

November 7, 2024

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

RE: 7613 Dogwood Road
Forest Buffer Variance
Tracking # 01-24-4068

Dear Mr. Leskinen:

A revised request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability (DEPS), Title 3 Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by this Department on September 17, 2024. The property is located at 7613 Dogwood Road and is an existing lot of record with a house, various out buildings, horses, and pasture on site. Dogwood Run and associated Use I tributaries flow through the center of the property. If granted, this variance would authorize the forest buffer limits on the western end of the field to be based off of the current good vegetative cover and to allow the fill that was placed in the forest buffer to remain. Maintenance of these areas would cease. No new forest buffer impacts are proposed.

This Department has evaluated the request and finds that a practical difficulty would result from full compliance with the Forest Buffer Law, which would require establishing full forest buffer easements across the majority of the pasture, and significant additional soil disturbance adjacent to the main stem of Dogwood Run. Furthermore, we find that impacts to water quality resulting from the variance request can be adequately minimized by planting 582 5-6 foot tall Maryland native deciduous trees within the buffer on the north side of Dogwood Run and along the eastern bank of the unnamed tributary to Dogwood Run to address the 58,220 square feet of forest buffer disturbance; ceasing maintenance of the buffer, and posting permanent protective signage.

Based on these findings, DEPS has determined that the variance criteria are met in this case. Therefore, the requested variance is hereby approved in accordance with Section 33-3-106 of Baltimore County Code with the following conditions:

1. The forest buffer limits within the field shall be posted with permanent protective signage at 100-foot intervals.
2. Vegetative maintenance within the forest buffer in the field shall cease.
3. The field shall be planted with five-hundred-eighty-two (582) 5-6 foot tall native deciduous trees within the buffer to address the 58,220 square feet of forest buffer disturbance that occurred due to unauthorized grading. The trees shall be planted 10-foot on center in the spring of 2025.
4. There shall be no intensification or expansion of these authorized uses within the recorded Forest Buffer Easement.
5. A final Forest Buffer Protection Plan (FBPP) detailing the mitigation above and including an itemized cost estimate for its implementation shall be submitted to DEPS by January 3, 2025.
6. An Environmental Agreement will be required.
7. A performance security shall be posted within 60 days of FBPP approval. This security shall be based on 110% of the cost of the aforementioned cost estimate.
8. Any change in general land use on the property shall negate this variance, thus requiring full compliance with this law at that time.
9. The following note must be on all plans for this project:

A variance was granted to the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to allow the forest buffer limits on the western end of the field to be based off of the current good vegetative cover and to allow the fill that was placed in the forest buffer to remain. Conditions were placed on this variance to minimize impacts to water quality including planting and permanent posting of the forest buffer to remain undisturbed.

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 parties responsible for meeting the conditions of this variance approval 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.

Henry Leskinen
7613 Dogwood Road
Forest Buffer Variance
Page 3

This variance is approved by the Director of the Department of Environmental Protection and Sustainability on _____. If you have any questions regarding this correspondence, please contact Mr. Thomas Krispin at (410) 887-3980.

Sincerely yours,

Horacio Tablada
Director
HT:tak

Enclosure

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

Owner's Signature

Date

Printed Name

Owner's Signature

Date

Printed Name