

IN THE MATTER OF	*	BEFORE THE
SHELLEY'S FIELDS	*	BOARD OF APPEALS
TSC/Cotter Road, LLC - Owner	*	FOR
For the property located at	*	BALTIMORE COUNTY
N & S/sides Cotter Road, E/side of	*	CASE NO.: CBA-14-027
Middletown Road	*	
6 th ELECTION DISTRICT	*	
3 rd COUNCILMANIC DISTRICT	*	
* * * * *		

ORDER OF DISMISSAL

This matter comes to this Board by way of an appeal filed by Lawrence E. Schmidt, Esquire on behalf of TSC/Cotter Road, LLC, Owner, from the January 6, 2014, letter from James A. Markle, P.E., Manager of Stormwater Management Section of the Department of Environmental Protection and Sustainability indicating that the stormwater management plan previously approved by Baltimore County expired on November 4, 2011.

WHEREAS, this matter was scheduled for a hearing on April 10, 2014 before the Board of Appeals;

WHEREAS, on April 2, 2014, a Joint Motion for Postponement was filed by Lawrence E. Schmidt, Esquire on behalf of TSC/Cotter Road, LLC, Owner, and Adam M. Rosenblatt, Assistant County Attorney and Assistant to the Director of Permits, Approvals and Inspections, on behalf of Baltimore County, Maryland, ("the parties"), wherein the parties indicated that they had entered into settlement negotiations;

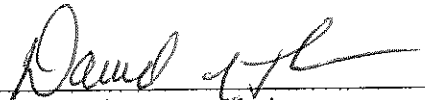
WHEREAS, on September 5, 2014, the Board received a Line Dismissing Appeal and Settlement Agreement dated August 27, 2014, filed by Adam M. Rosenblatt, Assistant County Attorney and Assistant to the Director of Permits, Approvals and Inspections, on behalf of Baltimore County, Maryland, and Timothy M. Kotroco, Esquire on behalf of TSC/Cotter Road, LLC, Owner, (a copy of which is attached hereto and made part of);

WHEREAS, the parties jointly request that the above captioned matter be dismissed;

IT IS THEREFORE ORDERED this 19th day of September, 2014 by the Board of Appeals of Baltimore County that the matter of Shelley's Fields, CBA-14-027, be and the same is hereby **DISMISSED without prejudice**.

Any petition for judicial review must be filed within 30 days from the date of this Order.

**BOARD OF APPEALS
FOR BALTIMORE COUNTY**



David L. Thurston, Chairman

**IN THE MATTER OF:
SHELLEY'S FIELDS**

Appeal filed by TSC/Cotter Road, LLC,
developer/owner

For property located:
N & S/s Cotter Road,
E/s of Middletown Road

6th Election, 3rd Council District

**BEFORE THE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**

Case No. CBA-14-027

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SEP 05 2014

BALTIMORE COUNTY
BOARD OF APPEALS

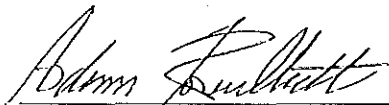
LINE DISMISSING APPEAL

Baltimore County, Maryland, and TSC/Cotter Road, LLC (collectively "the Parties"), hereby jointly request that the above-captioned appeal be dismissed for the following reasons:

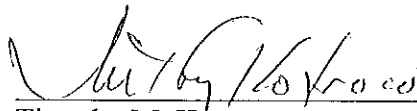
1. The Parties entered into a full and final Settlement Agreement, which is attached hereto and made a part of the record in this case.
2. Based on the attached Agreement, no further proceedings are necessary.

WHEREFORE, Baltimore County and TSC/Cotter Road, LLC hereby jointly request that the above-captioned case be dismissed.

Respectfully submitted,



Adam M. Rosenblatt
Assistant to the Director and
Assistant County Attorney
Baltimore County PAI
111 W. Chesapeake Ave, Room 105
Towson, Maryland 21204
(410) 887-3353



Timothy M. Kotroco
Whiteford, Taylor, Preston, LLP
1 W. Pennsylvania Avenue, Suite 300
Towson, MD 21204

Attorney for Appellant

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SEP 05 2014

SETTLEMENT AGREEMENT

BALTIMORE COUNTY
BOARD OF APPEALS

THIS SETTLEMENT AGREEMENT, made this 27th day of August, 2014 by and between TSC/COTTER ROAD, LLC, a Maryland limited liability company (hereinafter "TSC") and BALTIMORE COUNTY, MARYLAND, a body corporate and politic (hereinafter "Baltimore County") (each a "Party" and collectively, "Parties").

