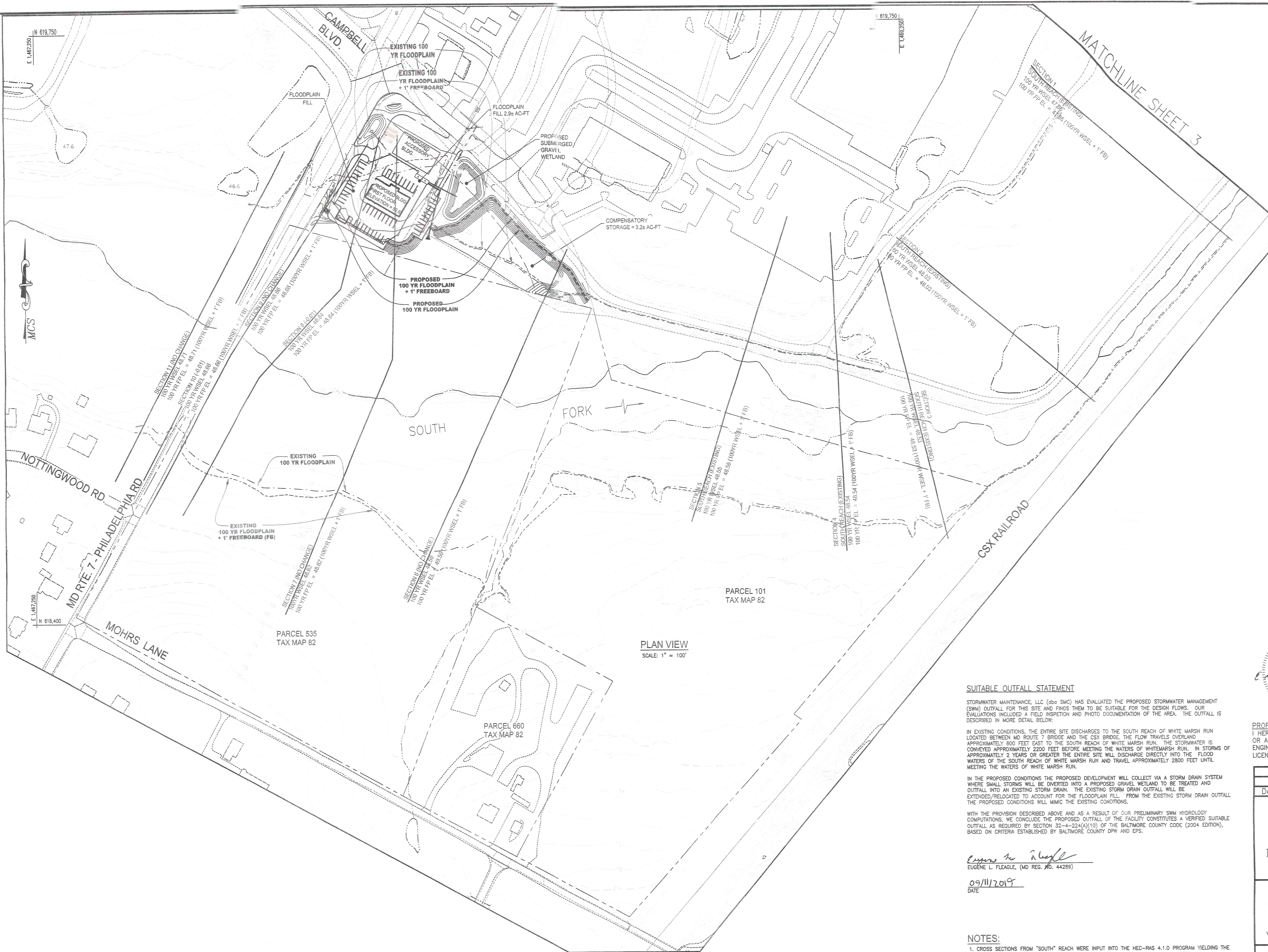
THE BOUNDARY IS TAXMAP INFORMATION ONLY
NO DEED OR BOUNDARY INFO HAS BEEN
COMPLETED ON THIS SITE

