

October 24, 2014

Mr. John Canoles
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

RE: 101 York Road
Forest Buffer Variance
Tracking #05-14-1867

Dear Mr. Canoles:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department of Environmental Protection and Sustainability (EPS) on September 5, 2014. This request would allow the piping of approximately 150 feet of a partially piped intermittent tributary to Towson Run and the elimination of virtually the entire 1.2-acre Forest Buffer area on a 1.9-acre commercial site. An alternatives analysis for piping the storm water and aforementioned intermittent stream from York Road to Towson Run was also included along with a detailed narrative of construction and sediment control methods. No non-tidal wetland fill would be entailed; however, approximately 0.5 acre of 100-year floodplain would be filled were the variance to be granted. The proposed redevelopment activity includes razing all existing dilapidated structures and constructing a high rise mixed-use building on the predominantly impervious site.

This Department has reviewed your request, and has determined that a practical difficulty exists in reasonably developing this site due to the extent and orientation of the resources. We further find that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures both on and offsite.

Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code, as well as approve the alternatives analysis with the following conditions:

1. The proposed building shall not encroach upon the 100-year floodplain of Towson Run further than as shown on the plan accompanying the variance application. That plan shows the proposed building between 11.5 and 50 feet from this floodplain.

Mr. John Canoles
101 York Road
Forest Buffer Variance
October 24, 2014
Page 2

2. Installation of the perimeter sediment controls for the construction site shall minimize disturbance to the stream banks. The design and location of these controls may differ from that proposed in the variance request.
3. The 1.2 acres of buffer loss shall be mitigated by purchasing 1.2 acres of credit at an EPS-approved forest buffer mitigation bank. A bank authorization letter is enclosed for your use. Prior to issuance of any permits, the signed bank letter shall be returned to EPS indicating that the mitigation credit has been purchased.
4. The portion of Towson Run stream channel disturbed by sediment control installation and storm drain outfall construction shall be restored to a stable condition after construction is complete.
5. A Forest Buffer Protection Plan detailing the on and offsite stream restoration must be submitted to EPS and approved prior to grading plan approval for the development.
6. An Environmental Agreement shall be signed, and any required security for performing the offsite mitigation shall be posted prior to grading permit issuance.
7. The following note must appear on all plans submitted for this project:
“A variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including offsite forest buffer mitigation.”
8. Any necessary State and Federal permits to impact waterways, wetlands, floodplains, and associated buffers shall be obtained prior to grading permit approval.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the variance conditions sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

Mr. John Canoles
101 York Road
Forest Buffer Variance
October 24, 2014
Page 3

If there are any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely,

Vincent J. Gardina
Director

Enclosure

c. Mr. Michael Ertel, DMS

I/we agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Responsible Party's Signature

Date

Printed Name