FOR ZONING RE-CLASSIFICATION RE-DISTRICTING
EXCEPTION AND/OR VARIANCE

RD OF APPEALS OF BALTIMORE COUNTY:

al owner(s) of the property situate in Baltimore County and which is on and plat attached hereto and made a part hereof, hereby petition (1) the herein described property be re-classified, pursuant to the Zoning Law m an RC-2 zone to an MH-IM en in the attached statement; and (2) for a Special Exception, under the ning Regulations of Baltimore County, to use the herein described property,

given in the attached statement, a variance from the following sections of ning Regulations of Baltimore County:

MAP 5526 / 4B / E. D. 15B / DATE 7/5/90 / 200 BF / 1000 BF / BP

MAP 4B / SE 15 G 2-G / SECTION / DISTRICT / DATE 9/6/91 / TYPE / HEARING / BY / FINAL / BY

posted and advertised as prescribed by The Baltimore County Code.

pay expenses of above Re-classification, Special Exception and/or Variance, ng of this petition, and further agree to and are to be bound by the zoning ctions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Legal Owner(s):
Browning Ferris Industries Inc
(Type or Print Name)
By Bruce Ranck, Vice President
Signature
(Type or Print Name)
Signature

General Motors Parts Bldg.
1800 Parkway Drive 796-8850
Address Phone No.
Hanover, Maryland 21076
City and State

oner:
rd, Esq.
, Downes & Tracy
y Avenue
Box 5517
rland 21204
one No.: 301-823-4111

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esq.
Name
P. O. Box 5517, 210 Allegheny Avenue
Towson, Maryland 21204 823-4111
Address Phone No.

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

August 30, 1985

Description to Accompany Zoning Petition
Land to be Rezoned from RC 2 to MH-IM
Norris Farm Property

Beginning for the same at a point on the MH-IM zoning line as centered on the existing rail lying within the Philadelphia, Baltimore and Washington Railroad Company R/W said point of beginning being measured North 25° 53' 12" East 1375 feet more or less from the centerline intersection of North Point Boulevard and Trappe Road, running thence binding on said MH-IM zoning line the two following courses viz: 1) northwesterly by a curve to the left having a radius of 11,459.21 feet for a distance of 842.88 feet, said curve being subtended by a chord bearing North 63° 07' 02" West 842.69 feet, and 2) North 65° 13' 28" West 546.83 feet, running thence leaving said zoning line, through the land of the petitioner the five following courses viz: 3) North 29° 19' 24' East 1,431.69 feet, 4) South 43° 46' 17" East 1,694.54 feet, 5) North 60° 29' 36" East 880.00 feet, 6) South 61° 00' 36" East 1,000 feet, and 7) South 26° 33' 53" West 1,610.05 feet to intersect the above mentioned MH-IM zoning line or center of rail, running thence binding thereon, 8) North 61° 00' 36" West 1,767.25 feet to the place of beginning.

Containing 93.4 Acres of land more or less.

NOTE: This Description To Be Used Only For Zoning Purposes.

STATE OF MARYLAND
JOHN STRONG S. ...
No. 3020
REGISTERED PROFESSIONAL ENGINEER

PETITION FOR RECLASSIFICATION

LOCATION: Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way, 1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road

PUBLIC HEARING: Tuesday, March 4, 1986, at 10:00 a.m. in Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:
To reclassify the zoning status of property from an R.C. 2 Zone to a M.H.-I.M. Zone

All that parcel of land in the 15th Election District of Baltimore County

Beginning for the same at a point on the MH-IM zoning line as centered on the existing rail lying within the Philadelphia, Baltimore and Washington Railroad Company R/W said point of beginning being measured North 25° 53' 12" East 1375 feet more or less from the centerline intersection of North Point Boulevard and Trappe Road, running thence binding on said MH-IM zoning line the two following courses viz: 1) northwesterly by a curve to the left having a radius of 11,459.21 feet for a distance of 842.88 feet, said curve being subtended by a chord bearing North 63° 07' 02" West 842.69 feet, and 2) North 65° 13' 28" West 546.83 feet, running thence leaving said zoning line, through the land of the petitioner the five following courses viz: 3) North 29° 19' 24' East 1,431.69 feet, 4) South 43° 46' 17" East 1,694.54 feet, 5) North 60° 29' 36" East 880.00 feet, 6) South 61° 00' 36" East 1,000 feet, and 7) South 26° 33' 53" West 1,610.05 feet to intersect the above mentioned MH-IM zoning line or center of rail, running thence binding thereon, 8) North 61° 00' 36" West 1,767.25 feet to the place of beginning.

Containing 93.4 Acres of land more or less.

Being the property of Browning Ferris, Inc., as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

R-86-335
Item #1
Cycle II, 1985

NE/S Philadelphia, Baltimore & Washington RR Co. R/W 1,375' NE c/l of North Point Boulevard and Trappe Road — 15th District — Browning Ferris, Inc. (Norris Farm Property)

Aug. 30, 1985 — Petition filed for reclassification from RC 2 to MH-IM — 93.4 acres (John B. Howard, Esq., Atty. for Petitioner

4, 1986 — Case continued in open hearing

December 10, 1987 — Letter filed by John B. Howard, Esq., counsel for Petitioner, advising that this matter, which is now an issue in the 1988 map process (Item No. 7-001), is now moot insofar as Case No. R-86-335.

December 10 — Petition DISMISSED by the Board to be processed through the cycle procedure.

R-86-336
Item #2
Cycle II, 1985

SE corner Golden Ring Rd. & McDaniel Ave. (6914/6912 Golden Ring Road) — 15th District — Joe C. Robertson, et al (James L. & Lillian M. Dake)

Aug. 20, 1985 — Petition filed for reclassification from DR 5.5 & ML to BL — .50 acres & .45 acres (John O. Hennegan, Esq., Atty. for Petitioners

Mar. 11, 1986 — Case continued in open hearing

October 21 — Hearing held before the Board. (H.F.B.)

November 5 — Board DENIED zoning reclassification. (Hackett, Franz, Buchheister)

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21204

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way 1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road
Case No. R-86-335 (Cycle II - Item No. 1)

TIME: 10:00 a.m.

DATE: Tuesday, March 4, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:med

c.c. Peoples Counsel

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21204

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way 1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road
Case No. R-86-335 (Cycle II - Item No. 1)

TIME: 10:00 a.m.

DATE: Tuesday, March 4, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett
William T. Hackett, Chairman
Board of Appeals

3/4 This is probably going to be settled + dismissed, per Bill Evans.

PAID | J.H.

COUNTY
PLANNING & ZONING
MARYLAND 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Esquire
Downes & Tracy
Avenue
5517
21204

FOR ZONING RECLASSIFICATION
E. Philadelphia, Baltimore and Washington Railroad Company right-of-way 1,375' NE of the of North Point Blvd. and Trappe Rd.
No. R-86-335 (Cycle II - Item No. 1)

to advise you that $413.35 is due for advertising and posting property. This fee must be paid before an Order is issued.

ake the check payable to Baltimore County, Maryland, and remit to du Bois, Zoning Office, Room 113, County Office Building, nd 21204, before the hearing.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

No. 018520

ACCOUNT R-01-615-000
AMOUNT $ 413.35
Downes & Tracy
sting re Case #R-86-335
*****41335: 2058F
OR SIGNATURE OF CASHIER

PETITION FOR RECLASSIFICATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 13, 1986.

THE JEFFERSONIAN,
TB Venetoli
Publisher

Cost of Advertising 35.75

R-86-335

R-86-335

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th — Date of Posting 2/13/86
Posted for: Reclassification
Petitioner: Browning Ferris, Inc.
Location of property: NE/S Phil, Balto & Wash RRC RW 1,375' NE/N Pt Blvd + Trappe Rd.
Location of Signs: ① at entrance of property at end of Trappe Rd. 1600' Fr. N Pt. Blvd. ② Facing Rosebank Ave. approx. 6' Fr. roadway, both on property of Petitioner
Remarks: Signs placed to be visible to Public (original place on Plat not visible to Public)
Posted by [signature] Date of return: 2/21/86
Signature
Number of Signs: 2

RE: PETITION FOR RECLASSIFICATION FROM RC-2 TO MH-IM ZONE NE/S Philadelphia Rd., Baltimore & Washington Railroad Co. Right-of-Way, 1,375' NE of C/L of North Point Blvd., Route 151 & Trappe Rd., 15th District

BROWNING FERRIS, INC., Petitioner

: BEFORE THE COUNTY BOARD OF APPEALS
: OF BALTIMORE COUNTY
: Case No. R-86-335

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

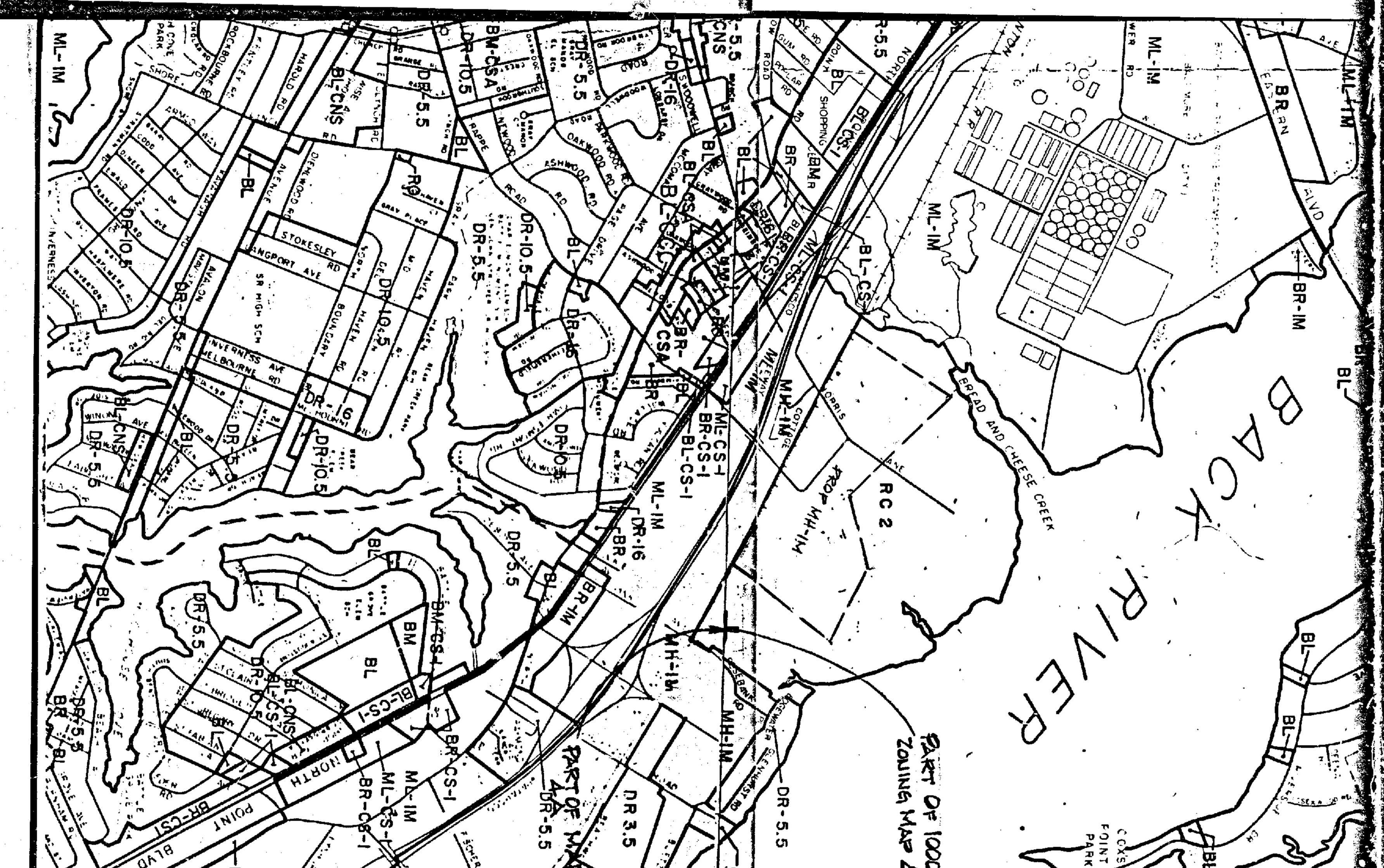
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., P.O. Box 5517, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED COUNTY BOARD OF APPEALS 1986 FEB -7 A 9:28



CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

Feb. 14, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Wm. T. Hackett in the matter of Zoning Hearings - P.O. #73357 - Req. #L87485 - 119 lines @ $47.60. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 14th day of February 1986; that is to say, the same was inserted in the issues of Feb. 13, 1986

Kimbel Publication, Inc.
per Publisher.

By K.C. Delker

R-86-335

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 5, 1985

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

RE: Item No. 1 - Cycle II
October, 1985 - April, 1986
Petitioner - Browning Ferris, Inc.
Reclassification and Redistricting Petition

Dear Mr. Howard:

This petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification and redistricting or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of your client's proposal to reclassify and redistrict this property from its current Resource, Conservation (R.C.2) classification to the Manufacturing, Heavy (M.H.) Zone - Industrial, Major (I.M.) District that existed prior to the adoption of the 1984 County-wide Comprehensive Zoning Maps, this hearing is required.

If you are not aware, the majority of this property is located within a State Critical Area and, therefore, you should contact Mr. Paul J. Solomon, Head, Information Systems Section, Office of Planning and Zoning, 494-3521, in order to solicit his comments on the requested zoning.

Item No. 1 - Cycle II
October, 1985 - April, 1986
Reclassification and Redistricting Petition
Page 2
November 5, 1985

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time. If you have any questions concerning these comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

Very truly yours,
James E. Dyer (nr)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: George William Stephens, Jr. & Associates, Inc.
P. O. Box 6828
Towson, Maryland 21204

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

September 25, 1985

Mr. William Hackett, Chairman
Board of Appeals
County Office Building
Towson, Md. 21204

Attn: Mr. James Dyer

Re: Reclassification Petitions
Cycle II - 1985
Meeting of September 17, 1985
Property Owner: Browning Ferris, Inc.
Location: NE side of Philadelphia Rd., Baltimroe and Washington Railroad Company right-of-way, 1,375' NE of the centerline of North Point Blvd. Route 151 and Trappe Road.
Existing Zoning: R.C. 2
Proposed Zoning: M.H. - I.M.
Acres: 93.4 acres
District: 15th Election District

Dear Mr. Hackett:

On review of the submittal of 8-30-85 for Zoning Reclassification from RC2 to MH-IM for Browning Ferris, Inc. the State Highway Administration finds all access to the site by way of the existing North Point Blvd. (Route 151) and Trappe road intersection generally acceptable.

