

October 27, 2015

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

Re: St. Paul's School – Brooklandwood Road Residence
Forest Buffer Variance
Tracking # 02-15-2075

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 September 18, 2015. If granted, the variance would allow 33,312 square feet of impact to two Forest Buffer Easements (FBE) for continued uses associated with an existing residential dwelling that is now part of the school's campus. The FBE area that would continue to be impacted encompasses two wetlands and approximately 210 linear feet of intermittent Use III (trout) stream channel. The applicant proposes to place the remaining Forest Buffer area totaling approximately 33,200 square feet into joint Forest Buffer and Forest Conservation Easements and to post "Forest Buffer – Do Not Disturb" protective signage along those easement limits.

This Department has reviewed your request and has determined that a practical difficulty exists, in that both the structure and school's use of the buffer area predate the Forest Buffer law and that relocating these fairly passive uses outside of the FBE would be onerous given the lack of alternate suitable area. We further find that the potential for impacts to water quality as a result of this proposal can be minimized by performing mitigative measures. Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. The continued use area shall be reduced by approximately 11,000 square feet so that the largest wetland area and the perennial stream channel are encompassed by the FBE (see Enclosure 1). Consequently, no more than 22,312 square feet of FBE shall continue to be disturbed. Enclosure 1 shows that this revision will increase undisturbed FBE area by 15% while providing a rear yard at least twice the depth of the minimum 35 foot setback required.

2. As a result of the increase in FBE area to be undisturbed, the building setback on the southwest side of the existing dwelling shall be reduced to be no closer than thirteen feet (13') at its closest point to said structure.
3. The full Forest Buffer and Forest Conservation Easement and associated Declaration of Protective Covenants must be recorded via the right of way plat process prior to issuance of any grading or building permits for the 1.99 acre property.
4. Surveyed limits of the non-disturbance portion of the Forest Buffer and Forest Conservation Easements shall be clearly marked onsite at 75-foot intervals and significant turning points with permanent "Forest Buffer-Do Not Disturb" signs (Enclosure 2) to facilitate identification of functioning buffer limits by both school and EPS staff. These signs shall be installed prior to grading permit release or January 27, 2016, 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 entire limit of disturbance. The protective fence shall be illustrated on the plan and mentioned in the sequence of operations on any building permit plan or sediment control plan. This fence shall be inspected and approved by EPS staff prior to any permit issuance.
6. No wetlands may be impacted by the proposed replacement dwelling or any subsequent land use.
7. The following notes must appear on all subsequent plans submitted for this project:
 - "A variance was granted on October 27, 2015, 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 Forest Conservation Easements shown hereon are reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including posting of signs and monuments along the outer easement boundary."
 - "There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer and Forest Conservation Easements except as permitted by the Baltimore County Department of Environmental Protection and Sustainability."

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- “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.”
8. A Forest Buffer Protection Plan (FBPP) detailing the protective measures for the Forest Buffer and Forest Conservation Easement and reflecting the conditions of this variance and shall be approved by EPS prior to issuance of any grading or building permit.
 9. The entire school property shall be brought into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains where this law has been previously applied. Specifically, a Forest Buffer violation letter from Mr. Thomas Krispin dated September 3, 2015 requiring that clearing and mowing of the FBE on school property cease and all protective signage be installed shall be met in full prior to approval of any permits for the Brooklandwood Road lot.

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 an authorized school representative sign the statement on the following page 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

VJG/msk

Enclosures (2)

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

Signature Date

Signature Date

Printed Name

Printed Name