

July 29, 2013

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

Re: St. Joseph Roman Catholic Parish - Cockeysville
Forest Buffer Variance
Tracking # 03-13-1620

Dear Mr. Leary:

A revised request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department of Environmental Protection and Sustainability (EPS) on June 17, 2013. The original request proposed 7,738 square feet of impact to Forest Buffer Easement for the construction of an athletic field associated with upgrading of the existing parochial school campus. The vast majority of the limit of disturbance (LOD) occurs on previously utilized areas. The revised request entails approximately 800 square feet of additional impact necessary to allow continued use of an amphitheater and prayer garden in the Forest Buffer Easement for a new total of 8,538 square feet of impact. Of this total impact, only about 2,200 square feet would be attributed to new expansion into previously undisturbed portions of the Forest Buffer Easement.

This Department has reviewed your request and has determined that a practical difficulty exists in that the parish's use of the buffer area predates the Forest Buffer law, and that relocating these fairly passive uses outside of the Forest Buffer Easement would be onerous given the lack of alternate suitable area onsite. 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 following notes must appear on all 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 shown hereon is reflective of the fact that this variance was granted. Conditions were placed on

this variance to reduce water quality impacts including purchasing offsite Forest Buffer mitigation area and 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 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 may be found in the Land Records of Baltimore County and which restrict disturbance and use of this area.”
2. The Forest Buffer Easement and its Declaration of Protective covenants must be recorded via the right of way plat process prior to issuance of the grading permit.
 3. Surveyed limits of the Forest Buffer Easement shall be clearly marked in the field at 100 foot intervals and significant turning points with permanent below grade markers to facilitate identification of easement limits by both School and County staff. Forest Buffer Easement “Do Not Disturb” signs shall be installed as witness posts near each marker. The Forest Buffer Easement “Do Not Disturb” signs and below grade markers shall be installed prior to grading permit release or October 1, 2013, whichever comes first.
 4. As proposed in the variance request, this project shall mitigate for Forest Buffer impacts by purchasing 0.2 acre in an EPS-approved offsite mitigation bank. A bank authorization letter has been enclosed for your use and to serve as the instrument of agreement with the bank owner. Prior to Environmental Agreement approval or permit issuance, the fee shall be paid to EPS, or the signed bank letter shall be returned to EPS indicating that retention bank credit has been purchased.
 5. Prior to issuance of any Baltimore County grading permit, blaze orange high visibility orange safety fence shall be manually installed along the LOD wherever the LOD is within 50 feet of any Forest Buffer Easement. The protective fence shall be illustrated on the plan view and mentioned in the sequence of operations on the sediment control plan. This fence shall be inspected and approved by EPS staff at the preconstruction meeting.
 6. There shall be no expansion of the cemetery in the Forest Buffer Easement.

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.

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If you have any questions regarding this correspondence, please contact Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/msk

Enclosure

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

Signature Date

Signature Date

Printed Name

Printed Name