We (State Highway Administration) recommend the site plan of 8-30-85 be revised to show the existing highway conditions of the Route 151 and Trappe Road intersection.

The revision should include existing lanes of North Point Blvd, with Left Turn Lanes at the intersection, shoulder areas of Route 151 with existing deceleration-acceleration area at the Trappe Road intersection.

It is requested the site plan be revised prior to a hearing date being set.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

RECEIVED COUNTY BOARD OF APPEALS 1985 OCT -1 A 10:45

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

SEPTEMBER 24, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 17, 1985
Item # 1 - CYCLE II
Property Owner: BROWNING FERRIS, INC.
Location: NE/SIDE P. B+W. R.R. R/W, 1,375' N/E OF THE ℄ OF NORTH PT. BLVD. + TRAPPE RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

(X) There are no site planning factors requiring comment, AT THIS TIME.
( ) A County Review Group Meeting is required.
( ) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior to issuance of a building permit.
( ) The access is not satisfactory.
( ) The circulation on this site is not satisfactory.
( ) The parking arrangement is not satisfactory.
( ) Parking calculations must be shown on the plan.
( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
( ) The amended Development Plan was approved by the Planning Board on
( ) Landscaping: Must comply with Baltimore County Landscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments: ANY FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL #56-82, THE DEVELOPMENT REGULATIONS.

Eugene A. Bober
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR

September 23, 1985

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle II	Meeting of September 17, 1985
Item No. -	1
Property Owner:	Browning Ferris, Inc.
Location:	NE side of Philadelphia, Baltimore and Washington Railroad Company right-of-way
Existing Zoning:	R.C. 2
Proposed Zoning:	M.H. - I.M.
Acres:	93.4
District:	15th Election District

Dear Mr. Hackett:

The existing RC 2 zone can be expected to generate approximately 24 trips per day and the proposed MH - IM zone can be expected to generate approximately 1400 trips per day.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/bld

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500
PAUL H. REINCKE
CHIEF

September 23, 1985

William Hackett
Chairman, Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Browning Ferris, Inc.
Location: NE side of Phila. Rd., Balto. & Wash. R/R Co.
Item No.: 1 Zoning Agenda: Meetin

Gentlemen:

Pursuant to your request, the referenced property has been surveye Bureau and the comments below marked with an "X" are applicable and to be corrected or incorporated into the final plans for the prope

(x) 1. Fire hydrants for the referenced property are required an located at intervals or 300 feet along an approved accordance with Baltimore County Standards as published by Department of Public Works.
( ) 2. A second means of vehicle access is required for the site.
( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
( ) 4. The site shall be made to comply with all applicable parts Fire Prevention Code prior to occupancy or beginning of op
(x) 5. The buildings and structures existing or proposed on the s comply with all applicable requirements of the National Fi Association Standard No. 101 "Life Safety Code", 1976 Edit to occupancy.
( ) 6. Site plans are approved, as drawn.
( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Capt. Joseph Kelly 9-23-85
Planning Group
Special Inspection Division

Noted and Approved: John F
Fire Prevention Burea

/mb

INTER-OFFICE CORRESPONDENCE

...iam Hackett, Chairman, Board of Appeals
...s Dye, Zoning Supervisor Date September 24, 1985
...E. Burnham, Chief, Building Plans Review, Department of Permits and Licenses C2B
...le II Zoning
...ting Scheduled 9/17/85

...owning Ferris, Inc.
... side of Philadelphia, Baltimore and Washington Railroad Company right-of-way, 1,375' NE of the centerline of North Point Blvd. and Trappe Road.
...th. Election District

...y type of structures be anticipated on the above Section 516.0, the Tidal Inundation requirements ...l Bill #17-85 could be applicable. All proposed ...ion shall comply with the above Bill known as the County Building Code, which includes the 1984 ...of the B.O.C.A. Basic Building, Mechanical and Energy

...comment from this office at this time.

INTER-OFFICE CORRESPONDENCE

TO Mr. ARNOLD JABLON, Zoning Commissioner Date November 5, 1985

FROM NORMAN E. GERBER, AICP, Director, Office of Planning and Zoning

SUBJECT Browning Ferris, Inc. – Petition for Zoning Change, Cycle II, Back River Landfill Site

This site and area petitioned for change is substantially located within the Chesapeake Bay Critical Area. The County is required to determine compliance with the State Critical Area legislation. However, the County cannot review this petition for compliance until the petitioner provides the basic, applicable data specified in the attached outline. The petitioner is encouraged to meet with us prior to initiating the study in order to clarify the data that is necessary.

Norman E. GERBER, AICP, Director
Office of Planning and Zoning

NEG:PJS:vh

Attachment:
Outline, da...

cy: William T. Hackett, Chairman
County Board of Appeals

John B. Howard, Esq.
210 Allegheny Ave.
Towson, Md. 21204

James G. Hoswell, Planner
Office of the Director

Paul J. Solomon, Head
Environmental Planning Sec., OPZ

RECEIVED COUNTY BOARD OF APPEALS '85 NOV -7 P 1:01

CPS-008

OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

October 15, 1984

TO: INTERESTED PARTIES

FROM: EUGENE A. BOBER, Chief, Current Planning & Development Division, OPZ

RE: Interim Critical Areas Requirements for Baltimore County

On June 1, 1984, Governor Hughes signed into law the Chesapeake Bay Critical Areas Commission Bill. Among other things, this law designates a "critical area" of concern around the Bay which essentially is 1,000 feet from the landward edge of State wetlands or the shoreline of the Chesapeake Bay and its tidal tributaries. A special administrative commission was established with one of its principal purposes being the development of criteria for the protection of the water quality and plant and wildlife habitats of the Chesapeake Bay. Counties are to use these criteria to develop and implement programs to guide coastal land use in an environmentally sensitive manner. These programs will not be in effect for at least three to four years and, until then, the County must abide by the interim regulations set forth in Section 1813 of the law. The relevant portions of this section are quoted below.

> From June 1, 1984 with regard to any subdivision plat approval or approval of a zoning amendment, variance, special exception, conditional use permit or use of a floating zone, affecting any land or water area located within the initial planning area identified in Section 8-1807(A) of this subtitle, for which application is completed after that date, the approving authority of the local jurisdiction in rendering its decision to approve an application shall make specific findings that:
>
> (1) The proposed development will minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands; and
>
> (2) The applicant has identified fish, wildlife, and plant habitat which may be adversely affected by the proposed development and has designed the development so as to protect those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves.

CRITICAL AREAS INFORMATION REQUIREMENTS
BALTIMORE COUNTY

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
CRITICAL AREA	Critical Areas Boundary	Map in Office of Planning and Zoning, Current Planning & Development Div.	Critical Areas Information Map*
WATER DEPTH	Average water depth within 50' of shoreline at mean high tide to be shown at 1' intervals. This is to be done for water bodies on and adjacent to the site as well as for the major tributaries into which the site drains.	Nautical Maps	Critical Areas Information Map. If data are unavailable, field estimates and descriptions may be substituted.
SHORELINE	1. Shoreline rates of erosion or accretion	Historical Shorelines and Erosion Rates, Maryland Geological Survey, 1975	Critical Areas Information Text**
	2. Shoreline erosion control structures or projects	Shoreline Structures in Maryland; Their Location and Extent, Maryland Geological Survey, 1976 or latest available information	Critical Areas Information Map

*Critical Areas Information Map is a map of the site detailing the requested environmental information. Lot lines, roads, utility lines, etc. should not be included and the scale and size must be the same as that used for the site development plan.

**Critical Areas Information Text is a written report, describing the requested environmental information.

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
PLANT HABITATS	1. Mapping of submerged aquatic vegetation (SAV) and description in terms of species composition and extent. This is to be done for SAV beds on and/or adjacent to the site as well as for beds in the vicinity into which the site drains.	State Wetlands Maps and SAV Distribution 1978 USGS Quads 7-1/2' (available at Water Resources Administration). Updated maps will be available this fall. Site investigations should be to a water depth of 15'.	Critical Areas Information Map or map of smaller scale only for SAVs in vicinity of site.
	2. Mapping of different vegetative habitats (ex., tidal and nontidal wetlands, woodlands, old fields, pastures, cultivated fields, etc.) and description in terms of plant communities and associations; diversity; presence of locally or regionally rare or endangered species; presence of significant coastal species; vegetation layers (overstory, mid-story, understory, herbaceous layer); successional stage, unique vegetation; etc.	Field inspection and attached references	Critical Areas Information Map and Text
	3. Approximate acreage of each habitat type	Field inspection	Critical Areas Text
WILDLIFE AND FISH HABITAT	Description of wildlife and fish habitats in relationship to the plant habitats and in terms of the availability and suitability of food and cover; continuity of habitats to determine corridor effects; presence (actual or potential) of coastal/Bay species; presence of locally or regionally rare, endangered, or threatened species; quality of nesting, breeding, or nursery sites; migrational stopovers, etc.	Field inspection and attached references	Critical Areas Text

NOTE: "Fish and wildlife" is defined to include finfish, crustaceans, mollusks, mammals, birds, amphibians,

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
MITIGATIVE MEASURES	A detailed comprehensive summary of the measures the applicant will take to minimize runoff, soil erosion, sedimentation, people pressure, etc. This is to include (1) a discussion of stormwater management alternatives including each alternative's potential impacts on water quality and/or plant habitats, especially wetlands; (2) a discussion of the sediment control practices to be implemented including the additional measures the applicant will be taking to protect water quality and critical habitats; (3) a discussion of environmental protection design measures such as buffers, reduction of vegetation removal, covenants regarding pesticide and fertilizer applications, reduction of impervious surfaces, etc.		Critical Areas Information
PLANT HABITATS	Approximate percentage of each habitat type that will be lost due to development.		

References
for Plant, Wildlife, and Fish Habitat

...74. Wetlands, bogs, marshes, and swamps.

... 1983. Textbook of limnology. Toronto: C.V. Mosby

...R and H. A. GLEASON. 1963. Manual of vascular plants of ...ern United States and adjacent Canada. New York: ...trand.

...FORD F. 1968. Plant Communities. New York: Harpers.

... C. 1975. A manual of aquatic plants. Madison, Wisc: ...of Wisconsin Press.

... 1950. Gray's manual of botany 8th ed. New York: American

...A. 1952. Illustrated flora of northeastern United States ...Canada. New York: Dover Publications, Inc.

... 1964. Fruit key and twig key to trees and shrubs. ...Dover Publications, Inc.

...972. Common marsh, underwater, and floating-leaved ...the United States and Canada. New York: Dover ...s.

... 1966. Freshwater life. New York: G. P. Putnam's Sons.

...S. ZIM and A.L. NELSON. 1955. American wildlife and ...guide to wildlife food habits. New York: Dover ...ns, Inc.

... and H. SOMES, JR. 1982. The coastal wetlands of Maryland. ...MD: Maryland Department of Natural Resources, Coastal Zone ...Program.

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...63. Ecology.

...damentals of ecology.

...nd M. McKENNY. 1968. A field guide to wildflowers ...tern and north-central North America. Boston: ...fflin Co.

...972. A field guide to trees and shrubs. Boston: ...fflin Co.

... 1977. Wetland plants of the eastern United States. ...rmy Corps of Engineers.

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O'C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICH, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
GEORGE K. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
H. KING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPKIN
CYNTHIA M. HAHN
... E. FINNEY
KEVIN H. SMITH
H. BARRITT PETERSON, JR.

JAMES D. C. DOWNES (1906-1979)
TELEPHONE (301) 823-4111
TELECOPIER (301) 821-0147

August 29, 1985

Board of Appeals for Baltimore County
Old Court House - 2nd Floor
Towson, Maryland 21204

RE: Petition for Reclassification
Browning Ferris Industries (BFI), Petitioner
Norris Farm Property at Trappe Road,
15th Election District

Dear Sir or Madam:

This firm represents BFI in its Petition for Reclassification and Districting of the above-referenced property from RC-2 to MH-IM. The Norris Farm property is currently being used by the County in part for its solid waste management plan as the Norris Farm Sanitary Landfill.

The attached plats and zoning maps that accompany this Petition show that the reclassification requested by BFI involves a 93 acre parcel of land which has been carved out of the larger 227 acre Norris Farm property. BFI will be using only approximately 20 acres of this parcel which are the most suitable for development in connection with BFI's intended purpose. The remaining acreage will be used as a buffer between the BFI development and the adjacent properties. BFI will be willing to impose restrictive covenants on the buffered and unused proposed MH-IM portions of this property to preclude any present or future development thereof, or, if feasible, to sell such portions of the property to the County.

This Petition for Reclassification and Districting of an RC zone may be granted by the Board pursuant to §1A00.3.A.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.), since the

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Board of Appeals for Baltimore County
August 29, 1985
Page 2

property is currently serviced by public sewerage and water supply systems.

Until the 1984 comprehensive zoning maps were adopted, the entire Norris Farm property had been zoned MH-IM. It is submitted that the down-zoning of this property from MH-IM to RC-2 was clearly error and/or mistake for the following reasons:

A quick review of the 200' and 1000' scale zoning maps, which are attached, shows the subject property is almost entirely surrounded by industrially-zoned properties. To the north is the ML-IM zoned Back River Sewerage Treatment Plant and to the west is an MH-IM zoned Truck Facility. To the east is MH-IM zoned property and a small area which is zoned DR-5.5, leaving an island of "agricultural" property in the midst of heavy industry.

Under §2-58.A.1.j (2) of the Board of Appeals' Rules, found in B.C.Z.R., a finding of error may be warranted where uses generally allowable under the prospective classification are compatible with the present and projected development or character of the surrounding area. Clearly a MH zoning classification for this property is compatible with the existing industrially-zoned properties that surround it. This is particularly the case given the fact that much of this property is presently being used as a sanitary landfill and in part as a truck facility in connection with the landfill.

It was apparently the intent of the County Council, when it rezoned this property to RC-2, to shut down the Norris Farm Landfill. However, since the County Council merely intended to shut down the existing landfill, it should not have included within that down-zoning those areas of the property which are heavily wooded (and not a part of the landfill), as well as those portions of the property which have not been used for landfill purposes. (See attached plat for designated areas). The County Council was aware that these portions were being included in the overall reclassification of the landfill, and that such portions had never been used as part of the existing landfill area. Therefore, inclusion of these areas in the RC-2 zone was error and contrary to the County Council's intent in down-zoning the property.

Furthermore, the down-zoning of the Norris Farm property is contrary to the growth strategies contemplated in the Baltimore County Master Plan, and therefore in error. At page 52 - 53,

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Board of Appeals for Baltimore County
August 29, 1985
Page 3

Volume 1, Land Use Element, Baltimore County Master Plan, the Back River Community is designated as having no land use conflict between manufacturing and residential neighborhoods. Arbitrarily removing an important industrial zone from the Back River community clearly does not comport with the land use growth strategies contemplated in the Baltimore County Master Plan.

