

March 4, 2013

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

Re: Long Shadow Property
Forest Buffer Variance Request
Tracking # 03-12-1564

Dear Mr. Leary:

This Department has received a request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. If granted, this request would allow the continued use of approximately 2.6 acres of Forest Buffer Easement (FBE) on a 4-lot, 29-acre rural residential resubdivision. This variance is being sought after-the-fact due to these agricultural disturbances of the FBE not being initially addressed during the 2006 resubdivision of the 29-acre property. A similar variance to the Forest Conservation Law is also being sought for the same reason and will be addressed in separate correspondence.

The full FBE, which was designed in accordance with a steep slopes and erodible soils analysis, extends as much as 250 feet upslope of the surface water resources on portions of the farm. The applicant proposes: on lot # 3, the continued use of 17,480 square feet of FBE for pasture, 74,400 square feet for hayfield, 8,000 square feet as bridal trail; and on lot # 4, 14,450 square feet of FBE also as pasture. If approved, the variance for continuance of these uses would stay in effect until the lots are either sold or developed, at which time the entire FBE, as recorded, would be left undisturbed to revert to forest. Furthermore, if granted, approximately 7.5 acres of the recorded 10.1-acre FBE would remain, or be planted and left undisturbed. In the interim, the owners offer to implement a Soil and Water Conservation Plan in accordance with Baltimore County Soil Conservation District guidelines. Additionally, the applicant proposes to relocate approximately 350 feet of split-rail fence to protect an additional 14,450 square feet of the FBE and install 22,450 square feet of mitigation planting to minimize impacts to water quality.

This Department has reviewed your request, and has determined that a practical difficulty exists due to the fact that the full FBE would encompass portions of pasture, bridal trail and hayfield that appear to predate the inception of the Law. Furthermore, the

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potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures such as those proposed.

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 following notes shall appear on the special exception plan and all subsequent plans 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. The Forest Buffer Easement and building setback shown hereon are reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including relocating fencing to provide a larger functioning buffer, decommissioning unapproved bridal trails within the Forest Buffer Easement, planting 22,450 square feet of Forest Buffer Easement, and installing protective signs and monuments along the outer easement boundary prior to the sale of the remaining lots.”
 - “There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”
 - “Any Forest Buffer Easement shown hereon is subject to protective covenants which are found in the Land Records of Baltimore County and which restrict disturbance and use of this area.”
2. A change in ownership, submission of a building or grading permit application, a change in agricultural use or any change or revision to the subdivision or special exception plan will render this variance null and void, and the full extent of Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains shall apply.
3. Prior to sale of any lots within the 29-acre subdivision, prospective buyers shall be informed of the existence and stipulations of the full extent of the Forest Buffer Easement on the lot(s) of interest. To that end, the Forest Buffer Easement shall be permanently posted at 150-foot intervals or at any turn with “Forest Buffer–Do Not Disturb” signs along its entire length. Furthermore, surveyed limits of this environmental easement shall be clearly marked in the field with permanent below grade markers to facilitate identification of easement limits. The aforementioned “Do Not Disturb” signs should be installed as “witness” posts near each marker location. The signs and markers (see Enclosure 1) must be installed by June 15, 2013, prior to

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issuance of any building permits or the sale of any property within the 29-acre subdivision, whichever comes first.

4. The bridal trail at the existing stream crossing, which is requested to remain, shall be realigned to traverse the FBE in a direct, perpendicular fashion as opposed to the existing path that parallels the top of the stream bank (see Enclosure 2).
5. As proposed, approximately 350 feet of split-rail fencing shall be relocated, 22,420 square feet of FBE shall be planted, and only the bridal trails shown on the Forest Buffer Variance Plan or those designed in accordance with an approved Soil and Water Conservation Plan shall remain in use. These protective measures must be completed by June 15, 2013
6. A final Forest Buffer Protection Plan (FBPP) detailing this mitigation must be submitted to this Department and approved prior to May 1, 2013, approval of any permit or development plan, or the sale of any property within the 29-acre subdivision, whichever comes first.
7. The planting detailed on the FBPP shall be secured via the Environmental Agreement process at \$0.25 per square foot of planting area prior to June 1, 2013, approval of any permit or development plan, or the sale of any property within the 29-acre subdivision, whichever comes first. The FBPP shall be implemented by June 15, 2013.

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

Please have the party (-ies) responsible for meeting the terms of this variance sign the statement on the following page and return the signed original of this letter to this Department within 21 calendar days. Failure to sign and return the original 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 Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