DESIGN AND DRAWING BASED ON MARYLAND
COORDINATE SYSTEM HORIZONTAL - NAD
83/(1991) VERTICAL - NAVD 88

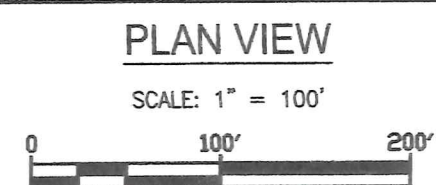
OWNER/DEVELOPER APPLICANT

CONTACT: JACK GEASE
WHITEMARSH ASSOCIATES, LLC (FL)
1604 CRESTON DRIVE
FALLSTON, MD 21047
PHONE: 410.241.0390

CONTACT: CLINT CONWAY
WHITEMARSH ASSOCIATES, LLC (FL)
64 SARASOTA CENTER BLVD
SARASOTA, FL 34240



- LEGEND**
- EX. FLOODPLAIN
 - EX. FLOODPLAIN + 1' FREEBOARD
 - PROP. FLOODPLAIN
 - PROP. FLOODPLAIN + 1' FREEBOARD
 - PROP. FLOODPLAIN FILL



SUITABLE OUTFALL STATEMENT

STORMWATER MAINTENANCE, LLC (dba SMC) HAS EVALUATED THE PROPOSED STORMWATER MANAGEMENT (SWM) OUTFALL FOR THIS SITE AND FINDS THEM TO BE SUITABLE FOR THE DESIGN FLOWS. OUR EVALUATIONS INCLUDED A FIELD INSPECTION AND PHOTO DOCUMENTATION OF THE AREA. THE OUTFALL IS DESCRIBED IN MORE DETAIL BELOW:

IN EXISTING CONDITIONS, THE ENTIRE SITE DISCHARGES TO THE SOUTH REACH OF WHITE MARSH RUN LOCATED BETWEEN MD ROUTE 7 BRIDGE AND THE CSX BRIDGE. THE FLOW TRAVELS OVERLAND APPROXIMATELY 600 FEET EAST TO THE SOUTH REACH OF WHITE MARSH RUN. THE STORMWATER IS CONVEYED APPROXIMATELY 2200 FEET BEFORE MEETING THE WATERS OF WHITEMARSH RUN. IN STORMS OF APPROXIMATELY 2 YEARS OR GREATER THE ENTIRE SITE WILL DISCHARGE DIRECTLY INTO THE FLOOD WATERS OF THE SOUTH REACH OF WHITE MARSH RUN AND TRAVEL APPROXIMATELY 2800 FEET UNTIL MEETING THE WATERS OF WHITE MARSH RUN.

IN THE PROPOSED CONDITIONS THE PROPOSED DEVELOPMENT WILL COLLECT VIA A STORM DRAIN SYSTEM WHERE SMALL STORMS WILL BE DIVERTED INTO A PROPOSED GRAVEL WETLAND TO BE TREATED AND OUTFALL INTO AN EXISTING STORM DRAIN. THE EXISTING STORM DRAIN OUTFALL WILL BE EXTENDED/RELOCATED TO ACCOUNT FOR THE FLOODPLAIN FILL. FROM THE EXISTING STORM DRAIN OUTFALL THE PROPOSED CONDITIONS WILL MIMIC THE EXISTING CONDITIONS.

