

February 16, 2016

Mr. Vasyl Mytsak
11608 Woodland Drive
Lutherville, MD 21093

Re: Carneyland Property
Forest Buffer Variance
Tracking #05-16-2144

Dear Mr. Mytsak:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department of Environmental Protection and Sustainability (EPS) on January 19, 2016. If granted, the variance would allow 9,485 square feet of forested Forest Buffer impacts. Of that total, 8,225 square feet of impacts are associated with the construction of two single family homes on existing lots 9 and 10 of Carneyland, including sewer connections for each lot. Additionally, the minimum 35 foot principle building setback from the Forest Buffer Easement on those lots would be reduced to 11 feet along the north side of the house proposed on lot 10. Furthermore, the variance would allow impacts to 1,260 square feet of Forest Buffer Easement on lot 31 for continued use of this area as rear yard by the adjacent property owner at 9627 Mason Avenue.

This Department has reviewed your request and has determined that a practical difficulty and hardship exist for developing this property due to the extent of the Forest Buffer and orientation of the stream and its 100 year floodplain to the platted lots. We acknowledge that you have exhausted all site layout options for developing the property, and that impacts to the Forest Buffer are unavoidable. As compared to other site layouts you have proposed in the past, your current proposal, along with onsite and offsite mitigation, will minimize water quality impacts to the extent possible. Therefore, the variance request is hereby granted in accordance with Section 33-3-106 of the Code with the following conditions:

1. The Forest Buffer Easement limits on lots 9 and 10 shall be configured as shown on the attached plan.
2. Prior to approval of any building or grading permit, the combined Forest Buffer and Forest Conservation Easement and the associated Declaration of Protective Covenants, Conditions, and Restrictions for all 17 lots shall be recorded in Baltimore County Land Records.

3. Surveyed limits of the Forest Buffer and Forest Conservation Easement shall be permanently delineated on all lots as shown on your preliminary Forest Conservation Plan with Forest Buffer-Do Not Disturb signs and at-grade monuments at 50 feet or at any turn in the easement to facilitate identification of easement limits. The signs and monuments shall be installed prior to issuance of any permit. Permanent fencing of the easement limit is not required.
4. The proposed sewer connections shall be located, designed, constructed and maintained to provide maximum erosion protection and have the least adverse effects on riparian habitat and water quality. Construction details for the connections shall be included on the sediment control plan for lots 9 and 10.
5. Temporarily disturbed areas of the Forest Buffer Easement shall be reforested using native species of trees, or a woody riparian seed mix approved by EPS staff where tree planting may be precluded.
6. Offsite mitigation for Forest Buffer impacts shall include purchase of 17,710 square feet of Forest Buffer mitigation credit at an EPS-approved planting bank. A letter of permission to purchase these credits is attached for your use. The executed mitigation bank letter shall be returned prior to approval of any building permits.
7. A Forest Buffer Protection Plan (FBPP) must be approved by this Department prior to issuance of any permits. The FBPP must provide details and specifications of the Forest Buffer-Do Not Disturb signage and monuments, as well as the planting of native trees and sowing of seed mix onsite. The FBPP must also indicate how the remaining mitigation balance will be addressed.
8. The FBPP and construction sequence of operations on the sediment control plan shall include the following notes:

“All disturbed area within the Forest Buffer Easement shall be seeded and restored with a native woody riparian seed mix approved by EPS.”

“Orange high visibility fence shall be manually installed along the limits of disturbance to minimize impacts to the Forest Buffer and Forest Conservation Easement. No work is to take place and no permits shall be issued until the fence is installed and its location approved by EPS staff.”
9. The following note shall appear on all plans and plats submitted for this project:

“A variance was granted by the Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains on February 16, 2016. Conditions were placed on this

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variance to minimize water quality impacts, including on and offsite mitigation planting, and the onsite installation of protective signage and monuments.”

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 sign the statement on the following page as the property owner, along with any subsequent owner as a result of the upcoming auction of lots 9 and 10, 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.

If you have any questions regarding this correspondence please call Mr. John Russo at (410) 887-3980.

Sincerely,

Vincent J. Gardina
Director

Attachments (2)

VJG:jgr

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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.

Property Owner _____ Date _____

Printed Name

Purchaser _____

Printed Name

Purchaser _____

Printed Name