

December 3, 2015

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

Re: Neff Rental Property, 11434 Pulaski Highway
Forest Buffer Variance
Tracking Number 06-15-2093

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the above referenced request for a variance to Baltimore County Code, Article 33 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains. If granted, the request would allow 28,166 square feet of impact to forest buffers, including 3,908 square feet of emergent man-induced nontidal wetlands and 1,984 square feet of man-induced scrub-shrub nontidal wetland. The entire site is 1.8-acres and was historically graded leaving stockpiles and depressions. The applicant is proposing to redevelop the site for use as a service garage/office with associated storage yards related to rentals and repairs. Off-site mitigation has been proposed at 2:1 for the scrub-shrub wetland and buffer impacts and 1:1 for the emergent wetland and buffer impacts.

This Department has reviewed your request, and has determined that a practical difficulty exists based on the location of the man-induced wetlands and the associated forest buffers, and based on the constraints of the property shape and size. The proposed commercial uses for the property would not be viable without the proposed impacts. Therefore, in accordance with Section 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 December 3, 2015. This variance approved impacts to 3 wetland areas and the associated buffers for construction of a commercial building, parking lot, and related infrastructure.

2. State and Federal approvals for wetland and buffer impacts must be provided prior to the approval of any permit for the property.
3. The mitigation of 2:1 for the impacts to scrub-shrub forest buffer, and 1:1 for the non-forested forest buffer is accepted by this office. The direct non-tidal wetland impacts must

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be mitigated as required in the joint agency review process that includes the Maryland Department of the Environment and the U. S. Army Corps of Engineers. The forest buffer mitigation may be purchased in a County approved forest buffer mitigation bank, if available, or must be provided at another location approved by EPS. The mitigation, including mitigation for the direct wetland impacts, must be outlined in a forest buffer protection plan. The final forest buffer protection plan must be approved, and any required securities posted along with an Environmental Agreement, prior to any permit approvals for the property.

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.

Please have the property owner 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 this project.

If you have any questions regarding this correspondence, please call Mr. Paul Dennis of Environmental Impact Review at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/pad

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.

Property Owner' Signature

Date

Printed Name