

March 28, 2016

Ms. Kristin Aiosa
Johnson, Mirmiran, & Thompson Inc.
220 St. Charles Way, Suite 200
York, Pa. 17402

Re: Columbia Gas - Granite
Forest Conservation Variance
Tracking # 04-16-2178

Dear Ms. Aiosa:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability, Title 6 Forest Conservation, was received by the Department of Environmental Protection & Sustainability (DEPS) on March 22, 2016. This request proposes to base the afforestation required by Section 33-6-111 of the Forest Conservation Law on the 0.5-acre limit of disturbance rather than the entire 8.4-acre property owned by Columbia Gas Transmission and located in the 9200 block of Dogwood Road. The project involves the construction of a 700-square foot canopy, a 96-square foot control building with filter separator, and pervious washed stone areas surrounding existing surface pipes. No forest will be disturbed for these improvements.

The Director of DEPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking to make improvements to a facility that existed prior to the effective date of the Forest Conservation Law. However, full application of the law to the entire property would not deprive the applicant of all beneficial use of the property. Consequently, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general

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conditions of the neighborhood. The petitioner's plight is due to unique circumstances associated with proposed improvements to an existing gas transmission facility rather than general conditions in the neighborhood of that facility. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Only 0.5 of the 8.4-acre property would be disturbed for the improvements. Moreover, this Columbia Gas Transmission facility is adjacent to BGE-owned properties with similar facilities, and the proposed improvements are consistent with the character of the neighborhood and longstanding use of the parcel as a gas transmission facility. Finally in this regard, the improvements will not involve any clearing of forest. Therefore, we find that granting the special variance will not alter the character of the neighborhood and that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined the proposed project will have no direct impacts to streams, wetlands or floodplains, and no clearing of forest is proposed. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has taken no actions necessitating this variance prior to requesting it. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of DEPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the afforestation obligation based on limit of disturbance for the improvements to an existing gas transmission facility would be consistent with the spirit and intent of the Forest Conservation Law. This is especially true given that no impacts to forest or water quality would result from the proposed development. Therefore, this criterion has been met.

Based on our review, this Department finds that all required criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code with the following conditions:

1. A final forest conservation plan must be submitted to DEPS and approved prior to issuance of any permits.

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2. The project's 0.1 acre afforestation requirement shall be met by paying a \$2,178.00 fee-in-lieu of planting to this office prior to issuance of any permit.
3. Add the following note to the forest conservation plan: "A variance was approved by Baltimore County DEPS on March 28, 2016 to base the forest conservation requirements on the 0.5 acre limit of disturbance rather than the entire 8.4-acre property. Conditions were placed on this approval including payment of a fee-in-lieu of required afforestation."
4. This variance to base the forest conservation obligation on the LOD only applies to this development activity. Future development of the site may require full compliance with Baltimore County Forest Conservation Law.

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 appropriate owner's representative 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.

If you have any questions regarding this correspondence, please call Mr. John Russo at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/jgr

c. William Timmermeyer, Columbia Gas Transmission, LLC

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I/we agree to the above conditions to bring my/our property into compliance with
Baltimore County's Forest Conservation Law.

Columbia Gas Transmission, LLC Representative

Date

Printed Name