Moreover, down-zoning of this property to RC-2 clearly does not fall within that zoning classification's purposes. §1A01.1.B (B.C.Z.R.) reads in pertinent part as follows:

> PURPOSES: The RC-2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

Petitioner finds it hard to imagine a parcel of ground less agriculturally productive than 227 acres which are surrounded by industrial uses. The property is neither existing farm land nor, because of its prior use as a sanitary landfill, will it ever be suitable for farming in the future by reason of the fact that the topsoil to be placed on the landfill area may not be tilled to prevent the formation of leaching agents and because of concerns that any crops grown in the area may be contaminated by the underlying fill. Furthermore, it is BFI's intention to develop the landfill area into a park or recreation area, precluding farming thereof. Even if these conditions change in the future, it is impractical to contemplate the farming of a 227 acre parcel in the middle of a commercial and industrial area.

Finally, the down-zoning of the property to RC-2 is so severe that it renders the property useless to BFI for any practical purpose. Therefore, BFI may successfully challenge such down-zoning on the grounds that it was confiscatory in nature and violates the equal protection clause and equal protection amendment found in the United States Constitution and the Maryland Constitution, respectively. Where a zoning action is so severe that it violates the property owner's constitutional rights, error must clearly be recognized.

Board of Appeals for Baltimore County
August 29, 1985
Page 4

For these reasons, and those reasons which may be addressed by legal memorandum at the appropriate time, it is submitted that error or mistake has been made in rezoning this property to RC-2 and it is respectfully requested that the Petition for Reclassification be granted by this Board.

Yours truly,

John B. Howard
Attorney for Petitioner

JBH:dmh

Enclosures

Greater Dundalk Community Council
1576 Merritt Boulevard
Dundalk, MD 21222

February 18, 1985

Baltimore County Board of Appeals
Room 200 Court House
Towson, Maryland 21204

BE IT RESOLVED THAT MRS. JUDITH O. BOGGS, WHO RESIDES AT 3411 CORNWALL ROAD, DUNDALK, MARYLAND, WAS DULY ELECTED ON JUNE 14, 1984, TO SERVE AS PRESIDENT OF THE GREATER DUNDALK COMMUNITY COUNCIL, A POSITION WHICH SHE CONTINUES TO HOLD UNTIL HER TERM EXPIRES IN JUNE, 1986.

THE GEOGRAPHICAL AREA REPRESENTED BY THE GREATER DUNDALK COMMUNITY COUNCIL INCLUDES THE ENTIRE PATAPSCO NECK PENINSULA, IN THE SOUTHEASTERN AREA OF BALTIMORE COUNTY. THE GREATER DUNDALK COMMUNITY COUNCIL IS AN UMBRELLA ORGANIZATION WITH 25 MEMBER ORGANIZATIONS, WHICH MEMBER ORGANIZATIONS REPRESENT IN EXCESS OF 5,000 INDIVIDUALS.

ON FEBRUARY 13, 1985, THE GREATER DUNDALK COMMUNITY COUNCIL VOTED UNANIMOUSLY TO OPPOSE THE RECLASSIFICATION OF THE NORRIS LANDFILL PROPERTY; AND HEREBY AUTHORIZES JUDITH O. BOGGS TO TESTIFY IN THE COUNCIL'S BEHALF AT THE BOARD OF APPEALS HEARING ON TUESDAY, MARCH 4, 1986.

RECEIVED COUNTY BOARD OF APPEALS 1986 FEB 21 P 12:01

RESPECTFULLY,

Judith O. Boggs
JUDITH O. BOGGS, PRESIDENT

Walt L. Stealey
WALT L. STEALEY, VICE PRESIDENT

Gayle Johnson Adams
GAYLE JOHNSON ADAMS, SECRETARY

I DO SOLEMNLY DECLARE AND AFFIRM THAT THE FOREGOING MATTERS AND FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT I AM COMPETENT TO SO STATE.

Judith O. Boggs
JUDITH O. BOGGS, PRESIDENT

Walt L. Stealey
WALT L. STEALEY, VICE PRESIDENT

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES (1906-1979)
TELEPHONE (301) 823-4111
TELECOPIER (301) 821-0147

February 19, 1986

...Hackett
...County Board of Appeals
...ore County
...Court House
...ryland 21204

...etition for Reclassification
...rowning Ferris Industries (BFI), Petitioner
...rris Farm Property at Trappe Road,
...th Election District

...ackett:

... are aware, I represent Browning Ferris Industries ... counsel in the above captioned Petition for ...cation presently scheduled for hearing on March 4,

...ations have been underway for many months between ...Ferris and Baltimore County toward the resolution of ...differences; and I have been advised by John Lewin, ...or Browning Ferris in those matters, that he and George ...Special Counsel for Baltimore County, are very close ...resolution. It is doubtful, however, that definitive ...will be in hand by March 4.

...ingly, it would appear to be in the best interests ...rties that a continuance be considered. I will appear ...heduled hearing to formerly present this request. Unless ...om you to the contrary, I will not be prepared to present ...ce.

William T. Hackett
February 19, 1986
page 2

Thank you very much for you consideration in this matter.

Very truly yours,

John B. Howard

JBH/jhr
cc: John H. Lewin, Jr., Esquire
George A. Nilson, Esquire
Phyllis C. Friedman, Esquire

Baltimore County, Maryland
PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

February 27, 1986

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., P.O. Box 5517
Towson, Maryland 21204

RE: Browning Ferris, Inc., Petitioner
Zoning Case #R-86-335

Dear Mr. Howard:

We are in receipt of your letter dated February 19, 1986, in reference to the above case and do not oppose your request for a continuance. We infer from your correspondence your expectation that the resolution of the differences between Browning Ferris and Baltimore County may moot the reclassification case.

So that there is no misunderstanding, please be advised that use of the subject property will be subject to the Baltimore County Zoning Regulations unless used for governmental purposes as defined in the case law. Even if the property is deeded to Baltimore County, the land use would not necessarily be exempt from the zoning regulations, particularly if put to a proprietary or industrial use. In other words, it may well be that the zoning reclassification case will not be moot.

If you have any questions, please do not hesitate to call this office.

Very truly yours,

CLINICAL • LAW • OFFICE

ATTORNEYS
Clinton Bamberger
John J. Capowski
Karen Czapanskiy
Stanley S. Herr
Susan P. Leviton
Nancy L. Long
Michael A. Millemann
Richard L. North
Roger C. Wolf

University of Maryland School of Law
510 West Baltimore Street
Baltimore, Maryland 21201

STAFF
Shirley M. Appelt, Administrator
Gail W. Batts
Karen J. Gallion
Tina Hill
Shirley L. Myers
Flo Smith
June H. Smith

(301) 528-2019

June 24, 1986

Docket Clerk
Baltimore County Board of Appeals
Room 200
Courthouse
Towson, Maryland 21204

Re: Browning-Ferris, Inc., Case No. R-86-335

Dear Sir or Madam:

Please place this office's name on the notification list for the next hearing date for consideration of this matter. We would also appreciate notification of any new filings in the case.

We represent the Walls-McComas Citizens Improvement Association, a group that is vitally interested in the disposition of a petition for a zoning reclassification filed in your office by Browning-Ferris, Inc.

Thank you.

Very truly yours,

Michael A. Millemann

John J. Capowski

John Dugdale
Student Attorney

JD/kg

RECEIVED COUNTY BOARD OF APPEALS 1986 JUN 30 A 11:15

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

December 10, 1987

John B. Howard, Esquire
COOK, HOWARD, DOWNES & TRACY
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21204

RE: Case No. R-86-335
Browning Ferris, Inc.

Dear Mr. Howard:

The Board is in receipt of your letter of December 9, 1987, regarding Case No. R-86-335.

Since you are the attorney of record for the Petitioner in this case, and in your letter indicate that the case is now moot, the Board will therefore dismiss your petition for reclassification and allow the case to be processed through the cycle procedure as Issue No. 7-001.

Sincerely,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

cc: People's Counsel

bcc: Judy Sussman

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
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TELEPHONE (301) 823-4111
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DIRECT DIAL NUMBER
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JUDITH A. ARNOLD
DEBORAH C. DOPKIN
KATHLEEN GALLOGLY COX
KEVIN H. SMITH
J. MICHAEL BRENNAN
H. BARRITT PETERSON, JR.
KATHRYN L. KOTZ
JAMES K. MacALISTER
REGAN J. R. SMITH
JULIE A. STEINBERG

JAMES D. C. DOWNES (1906-1979)

December 9, 1987

HAND DELIVERY

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
2nd Floor, Old Court House
Towson, Maryland 21204

Re: Petition for Reclassification
Browning Ferris, Inc., Petitioner
Case No.: R-86-335
Issue No.: 7-001

Dear Mr. Hackett:

This property has since been included in the 1988 Comprehensive Map cycle as Issue No. 7-001. Accordingly, the cycle Petition in Case Number R-86-335 is now moot and I will await your disposition in this matter.

Yours truly,

John B. Howard

JBH:bw
cc: People's Counsel
John Henry Lewin, Jr., Esquire

RECEIVED COUNTY BOARD OF APPEALS 1987 DEC 10 P 3:20

FOR ZONING RE-CLASSIFICATION RE-DISTRICTING
EXCEPTION AND/OR VARIANCE

...RD OF APPEALS OF BALTIMORE COUNTY:

...al owner(s) of the property situate in Baltimore County and which is ...on and plat attached hereto and made a part hereof, hereby petition (1) ...the herein described property be re-classified, pursuant to the Zoning Law ...m an RC-2 zone to an MH-IM ...en in the attached statement; and (2) for a Special Exception, under the ...ning Regulations of Baltimore County, to use the herein described property,

...given in the attached statement, a variance from the following sections of ...ning Regulations of Baltimore County:

MAP 5526 / 4B / E. D. 15D / DATE 7/5/70 / 200 BF / 1000 BF / BP
MAP 4B SE 1-G, 2-G / SECTION / DISTRICT / DATE 9/18/91 / TYPE / HEARING / BY / FINAL / BY

...posted and advertised as prescribed by The Baltimore County Code.

...pay expenses of above Re-classification, Special Exception and/or Variance, ...ng of this petition, and further agree to and are to be bound by the zoning ...ctions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Legal Owner(s):
Browning Ferris Industries Inc
(Type or Print Name)
By Bruce Ranck, Vice President
Signature
(Type or Print Name)
Signature

...oner:
...rd, Esq.
..., Downes & Tracy
...y Avenue
...Box 5517
...rland 21204
...one No.: 301-823-4111

General Motors Parts Bldg.
1800 Parkway Drive 796-8850
Address Phone No.
Hanover, Maryland 21076
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esq.
Name
P. O. Box 5517, 210 Allegheny Avenue
Towson, Maryland 21204 823-4111
Address Phone No.

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

August 30, 1985

Description to Accompany Zoning Petition
Land to be Rezoned from RC 2 to MH-IM
Norris Farm Property

Beginning for the same at a point on the MH-IM zoning line as centered on the existing rail lying within the Philadelphia, Baltimore and Washington Railroad Company R/W said point of beginning being measured North 25° 53' 12" East 1375 feet more or less from the centerline intersection of North Point Boulevard and Trappe Road, running thence binding on said MH-IM zoning line the two following courses viz: 1) northwesterly by a curve to the left having a radius of 11,459.21 feet for a distance of 842.88 feet, said curve being subtended by a chord bearing North 63° 07' 02" West 842.69 feet, and 2) North 65° 13' 28" West 546.83 feet, running thence leaving said zoning line, through the land of the petitioner the five following courses viz: 3) North 29° 19' 24' East 1,431.69 feet, 4) South 43° 46' 17" East 1,694.54 feet, 5) North 60° 29' 36" East 880.00 feet, 6) South 61° 00' 36" East 1,000 feet, and 7) South 26° 33' 53" West 1,610.05 feet to intersect the above mentioned MH-IM zoning line or center of rail, running thence binding thereon, 8) North 61° 00' 36" West 1,767.25 feet to the place of beginning.

Containing 93.4 Acres of land more or less.

NOTE: This Description to Be Used Only For Zoning Purposes.

STATE OF MARYLAND — JOHN STRONG S... — No. 3020 — REGISTERED PROFESSIONAL ENGINEER

PETITION FOR RECLASSIFICATION

LOCATION: Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way, 1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road

PUBLIC HEARING: Tuesday, March 4, 1986, at 10:00 a.m. in Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:
To reclassify the zoning status of property from an R.C. 2 Zone to a M.H.-I.M. Zone

All that parcel of land in the 15th Election District of Baltimore County

Beginning for the same at a point on the MH-IM zoning line as centered on the existing rail lying within the Philadelphia, Baltimore and Washington Railroad Company R/W said point of beginning being measured North 25° 53' 12" East 1375 feet more or less from the centerline intersection of North Point Boulevard and Trappe Road, running thence binding on said MH-IM zoning line the two following courses viz: 1) northwesterly by a curve to the left having a radius of 11,459.21 feet for a distance of 842.88 feet, said curve being subtended by a chord bearing North 63° 07' 02" West 842.69 feet, and 2) North 65° 13' 28" West 546.83 feet, running thence leaving said zoning line, through the land of the petitioner the five following courses viz: 3) North 29° 19' 24' East 1,431.69 feet, 4) South 43° 46' 17" East 1,694.54 feet, 5) North 60° 29' 36" East 880.00 feet, 6) South 61° 00' 36" East 1,000 feet, and 7) South 26° 33' 53" West 1,610.05 feet to intersect the above mentioned MH-IM zoning line or center of rail, running thence binding thereon, 8) North 61° 00' 36" West 1,767.25 feet to the place of beginning.

Containing 93.4 Acres of land more or less.

Being the property of Browning Ferris, Inc., as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

R-86-335
Item #1
Cycle II, 1985

NE/S Philadelphia, Baltimore & Washington RR Co. R/W 1,375' NE c/l of North Point Boulevard and Trappe Road — 15th District — Browning Ferris, Inc. (Norris Farm Property)

Aug. 30, 1985 — Petition filed for reclassification from RC 2 to MH-IM (John B. Howard, Esq., Atty. for Petitioner) 93.4 acres
4, 1986 — Case continued in open hearing
December 10, 1997 — Letter filed by John B. Howard, Esq., counsel for Petitioner, advising that this matter, which is now an issue in the 1988 map process (Item No. 7-001), is now moot insofar as Case No. R-86-335.
December 10 — Petition DISMISSED by the Board to be processed through the cycle procedure.

