

March 8, 2016

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

RE: BSH Properties at 1750 E. Joppa Road  
Forest Buffer Variance Request  
Tracking # 05-15-2121

Dear Mr. Canoles:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by the Department of Environmental Protection and Sustainability (EPS) on December 10, 2015. It was subsequently amended to include additional information requested by this Department and resubmitted on February 2, 2016. If granted, the variance would allow approximately 11,984 square feet (sf) of permanent impact to a Forest Buffer, including just over 1,800 sf of impact to the State-required 25-foot buffer to non-tidal wetlands in order to redevelop a commercial site as a 30,000-sf furniture store with associated parking and storm water management (SWM). Additionally, the proposed store building would encroach as close as 2 feet in lieu of the required 25 feet to the Forest Buffer Easement. The variance application proposes planting 7,096 sf of open Forest Buffer onsite as mitigation for water quality impacts.

This Department has reviewed your request, and has determined that a practical difficulty exists due to the fact that over 57% of the site would be Forest Buffer. Consequently, full compliance with the Law would require the furniture store to be reduced to a size that is financially infeasible. Specifically, we acknowledge that a zoning setback variance from Joppa Road was granted, which will allow the store to be moved as far from the Forest Buffer as possible. We also acknowledge that the number of parking spaces is only 6 spaces more than the minimum 75 required by zoning regulations for a 30,000-sf store and that all previously developed area onsite will be redeveloped.

We further find that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by planting 13,840 sf of Forest Buffer onsite as mitigation. This requirement is based on 2:1 mitigation for impacts to forested buffer and 1:1 for unforested Forest Buffer.

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Based on our review, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code with the following conditions:

1. 13,840 sf of Forest Buffer Easement on the site shall be planted in accordance with an EPS-approved, final Forest Buffer Protection Plan (FBPP). That FBPP shall specify the use native deciduous trees that are a minimum 1-inch caliper or 5-6 feet in height planted at 200 stems per acre. Shrubs are not acceptable mitigation.
2. The FBPP shall specify permanent protective signage along the Forest Buffer Easement.
3. The final FBPP shall be approved by this Department prior to or concurrent with the grading and sediment control plan for this project.
4. A performance security shall be posted in an amount equal to 110% of an EIR-approved cost estimate for implementing the FBPP via the Environmental Agreement procedure. This security shall be no less than \$0.25 per square foot of planting and shall be posted prior to issuance of any building or grading permit.
5. Maryland Dept. of the Environment and possibly U.S. Army Corps of Engineers authorization to impact wetlands and associated 25-foot buffer must be obtained prior to issuance of a County grading permit to impact these resources.
6. The Forest Buffer and Forest Conservation Easement and the associated Declaration of Protective Covenants shall be recorded in Baltimore County Land Records by March 8, 2017.
7. The following note must appear on all plans and plats submitted for this project: "A variance was granted on March 8, 2016 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to impact 11,984 square feet of Forest Buffer and reduce the 25-foot setback to the Forest Buffer Easement in order to construct a furniture store. Conditions were placed on this approval to minimize impacts to water quality including onsite Forest Buffer planting and posting of protective signage."

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 person(s) responsible for meeting the conditions of the variance approval sign the statement on the following page and return a signed copy of this letter

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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 yours,

Vincent J. Gardina  
Director

VJG/ges

c. Mr. Mark Segall, BSH Properties LLC  
Mr. Joshua Sharon, MRA

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

\_\_\_\_\_  
Owner's Signature Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Contract Purchaser's Signature Date

\_\_\_\_\_  
Printed Name