RECITALS:

WHEREAS, TSC is the contract purchaser of certain real property, known as Lot Nos. 7-20 (collectively, the "Lots") as shown on Phase 1, Plats 1 & 2 of the previously approved subdivision known as Shelley's Fields, recorded in the Land Records of Baltimore County at Plat Book SM No. 78, Pages 397 and 398 (collectively, the "Plats") along with forest buffer and forest conservation easement No. 2 (14.214 acres +/-), forest buffer and forest conservation easement number 3 (52.488 acres +/-), certain drainage and utility easements noted on or along the Lots, private ingress/egress maintenance utility easements noted on or along the Lots, a 1.660 acres +/- storm water management reservation area; undedicated portions of the roadbed of Cotter Road; proposed Homeowner's Association area (.031 acres +/-), highway widening area (.02873 acres +/-), non transferred Baltimore County access easements and all rights appertaining thereto (collectively the "Subject Property"), all as shown on the Plats and located in Baltimore County, Maryland; and,

WHEREAS, Baltimore County is a body politic with certain police powers, including but not the limited to regulation of the subdivision and development of the

Subject Property, including the implementation of certain laws and regulations governing the quantity and quality control of storm water runoff generated by development of the Subject Property; and,

WHEREAS, a development plan describing the subdivision of the tract of land of which the subject property is part was approved by the Hearing Officer of Baltimore County on October 7, 2007 pursuant to the Development Review Regulations of Baltimore County as codified in the Baltimore County Code, Article 32. That this approval was affirmed on appeal by the Board of Appeals of Baltimore County, the Circuit Court for Baltimore County and Court of Special Appeals of Maryland, the final affirmance for which was issued by the Court of Special Appeals on June 7, 2011; and,

WHEREAS, as part of the development plan review and approval process, a stormwater management plan was approved by the Baltimore County Department of Environmental Protection and Resource Management ("DEPRM"; now known as the Department of Environmental Protection and Sustainability ("EPS")) on October 2, 2008 and a small pond approval was granted by the Baltimore County Soil Conservation District on November 4, 2008; and,

WHEREAS, the State of Maryland and Baltimore County have revised and amended their regulations governing stormwater management control since the date of the approvals referenced above and the parties dispute the application of said revisions and amendments to the development of the Subject Property as shown on the Plats and approved development plan; and

WHEREAS, a dispute has arisen by and between the parties as to the validity of the stormwater management plan and approvals described herein above and whether those approvals are expired and can now be utilized by TSC. That this dispute has caused TSC to institute an appeal of the findings and conclusions of EPS as stated in a letter written by EPS to TSC's counsel dated January 6, 2014 and that said appeal is currently pending for hearing and disposition at the Board of Appeals of Baltimore County; and,

WHEREAS, the parties desire to settle their dispute so as to resolve their differences to permit development of the property while still complying, to the extent reasonably practical, with current stormwater management, sediment and erosion control and grading regulations and best management practices thereunder.

NOW THEREFORE, it is agreed as follows:

1. The recitals hereinabove are incorporated herein and shall be considered as part of this agreement.
2. That attached hereto and incorporated herein is a schematic representation prepared by TSC (collectively the "Drawing") depicting adjustments and revisions to the stormwater management plan previously approved. That the Drawing incorporates best management practices as required and recommended under the current stormwater management regulations adopted by the State of Maryland and Baltimore County, including but not limited to the inclusion of micro-bio swales, drywells, level spreaders and other best management practices as the parties may agree. Said Drawing also depicts any easement areas to be conveyed to Baltimore

County as may be required to accommodate the best management practices proposed.