R-86-336
Item #2
Cycle II, 1985

SE corner Golden Ring Rd. & McDaniel Ave. (6914/6912 Golden Ring Road) — 15th District — Joe C. Robertson, et al (James L. & Lillian M. Duke)

Aug. 20, 1985 — Petition filed for reclassification from DR 5.5 & ML to BL .50 acres & .45 acres (John O. Hennegan, Esq., Atty. for Petitioners
Mar. 11, 1986 — Case continued in open hearing
October 21 — Hearing held before the Board. (H.F.B.)
November 5 — Board DENIED zoning reclassification. (Hackett, Franz, Buchheister)

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21204

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way
1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road
Case No. R-86-335 (Cycle II - Item No. 1)

TIME: 10:00 a.m.

DATE: Tuesday, March 4, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:med

c.c. Peoples Counsel

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21204

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way
1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road
Case No. R-86-335 (Cycle II - Item No. 1)

TIME: 10:00 a.m.

DATE: Tuesday, March 4, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett
William T. Hackett, Chairman
Board of Appeals

3/4 This is probably going to be settled + dismissed, per Bill Evans.

PAID J.H.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 13, 1986

THE JEFFERSONIAN,
T. B. Venetoulis
Publisher

Cost of Advertising 35.75

R-86-335

R-86-335

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 2/13/86
Posted for: Reclassification
Petitioner: Browning Ferris, Inc.
Location of property: NE/S Phil, Balto & Wash RRC RW 1,375' NE/N Pt Blvd + Trappe Rd.
Location of Signs: ① at extreme of property at end of Trappe Rd. 1600' Fr. N.Pt. Blvd. ② Facing Rosebank Ave. approx. 6' Fr. roadway, both on property of Petitioner
Remarks: Signs placed to be visible to Public (original place on Plat not visible to Public)
Posted by M. Whitely Date of return: 2/21/86
Signature
Number of Signs: 2

RE: PETITION FOR RECLASSIFICATION FROM RC-2 TO MH-IM ZONE
NE/S Philadelphia Rd., Baltimore & Washington Railroad Co. Right-of-Way, 1,375' NE of C/L of North Point Blvd., Route 151 & Trappe Rd., 15th District
BROWNING FERRIS, INC., Petitioner
: BEFORE THE COUNTY BOARD OF APPEALS
: OF BALTIMORE COUNTY
: Case No. R-86-335

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

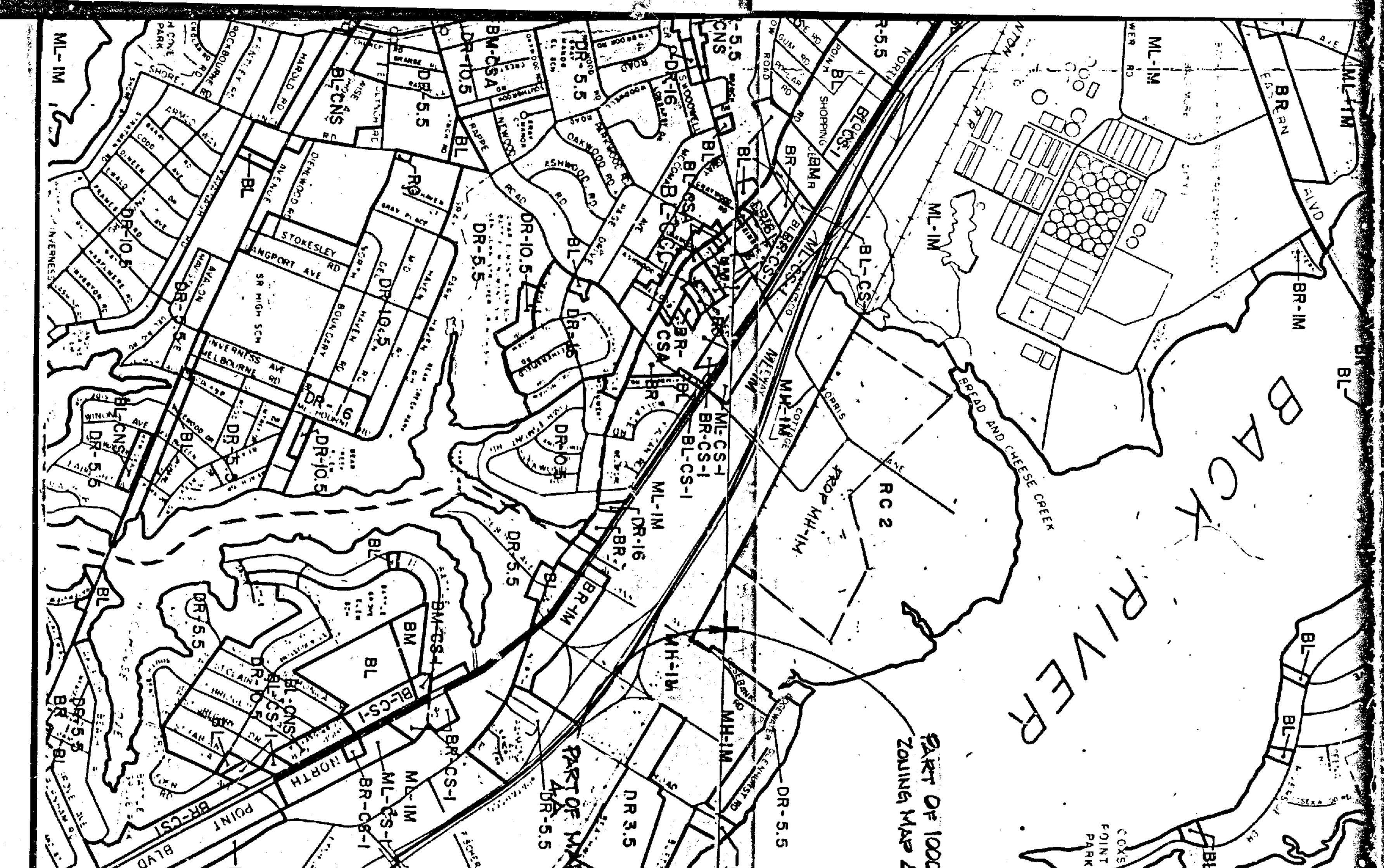
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

RECEIVED COUNTY BOARD OF APPEALS 1986 FEB -7 A 9:28

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., P.O. Box 5517, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



COUNTY
PLANNING & ZONING
MARYLAND 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

...Esquire
...Downes & Tracy
...venue
...5517
...21204

...FOR ZONING RECLASSIFICATION
...Philadelphia, Baltimore and Washington ...Railroad Company right-of-way 1,375' NE of the ...of North Point Blvd. and Trappe Rd.
...No. R-86-335 (Cycle II - Item No. 1)

...to advise you that $413.35 is due for advertising and posting ...property. This fee must be paid before an Order is issued.

...ke the check payable to Baltimore County, Maryland, and remit to ...du Bois, Zoning Office, Room 113, County Office Building, ...d 21204, before the hearing.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

No. 018520
ACCOUNT R-01-615-000
AMOUNT $413.35
...Downes & Tracy
...sting re Case #R-86-335
*****41335: 2058F
...OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 Feb. 14, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Wm. T. Hackett in the matter of Zoning Hearings - P.O. #73357 - Req. #L87485 - 119 lines @ $47.60. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~successive~~ weeks before the 14th day of February 1986; that is to say, the same was inserted in the issues of Feb. 13, 1986

R-86-335

Kimbel Publication, Inc.
per Publisher.
By K.C. Dolle

...ORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 5, 1985

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

RE: Item No. 1 - Cycle II
October, 1985 - April, 1986
Petitioner - Browning Ferris, Inc.
Reclassification and Redistricting Petition

Dear Mr. Howard:

This petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification and redistricting or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of your client's proposal to reclassify and redistrict this property from its current Resource, Conservation (R.C.2) classification to the Manufacturing, Heavy (M.H.) Zone - Industrial, Major (I.M.) District that existed prior to the adoption of the 1984 County-wide Comprehensive Zoning Maps, this hearing is required.

If you are not aware, the majority of this property is located within a State Critical Area and, therefore, you should contact Mr. Paul J. Solomon, Head, Information Systems Section, Office of Planning and Zoning, 494-3521, in order to solicit his comments on the requested zoning.

Item No. 1 - Cycle II
October, 1985 - April, 1986
Reclassification and Redistricting Petition
Page 2
November 5, 1985

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time. If you have any questions concerning these comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

Very truly yours,
James E. Dyer (nr)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: George William Stephens, Jr. & Associates, Inc.
P. O. Box 6828
Towson, Maryland 21204

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

September 25, 1985

Mr. William Hackett, Chairman
Board of Appeals
County Office Building
Towson, Md. 21204

Attn: Mr. James Dyer

Re: Reclassification Petitions
Cycle II - 1985
Meeting of September 17, 1985
Property Owner: Browning Ferris, Inc.
Location: NE side of Philadelphia Rd., Baltimroe and Washington Railroad Company right-of-way, 1,375' NE of the centerline of North Point Blvd. Route 151 and Trappe Road.
Existing Zoning: R.C. 2
Proposed Zoning: M.H. - I.M.
Acres: 93.4 acres
District: 15th Election District

RECEIVED COUNTY BOARD OF APPEALS 1985 OCT -1 A 10:45

Dear Mr. Hackett:

On review of the submittal of 8-30-85 for Zoning Reclassification from RC2 to MH-IM for Browning Ferris, Inc. the State Highway Administration finds all access to the site by way of the existing North Point Blvd. (Route 151) and Trappe road intersection generally acceptable.

We (State Highway Administration) recommend the site plan of 8-30-85 be revised to show the existing highway conditions of the Route 151 and Trappe Road intersection.

The revision should include existing lanes of North Point Blvd, with Left Turn Lanes at the intersection, shoulder areas of Route 151 with existing deceleration-acceleration area at the Trappe Road intersection.

It is requested the site plan be revised prior to a hearing date being set.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

cc: Mr. J. Ogle

By: George Wittman

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

SEPTEMBER 24, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 17, 1985
Item # 1 - CYCLE II
Property Owner: BROWNING FERRIS, INC.
Location: NE/SIDE P. B+W. R.R. R/W, 1,375' N/E OF THE ℄ OF NORTH PT. BLVD. + TRAPPE RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

(X) There are no site planning factors requiring comment, AT THIS TIME.
( ) A County Review Group Meeting is required.
( ) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior to issuance of a building permit.
( ) The access is not satisfactory.
( ) The circulation on this site is not satisfactory.
( ) The parking arrangement is not satisfactory.
( ) Parking calculations must be shown on the plan.
( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
( ) The amended Development Plan was approved by the Planning Board on
( ) Landscaping: Must comply with Baltimore County Landscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:
ANY FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL 56-82, THE DEVELOPMENT REGULATIONS.

Eugene A. Bober
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 23, 1985

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle II	Meeting of September 17, 1985
Item No. -	1
Property Owner:	Browning Ferris, Inc.
Location:	NE side of Philadelphia, Baltimore and Washington Railroad Company right-of-way
Existing Zoning:	R.C. 2
Proposed Zoning:	M.H. - I.M.
Acres:	93.4
District:	15th Election District

Dear Mr. Hackett:

The existing RC 2 zone can be expected to generate approximately 24 trips per day and the proposed MH - IM zone can be expected to generate approximately 1400 trips per day.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/bld

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

September 23, 1985

William Hackett
Chairman, Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Browning Ferris, Inc.
Location: NE side of Phila. Rd., Balto. & Wash. R/R Co.
Item No.: 1 Zoning Agenda: Meetin...

Gentlemen:

Pursuant to your request, the referenced property has been surveye... Bureau and the comments below marked with an "X" are applicable and ... to be corrected or incorporated into the final plans for the prope...

(x) 1. Fire hydrants for the referenced property are required an... located at intervals or 300 feet along an approved ... accordance with Baltimore County Standards as published by ... Department of Public Works.
( ) 2. A second means of vehicle access is required for the site.
( ) 3. The vehicle dead end condition shown at ... EXCEEDS the maximum allowed by the Fire Department.
( ) 4. The site shall be made to comply with all applicable parts ... Fire Prevention Code prior to occupancy or beginning of op...
(x) 5. The buildings and structures existing or proposed on the s... comply with all applicable requirements of the National Fi... Association Standard No. 101 "Life Safety Code", 1976 Edit... to occupancy.
( ) 6. Site plans are approved, as drawn.
( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Capt. Joseph Kelly 9-23-85
Planning Group
Special Inspection Division

Noted and Approved: John ...
Fire Prevention Burea...

/mb

INTER-OFFICE CORRESPONDENCE

...iam Hackett, Chairman, Board of Appeals
...s Dye, Zoning Supervisor Date September 24, 1985
...E. Burnham, Chief, Building Plans Review, Department of Permits and Licenses C2B
...le II Zoning
...ting Scheduled 9/17/85

...owning Ferris, Inc.
... side of Philadelphia, Baltimore and Washington Railroad Company right-of-way, 1,375' NE of the centerline of North Point Blvd. and Trappe Road.
...th. Election District

...y type of structures be anticipated on the above ...Section 516.0, the Tidal Inundation requirements ...l Bill #17-85 could be applicable. All proposed ...ion shall comply with the above Bill known as the ... County Building Code, which includes the 1984 ...of the B.O.C.A. Basic Building, Mechanical and Energy

...comment from this office at this time.

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Zoning Commissioner Date November 5, 1985

FROM: Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT: Browning Ferris, Inc. — Petition for Zoning Change, Cycle II, Back River Landfill Site

This site and area petitioned for change is substantially located within the Chesapeake Bay Critical Area. The County is required to determine compliance with the State Critical Area legislation. However, the County cannot review this petition for compliance until the petitioner provides the basic, applicable data specified in the attached outline. The petitioner is encouraged to meet with us prior to initiating the study in order to clarify the data that is necessary.

Norman E. Gerber, AICP, Director
Office of Planning and Zoning

NEG:PJS:vh

Attachment: Outline, date

cy: William T. Hackett, Chairman, County Board of Appeals
John B. Howard, Esq., 210 Allegheny Ave., Towson, Md. 21204
James G. Hoswell, Planner, Office of the Director
Paul J. Solomon, Head, Environmental Planning Sec., OPZ

RECEIVED COUNTY BOARD OF APPEALS 1985 NOV -7 P 1:01

CPS-008

OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER, DIRECTOR

October 15, 1984

TO: INTERESTED PARTIES

FROM: Eugene A. Bober, Chief, Current Planning & Development Division, OPZ

RE: Interim Critical Areas Requirements for Baltimore County

On June 1, 1984, Governor Hughes signed into law the Chesapeake Bay Critical Areas Commission Bill. Among other things, this law designates a "critical area" of concern around the Bay which essentially is 1,000 feet from the landward edge of State wetlands or the shoreline of the Chesapeake Bay and its tidal tributaries. A special administrative commission was established with one of its principal purposes being the development of criteria for the protection of the water quality and plant and wildlife habitats of the Chesapeake Bay. Counties are to use these criteria to develop and implement programs to guide coastal land use in an environmentally sensitive manner. These programs will not be in effect for at least three to four years and, until then, the County must abide by the interim regulations set forth in Section 1813 of the law. The relevant portions of this section are quoted below.

