

June 25, 2013

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

Re: Royal Farm Store at 1434 Railroad Avenue  
Forest Buffer Variance Request  
Tracking #03-13-1636

Dear Mr. Canoles:

A request for a variance 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 June 12, 2013. If granted, the variance would now allow permanent impacts to approximately 1,140 square feet of Forest Buffer along Roland Run (Use I) with a limit of disturbance over 40 feet from the top of stream bank. The purpose of the impacts is to provide a small parking lot expansion for an existing convenience store. Porous pavement is proposed to be used for the majority of the expanded parking lot.

This Department has reviewed the variance request and determined that a hardship exists due to the small size of the property, the extent of the Forest Buffer on the site, and the fact that the convenience store predates the law in question. We further determined that the several alternatives were evaluated in an attempt to minimize Forest Buffer disturbances and water quality impacts. Finally, we find the water quality impacts associated with this proposed parking area can be mitigated by constructing a portion of the parking lot of porous pavement, and planting at an EPS-approved location. Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. A minimum of 2,740 square feet of the 4,620-square foot parking lot expansion shall be constructed of porous pavement in strict adherence with standard porous pavement specifications.
2. 1,960 square feet of forest buffer mitigation credit shall be purchased at an EPS-approved forest planting bank, or another EPS-approved stream buffer planting area. A mitigation bank letter is enclosed for this purpose.
3. A final Forest Buffer Protection Plan shall be submitted to EPS and approved prior to grading permit approval for the parking area.
4. A FBPP security equal to \$0.25 per square foot of planting shall be posted via an Environmental Agreement prior to grading permit approval for the parking area.

Mr. John Canoles  
Royal Farm Store at 1434 Railroad Avenue  
Forest Buffer Variance Request  
June 25, 2013  
Page 2

5. The reduced Forest Buffer shall be permanently posted at 50-foot intervals or at any of its corners with "Forest Buffer - Do Not Disturb" signs and permanent below grade markers (i.e. rebar) to facilitate identification of easement limits. The signs and monuments must be installed prior to issuance of any grading permit.
6. The reduced Forest Buffer on the Royal Farms Store property must be recorded as a Forest Buffer Easement via the right of way plat process. The plat and associated Declaration of Protective Covenants must be recorded in Baltimore County Land Records prior to December 31, 2013.
7. The following note must be on all plans for this project stating:  
"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 minimize water quality impacts including use of porous pavement, posting of the reduced Forest Buffer, and offsite mitigation planting."

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 the party responsible for meeting the conditions of this variance sign the statement on the next 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. Glenn Shaffer at 410-887-3980.

Sincerely,

Vincent J. Gardina  
Director

VJG:ges

Enclosure

- c. Michael Coughlin, MRA  
David Karceski, Venable LLC

Mr. John Canoles  
Royal Farm Store at 1434 Railroad Avenue  
Forest Buffer Variance Request  
June 25, 2013  
Page 3

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

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Authorized Representative's Signature

Date

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Printed Name