

2001-09

September 27, 2001

Mr. Robert R. Strott
Constellation Real Estate
8815 Centre Park Drive
Suite 104
Columbia, Maryland 21045

Dear Mr. Strott,

RE: National Waste Managers, Inc./Chesapeake Terrace Landfill

Since the late 1980's, the Forks of the Patuxent Improvement Association (FOTPIA), the Greater Odenton Improvement Association (GOIA), the Greater Crofton Council (GCC), and the Anne Arundel (AA) County administration have been in strong opposition to the above-referenced landfill.

For at least the past 10 years, all of the community groups listed above have been working together for a number of reasons to ensure that the permit for the landfill is not issued. First, there is no apparent need for such the landfill, which was why the County did not want to include it in the Solid Waste Management Plan (SWMP). Second, a huge increase of truck traffic would negatively impact residents on Conway Road and Route 3. Third, the landfill will have a direct negative impact on the quality of life of the residents of Wilsontown and surrounding area. Finally, the construction and operation of the landfill will impact the wetlands surrounding the property.

The county administration and the citizens surrounding the proposed landfill have spent countless hours and an exorbitant amount of money on preventing the landfill from becoming operational. In 1997 the landfill applicant/property owner brought a law suit against Anne Arundel County for failure to include the applicant in the 10-year Solid Waste Management Plan (SWMP). In the most recent court decision, the county was ordered to send a letter to the Maryland Department of Environment (MDE) stating that the Chesapeake Terrace Rubble Landfill meets all applicable county zoning and land use requirements and is in conformity with the AA County SWMP.

While all of these legal issues were being addressed, the applicant continued the process of applying for a surface mining and rubble landfill permit with MDE. One of the obstacles that the applicant must overcome is the issue of ingress and egress. The access road proposed by the applicant and approved by the Board of Appeals is not a direct route. In order for the applicant to gain the required access to his property, he must construct a route across four adjoining parcels of land. Use of this route must be through purchase of the land in fee simple (see attachment). This has been a difficult task for the applicant because the first parcel is owned by a private citizen, the second parcel is owned by Constellation Energy Group (existing power line), the third parcel is owned by the county for use as a hiker/biker trail, and the fourth is owned by Piney Orchard Master Partnership. We are contacting you as it is our understanding that Mr. Warren "Cookie" Halle

is interested in gaining access to his property via the property owned by Constellation Energy Group.

In the event that Piney Orchard Master Partnership is contacted regarding the purchase of the parcel, we wanted to be sure you understand that the following organizations are adamantly opposed to the landfill. We are interested in knowing what your intent might be in this matter and would appreciate your sharing that information with us.

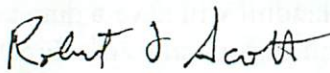
Should you have any questions, or desire additional information, please feel free to contact Catherine Fleshman at (410) 721-5181.

Sincerely,

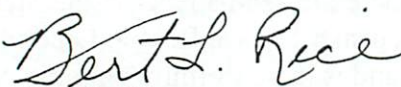
Forks of the Patuxent Improvement Association, Inc.
PO Box 477, Odenton 21113


Buz Meyer
Environmental Committee, Chairperson

Greater Crofton Council
PO Box 3683, Crofton 21114


Robert J. Scott
President

Greater Odenton Improvement Association, Inc.
PO Box 141, Odenton 21113


Bert L. Rice
President

cc:

Senator Robert R. Neall, District 33
Delegate Robert C. Baldwin, District 33
Delegate Janet Greenip, District 33
Delegate David G. Boschert, District 33
County Executive Janet Owens
Councilman Bill Burlison, 4th District
Councilman John Klocko, 7th District
Ms. Linda Schuett, AA County Attorney
Ms. Christian H. Poindexter, CEO Constellation Energy Group