> From June 1, 1984 with regard to any subdivision plat approval or approval of a zoning amendment, variance, special exception, conditional use permit or use of a floating zone, affecting any land or water area located within the initial planning area identified in Section 8-1807(A) of this subtitle, for which application is completed after that date, the approving authority of the local jurisdiction in rendering its decision to approve an application shall make specific findings that:
>
> (1) The proposed development will minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands; and
>
> (2) The applicant has identified fish, wildlife, and plant habitat which may be adversely affected by the proposed development and has designed the development so as to protect those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves.

CRITICAL AREAS INFORMATION REQUIREMENTS
BALTIMORE COUNTY

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
CRITICAL AREA	Critical Areas Boundary	Map in Office of Planning and Zoning, Current Planning & Development Div.	Critical Areas Information Map*
WATER DEPTH	Average water depth within 50' of shoreline at mean high tide to be shown at 1' intervals. This is to be done for water bodies on and adjacent to the site as well as for the major tributaries into which the site drains.	Nautical Maps	Critical Areas Information Map. If data are unavailable, field estimates and descriptions may be substituted.
SHORELINE	1. Shoreline rates of erosion or accretion	Historical Shorelines and Erosion Rates, Maryland Geological Survey, 1975	Critical Areas Information Text**
	2. Shoreline erosion control structures or projects	Shoreline Structures in Maryland: Their Location and Extent, Maryland Geological Survey, 1976 or latest available information	Critical Areas Information Map

*Critical Areas Information Map is a map of the site detailing the requested environmental information. Lot lines, roads, utility lines, etc. should not be included and the scale and size must be the same as that used for the site development plan.

**Critical Areas Information Text is a written report, describing the requested environmental information.

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
PLANT HABITATS	1. Mapping of submerged aquatic vegetation (SAV) and description in terms of species composition and extent. This is to be done for SAV beds on and/or adjacent to the site as well as for beds in the vicinity into which the site drains.	State Wetlands Maps and SAV Distribution 1978 USGS Quads 7-1/2' (available at Water Resources Administration). Updated maps will be available this fall. Site investigations should be to a water depth of 15'.	Critical Areas Information Map or map of smaller scale only for SAVs in vicinity of site.
	2. Mapping of different vegetative habitats (ex., tidal and nontidal wetlands, woodlands, old fields, pastures, cultivated fields, etc.) and description in terms of plant communities and associations; diversity; presence of locally or regionally rare or endangered species; presence of significant coastal species; vegetation layers (overstory, mid-story, understory, herbaceous layer); successional stage, unique vegetation; etc.	Field inspection and attached references	Critical Areas Information Map and Text
	3. Approximate acreage of each habitat type	Field inspection	Critical Areas Text
WILDLIFE AND FISH HABITAT	Description of wildlife and fish habitats in relationship to the plant habitats and in terms of the availability and suitability of food and cover; continuity of habitats to determine corridor effects; presence (actual or potential) of coastal/Bay species; presence of locally or regionally rare, endangered, or threatened species; quality of nesting, breeding, or nursery sites; migrational stopovers, etc.	Field inspection and attached references	Critical Areas Text

NOTE: "Fish and wildlife" is defined to include finfish, crustaceans, mollusks, mammals, birds, amphibians, ...

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
MITIGATIVE MEASURES	A detailed comprehensive summary of the measures the applicant will take to minimize runoff, soil erosion, sedimentation, people pressure, etc. This is to include (1) a discussion of stormwater management alternatives including each alternative's potential impacts on water quality and/or plant habitats, especially wetlands; (2) a discussion of the sediment control practices to be implemented including the additional measures the applicant will be taking to protect water quality and critical habitats; (3) a discussion of environmental protection design measures such as buffers, reduction of vegetation removal, covenants regarding pesticide and fertilizer applications, reduction of impervious surfaces, etc.		Critical Areas Information
PLANT HABITATS	Approximate percentage of each habitat type that will be lost due to development.		

References
for Plant, Wildlife, and Fish Habitat

...74. Wetlands, bogs, marshes, and swamps.
... 1983. Textbook of limnology. Toronto: C.V. Mosby
...R and H. A. GLEASON. 1963. Manual of vascular plants of ...rn United States and adjacent Canada. New York: ...trand.
...FORD F. 1968. Plant Communities. New York: Harpers.
... C. 1975. A manual of aquatic plants. Madison, Wisc: ...of Wisconsin Press.
... 1950. Gray's manual of botany 8th ed. New York: American
...A. 1952. Illustrated flora of northeastern United States ...Canada. New York: Dover Publications, Inc.
... 1964. Fruit key and twig key to trees and shrubs. ...Dover Publications, Inc.
...972. Common marsh, underwater, and floating-leaved ...the United States and Canada. New York: Dover ...s.
... 1966. Freshwater life. New York: G. P. Putnam's Sons.
...L.S. ZIM and A.L. NELSON. 1955. American wildlife and ...guide to wildlife food habits. New York: Dover ...ns, Inc.
... and H. SOMES, JR. 1982. The coastal wetlands of Maryland. ...MD: Maryland Department of Natural Resources, Coastal Zone ...Program.
.... Newcomb's wildflower guide. Boston: Little, Brown
...63. Ecology.
...damentals of ecology.
...nd M. McKENNY. 1968. A field guide to wildflowers ...tern and north-central North America. Boston: ...fflin Co.
...972. A field guide to trees and shrubs. Boston: ...fflin Co.
... 1977. Wetland plants of the eastern United States. ...rmy Corps of Engineers.

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES (1906-1979)
TELEPHONE (301) 823-4111
TELECOPIER (301) 821-0147

August 29, 1985

Board of Appeals for Baltimore County
Old Court House - 2nd Floor
Towson, Maryland 21204

RE: Petition for Reclassification
Browning Ferris Industries (BFI), Petitioner
Norris Farm Property at Trappe Road,
15th Election District

Dear Sir or Madam:

This firm represents BFI in its Petition for Reclassification and Districting of the above-referenced property from RC-2 to MH-IM. The Norris Farm property is currently being used by the County in part for its solid waste management plan as the Norris Farm Sanitary Landfill.

The attached plats and zoning maps that accompany this Petition show that the reclassification requested by BFI involves a 93 acre parcel of land which has been carved out of the larger 227 acre Norris Farm property. BFI will be using only approximately 20 acres of this parcel which are the most suitable for development in connection with BFI's intended purpose. The remaining acreage will be used as a buffer between the BFI development and the adjacent properties. BFI will be willing to impose restrictive covenants on the buffered and unused proposed MH-IM portions of this property to preclude any present or future development thereof, or, if feasible, to sell such portions of the property to the County.

This Petition for Reclassification and Districting of an RC zone may be granted by the Board pursuant to §1A00.3.A.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.), since the

Board of Appeals for Baltimore County
August 29, 1985
Page 2

property is currently serviced by public sewerage and water supply systems.

Until the 1984 comprehensive zoning maps were adopted, the entire Norris Farm property had been zoned MH-IM. It is submitted that the down-zoning of this property from MH-IM to RC-2 was clearly error and/or mistake for the following reasons:

A quick review of the 200' and 1000' scale zoning maps, which are attached, shows the subject property is almost entirely surrounded by industrially-zoned properties. To the north is the ML-IM zoned Back River Sewerage Treatment Plant and to the west is an MH-IM zoned Truck Facility. To the east is MH-IM zoned property and a small area which is zoned DR-5.5, leaving an island of "agricultural" property in the midst of heavy industry.

Under §2-58.A.1.j (2) of the Board of Appeals' Rules, found in B.C.Z.R., a finding of error may be warranted where uses generally allowable under the prospective classification are compatible with the present and projected development or character of the surrounding area. Clearly a MH zoning classification for this property is compatible with the existing industrially-zoned properties that surround it. This is particularly the case given the fact that much of this property is presently being used as a sanitary landfill and in part as a truck facility in connection with the landfill.

It was apparently the intent of the County Council, when it rezoned this property to RC-2, to shut down the Norris Farm Landfill. However, since the County Council merely intended to shut down the existing landfill, it should not have included within that down-zoning those areas of the property which are heavily wooded (and not a part of the landfill), as well as those portions of the property which have not been used for landfill purposes. (See attached plat for designated areas). The County Council was aware that these portions were being included in the overall reclassification of the landfill, and that such portions had never been used as part of the existing landfill area. Therefore, inclusion of these areas in the RC-2 zone was error and contrary to the County Council's intent in down-zoning the property.

Furthermore, the down-zoning of the Norris Farm property is contrary to the growth strategies contemplated in the Baltimore County Master Plan, and therefore in error. At page 52 - 53,

Board of Appeals for Baltimore County
August 29, 1985
Page 3

Volume 1, Land Use Element, Baltimore County Master Plan, the Back River Community is designated as having no land use conflict between manufacturing and residential neighborhoods. Arbitrarily removing an important industrial zone from the Back River community clearly does not comport with the land use growth strategies contemplated in the Baltimore County Master Plan.

Moreover, down-zoning of this property to RC-2 clearly does not fall within that zoning classification's purposes. §1A01.1.B (B.C.Z.R.) reads in pertinent part as follows:

> PURPOSES: The RC-2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

Petitioner finds it hard to imagine a parcel of ground less agriculturally productive than 227 acres which are surrounded by industrial uses. The property is neither existing farm land nor, because of its prior use as a sanitary landfill, will it ever be suitable for farming in the future by reason of the fact that the topsoil to be placed on the landfill area may not be tilled to prevent the formation of leaching agents and because of concerns that any crops grown in the area may be contaminated by the underlying fill. Furthermore, it is BFI's intention to develop the landfill area into a park or recreation area, precluding farming thereof. Even if these conditions change in the future, it is impractical to contemplate the farming of a 227 acre parcel in the middle of a commercial and industrial area.

Finally, the down-zoning of the property to RC-2 is so severe that it renders the property useless to BFI for any practical purpose. Therefore, BFI may successfully challenge such down-zoning on the grounds that it was confiscatory in nature and violates the equal protection clause and equal protection amendment found in the United States Constitution and the Maryland Constitution, respectively. Where a zoning action is so severe that it violates the property owner's constitutional rights, error must clearly be recognized.

Board of Appeals for Baltimore County
August 29, 1985
Page 4

For these reasons, and those reasons which may be addressed by legal memorandum at the appropriate time, it is submitted that error or mistake has been made in rezoning this property to RC-2 and it is respectfully requested that the Petition for Reclassification be granted by this Board.

Yours truly,

John B. Howard
Attorney for Petitioner

JBH:dmh

Enclosures

Greater Dundalk Community Council

1576 Merritt Boulevard
Dundalk, MD 21222

February 18, 1985

Baltimore County Board of Appeals
Room 200 Court House
Towson, Maryland 21204

BE IT RESOLVED THAT MRS. JUDITH O. BOGGS, WHO RESIDES AT 3411 CORNWALL ROAD, DUNDALK, MARYLAND, WAS DULY ELECTED ON JUNE 14, 1984, TO SERVE AS PRESIDENT OF THE GREATER DUNDALK COMMUNITY COUNCIL, A POSITION WHICH SHE CONTINUES TO HOLD UNTIL HER TERM EXPIRES IN JUNE, 1986.

THE GEOGRAPHICAL AREA REPRESENTED BY THE GREATER DUNDALK COMMUNITY COUNCIL INCLUDES THE ENTIRE PATAPSCO NECK PENINSULA, IN THE SOUTHEASTERN AREA OF BALTIMORE COUNTY. THE GREATER DUNDALK COMMUNITY COUNCIL IS AN UMBRELLA ORGANIZATION WITH 25 MEMBER ORGANIZATIONS, WHICH MEMBER ORGANIZATIONS REPRESENT IN EXCESS OF 5,000 INDIVIDUALS.

ON FEBRUARY 13, 1985, THE GREATER DUNDALK COMMUNITY COUNCIL VOTED UNANIMOUSLY TO OPPOSE THE RECLASSIFICATION OF THE NORRIS LANDFILL PROPERTY; AND HEREBY AUTHORIZES JUDITH O. BOGGS TO TESTIFY IN THE COUNCIL'S BEHALF AT THE BOARD OF APPEALS HEARING ON TUESDAY, MARCH 4, 1986.

RESPECTFULLY,

JUDITH O. BOGGS, PRESIDENT

WALT L. STEALEY, VICE PRESIDENT

GAYLE JOHNSON ADAMS, SECRETARY

RECEIVED COUNTY BOARD OF APPEALS 1986 FEB 21 P 12:01

I DO SOLEMNLY DECLARE AND AFFIRM THAT THE FOREGOING MATTERS AND FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT I AM COMPETENT TO SO STATE.

JUDITH O. BOGGS, PRESIDENT

WALT L. STEALEY, VICE PRESIDENT

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

February 19, 1986

...Hackett
...County Board of Appeals
...ore County
...Court House
...ryland 21204

...etition for Reclassification
...rowning Ferris Industries (BFI), Petitioner
...rris Farm Property at Trappe Road,
...th Election District

...ackett:

... are aware, I represent Browning Ferris Industries ... counsel in the above captioned Petition for ...cation presently scheduled for hearing on March 4, ...

...ations have been underway for many months between ...Ferris and Baltimore County toward the resolution of ...differences; and I have been advised by John Lewin, ...or Browning Ferris in those matters, that he and George ...Special Counsel for Baltimore County, are very close ... resolution. It is doubtful, however, that definitive ... will be in hand by March 4.

...ingly, it would appear to be in the best interests ...rties that a continuance be considered. I will appear ...eduled hearing to formerly present this request. Unless ...m you to the contrary, I will not be prepared to present ...ce.

William T. Hackett
February 19, 1986
page 2

Thank you very much for you consideration in this matter.

Very truly yours,

John B. Howard

JBH/jhr
cc: John H. Lewin, Jr., Esquire
George A. Nilson, Esquire
Phyllis C. Friedman, Esquire

Baltimore County, Maryland
PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN, People's Counsel
PETER MAX ZIMMERMAN, Deputy People's Counsel

February 27, 1986

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., P.O. Box 5517
Towson, Maryland 21204

RE: Browning Ferris, Inc., Petitioner
Zoning Case #R-86-335

Dear Mr. Howard:

We are in receipt of your letter dated February 19, 1986, in reference to the above case and do not oppose your request for a continuance. We infer from your correspondence your expectation that the resolution of the differences between Browning Ferris and Baltimore County may moot the reclassification case.

