

May 26, 2016

Mr. John Canoles
Eco-Science Professionals, Inc.
P O Box 5006
Glen Arm, Maryland 21057

Re: Tradepoint Atlantic Roll On-Roll Off Facility
Forest Conservation Variance
Tracking # 07-16-2240

Dear Mr. Canoles:

A revised request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on May 26, 2016. This request proposes to defer application of the Forest Conservation regulations for this phase of a multi-phased project. There is no forest on this portion of the larger site.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The variance request is not based on deprivation of beneficial use of the property, but rather a timing issue with redevelopment of the overall property. Therefore, we find that this criterion has been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. This property is unique in that it has been a heavily used industrial site for many years and is undergoing a voluntary clean up program with the Maryland Department of the Environment. The redevelopment of this site is part of a larger phased redevelopment of the entire property. The circumstances here are unique

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and not related to the conditions of the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The property is being redeveloped as a result of the closure of the steel plant. The proposed use and deferment of the requirements for this phase of redevelopment will not alter the essential character of the neighborhood. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. The new construction will meet all stormwater management requirements during and after construction. The site is currently untreated for stormwater management. In addition, the voluntary clean up will help address existing contamination issues. Therefore, we find that granting of the special variance will not adversely affect water quality, and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not begun any development activity. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. This variance will only defer the compliance with the Forest Conservation requirements until such time as the larger, overall site issues can be addressed. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the variance request is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code contingent with the following condition to add this note to all plans for this project: "A Forest Conservation Special Variance was approved by the Baltimore County Department of Environmental Protection and Sustainability to defer the application of the Forest Conservation regulations for this phase of the project."

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

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Please have the applicant 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 plans for this project.

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

Sincerely yours,

Vincent J. Gardina
Director

VJG/rae

c: Mr. Justin Dunn

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

Property Owner's Signature

Date

Property Owner's Printed Name