

November 26, 2024

Judith Carroll
Carroll Engineering
215 Schilling Circle, Suite 102
Hunt Valley, MD 21031

Re: Cromwell Valley Park
Forest Buffer Variance
Tracking #03-23-4026

Dear Judith Carroll:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by this Department of Environmental Protection and Sustainability (DEPS) on May 16, 2024. Revised variance applications were received on October 7, 2024 and October 30, 2024. If granted, the variance would allow the installation of new parking areas, a retaining wall, and associated stormwater management facilities partially within the forest buffer. The forest buffer is associated with Minebank Run (Use I) that flows across the expanse of the Cromwell Valley Park property. The proposed parking areas, retaining wall, and stormwater management facilities will impact 0.24 acre of unforested forest buffer that is currently maintained as meadow, turf, or gravel area. No new direct impact is proposed to any streams, wetlands, forest, or floodplains.

The proposed park improvements include paving and expanding three existing gravel parking lots, installation of a new 400-square foot (sf) pavilion, installation of an ADA accessible path from the northernmost parking lot to the new pavilion, and installation of associated stormwater management facilities. The proposed access road widening and stormwater outfalls are activities that are permitted within the forest buffer and their buffer impacts will be addressed via alternatives analysis. The proposed pavilion will not impact the buffer. The proposed improvements are necessary in order to facilitate continued safe use of the park by the public. Presently, the existing parking areas and one-lane access road are not sufficient to support the increasing volume of the public using the park for recreation. The project will include the installation of micro-bioretenion stormwater management devices which will improve the quality of the water discharging from the site into any streams or wetlands.

This Department has reviewed your request and has determined that a practical difficulty exists in fully complying with Sections 33-3-111 and 33-3-112 of the County Code given that the parking lot expansion and improvements are proposed where the road and gravel or turfed parking areas already exist, and that improved access and parking facilities are necessary to support the park's high level of public use. Furthermore, we have determined that impacts to water quality would be adequately minimized given that no streams or wetlands will be directly

impacted, appropriate sediment control devices will be used, and that the project will incorporate appropriate stormwater management. In addition, no forest or specimen tree removal is proposed within the forest buffer.

Based on these findings, we determined that the variance criteria have been met. Therefore, this variance is hereby granted in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. Mitigation for the 0.24 acre of proposed impacts to unforested forest buffer is required at a 1:1 ratio and can be provided via onsite planting of unforested forest buffer. A Forest Buffer Protection Plan (FBPP) detailing proposed forest buffer impacts and proposed mitigation planting must be submitted to EIR for review.
2. High visibility, orange safety fencing shall be manually installed along the project's limit of disturbance (LOD) to protect resources immediately outside the LOD from disturbance during construction. The fence shall be inspected and approved by DEPS staff prior to grading permit issuance.
3. The following note must be on all plans for this project:

“A variance (tracking #03-23-4026) to the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was granted by Baltimore County Dept. of Environmental Protection & Sustainability to allow permanent impact to 0.24 acre of the forest buffer in order to allow for a proposed parking area, retaining wall, and stormwater management facilities to support an existing public County park. Conditions were placed on this variance to minimize impact to water quality.”

This variance is approved by the Director of the Department of Environmental Protection and Sustainability on _____. Any changes to site layout may require submittal of revised plans and a new variance request.

If you have any questions regarding this correspondence, please call Libby Errickson at (410) 887-3980.

Sincerely yours,

Horacio Tablada
Director

HT/lbe

c. Bill Sherd, Baltimore County Property Management