3. That EPS shall promptly and expeditiously review the Drawing. It is anticipated that the Drawing will satisfy the updated stormwater management laws and will be approved by Baltimore County when presented in the form of an official stormwater management plan. The parties agree to deal with each other in good faith in order to agree upon a stormwater management plan which incorporates the best management practices shown on the Drawing.
4. TSC agrees and understands that it must obtain certain approvals from the Soil Conservation District of Baltimore County, a quasi State agency, in connection with any stormwater management plans, sediment control plans, grading plans and/or other similar plans as may be required. Baltimore County agrees to assist TSC should the District unnecessarily delay their approval process.
5. The parties further agree that no amendment, refinement or revision of the development plan or record plat shall be required and that no public hearing or Development Review Committee approval shall be required in order to bring the Subject Property into compliance with current stormwater management rules and regulations. TSC shall be bound by the best management practices as shown on the Drawing and the previously approved Final Development Plan shall be administratively amended to reflect the new stormwater management features.
6. TSC represents and warrants to Baltimore County that (i) it is duly organized, validly existing, and in good standing under the laws of the jurisdiction of its

incorporation, formation, or organization and any other jurisdictions where its activities so require, has all necessary power and authority to execute and deliver this Settlement Agreement and to perform its obligations hereunder, and has taken all necessary actions to authorize such execution, delivery, and performance; (ii) the person signing this Settlement Agreement on its behalf is duly authorized to do so on its behalf. Upon execution of this Settlement Agreement by an authorized representative, the parties shall be bound hereto.

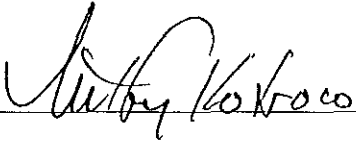
7. The parties agree that this Settlement Agreement, together with the attached Drawing, shall be submitted to the Board of Appeals along with a voluntary Notice of Dismissal, wherein TSC shall dismiss its appeal of the EPS letter dated January 6, 2014.

[SIGNATURES ON FOLLOWING PAGE]

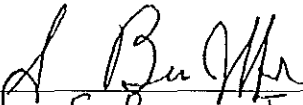
IN WITNESS WHEREOF, the Parties hereto have affixed their respective hands and seals the date and year first above written.

WITNESS/ATTEST:

WITNESS:

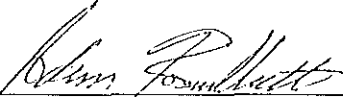


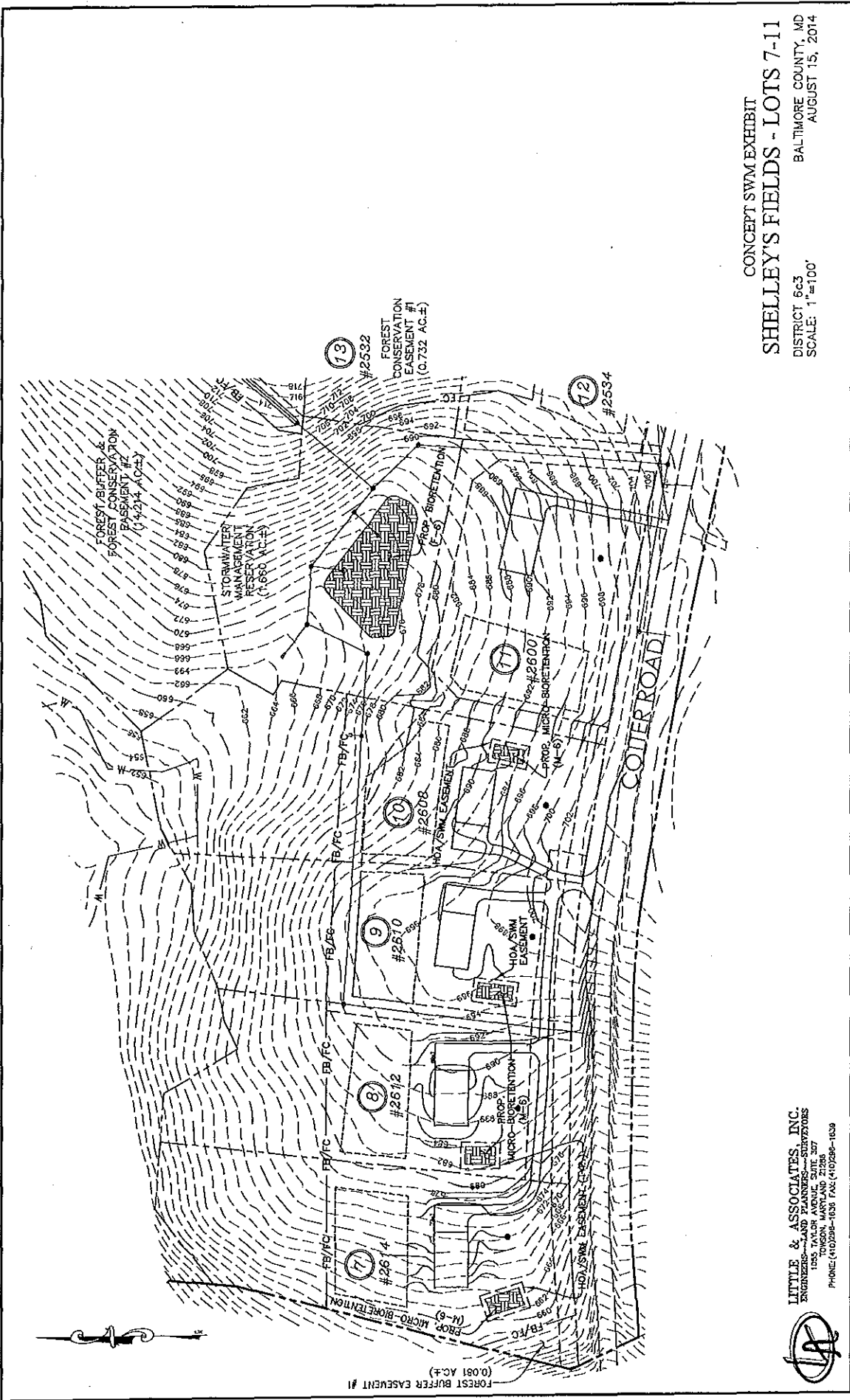
TSC/COTTER ROAD, LLC

By: 
Name: S. Bruce Jaffe
Title: Managing Manager

BALTIMORE COUNTY, MARYLAND



By: 
Name: ADAM ROSENBLATT
Title: ASST. TO PAT. DIRECTOR AND
ASST. COUNTY ATTORNEY



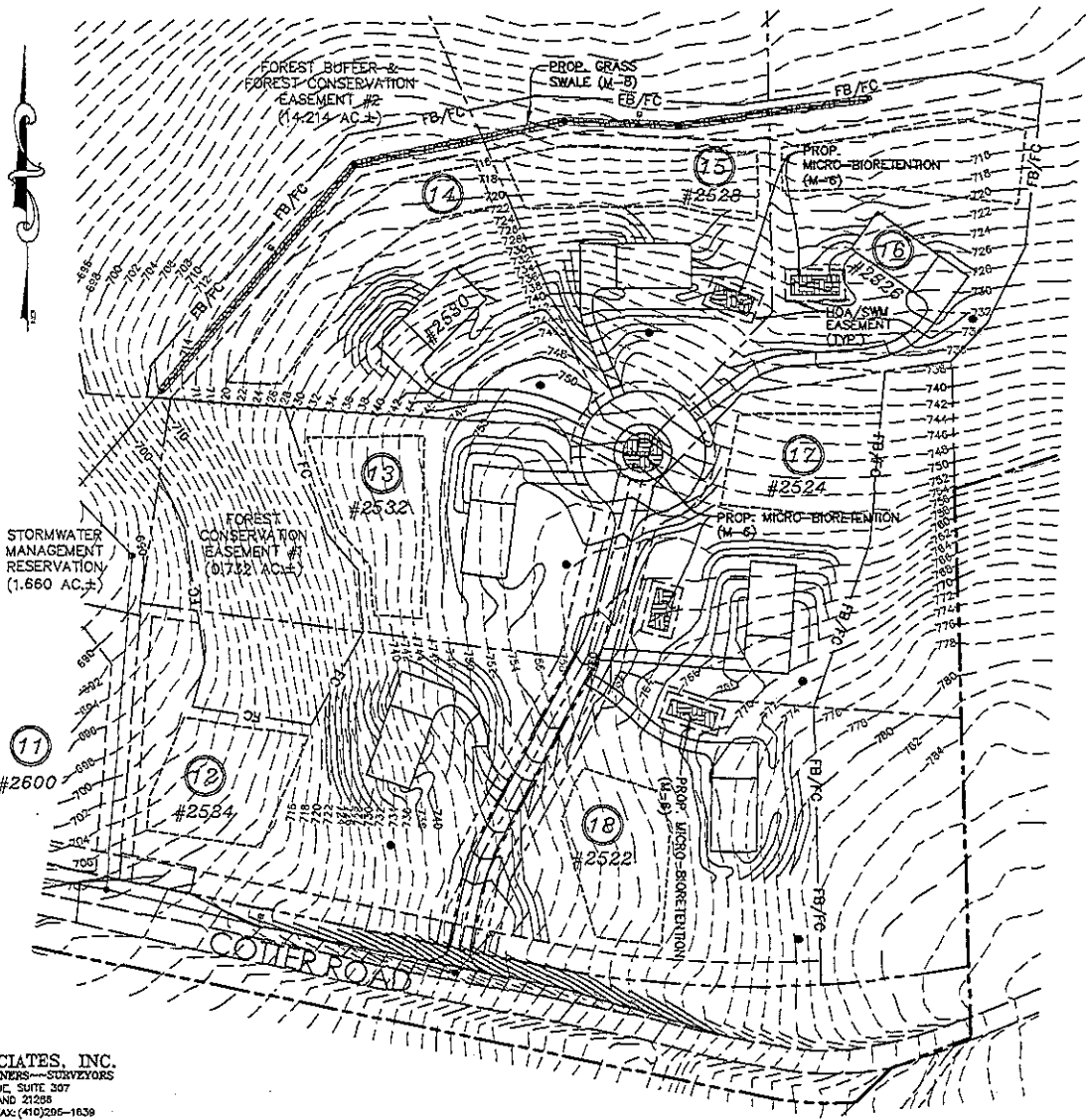
CONCEPT SWM EXHIBIT
SHELLEY'S FIELDS - LOTS 7-11
 DISTRICT 663 BALTIMORE COUNTY, MD
 SCALE: 1"=100'
 AUGUST 15, 2014

LITTLE & ASSOCIATES, INC.
 ENGINEERS—LAND PLANNERS—SURVEYORS
 1255 TAYLOR AVENUE, SUITE 207
 TOWSON, MARYLAND 21286
 PHONE: (410)298-1636 FAX: (410)298-1639