So that there is no misunderstanding, please be advised that use of the subject property will be subject to the Baltimore County Zoning Regulations unless used for governmental purposes as defined in the case law. Even if the property is deeded to Baltimore County, the land use would not necessarily be exempt from the zoning regulations, particularly if put to a proprietary or industrial use. In other words, it may well be that the zoning reclassification case will not be moot.

If you have any questions, please do not hesitate to call this office.

Very truly yours,

CLINICAL • LAW • OFFICE

University of Maryland School of Law
510 West Baltimore Street
Baltimore, Maryland 21201

ATTORNEYS: Clinton Bamberger, John J. Capowski, Karen Czapanskiy, Stanley S. Herr, Susan P. Leviton, Nancy L. Long, Michael A. Millemann, Richard L. North, Roger C. Wolf

STAFF: Shirley M. Appelt, Administrator; Gail W. Batts; Karen J. Gallion; Tina Hill; Shirley L. Myers; Flo Smith; June H. Smith

(301) 528-2019

June 24, 1986

Docket Clerk
Baltimore County Board of Appeals
Room 200
Courthouse
Towson, Maryland 21204

Re: Browning-Ferris, Inc., Case No. R-86-335

Dear Sir or Madam:

Please place this office's name on the notification list for the next hearing date for consideration of this matter. We would also appreciate notification of any new filings in the case.

We represent the Walls-McComas Citizens Improvement Association, a group that is vitally interested in the disposition of a petition for a zoning reclassification filed in your office by Browning-Ferris, Inc.

Thank you.

Very truly yours,

Michael A. Millemann

John J. Capowski

John Dugdale
Student Attorney

RECEIVED COUNTY BOARD OF APPEALS 1986 JUN 30 A 11:15

JD/kg

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

December 10, 1987

John B. Howard, Esquire
COOK, HOWARD, DOWNES & TRACY
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21204

RE: Case No. R-86-335
Browning Ferris, Inc.

Dear Mr. Howard:

The Board is in receipt of your letter of December 9, 1987, regarding Case No. R-86-335.

Since you are the attorney of record for the Petitioner in this case, and in your letter indicate that the case is now moot, the Board will therefore dismiss your petition for reclassification and allow the case to be processed through the cycle procedure as Issue No. 7-001.

Sincerely,

William T. Hackett, Chairman
County Board of Appeals

cc: People's Counsel

bcc: Judy Sussman

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204
TELEPHONE (301) 823-4111
TELECOPIER (301) 821-0147
DIRECT DIAL NUMBER 494-9162

JAMES H. COOK, JOHN B. HOWARD, DAVID D. DOWNES, DANIEL O'C. TRACY, JR., JOHN H. ZINK, III, JOSEPH C. WICH, JR., HENRY B. PECK, JR., HERBERT R. O'CONOR, III, THOMAS L. HUDSON, C. CAREY DEELEY, JR., M. KING HILL, III, GEORGE K. REYNOLDS, III, ROBERT A. HOFFMAN, CYNTHIA M. HAHN

JUDITH A. ARNOLD, DEBORAH C. DOPKIN, KATHLEEN GALLOGLY COX, KEVIN H. SMITH, J. MICHAEL BRENNAN, H. BARRITT PETERSON, JR., KATHRYN L. KOTZ, JAMES K. MacALISTER, REGAN J. R. SMITH, JULIE A. STEINBERG

JAMES D. C. DOWNES (1906-1979)

December 9, 1987

HAND DELIVERY

William T. Hackett, Chairman
County Board of Appeals of Baltimore County
2nd Floor, Old Court House
Towson, Maryland 21204

Re: Petition for Reclassification
Browning Ferris, Inc., Petitioner
Case No.: R-86-335
Issue No.: 7-001

Dear Mr. Hackett:

This property has since been included in the 1988 Comprehensive Map cycle as Issue No. 7-001. Accordingly, the cycle Petition in Case Number R-86-335 is now moot and I will await your disposition in this matter.

Yours truly,

John B. Howard

JBH:bw
cc: People's Counsel
John Henry Lewin, Jr., Esquire

RECEIVED COUNTY BOARD OF APPEALS 1987 DEC 10 P 3:20

FOR ZONING RE-CLASSIFICATION RE-DISTRICTING
EXCEPTION AND/OR VARIANCE

RD OF APPEALS OF BALTIMORE COUNTY:

al owner(s) of the property situate in Baltimore County and which is
on and plat attached hereto and made a part hereof, hereby petition (1)
the herein described property be re-classified, pursuant to the Zoning Law
m an RC-2 zone to an MH-IM
en in the attached statement; and (2) for a Special Exception, under the
ning Regulations of Baltimore County, to use the herein described property,

given in the attached statement, a variance from the following sections of
ning Regulations of Baltimore County:

MAP 5526 / 4B / E. D. 15th / DATE 7/5/90 / 200 BF / 1000 BF / BP

MAP 4B SE 1 G 2-G / SECTION / DISTRICT / DATE 9/18/91 / TYPE / HEARING / BY / FINAL / BY

posted and advertised as prescribed by The Baltimore County Code.
pay expenses of above Re-classification, Special Exception and/or Variance,
ng of this petition, and further agree to and are to be bound by the zoning
ctions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Legal Owner(s):
Browning Ferris Industries Inc
(Type or Print Name)
By Bruce Ranck, Vice President
Signature
(Type or Print Name)
Signature

oner:
rd, Esq.

, Downes & Tracy
y Avenue
Box 5517
land 21204
one No.: 301-823-4111

General Motors Parts Bldg.
1800 Parkway Drive 796-8850
Address Phone No.
Hanover, Maryland 21076
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esq.
Name
P. O. Box 5517, 210 Allegheny Avenue
Towson, Maryland 21204 823-4111
Address Phone No.

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

August 30, 1985

Description to Accompany Zoning Petition
Land to be Rezoned from RC 2 to MH-IM
Norris Farm Property

Beginning for the same at a point on the MH-IM zoning line as centered on the existing rail lying within the Philadelphia, Baltimore and Washington Railroad Company R/W said point of beginning being measured North 25° 53' 12" East 1375 feet more or less from the centerline intersection of North Point Boulevard and Trappe Road, running thence binding on said MH-IM zoning line the two following courses viz: 1) northwesterly by a curve to the left having a radius of 11,459.21 feet for a distance of 842.88 feet, said curve being subtended by a chord bearing North 63° 07' 02" West 842.69 feet, and 2) North 65° 13' 28" West 546.83 feet, running thence leaving said zoning line, through the land of the petitioner the five following courses viz: 3) North 29° 19' 24" East 1,431.69 feet, 4) South 43° 46' 17" East 1,694.54 feet, 5) North 60° 29' 36" East 880.00 feet, 6) South 61° 00' 36" East 1,000 feet, and 7) South 26° 33' 53" West 1,610.05 feet to intersect the above mentioned MH-IM zoning line or center of rail, running thence binding thereon, 8) North 61° 00' 36" West 1,767.25 feet to the place of beginning.

Containing 93.4 Acres of land more or less.

NOTE: This Description To Be Used Only For Zoning Purposes.

STATE OF MARYLAND / JOHN STRONG S... / No. 3020 / REGISTERED PROFESSIONAL ENGINEER

PETITION FOR RECLASSIFICATION

LOCATION: Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way, 1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road

PUBLIC HEARING: Tuesday, March 4, 1986, at 10:00 a.m. in Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:
To reclassify the zoning status of property from an R.C. 2 Zone to a M.H.-I.M. Zone

All that parcel of land in the 15th Election District of Baltimore County

Beginning for the same at a point on the MH-IM zoning line as centered on the existing rail lying within the Philadelphia, Baltimore and Washington Railroad Company R/W said point of beginning being measured North 25° 53' 12" East 1375 feet more or less from the centerline intersection of North Point Boulevard and Trappe Road, running thence binding on said MH-IM zoning line the two following courses viz: 1) northwesterly by a curve to the left having a radius of 11,459.21 feet for a distance of 842.88 feet, said curve being subtended by a chord bearing North 63° 07' 02" West 842.69 feet, and 2) North 65° 13' 28" West 546.83 feet, running thence leaving said zoning line, through the land of the petitioner the five following courses viz: 3) North 29° 19' 24" East 1,431.69 feet, 4) South 43° 46' 17" East 1,694.54 feet, 5) North 60° 29' 36" East 880.00 feet, 6) South 61° 00' 36" East 1,000 feet, and 7) South 26° 33' 53" West 1,610.05 feet to intersect the above mentioned MH-IM zoning line or center of rail, running thence binding thereon, 8) North 61° 00' 36" West 1,767.25 feet to the place of beginning.

Containing 93.4 Acres of land more or less.

Being the property of Browning Ferris, Inc. as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

R-86-335
Item #1
Cycle II, 1985

NE/S Philadelphia, Baltimore & Washington RR Co. R/W 1,375' NE c/l of North Point Boulevard and Trappe Road — 15th District — Browning Ferris, Inc. (Norris Farm Property)

Aug. 30, 1985 — Petition filed for reclassification from RC 2 to MH-IM 93.4 acres (John B. Howard, Esq., Atty. for Petitioner

4, 1986 — Case continued in open hearing

December 10, 1997 — Letter filed by John B. Howard, Esq., counsel for Petitioner, advising that this matter, which is now an issue in the 1988 map process (Item No. 7-001), is now moot insofar as Case No. R-86-335.

December 10 — Petition DISMISSED by the Board to be processed through the cycle procedure.

R-86-336
Item #2
Cycle II, 1985

SE corner Golden Ring Rd. & McDaniel Ave. (6914/6912 Golden Ring Road) — 15th District — Joe C. Robertson, et al (James L. & Lillian M. Dake)

Aug. 20, 1985 — Petition filed for reclassification from DR 5.5 & ML to BL .50 acres & .45 acres (John O. Hennegan, Esq., Atty. for Petitioners

Mar. 11, 1986 — Case continued in open hearing

October 21 — Hearing held before the Board. (H.F.B.)

November 5 — Board DENIED zoning reclassification. (Hackett, Franz, Buchheister)

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21204

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way
1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road
Case No. R-86-335 (Cycle II - Item No. 1)

TIME: 10:00 a.m.

DATE: Tuesday, March 4, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:med

c.c. Peoples Counsel

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21204

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way
1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road
Case No. R-86-335 (Cycle II - Item No. 1)

TIME: 10:00 a.m.

DATE: Tuesday, March 4, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett
William T. Hackett, Chairman
Board of Appeals

3/4 This is probably going to be settled + dismissed, per Bill Evans.

PAID | J.H.

COUNTY
PLANNING & ZONING
MARYLAND 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Esquire
Downes & Tracy
Avenue
5517
21204

FOR ZONING RECLASSIFICATION
Philadelphia, Baltimore and Washington Railroad Company right-of-way 1,375' NE of the of North Point Blvd. and Trappe Rd.
No. R-86-335 (Cycle II - Item No. 1)

to advise you that $413.35 is due for advertising and posting property. This fee must be paid before an Order is issued.

ake the check payable to Baltimore County, Maryland, and remit to du Bois, Zoning Office, Room 113, County Office Building, d 21204, before the hearing.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

No. 018520
ACCOUNT R-01-615-000
AMOUNT $ 413.35
Downes & Tracy
posting re Case #R-86-335
*****41335: 2058F
OR SIGNATURE OF CASHIER

PETITION FOR RECLASSIFICATION
LOCATION: Northeast Side of Philadelphia, Baltimore and Washington Railroad Company right-of-way, 1,375 feet Northeast of the Centerline of North Point Boulevard and Trappe Road
PUBLIC HEARING: Tuesday, March 4, 1986, at 10:00 a.m. in Room 218, Courthouse, Towson, Maryland
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:
To reclassify the zoning status of property from an R.C. 2 Zone to a M.H.-I.M. Zone
All that parcel of land in the 15th Election District of Baltimore County.
Beginning for the same at a point on the MH-IM zoning line as centered on the existing rail lying within the Philadelphia, Baltimore and Washington Railroad Company R/W said point of beginning being measured North 25° 53' 12" East 1375 feet more or less from the centerline intersection of North Point Boulevard and Trappe Road, running thence binding on said MH-IM zoning line the two following courses viz: 1) northwesterly by a curve to the left having a radius of 11,459.21 feet for a distance of 842.88 feet, said curve being subtended by a chord bearing North 63° 07' 02" West 842.69 feet, and 2) North 65° 13' 28" West 546.83 feet, running thence leaving said zoning line, through the land of the petitioner the five following courses viz: 3) North 29° 19' 24" East 1,431.69 feet, 4) South 43° 46' 17" East 1,694.54 feet, 5) North 60° 29' 36" East 880.00 feet, 6) South 61° 00' 36" East 1,000 feet, and 7) South 26° 33' 53" West 1,610.05 feet to intersect the above mentioned MH-IM zoning line or center of rail, running thence binding thereon, 8) North 61° 00' 36" West 1,767.25 feet to the place of beginning.
Containing 93.4 Acres of land more or less.
Being the property of Browning Ferris, Inc., as shown on the plat plan filed with the Zoning Department.
BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 13, 1986

THE JEFFERSONIAN,
T. B. Venetoulis
Publisher

Cost of Advertising 35.75

R-86-335

R-86-335

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 2/13/86
Posted for: Reclassification
Petitioner: Browning Ferris, Inc.
Location of property: NE/S Phil, Balto & Wash RRC RW 1,375' NE/N Pt Blvd + Trappe Rd.
Location of Signs: ① at entrance of property at end of Trappe Rd. 1600' Fr. N.Pt. Blvd. ② Facing Rosebank Ave. approx. 6' Fr. roadway, both on property of Petitioner
Remarks: Signs placed to be visible to Public (original place on Plat not visible to Public)
Posted by [signature] Date of return: 2/21/86
Signature
Number of Signs: 2

RE: PETITION FOR RECLASSIFICATION FROM RC-2 TO MH-IM ZONE NE/S Philadelphia Rd., Baltimore & Washington Railroad Co. Right-of-Way, 1,375' NE of C/L of North Point Blvd., Route 151 & Trappe Rd., 15th District : BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