RE: An Appeal for Special Exceptions and a Variance to the Zoning Regulations : BEFORE THE
COUNTY BOARD OF APPEALS
HALLE COMPANIES/CHESAPEAKE TERRACE, : OF ANNE ARUNDEL COUNTY
Petitioners : CASE NOS: BA 120-90S (Halle),
BA 26-91S/BA 27-91V
: (Chesapeake Terrace)
: Hearings: April 28, 1992;
May 6, 1992; June 22, 1992;
: June 24, 1992; July 15, 1992;
July 16, 1992; August 25, 1992;
: August 31, 1992; October 22,
1992, November 4, 1992;
: November 17, 1992; November 24,
1992; May 25, 1993; July 28,
: 1993; August 26, 1993;
September 8, 1993

MEMORANDUM OF OPINION

SUMMARY OF PLEADINGS

This is an appeal from the denial of two special exceptions and a variance: for the Halle Companies (BA 120-90S), this is an appeal from the denial of a special exception to permit a sand and gravel operation in an RA district on property comprising 107.99 acres, located 695 feet along the south side of Patuxent Road, 1500 feet west of Bragers Road, Odenton; for Chesapeake Terrace (BA 26-91S/BA 27-91V) these are appeals from the denial of a special exception to permit a rubble landfill in an RA district and from the denial of a variance to permit a landfill closer to a residential area and closer to a property line than allowed for property comprising 481.6 acres (including the 107.99 acres for BA 120-90S) located 4300 feet along the southwest side of Patuxent Road, 1500 west of Bragers Road, Odenton.

this area has been completed, it will be a benefit to the community over the existing conditions. For the same reason, the Board finds that granting the variances will not substantially impair the appropriate use or development of adjacent property. Since all activity will take place on the Petitioners' property and it will be a matter of filling an eroding area, the eventual effect on the neighboring property will be positive. The Board does not need to address the Critical Area criteria for granting variances since the property is not located within the Critical Area.

ORDER

For the reasons set forth in the foregoing opinion, it is this 23rd day of December, 1993, by the County Board of Appeals of Anne Arundel County, ORDERED that the appeals are hereby granted as follows:

Special Exceptions

The special exceptions for a sand and gravel operation and rubble landfill operation are granted with the following conditions:

1. Patuxent Road shall not be used as an entrance to the operation.
2. Conway Road is to be used as the entrance to the operations, with the following conditions:

4. The hours of operation for both the rubble landfill and sand and gravel operations shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday (no weekend hours).

5. The Petitioners are to notify all land owners within three-quarters of a mile that they can opt to have the Petitioners replace a shallow well at the Petitioners' expense prior to and up until 12 months after commencement of the operations. The Petitioners are to notify all property owners within three-quarters of a mile within 60 days after Board approval of the operations. Commencement is defined as the onset of operations to begin work on the landfill.

6. The granting of the special exceptions neither approves nor denies railroad operations to bring rubble fill to the site. If a rail operation is to be used, the Petitioners shall receive further approvals from the County and other monitoring agencies.

