

July 2, 2013

Stacey McArthur
D.S. Thaler & Associates, Inc.
7115 Ambassador Road
P.O. Box 47428
Baltimore, MD 21224-7428

Re: Luther-Villa
Forest Buffer Variance and Alternatives Analysis
Tracking # 03-13-1624

Dear Ms. McArthur:

A request for a variance and alternatives analysis from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was received by the Department of Environmental Protection and Sustainability (EPS) on April 30, 2013. This combined request proposes to impact 8,266 square feet of forested forest buffer and 1,609 square feet of non-forested forest buffer. The request also proposes to reduce the 35-foot forest buffer setback to 25 feet and relocate the access road to construct a five lot subdivision.

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship does exist, and that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. It is understood that the Luther-Villa site is comprised of eight recorded lots that is pinched between a continuous stream system to the north and east, as well as a stream system located southwest of the property. As noted, over 77 percent of the lots are encumbered by a forest buffer and or floodplain. Only five lots are proposed to be developed on the site in order to not impact an isolated wetland and provide a better stormwater facility. Some of the required mitigation will take place onsite in the form of shrub and tree planting. As stated in the application, the forest buffer limits will be clearly defined by fencing, protective signs and a retaining wall. Therefore, based on the aforementioned practical difficulties and unreasonable hardships, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. The following note must appear on all plans submitted for this project:
“A combined variance and alternatives analysis 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 here on are reflective of the

- fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts.”
2. Prior to grading permit issuance a signed, executed forest buffer mitigation bank letter must be provided to the Environmental Impact Review Section indicating that you have received permission for use of the proposed offsite mitigation planting area. In the event that no forest buffer mitigation bank is available the developer shall locate and mitigate at another offsite forest buffer planting area.
 3. The Forest Buffer Easement shall be permanently posted at 50-foot intervals or at any of its corners with “Forest Buffer - Do Not Disturb” signs wherever the proposed development abuts the Forest Buffer Easement. Surveyed limits of these environmental easements near or on lots, or in other areas of potential human impact, should be clearly marked in the field at predetermined intervals with permanent below grade markers to facilitate identification of easement limits by both homeowners and County staff. The aforementioned “Do Not Disturb” signs should be installed as “witness” posts near each rebar location. The signs and monuments also must be installed prior to issuance of any building permits for lots.
 4. Blaze orange high visibility fencing must be installed along the edge of the Forest Buffer Easement prior to the issuance of any grading or building permits for the project. Environmental Impact Review Section staff shall be notified by the developer to inspect the location of this fencing prior to the pre-construction meeting. A note to this effect must be included on the grading/sediment control plans for the project.
 5. Prior to the issuance of any building permits, the Forest Conservation Easement and Forest Buffer Easement shall be recorded with Land Records of Baltimore County along with an associated Declaration of Protective Covenants. In order to show that this recordation has occurred, a copy of the signed, recorded Declaration of Protective Covenants shall be provided to the Department by the developer.
 6. The open areas of the Forest Buffer Easement shall be planted in accordance with an approved Forest Buffer Protection Plan (FBPP), using the guidance found in the Baltimore County Forest Conservation Technical Manual.
 7. Prior to building or grading permit approval whichever comes first, an Environment Agreement shall be signed, and a FBPP security shall be posted with the Department.
 8. All State and Federal permits to impact waterways, wetlands and associated buffers shall be obtained prior to grading permit approval.