BROWNING FERRIS, INC., Petitioner : Case No. R-86-335

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

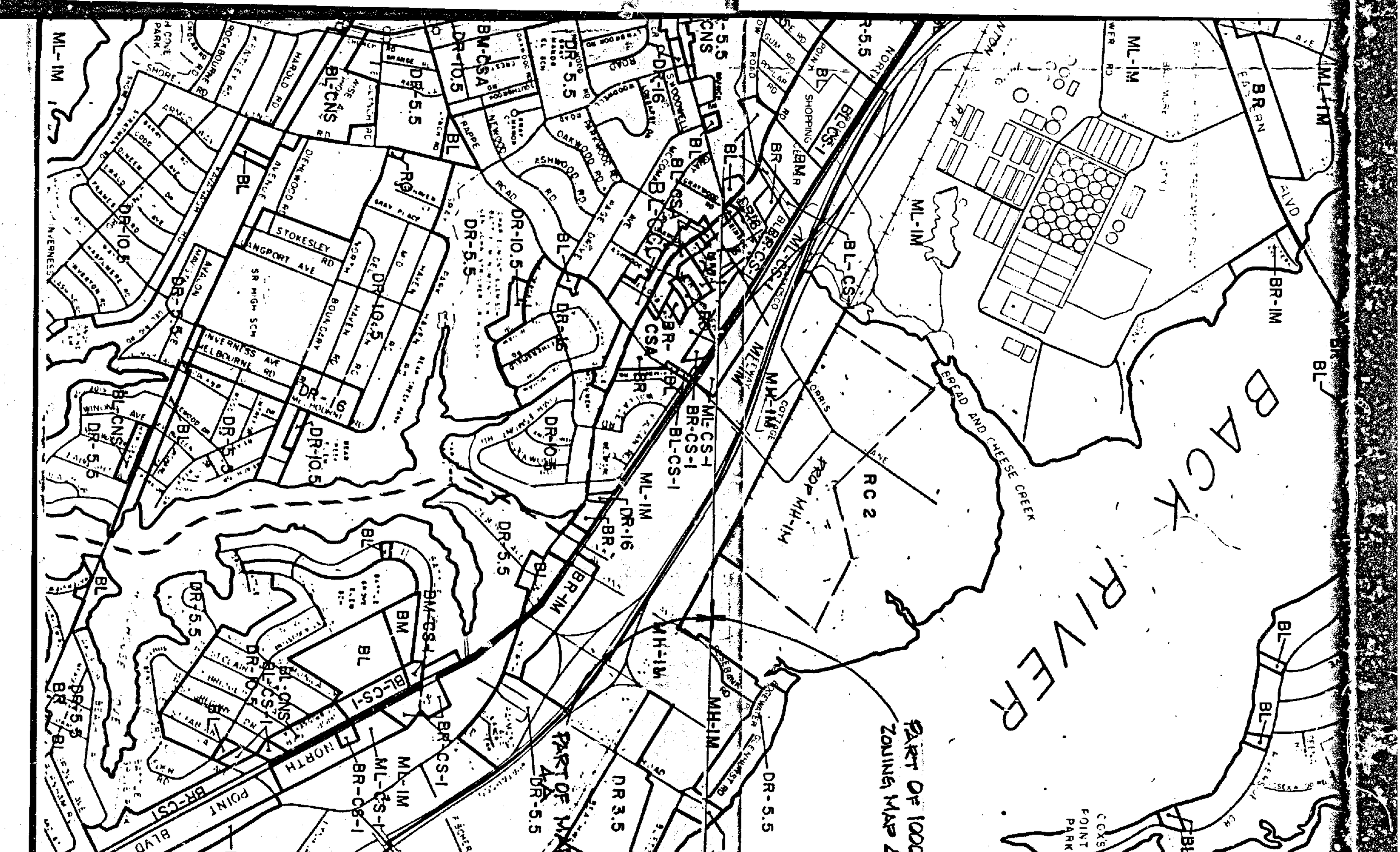
RECEIVED
COUNTY BOARD OF APPEALS
1986 FEB -7 A 9:28

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., P.O. Box 5517, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 Feb. 14, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Wm. T. Hackett in the matter of Zoning Hearings - P.O. #73357 - Req. #L87485 - 119 lines @ $47.60. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 14th day of February 1986; that is to say, the same was inserted in the issues of Feb. 13, 1986

R-86-335

Kimbel Publication, Inc.
per Publisher.
By K.C. Delker

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 5, 1985

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

RE: Item No. 1 - Cycle II
October, 1985 - April, 1986
Petitioner - Browning Ferris, Inc.
Reclassification and Redistricting Petition

Dear Mr. Howard:

This petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification and redistricting or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of your client's proposal to reclassify and redistrict this property from its current Resource, Conservation (R.C.2) classification to the Manufacturing, Heavy (M.H.) Zone - Industrial, Major (I.M.) District that existed prior to the adoption of the 1984 County-wide Comprehensive Zoning Maps, this hearing is required.

If you are not aware, the majority of this property is located within a State Critical Area and, therefore, you should contact Mr. Paul J. Solomon, Head, Information Systems Section, Office of Planning and Zoning, 494-3521, in order to solicit his comments on the requested zoning.

Item No. 1 - Cycle II
October, 1985 - April, 1986
Reclassification and Redistricting Petition
Page 2
November 5, 1985

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time. If you have any questions concerning these comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

Very truly yours,
James E. Dyer (mr)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: George William Stephens, Jr. & Associates, Inc.
P. O. Box 6828
Towson, Maryland 21204

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

September 25, 1985

Mr. William Hackett, Chairman
Board of Appeals
County Office Building
Towson, Md. 21204

Attn: Mr. James Dyer

Re: Reclassification Petitions
Cycle II - 1985
Meeting of September 17, 1985
Property Owner: Browning Ferris, Inc.
Location: NE side of Philadelphia Rd., Baltimroe and Washington Railroad Company right-of-way, 1,375' NE of the centerline of North Point Blvd. Route 151 and Trappe Road.
Existing Zoning: R.C. 2
Proposed Zoning: M.H. - I.M.
Acres: 93.4 acres
District: 15th Election District

RECEIVED
COUNTY BOARD OF APPEALS
1985 OCT -1 A 10:45

Dear Mr. Hackett:

On review of the submittal of 8-30-85 for Zoning Reclassification from RC2 to MH-IM for Browning Ferris, Inc. the State Highway Administration finds all access to the site by way of the existing North Point Blvd. (Route 151) and Trappe road intersection generally acceptable.

We (State Highway Administration) recommend the site plan of 8-30-85 be revised to show the existing highway conditions of the Route 151 and Trappe Road intersection.

The revision should include existing lanes of North Point Blvd, with Left Turn Lanes at the intersection, shoulder areas of Route 151 with existing deceleration-acceleration area at the Trappe Road intersection.

It is requested the site plan be revised prior to a hearing date being set.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

cc: Mr. J. Ogle

By: George Wittman

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

SEPTEMBER 24, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 17, 1985
Item # 1 - CYCLE II
Property Owner: BROWNING FERRIS, INC.
Location: NE/SIDE P. B+W. R.R. R/W, 1,375' N/E OF THE ℄ OF NORTH PT. BLVD. + TRAPPE RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

(X) There are no site planning factors requiring comment, AT THIS TIME.
( ) A County Review Group Meeting is required.
( ) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior to issuance of a building permit.
( ) The access is not satisfactory.
( ) The circulation on this site is not satisfactory.
( ) The parking arrangement is not satisfactory.
( ) Parking calculations must be shown on the plan.
( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
( ) The amended Development Plan was approved by the Planning Board on
( ) Landscaping: Must comply with Baltimore County Landscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments: ANY FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL 56-82, THE DEVELOPMENT REGULATIONS.

cc: James Hoswell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 23, 1985

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle II	Meeting of September 17, 1985
Item No. -	1
Property Owner:	Browning Ferris, Inc.
Location:	NE side of Philadelphia, Baltimore and Washington Railroad Company right-of-way
Existing Zoning:	R.C. 2
Proposed Zoning:	M.H. - I.M.
Acres:	93.4
District:	15th Election District

Dear Mr. Hackett:

The existing RC 2 zone can be expected to generate approximately 24 trips per day and the proposed MH - IM zone can be expected to generate approximately 1400 trips per day.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/bld

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

September 23, 1985

William Hackett
Chairman, Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Browning Ferris, Inc.

Location: NE side of Phila. Rd., Balto. & Wash. R/R Co.

Item No.: 1 *Zoning Agenda:* Meetin

Gentlemen:

Pursuant to your request, the referenced property has been surveye Bureau and the comments below marked with an "X" are applicable and to be corrected or incorporated into the final plans for the prope

(x) 1. Fire hydrants for the referenced property are required an located at intervals or 300 *feet along an approved accordance with Baltimore County Standards as published by Department of Public Works.*

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts Fire Prevention Code prior to occupancy or beginning of op

(x) 5. The buildings and structures existing or proposed on the s comply with all applicable requirements of the National Fi Association Standard No. 101 "Life Safety Code", 1976 Edit to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Capt. Joseph Kelly 9-23-85 *Noted and Approved:* John F
Planning Group *Fire Prevention Burea*
Special Inspection Division

/mb

INTER-OFFICE CORRESPONDENCE

...iam Hackett, Chairman, Board of Appeals
...s Dyer, Zoning Supervisor Date September 24, 1985
...E. Burnham, Chief, Building Plans Review, Department of Permits and Licenses C2B
...le II Zoning
...ting Scheduled 9/17/85

...owning Ferris, Inc.
... side of Philadelphia, Baltimore and Washington Railroad Company right-of-way, 1,375' NE of the centerline of North Point Blvd. and Trappe Road.
...th. Election District

...y type of structures be anticipated on the above Section 516.0, the Tidal Inundation requirements ...l Bill #17-85 could be applicable. All proposed ...ion shall comply with the above Bill known as the County Building Code, which includes the 1984 ...of the B.O.C.A. Basic Building, Mechanical and Energy

... comment from this office at this time.

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Zoning Commissioner
Date: November 5, 1985

FROM: Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT: Browning Ferris, Inc. – Petition for Zoning Change, Cycle II, Back River Landfill Site

This site and area petitioned for change is substantially located within the Chesapeake Bay Critical Area. The County is required to determine compliance with the State Critical Area legislation. However, the County cannot review this petition for compliance until the petitioner provides the basic, applicable data specified in the attached outline. The petitioner is encouraged to meet with us prior to initiating the study in order to clarify the data that is necessary.

Norman E. Gerber, AICP, Director
Office of Planning and Zoning

NEG:PJS:vh

Attachment: Outline, data

cy: William T. Hackett, Chairman, County Board of Appeals
John B. Howard, Esq., 210 Allegheny Ave., Towson, Md. 21204
James G. Hoswell, Planner, Office of the Director
Paul J. Solomon, Head, Environmental Planning Sec., OPZ

RECEIVED COUNTY BOARD OF APPEALS 1985 NOV -7 P 1:01

CPS-008

OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER, DIRECTOR

October 15, 1984

TO: INTERESTED PARTIES

FROM: EUGENE A. BOBER, Chief, Current Planning & Development Division, OPZ

RE: Interim Critical Areas Requirements for Baltimore County

On June 1, 1984, Governor Hughes signed into law the Chesapeake Bay Critical Areas Commission Bill. Among other things, this law designates a "critical area" of concern around the Bay which essentially is 1,000 feet from the landward edge of State wetlands or the shoreline of the Chesapeake Bay and its tidal tributaries. A special administrative commission was established with one of its principal purposes being the development of criteria for the protection of the water quality and plant and wildlife habitats of the Chesapeake Bay. Counties are to use these criteria to develop and implement programs to guide coastal land use in an environmentally sensitive manner. These programs will not be in effect for at least three to four years and, until then, the County must abide by the interim regulations set forth in Section 1813 of the law. The relevant portions of this section are quoted below.

> From June 1, 1984 with regard to any subdivision plat approval or approval of a zoning amendment, variance, special exception, conditional use permit or use of a floating zone, affecting any land or water area located within the initial planning area identified in Section 8-1807(A) of this subtitle, for which application is completed after that date, the approving authority of the local jurisdiction in rendering its decision to approve an application shall make specific findings that:
>
> (1) The proposed development will minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands; and
>
> (2) The applicant has identified fish, wildlife, and plant habitat which may be adversely affected by the proposed development and has designed the development so as to protect those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves.

CRITICAL AREAS INFORMATION REQUIREMENTS
BALTIMORE COUNTY

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
CRITICAL AREA	Critical Areas Boundary	Map in Offices of Planning and Zoning, Current Planning & Development Div.	Critical Areas Information Map*
WATER DEPTH	Average water depth within 50' of shoreline at mean high tide to be shown at 1' intervals. This is to be done for water bodies on and adjacent to the site as well as for the major tributaries into which the site drains.	Nautical Maps	Critical Areas Information Map. If data are unavailable, field estimates or descriptions may be substituted.
SHORELINE	1. Shoreline rates of erosion or accretion	Historical Shorelines and Erosion Rates, Maryland Geological Survey, 1975	Critical Areas Information Text**
	2. Shoreline erosion control structures or projects	Shoreline Structures in Maryland; Their Location and Extent, Maryland Geological Survey, 1976 or latest available information	Critical Areas Information Map

*Critical Areas Information Map is a map of the site detailing the requested environmental information. Lot lines, roads, utility lines, etc. should not be included and the scale and size must be the same as that used for the site development plan.

**Critical Areas Information Text is a written report, describing the requested environmental information.

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
PLANT HABITATS	1. Mapping of submerged aquatic vegetation (SAV) and description in terms of species composition and extent. This is to be done for SAV beds on and/or adjacent to the site as well as for beds in the vicinity into which the site drains.	State Wetlands Maps and SAV Distribution 1978 USGS Quads 7-1/2' (available at Water Resources Administration). Updated maps will be available this fall. Site investigations should be to a water depth of 15'.	Critical Areas Information Map or map of smaller scale only for SAVs in vicinity of site.
	2. Mapping of different vegetative habitats (ex., tidal and nontidal wetlands, woodlands, old fields, pastures, cultivated fields, etc.) and description in terms of plant communities and associations; diversity; presence of locally or regionally rare or endangered species; presence of significant coastal species; vegetation layers (overstory, mid-story, understory, herbaceous layer); successional stage, unique vegetation; etc.	Field inspection and attached references	Critical Areas Information Map and Text
	3. Approximate acreage of each habitat type	Field inspection	Critical Areas Text
WILDLIFE AND FISH HABITAT	Description of wildlife and fish habitats in relationship to the plant habitats and in terms of the availability and suitability of food and cover; continuity of habitats to determine corridor effects; presence (actual or potential) of coastal/Bay species; presence of locally or regionally rare, endangered, or threatened species; quality of nesting, breeding, or nursery sites; migrational stopovers, etc.	Field inspection and attached references	Critical Areas Text

NOTE: "Fish and wildlife" is defined to include finfish, crustaceans, mollusks, mammals, birds, amphibians, ...

SUBJECT	SPECIFIC INFORMATION	SOURCE	SUBMITTAL FORM
MITIGATIVE MEASURES	A detailed comprehensive summary of the measures the applicant will take to minimize runoff, soil erosion, sedimentation, people pressure, etc. This is to include (1) a discussion of stormwater management alternatives including each alternative's potential impacts on water quality and/or plant habitats, especially wetlands; (2) a discussion of the sediment control practices to be implemented including the additional measures the applicant will be taking to protect water quality and critical habitats; (3) a discussion of environmental protection design measures such as buffers, reduction of vegetation removal, covenants regarding pesticide and fertilizer applications, reduction of impervious surfaces, etc.		Critical Areas Information
PLANT HABITATS	Approximate percentage of each habitat type that will be lost due to development.		

