

July 27, 2016

Mr. Eric J. Chodnicki
Acorn Environmental Consulting, Inc.
P. O. Box 219
Benson, Maryland 21018

Re: Samuels Property
Forest Buffer Variance and Alternative Analysis
Tracking Number 04-16-2248

Dear Mr. Chodnicki:

The Department of Environmental Protection and Sustainability (EPS) has reviewed the latest request for a variance from Article 33, Title 3, of the Baltimore County Code, a law for the Protection of Water Quality, Streams, Wetlands and Floodplains. This request proposes approximately 30,680 square feet (0.70 acres) of total impacts to Forest Buffer Easement for the construction of retaining walls, parking lots, and two (2) condominium buildings. Of those impacts, 10,385 square feet (0.24 acres) are associated with temporary disturbances for the purposes of removing existing structures and for grading. The permanent impacts total approximately 20,295 square feet (0.46 acres) and are attributed to the dwelling units and retaining walls, including a 10-foot construction access along those walls. An additional impact of 5,360 square feet (0.12 acres) was submitted as an alternatives analysis but shall be incorporated in the variance since it entails a proposed parking area over top of the stormwater management (SWM) and drainage outfall components. Lastly, the proposed condominiums would encroach into the 25-foot commercial building setback to the Forest Buffer Easement by approximately 2,165 square feet.

The impacts listed above are proposed to be mitigated at a sum of 34,465 square feet, as all but a small portion of the Forest Buffer is fallow lawn. Mitigation will include restoring approximately eighty (80) linear feet of ephemeral channel between the two wetlands and approximately twenty (20) linear feet of intermittent stream channel from the lower wetland, as well as reforesting the approximately 0.7 acres of remaining Forest Buffer Easement.

It should be noted that the site, which currently contains two residences and mature trees in a park-like setting, was the subject of an earlier variance and development plan, both of which were approved in 2006. The current variance request results from a

proposed development plan refinement that will downsize the previously approved development.

This Department has reviewed your request and has determined that a practical difficulty exists due to the orientation of the resources to the property boundary as well as topographical limitations. Furthermore, we find that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing the onsite mitigative measures proposed in the application. Moreover, we have evaluated the alternatives for the SWM and access and have determined that the most feasible design has been selected.

Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) and Section 33-3-112(c) of the Baltimore County Code with the following conditions to minimize impacts to water quality:

1. Mitigation to offset impacts to the Forest Buffer Easement and water quality shall be provided in the sum of 34,465 square feet (0.79 acres), which equates to a 2:1 ratio for impacts to wooded buffer and a 1:1 ratio for impacts to open buffer. Approximately 0.7 acres of this mitigation shall be addressed through planting in the remaining Forest Buffer Easement. The remaining impacts shall be mitigated out-of-kind through the restoration of approximately eighty (80) linear feet of onsite ephemeral channel and twenty (20) linear feet of intermittent stream channel.
2. The mitigation efforts and protective measures for the Forest Buffer Easement shall be detailed on a final Forest Buffer Protection Plan (FBPP), which may be combined with the final Forest Conservation Plan, as well as on the Grading and Erosion and Sediment Control (G/ESC) Plans for the project. Both the FBPP and the G/ESC shall reflect the conditions of this approval and must be reviewed and approved by EPS staff prior to grading permit.
3. The existing shed and pool pump within the buffer shall also be removed from the property. Additionally, the electricity service line that extends to the shed from the adjacent Riverstone development shall also be removed.
4. Surveyed limits of the reduced Forest Buffer and Forest Conservation Easement (as well as the Forest Conservation Easement) shall be clearly marked onsite at 100-foot intervals with permanent "Forest Buffer-Do Not Disturb" signs to facilitate identification of functioning buffer limits by both residents and EPS staff. These signs shall be installed prior to grading permit issuance or July 27, 2017, whichever comes first.
5. Prior to issuance of any Baltimore County grading permit, blaze orange high visibility orange safety fence shall be manually installed along the limit of

- disturbance (LOD), wherever the LOD is within 50 feet of any Forest Buffer and/or Forest Conservation Easement. The protective fence shall be illustrated on the sediment control plan and its installation mentioned in the sequence of operations. This fence shall be inspected and approved by EPS staff prior to grading permit issuance.
6. Prior to grading permit approval, an Environment Agreement, submitted in accordance with Section 32-4-305(a) of the Baltimore County Code, shall be signed and a Forest Buffer Protection security equal to 110% of a EPS-approved, itemized cost estimate shall be posted. Release of the security shall be in accordance with the enclosed policy.
 7. Any Forest Buffer and Forest Conservation Easement and Forest Conservation Easement and all associated protective covenants shall be recorded in the Land Records of Baltimore County via a record plat. This record plat shall be approved by Baltimore County prior to grading permit issuance.
 8. The following notes must appear on all subsequent plans submitted for this project:
 - “A variance and alternatives analysis were approved on July 27, 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 and its building setback shown hereon are reflective of the fact that this approval was granted. Conditions were placed on this approval to reduce water quality impacts, including restoration of intermittent and ephemeral stream channels, reforesting the riparian buffer, and posting of protective signage along the outer easement boundary.”
 - “There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer and Forest Conservation Easement and the Forest Conservation Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”
 - “Any Forest Buffer and Forest Conservation Easement 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.”
 9. Any trash, junk, and debris shall be removed from the Forest Buffer and Forest Conservation Easement prior to any reduction of any environmental securities.