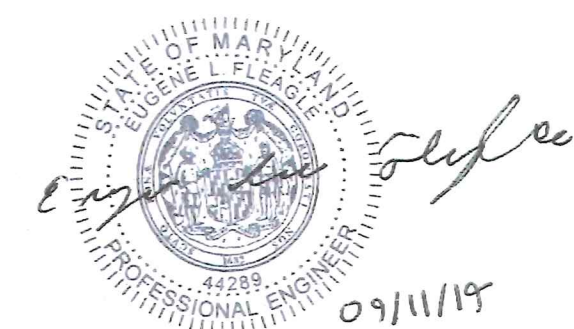
WITH THE PROVISION DESCRIBED ABOVE AND AS A RESULT OF OUR PRELIMINARY SWM HYDROLOGY COMPUTATIONS, WE CONCLUDE THE PROPOSED OUTFALL OF THE FACILITY CONSTITUTES A VERIFIED SUITABLE OUTFALL AS REQUIRED BY SECTION 32-4-224(A)(10) OF THE BALTIMORE COUNTY CODE (2004 EDITION), BASED ON CRITERIA ESTABLISHED BY BALTIMORE COUNTY DPW AND EPS.

Eugene L. Fleagle
EUGENE L. FLEAGLE, (MD REG. NO. 44289)

09/11/2019
DATE

NOTES:

- CROSS SECTIONS FROM "SOUTH" REACH WERE INPUT INTO THE HEC-RAS 4.1.0 PROGRAM YIELDING THE DATA SHOWN HEREON THIS SHEET REGARDING THE 100-YEAR WATER SURFACE ELEVATION.
- THE 100-YEAR FLOODPLAIN ELEVATION IS THE GREATER VALUE OF EITHER THE 100-YEAR WATER SURFACE ELEVATION PLUS 1-FOOT OF FREEBOARD OR THE 100-YEAR ENERGY GRADIENT ELEVATION.
- ONLY CROSS SECTIONS #7-#11 WERE REVISED FROM THE PREVIOUS FLOOD STUDY TITLED MARYLAND ROUTE 7 AND MOHRS LANE APPROVED ON MAY 13, 2009 PER THE ULTIMATE CONDITIONS. PLEASE NOTE THAT THE PROPOSED CONDITIONS FROM THE ABOVE REFERENCED PREVIOUS FLOOD STUDY NEVER WAS CONSTRUCTED, SO THE EXISTING CONDITIONS FROM THE PREVIOUS FLOOD STUDY ARE THE ELEVATIONS REFERENCED.



PROFESSIONAL CERTIFICATION*
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR APPROVED BY ME AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO.:44289 EXPIRATION: 08/08/2021

Date	No.	Revision	Description
"SOUTH" REACH ULTIMATE CONDITIONS FLOODPLAIN MAP MARYLAND ROUTE 7 & MOHRS LANE			
SMC STORMWATER MAINTENANCE & CONSULTING www.swmaintenance.com www.mdswm.com			
10944 Beaver Dam Rd. Suite C Hunt Valley, MD 21030 p: 410.785.0875 f: 443.269.0216			
2019 REFINED FLOODPLAIN PLAN I			
Designed By: GF/TG	Scale:	Project No.: 2301	
Drawn By: TG	Date: 09 11 2019	SHEET: 2 OF 8	
Checked By: GF	Approved:		



LEGEND

- EX. FLOODPLAIN
- EX. FLOODPLAIN + 1' FREEBOARD
- PROP. FLOODPLAIN
- PROP. FLOODPLAIN + 1' FREEBOARD
- PROP. FLOODPLAIN FILL

PLAN VIEW

SCALE: 1" = 100'



NOTES:

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ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND
LICENSE NO: 44289 EXPIRATION: 08/08/2021

Date	No.	Revision	Description
"SOUTH" REACH ULTIMATE CONDITIONS FLOODPLAIN MAP MARYLAND ROUTE 7 & MOHRS LANE			
SMC STORMWATER MAINTENANCE & CONSULTING www.swmaintenance.com www.mdswm.com			
10944 Beaver Dam Rd. Suite C Hunt Valley, MD 21030 p: 410.785.0875 f: 443.269.0216			
2019 REFINED FLOODPLAIN PLAN II			
Designed By: GF/TG	Scale:	Project No.: 2301	
Drawn By: TG	Date: 09 11 2019	SHEET: 3 OF 8	
Checked By: GF	Approved:		