References for Plant, Wildlife, and Fish Habitat

...74. Wetlands, bogs, marshes, and swamps.
... 1983. Textbook of limnology. Toronto: C.V. Mosby
...R and H. A. GLEASON. 1963. Manual of vascular plants of ...rn United States and adjacent Canada. New York: ...trand.
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... C. 1975. A manual of aquatic plants. Madison, Wisc: ...of Wisconsin Press.
... 1950. Gray's manual of botany 8th ed. New York: American
...A. 1952. Illustrated flora of northeastern United States ...t Canada. New York: Dover Publications, Inc.
... 1964. Fruit key and twig key to trees and shrubs. ...Dover Publications, Inc.
...972. Common marsh, underwater, and floating-leaved ...the United States and Canada. New York: Dover ...s.
... 1966. Freshwater life. New York: G. P. Putnam's Sons.
...L.S. ZIM and A.L. NELSON. 1955. American wildlife and ...guide to wildlife food habits. New York: Dover ...ns, Inc.
... and H. SOMES, JR. 1982. The coastal wetlands of Maryland. ...MD: Maryland Department of Natural Resources, Coastal Zone ...Program.
.... Newcomb's wildflower guide. Boston: Little, Brown
...63. Ecology.
...damentals of ecology.
...nd M. McKENNY. 1968. A field guide to wildflowers ...tern and north-central North America. Boston: ...fflin Co.
...972. A field guide to trees and shrubs. Boston: ...fflin Co.
... 1977. Wetland plants of the eastern United States. ...rmy Corps of Engineers.

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

August 29, 1985

Board of Appeals for Baltimore County
Old Court House - 2nd Floor
Towson, Maryland 21204

RE: Petition for Reclassification
Browning Ferris Industries (BFI), Petitioner
Norris Farm Property at Trappe Road,
15th Election District

Dear Sir or Madam:

This firm represents BFI in its Petition for Reclassification and Districting of the above-referenced property from RC-2 to MH-IM. The Norris Farm property is currently being used by the County in part for its solid waste management plan as the Norris Farm Sanitary Landfill.

The attached plats and zoning maps that accompany this Petition show that the reclassification requested by BFI involves a 93 acre parcel of land which has been carved out of the larger 227 acre Norris Farm property. BFI will be using only approximately 20 acres of this parcel which are the most suitable for development in connection with BFI's intended purpose. The remaining acreage will be used as a buffer between the BFI development and the adjacent properties. BFI will be willing to impose restrictive covenants on the buffered and unused proposed MH-IM portions of this property to preclude any present or future development thereof, or, if feasible, to sell such portions of the property to the County.

This Petition for Reclassification and Districting of an RC zone may be granted by the Board pursuant to §1A00.3.A.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.), since the

Board of Appeals for Baltimore County
August 29, 1985
Page 2

property is currently serviced by public sewerage and water supply systems.

Until the 1984 comprehensive zoning maps were adopted, the entire Norris Farm property had been zoned MH-IM. It is submitted that the down-zoning of this property from MH-IM to RC-2 was clearly error and/or mistake for the following reasons:

A quick review of the 200' and 1000' scale zoning maps, which are attached, shows the subject property is almost entirely surrounded by industrially-zoned properties. To the north is the ML-IM zoned Back River Sewerage Treatment Plant and to the west is an MH-IM zoned Truck Facility. To the east is MH-IM zoned property and a small area which is zoned DR-5.5, leaving an island of "agricultural" property in the midst of heavy industry.

Under §2-58.A.1.j (2) of the Board of Appeals' Rules, found in B.C.Z.R., a finding of error may be warranted where uses generally allowable under the prospective classification are compatible with the present and projected development or character of the surrounding area. Clearly a MH zoning classification for this property is compatible with the existing industrially-zoned properties that surround it. This is particularly the case given the fact that much of this property is presently being used as a sanitary landfill and in part as a truck facility in connection with the landfill.

It was apparently the intent of the County Council, when it rezoned this property to RC-2, to shut down the Norris Farm Landfill. However, since the County Council merely intended to shut down the existing landfill, it should not have included within that down-zoning those areas of the property which are heavily wooded (and not a part of the landfill), as well as those portions of the property which have not been used for landfill purposes. (See attached plat for designated areas). The County Council was aware that these portions were being included in the overall reclassification of the landfill, and that such portions had never been used as part of the existing landfill area. Therefore, inclusion of these areas in the RC-2 zone was error and contrary to the County Council's intent in down-zoning the property.

Furthermore, the down-zoning of the Norris Farm property is contrary to the growth strategies contemplated in the Baltimore County Master Plan, and therefore in error. At page 52 - 53,

Board of Appeals for Baltimore County
August 29, 1985
Page 3

Volume 1, Land Use Element, Baltimore County Master Plan, the Back River Community is designated as having no land use conflict between manufacturing and residential neighborhoods. Arbitrarily removing an important industrial zone from the Back River community clearly does not comport with the land use growth strategies contemplated in the Baltimore County Master Plan.

Moreover, down-zoning of this property to RC-2 clearly does not fall within that zoning classification's purposes. §1A01.1.B (B.C.Z.R.) reads in pertinent part as follows:

> PURPOSES: The RC-2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

Petitioner finds it hard to imagine a parcel of ground less agriculturally productive than 227 acres which are surrounded by industrial uses. The property is neither existing farm land nor, because of its prior use as a sanitary landfill, will it ever be suitable for farming in the future by reason of the fact that the topsoil to be placed on the landfill area may not be tilled to prevent the formation of leaching agents and because of concerns that any crops grown in the area may be contaminated by the underlying fill. Furthermore, it is BFI's intention to develop the landfill area into a park or recreation area, precluding farming thereof. Even if these conditions change in the future, it is impractical to contemplate the farming of a 227 acre parcel in the middle of a commercial and industrial area.

Finally, the down-zoning of the property to RC-2 is so severe that it renders the property useless to BFI for any practical purpose. Therefore, BFI may successfully challenge such down-zoning on the grounds that it was confiscatory in nature and violates the equal protection clause and equal protection amendment found in the United States Constitution and the Maryland Constitution, respectively. Where a zoning action is so severe that it violates the property owner's constitutional rights, error must clearly be recognized.

Board of Appeals for Baltimore County
August 29, 1985
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For these reasons, and those reasons which may be addressed by legal memorandum at the appropriate time, it is submitted that error or mistake has been made in rezoning this property to RC-2 and it is respectfully requested that the Petition for Reclassification be granted by this Board.

Yours truly,

John B. Howard
Attorney for Petitioner

JBH:dmh

Enclosures

Greater Dundalk Community Council
1576 Merritt Boulevard
Dundalk, MD 21222

February 18, 1985

Baltimore County Board of Appeals
Room 200 Court House
Towson, Maryland 21204

BE IT RESOLVED THAT MRS. JUDITH O. BOGGS, WHO RESIDES AT 3411 CORNWALL ROAD, DUNDALK, MARYLAND, WAS DULY ELECTED ON JUNE 14, 1984, TO SERVE AS PRESIDENT OF THE GREATER DUNDALK COMMUNITY COUNCIL, A POSITION WHICH SHE CONTINUES TO HOLD UNTIL HER TERM EXPIRES IN JUNE, 1986.

THE GEOGRAPHICAL AREA REPRESENTED BY THE GREATER DUNDALK COMMUNITY COUNCIL INCLUDES THE ENTIRE PATAPSCO NECK PENINSULA, IN THE SOUTHEASTERN AREA OF BALTIMORE COUNTY. THE GREATER DUNDALK COMMUNITY COUNCIL IS AN UMBRELLA ORGANIZATION WITH 25 MEMBER ORGANIZATIONS, WHICH MEMBER ORGANIZATIONS REPRESENT IN EXCESS OF 5,000 INDIVIDUALS.

ON FEBRUARY 13, 1985, THE GREATER DUNDALK COMMUNITY COUNCIL VOTED UNANIMOUSLY TO OPPOSE THE RECLASSIFICATION OF THE NORRIS LANDFILL PROPERTY; AND HEREBY AUTHORIZES JUDITH O. BOGGS TO TESTIFY IN THE COUNCIL'S BEHALF AT THE BOARD OF APPEALS HEARING ON TUESDAY, MARCH 4, 1986.

RECEIVED COUNTY BOARD OF APPEALS 1986 FEB 21 P 12:01

RESPECTFULLY,

JUDITH O. BOGGS, PRESIDENT

WALT L. STEALEY, VICE PRESIDENT

GAYLE JOHNSON ADAMS, SECRETARY

I DO SOLEMNLY DECLARE AND AFFIRM THAT THE FOREGOING MATTERS AND FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT I AM COMPETENT TO SO STATE.

JUDITH O. BOGGS, PRESIDENT

WALT L. STEALEY, VICE PRESIDENT

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

February 19, 1986

...Hackett
...County Board of Appeals
...more County
...Court House
...ryland 21204

...etition for Reclassification
...rowning Ferris Industries (BFI), Petitioner
...rris Farm Property at Trappe Road,
...th Election District

...ackett:

... are aware, I represent Browning Ferris Industries ... counsel in the above captioned Petition for ...cation presently scheduled for hearing on March 4, ...

...ations have been underway for many months between ...Ferris and Baltimore County toward the resolution of ...differences; and I have been advised by John Lewin, ...or Browning Ferris in those matters, that he and George ...Special Counsel for Baltimore County, are very close ... resolution. It is doubtful, however, that definitive ... will be in hand by March 4.

...ingly, it would appear to be in the best interests ...rties that a continuance be considered. I will appear ...heduled hearing to formerly present this request. Unless ...om you to the contrary, I will not be prepared to present ...ce.

William T. Hackett
February 19, 1986
page 2

Thank you very much for you consideration in this matter.

Very truly yours,

John B. Howard

JBH/jhr
cc: John H. Lewin, Jr., Esquire
George A. Nilson, Esquire
Phyllis C. Friedman, Esquire

Baltimore County, Maryland
PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN, People's Counsel
PETER MAX ZIMMERMAN, Deputy People's Counsel

February 27, 1986

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Ave., P.O. Box 5517
Towson, Maryland 21204

RE: Browning Ferris, Inc., Petitioner
Zoning Case #R-86-335

Dear Mr. Howard:

We are in receipt of your letter dated February 19, 1986, in reference to the above case and do not oppose your request for a continuance. We infer from your correspondence your expectation that the resolution of the differences between Browning Ferris and Baltimore County may moot the reclassification case.

So that there is no misunderstanding, please be advised that use of the subject property will be subject to the Baltimore County Zoning Regulations unless used for governmental purposes as defined in the case law. Even if the property is deeded to Baltimore County, the land use would not necessarily be exempt from the zoning regulations, particularly if put to a proprietary or industrial use. In other words, it may well be that the zoning reclassification case will not be moot.

If you have any questions, please do not hesitate to call this office.

Very truly yours,

CLINICAL • LAW • OFFICE

University of Maryland School of Law
510 West Baltimore Street
Baltimore, Maryland 21201

ATTORNEYS: Clinton Bamberger, John J. Capowski, Karen Czapanskiy, Stanley S. Herr, Susan P. Leviton, Nancy L. Long, Michael A. Millemann, Richard L. North, Roger C. Wolf

STAFF: Shirley M. Appelt, Administrator; Gail W. Batts; Karen J. Gallion; Tina Hill; Shirley L. Myers; Flo Smith; June H. Smith

(301) 528-2019

June 24, 1986

Docket Clerk
Baltimore County Board of Appeals
Room 200
Courthouse
Towson, Maryland 21204

Re: Browning-Ferris, Inc., Case No. R-86-335

Dear Sir or Madam:

Please place this office's name on the notification list for the next hearing date for consideration of this matter. We would also appreciate notification of any new filings in the case.

We represent the Walls-McComas Citizens Improvement Association, a group that is vitally interested in the disposition of a petition for a zoning reclassification filed in your office by Browning-Ferris, Inc.

Thank you.

Very truly yours,

Michael A. Millemann

John J. Capowski

John Dugdale
Student Attorney

JD/kg

RECEIVED COUNTY BOARD OF APPEALS 1986 JUN 30 A 11:15

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

December 10, 1987

John B. Howard, Esquire
COOK, HOWARD, DOWNES & TRACY
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21204

RE: Case No. R-86-335
Browning Ferris, Inc.

Dear Mr. Howard:

The Board is in receipt of your letter of December 9, 1987, regarding Case No. R-86-335.

Since you are the attorney of record for the Petitioner in this case, and in your letter indicate that the case is now moot, the Board will therefore dismiss your petition for reclassification and allow the case to be processed through the cycle procedure as Issue No. 7-001.

Sincerely,

William T. Hackett, Chairman
County Board of Appeals

cc: People's Counsel

bcc: Judy Sussman

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
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TELEPHONE (301) 823-4111
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DIRECT DIAL NUMBER 494-9162

JAMES H. COOK, JOHN B. HOWARD, DAVID D. DOWNES, DANIEL O'C. TRACY, JR., JOHN H. ZINK, III, JOSEPH C. WICH, JR., HENRY B. PECK, JR., HERBERT R. O'CONOR, III, THOMAS L. HUDSON, C. CAREY DEELEY, JR., M. KING HILL, III, GEORGE K. REYNOLDS, III, ROBERT A. HOFFMAN, CYNTHIA M. HAHN

JUDITH A. ARNOLD, DEBORAH C. DOPKIN, KATHLEEN GALLOGLY COX, KEVIN H. SMITH, J. MICHAEL BRENNAN, H. BARRITT PETERSON, JR., KATHRYN L. KOTZ, JAMES K. MacALISTER, REGAN J. R. SMITH, JULIE A. STEINBERG

JAMES D. C. DOWNES (1906-1979)

December 9, 1987

HAND DELIVERY

William T. Hackett, Chairman
County Board of Appeals of Baltimore County
2nd Floor, Old Court House
Towson, Maryland 21204

Re: Petition for Reclassification
Browning Ferris, Inc., Petitioner
Case No.: R-86-335
Issue No.: 7-001

Dear Mr. Hackett:

This property has since been included in the 1988 Comprehensive Map cycle as Issue No. 7-001. Accordingly, the cycle Petition in Case Number R-86-335 is now moot and I will await your disposition in this matter.

Yours truly,

John B. Howard

JBH:bw
cc: People's Counsel
John Henry Lewin, Jr., Esquire

RECEIVED COUNTY BOARD OF APPEALS 1987 DEC 10 P 3:20