7. Fencing shall be erected around the active operations to a height of six feet with only one lockable gate.

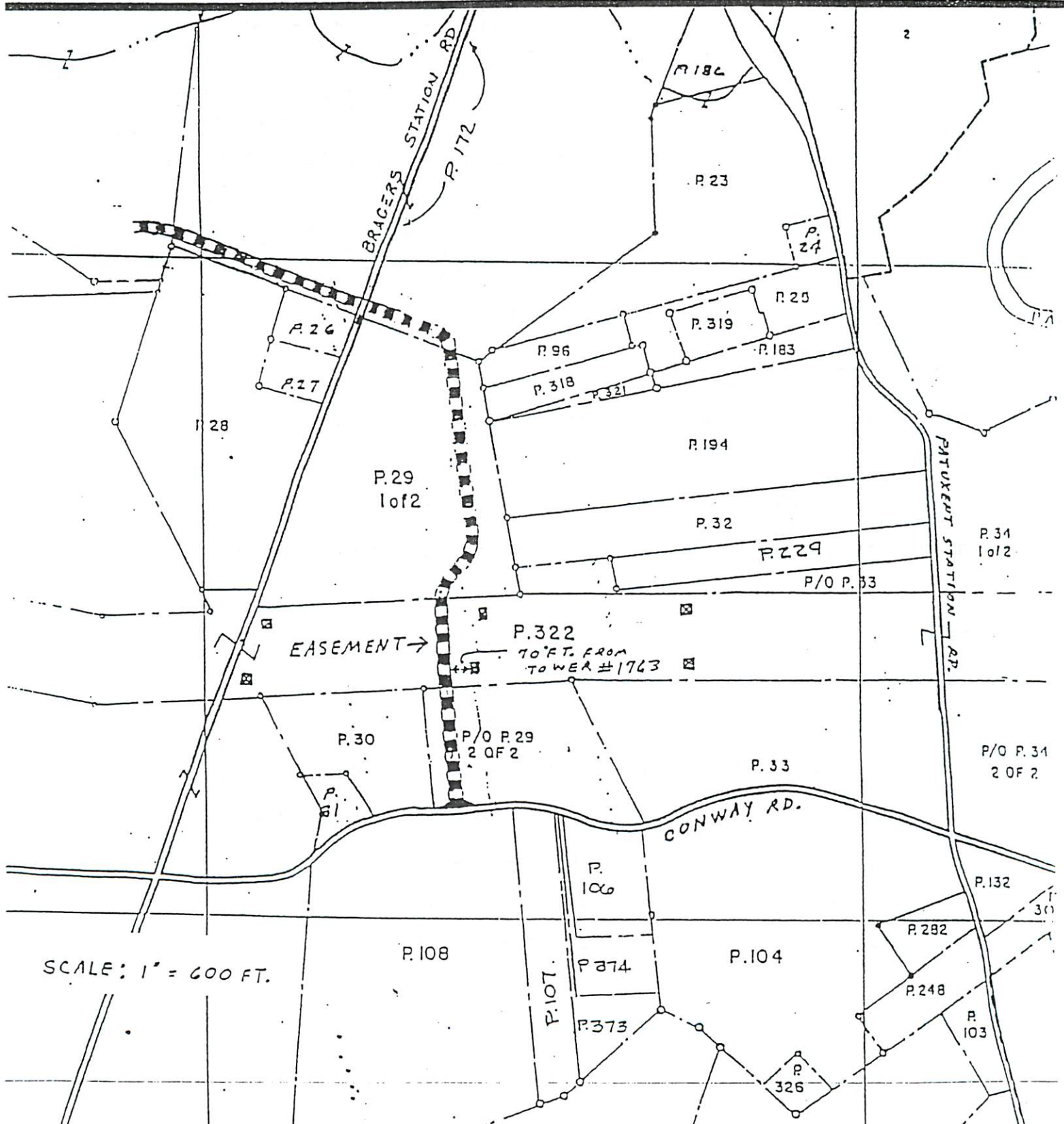
Variances

A variance to Article 28, §12-242(b)(13) is granted, establishing a variance of 760 feet; a variance to Article 28, §12-242(b)(14)(viii) is granted, establishing a variance of 100 feet.

Cheasapeake Terrace

2nd Proposed Access Road

(approved by Board of Appeals)



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Halle Companies/Chesapeake
Terrace

a. A right turn lane shall be constructed on eastbound Conway Road at Maryland Route 3 to a minimum length of 500 feet.

b. From the intersection of Patuxent Road and Conway Road to the entrance of the site, the road shall be improved with 12 foot travel lanes and 8 foot shoulders improved to county standards (pursuant to Article 26, §3-202(d), Anne Arundel County Code) where the county right-of-way exists. Additionally, the Petitioners shall pursue a diligent course to obtain the right-of-way from private property owners where possible.

c. The road improvements on Conway Road from Route 3 to Patuxent Road shall be constructed before any rubble landfill or sand and gravel operation begins; road improvements from the intersection of Conway Road and Patuxent Road to the entrance of the site are to be completed within one year of the start of operations.

d. The access obtained to the site from Conway Road shall be through a fee-simple right-of-way, not through an easement.

3. The life of the landfill operation, from the beginning of waste collection to the final waste acceptance, shall be limited to 12 years.

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