

GION

Official urged to reject landfill-project extension

Wilson Town residents say developer hasn't kept up with permit process

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Wilson Town residents urged an Anne Arundel County hearing officer yesterday not to grant more time to a Silver Spring developer to process permits for a hotly contested landfill and gravel pit proposal.

G. Macy Nelson, a Towson attorney who is working with residents of the wooded hamlet near Odenton, said at a hearing in Annapolis that developer Warren E. Halle and his agents had failed to keep up with the state's complex permit process and did not deserve an extension.

"They went about five years without asking what must be submitted [to the state]," Nelson told acting hearing officer Roger Perkins, an Annapolis attorney. Perkins was filling in for Stephen M. LeGendre, who refused himself because he had worked in the county law office during a lengthy court battle between the county and Halle over the landfill project.

Residents of Wilson Town, a historic African-American community that is part of a semi-rural area called the Forks of the Patuxent, have been fighting the proposal for years, saying it would trample on their heritage. The area was settled by Quakers who gave their meeting house to freed slaves.

Halle needs a two-year extension for existing special exceptions and variances he received from the county to operate a landfill and gravel pit in the Odenton area. Without

county's permission, his application for permits at the state level could be stalled.

Perkins said he would produce a written decision regarding the case within 30 days. Should Perkins side with opponents, the developer would be forced to reapply for special exceptions and variances, likely jeopardizing the project.

During the hearing, which lasted more than three hours and included testimony from the head of the state's solid waste management program and brief statements of opposition from more than 25 residents, Nelson sought to prove that Halle and his agents had let issues raised by the state go unanswered for months. He offered a chronology of correspondence between the state and Halle as evidence.

Halle's attorney, Susanne K. Henley of Annapolis, offered facts of her own, including testimony from a ground-water geologist that as soon as he learned that he would have to provide 12 consecutive months of ground-water tests he sought to provide such information to the state in a timely manner.

"My client, at all times, was actively pursuing this permit," she said, adding that the state didn't receive notification from the county that the landfill and gravel pit had received special exceptions and variances from the county to proceed with the project until June 2001. On average, applications for landfills and gravel pits with the state take about three years to process, or longer than the two-year time limit on county special exceptions and variances.

"At all times he has done what he was required to do," Henley said of Halle, who has owned the land, about 600 acres, for several decades.

A protracted legal battle between Halle and the county began in 1994 after a decision by the Board of Appeals to grant Halle a special exception and variance to operate a landfill and gravel pit. Halle finally prevailed in April 2001 despite action by the County Council to exclude Halle's project from the county's solid waste management plan. His project eventually was added to the plan.

Nelson said he hoped that a decision by Constellation Energy Group, which controls electrical power lines over a section of the proposed landfill site, to preserve woods through which Halle had planned to build an access road would scuttle the extension request. But Perkins dismissed the information as irrelevant.

Nelson and Forks of the Patuxent residents said yesterday that they still believe the forest preserve could put an end to the landfill for good because it will be difficult for Halle to find another route for his road. Access to the site was restricted as part of his original special exception and variance approval by the county.

Said Nelson: "We think it's a home run."