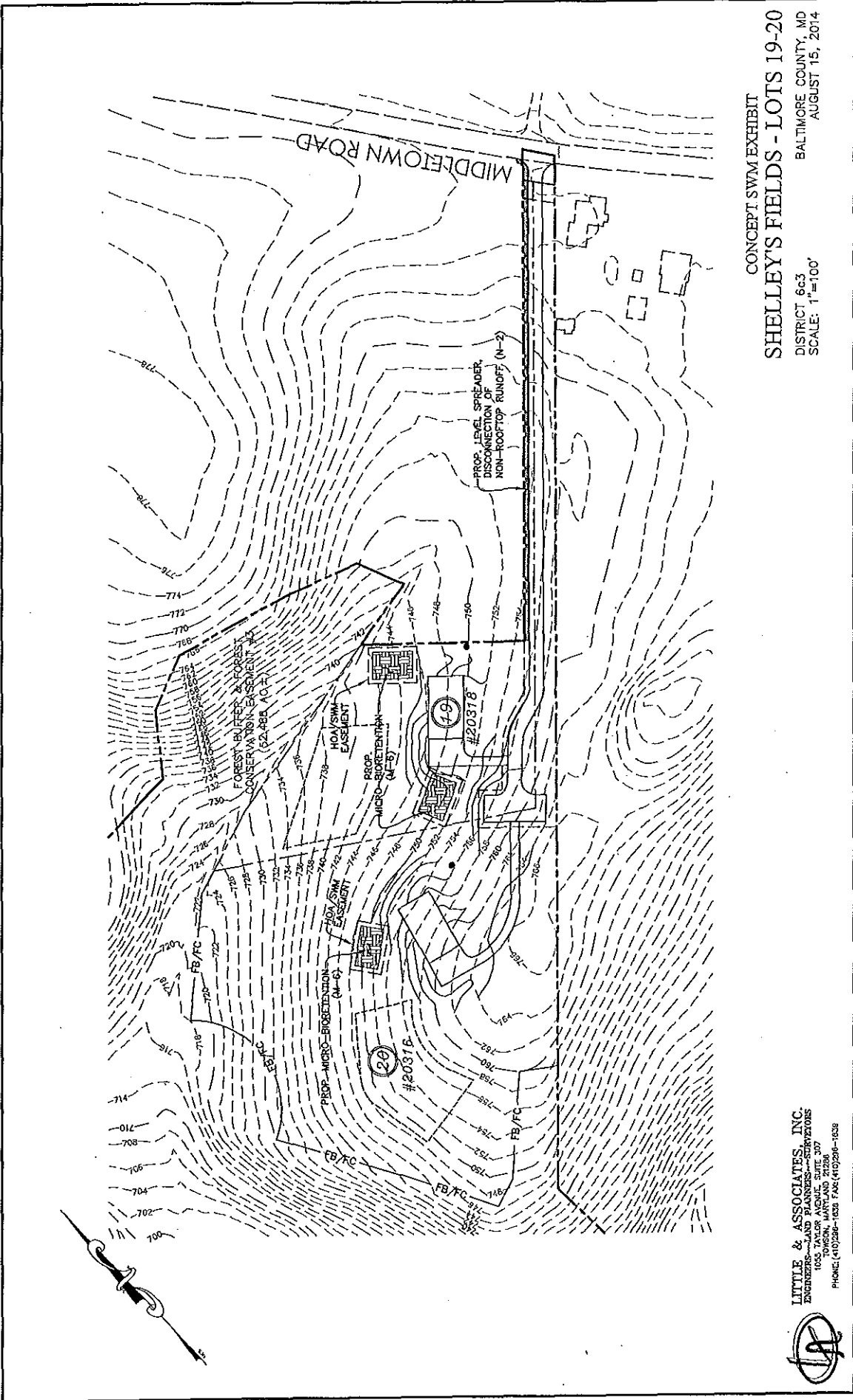
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LITTLE & ASSOCIATES, INC.
 ENGINEERS—LAND PLANNERS—SURVEYORS
 1055 TAYLOR AVENUE, SUITE 207
 TOWSON, MARYLAND 21286
 PHONE: (410)296-1636 FAX: (410)296-1639

CONCEPT SWM EXHIBIT
SHELLEY'S FIELDS - LOTS 12-18
 DISTRICT 6c3 BALTIMORE COUNTY, MD
 SCALE: 1"=100' AUGUST 15, 2014



CONCEPT SWM EXHIBIT
SHELLEY'S FIELDS - LOTS 19-20
 DISTRICT 663 BALTIMORE COUNTY, MD
 SCALE: 1"=100'
 AUGUST 15, 2014

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LITTLE & ASSOCIATES, INC.
 ENGINEERS, LAND PLANNERS, ARCHITECTS
 1055 TAYLOR AVENUE, SUITE 307
 TOWSON, MARYLAND 21286
 PHONE: (410)298-1038 FAX: (410)298-1039





County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 19, 2014

Adam M. Rosenblatt
Assistant to the Director and
Assistant County Attorney
Baltimore County PAI
111 W. Chesapeake Ave., Room 105
Towson, Maryland 21204

Timothy M. Kotroco, Esquire
Whiteford, Taylor, Preston, LLP
1 W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: In the Matter of: Shelley's Fields
Case No: CBA-14-027

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Letter

c: S. Bruce Jaffe/TSC/Cotter Road, LLC
Office of People's Counsel
Vincent Gardina, Director/DEPS
James A. Markle, P.E., Stormwater Management Manager/DEPS
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney/Office of Law