

September 15, 2016

Mr. Gerald McHenry  
Baltimore County Dept. of Public Works  
111 W. Chesapeake Avenue, Room 200  
Towson, MD 21204

Re: Fullerton Reservoir  
Forest Buffer Variance  
Tracking #05-16-2234

Dear Mr. McHenry:

The Department of Environmental Protection and Sustainability has completed review of the above referenced request for a variance to the Baltimore County Code, Article 3 Environmental Protection and Resource Management, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains. If granted, the request would allow 3.11 acres of forest buffer impacts for grading to construct three closed clean water reservoir tanks and associated stormwater management. The reservoir tanks will serve the greater Baltimore region. The site currently is undeveloped and is an upland meadow with forests and wetlands around the meadow. There are three intermittent streams and seven nontidal wetlands areas on site. The entire site is 202 acres, with 44.88 acres within the limits of disturbance. Gravity and proximity to the existing water main were key factors in the selection of the ridge for the tanks' location. Permanent impacts to the forest buffer consists of submerged gravel wetlands for stormwater management, fencing, and gravel access roads. Mitigation forest buffer planting of 5.55 acres is proposed onsite.

This Department has reviewed your request, and has determined that a practical difficulty exists given the existing environmental site constraints and the public health and safety requirements associated with the tanks. Therefore, in accordance with Article 33-3-106 of the Baltimore County Code, we will grant the request with the following conditions:

1. The following note must appear on all plans and plats 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 on September 15, 2016. This variance approved impacts to the forest buffer. Any change in land use shall nullify this variance."

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2. A Forest Buffer Protection Plan/Forest Conservation Plan must receive approval by this office prior to grading plan approval.

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

If you have any questions regarding this correspondence, please call Ms. Regina Esslinger at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina  
Director