



## 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

October 23, 2015

Edward J. Gilliss, Esquire  
Royston, Mueller, McLean & Reid, LLP  
102 West Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204

G. Macy Nelson, Esquire  
The Law Office of G. Macy Nelson, LLC  
401 Washington Avenue, Suite 803  
Towson, Maryland 21204

G. Scott Barhight, Esquire  
Timothy M. Kotroco, Esquire  
Whiteford, Taylor & Preston L.L.P.  
Towson Commons, Suite 300  
One West Pennsylvania Avenue  
Towson, Maryland 21204

RE: *In the Matter of: Paragon Outlets White Marsh LLC*  
*PUD – Paragon at Nottingham Ridge, 1<sup>st</sup> Amendment*  
Case No.: CBA-15-005

Dear Counsel:

Enclosed please find a copy of the Ruling on Protestants' Motions for Reconsideration 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,

Krysundra "Sunny" Cannington  
Administrator

Enclosure  
Multiple Original Cover Letters

c: See Attached Distribution List

c: Paragon Outlets White Marsh, LLC  
White Marsh Mall, LLC  
Heather Patti  
Judith Davies  
Ray Miller  
Cathy Miller  
Jennifer Miller  
Peter and Janet Terry  
Gerald Welsh  
John McCormack  
Ray and JoAnn Paris  
John Piskor and Diane Devlin-Piskor  
Jason Samios-Uy  
Eileen Robier  
Carolyn Smith  
Susan Smith  
Laura Varanko  
Henry Stromberger  
Steven Klinè  
William Huppert  
Donna Welch  
Karen Schueler  
Charlie Conklin  
Bill Murray  
Dan Doerfer  
Sloan Whelan  
Rick Hettinger  
Barbara Bell  
June St. Clair  
James and Rhonda McCray  
Keith Ball  
Robert Gray  
Office of People's Counsel  
Vincent J. Gardina, Director/DEPS  
Arnold Jablon, Director/PAI  
Dennis Kennedy, Development Plans Review/PAI  
Jan Cook, Acting Development Manager/PAI  
Lawrence M. Stahl, Managing Admin. Law Judge  
John E. Beverungen, Administrative Law Judge  
Andrea Van Arsdale, Director/Department of Planning  
Lloyd T. Moxley, Department of Planning  
Nancy C. West, Assistant County Attorney  
Michael E. Field, County Attorney

Brian Van Poppel  
Jeanne Van Poppel  
Larry Cox  
Michelle Belcastro  
Joseph Della Rose  
Faye Tucker  
Devin Crum  
Richard DeSimone  
Steve Meyers  
Patricia Delaha  
Bentley Dixon  
Angie McQueeney  
Glen and Mary Ellen Bradshaw  
Tim Syzek  
Milos Jovanovic  
Mohammed Alkhalidi  
Lisa Murphy  
Frank and Christine Strim  
Mary J. Oelke  
Anna Shea  
Joanne Weyant  
Andrew and Maria Kowalevicz  
Emily Blackner/East County Times  
Maria Paul  
Kraig Martin  
Louis J. Carletti  
Ken Tilton  
Nicholas King  
Kevin F. Marron  
White Marsh-Cowenton Community Association  
Pamela Wood/The Baltimore Sun  
Adam Bednar/The Daily Record

IN THE MATTER OF	*	BEFORE THE
<u>PARAGON OUTLETS WHITE MARSH, LLC</u>		
PUD – Paragon at Nottingham Ride, 1 <sup>st</sup> Amendment	*	BOARD OF APPEALS
5355 Nottingham Drive		
Baltimore, MD 21236	*	OF
11 <sup>TH</sup> ELECTION DISTRICT		
6 <sup>th</sup> COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	CASE No. CBA 15-005

\* \* \* \* \*

**RULING ON PROTESTANTS’ MOTIONS FOR RECONSIDERATION**

This matter comes before the Board on a Motion for Reconsideration requested by G. Macy Nelson, Esquire on behalf of Citizen-protestants on August 26, 2015 as well as a Motion for Reconsideration filed by Edward J. Gilliss, Esquire on behalf of Protestant White Marsh Mall, LLC on September 10, 2015. G. Scott Barhight, Esquire filed a Response to Motion for Reconsideration on behalf of Paragon Outlets White Marsh, LLC on September 10, 2015, in response to the Motion filed by Mr. Nelson. On September 18, 2015, Mr. Barhight filed a response to the Motion for Reconsideration filed by Edward Gilliss, Esquire. The Board convened for a public deliberation on the motions and responses on October 6, 2015.

This Board believes that a Motion for Reconsideration should only be necessary when there has been substantive new case law or enactment of a statute not available previously, which would clearly merit a modification of a Board’s previous decision.

Upon deliberation, the Board concluded that the only new law is Bill 53-15 which prompted the Order of Stay dated July 22, 2015. The County Council passed Bill 53-15 and the Bill became law effective August 17, 2015. On August 19, 2015, the Board issued an Order of Dismissal due to Bill 53-15.


Therefore, after a thorough review of the arguments made, the Board unanimously concludes that the Motion for Reconsideration does not point to any fraud, mistake or irregularity in the conduct of the hearing in this case, nor does the Board find there is any indication of the

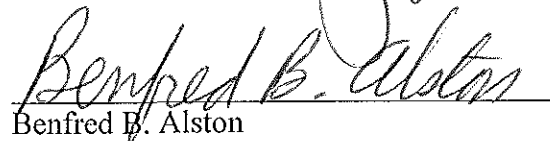
existence of new law or evidence not available to the Petitioner at the time of our Order of Dismissal. The Motions for Reconsideration are hereby denied. The Board's Order of Dismissal issued on August 19, 2015 remains this Board's final decision in this matter.

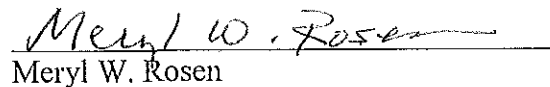
IT IS THEREFORE ORDERED THIS 23<sup>rd</sup> day of October 2015, that the Motions for Reconsideration filed in this matter are **DENIED**.

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*.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Maureen E. Murphy, Chairman

  
Benfred B. Alston

  
Meryl W. Rosen