

April 25, 2016

Mr. Devin M. Leary
Human and Rohde, Inc.
512 Virginia Avenue
Towson, Maryland 21286

Re: Ravenview, Section IV- Chapel Hill Community
Forest Buffer Variance
Tracking # 03-16-2182

Dear Mr. Leary:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains was received by the Department of Environmental Protection and Sustainability (EPS) on March 17, 2016. If granted, the variance would allow impacts to 21,090 square feet of land that would be Forest Buffer Easement (FBE). The aforementioned water quality law is being applied as a result of the proposed construction of a segmental block retaining wall to stabilize a failing slope in a townhouse community that was developed in the late 1970s.

Impacts associated with construction of the retaining wall include 676 square feet of forested FBE and 2,197 square feet of non-forested FBE. A request to continue using 18,217 square feet of non-forested FBE for lawn and parking lots surrounding the townhouses is included in the total 21,090 square feet of impacts. As mitigation, the applicant proposes to: purchase 3,549 square feet of mitigation credit in an EPS-approved offsite planting bank; place the remaining 2.1 acres (+/-) of undisturbed riparian area into Forest Buffer and Forest Conservation Easement; and post that easement with permanent protective signage.

This Department has reviewed your request and has determined that a practical difficulty exists in that both the residences and associated use of FBE area predate the current water quality law, and the wall construction has to occur in the FBE to abate slope failure. We further find that the potential for impacts to water quality as a result of this proposal can be adequately 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, with the following conditions:

1. The reduced Forest Buffer Easement and associated Declaration of Protective Covenants shall be recorded in the land records of Baltimore County as a Forest Buffer and Forest Conservation Easement via revision of the existing record plat by December 1, 2016.

2. Surveyed limits of the reduced Forest Buffer and Forest Conservation Easement shall be clearly marked onsite at 100-foot intervals or any of its corners with permanent “Forest Buffer-Do Not Disturb” signs to facilitate identification of functioning buffer limits by both residents and EPS staffs. These signs (Enclosures 1 & 2) shall be installed prior to grading permit issuance or June 25, 2016, whichever comes first.
3. Prior to issuance of any Baltimore County grading permit, blaze orange high visibility orange safety fence (Enclosure 3) shall be manually installed along the limit of disturbance (LOD), wherever the LOD is within 50 feet of the Forest Buffer and Forest Conservation Easement. The protective fence shall be illustrated in plan view on the sediment control plan and its installation specified in the sequence of operations. This fence shall be inspected and approved by EPS staff prior to grading permit issuance.
4. Impacts to the forested portion of FBE shall be mitigated offsite at a 2:1 ratio and at 1:1 for impacts to the previously developed portion of FBE for a total of 3,549 square feet. This buffer mitigation shall occur at an EPS-approved mitigation bank. A letter authorizing the purchase of offsite mitigation credit is enclosed (Enclosure 4) for your client’s use. The executed planting bank letter documenting the mitigation purchase shall be provided to EPS prior to Environmental Agreement approval.
5. The following notes must appear on all subsequent plans submitted for this project:
 - “A variance was granted on April 25, 2016, 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 shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including posting of protective signage along the outer easement boundary and offsite buffer mitigation.”
 - “There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer and Forest Conservation Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”
 - “Any Forest Buffer and Forest Conservation Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of this area.”
6. A final Forest Buffer Protection Plan detailing the protective measures for the Forest Buffer Easement and reflecting the conditions of this variance shall be approved by EPS prior to or concurrent with grading plan approval. This plan may be combined with the final Forest Conservation Plan.

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It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout 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 on the following page, state their affiliation to this property, 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 Mr. Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

c. Chapel Hill Community Association, Inc.

VJG/msk

Enclosures (4)

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

Signature

Date

Affiliation

Printed Name