

October 27, 2016

Mr. Patrick C. Richardson, Jr.
Richardson Engineering, LLC
30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Re: DSM Properties Warehouse
Forest Buffer Variance
Tracking # 02-16-2290

Dear Mr. Richardson:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains has been reviewed by the Department of Environmental Protection and Sustainability (EPS). If granted, this request would reduce the commercial building setback to the Forest Buffer Easement (FBE) by 1,848 square feet, from twenty five (25) feet to zero (0) feet at its closest to accommodate a proposed 7,000-square foot, one-story warehouse. As part of this project, the applicant proposes removing 8,410 square feet of existing gravel parking lot, 5,780 square feet of which is within the existing FBE, and restoring the entire area to a vegetated state.

The property is bordered on the west by a first order, Use III (trout) tributary to the Jones Falls. The steep slopes within the FBE are partially wooded as are the wetlands and drainage and utility easement that rest within the valley floor. The remainder of the property is uplands that has been developed with a long-existing gravel parking lot, a portion of which is being converted to warehouse use. It appears that the parking lot and portable structures were placed in areas of FBE by previous owners. The FBE is a 50-foot buffer, in accordance with the 1986 Water Quality Management Policy, applied to the property during the County Review Group (CRG) Plan review of 1990 and that has been recorded in the Land Records of Baltimore County under plat 65/41. The need for site improvements and the fact that riparian resources border two sides of the narrow, linearly configured uplands on this property precipitate this variance request.

This Department has reviewed your request and has determined that a practical difficulty results from the need to redevelop the long-standing property zoned for light manufacturing. Furthermore, we find that granting the variance will have minimal impact to water quality, as impervious surfaces will be decreased and existing uses within the FBE will cease and that disturbed buffer area restored to better provide water quality benefits.

Therefore, we will grant this variance request in accordance with Section 33-3-106(a)(4) of the Baltimore County Code with the following conditions to further minimize impacts to water quality:

1. Per the variance application, the existing gravel parking lot shall be reduced by 8,410 square feet, 5,780 square feet of which is within the FBE, and the full extent of the FBE shall be reestablished with native vegetation.
2. The entire reestablished FBE, including the portions that are immediately adjacent to the western (60' length) and southern (50'/20'/50') sides of the proposed warehouse, is to be an area of non-disturbance and may not be mowed and maintained as lawn or meadow but rather shall be allowed to revert to forest in accordance with Section 33-3-112 of the Baltimore County Code. To that end, the 8,410 square feet of impervious removal shall be reseeded with a diverse seed mix of native and naturalized herbaceous species then mulched with straw.
3. Access to the southernmost portion of the yard and property shall be through the warehouse or along the property line to the west of the proposed structure.
4. Surveyed limits of the Forest Buffer Easement shall be clearly marked in the field at 100-foot intervals and significant turning points with "Forest Buffer Easement-Do Not Disturb" signs. Additionally, a permanent fence (split rail or design of the owner's choosing) shall be installed along the FBE limit along with below-grade monuments to facilitate identification of easement limits. The signs, which are available from private sign contractors (enclosures 1 and 2) and may be attached to the fence, and both shall be installed prior to building permit issuance or December 30, 2016; whichever comes first.
5. The black HDPE corrugated drainage pipe and other trash junk and debris that has been discarded over the slope at the edge of the parking lot shall be removed and all areas of loose and disturbed soils stabilized to EPS' satisfaction prior to installation of the fence and protective signage required above.
6. A Forest Buffer Protection Plan (FBPP) detailing conditions 1-5 above along with an itemized cost estimate for its implementation shall be submitted to EPS and approved prior to permit issuance.
7. A FBPP security based on 110% of the aforementioned cost estimate shall be posted via an Environmental Agreement prior to issuance of any permit.
8. The following notes must appear on all plans submitted for this project:
 - "On October 27, 2016, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from the Law for

Mr. Patrick C. Richardson, Jr.
DSM Properties Warehouse
Forest Buffer Variance
October 27, 2016
Page 3 of 3

the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement and building setback shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including restoring the 50-foot Forest Buffer Easement and delineating its limit with signage and permanent fencing.”

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 conditions of this variance sign the statement below 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 contact Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/msk

Enclosures (2)

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.

Signature Date

Signature Date

Printed Name

Printed Name