

January 15, 2025

Eric Chodnicki  
Daft McCune Walker  
501 Fairmount Ave, Suite 300  
Towson MD 21286

Re: Dogwood Road Stream Restoration  
Forest Buffer Variance  
Tracking # 04-24-4203

Dear Eric Chodnicki:

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 Sustainability (DEPS) on November 27, 2024. The applicant is seeking to stabilize and restore the eroding streambank of Bens Run, a Use-I stream that extends upstream and downstream of the existing Dogwood Rd bridge. The proposed stream restoration will take place alongside the replacement of the existing bridge, which is in poor condition. Impacts to the forest buffer resulting from the bridge replacement have been addressed in the Alternatives Analysis. If granted, the variance would allow the applicant to permanently disturb 5,910 square feet (sf) of forest buffer and 15,450 sf of stream, and temporarily disturb 6,490 sf of forest buffer and 610 sf of stream in order to restore the stream. There is no proposed change to the property's use.

The restoration of the streambank is necessary to prevent further erosion, as the bank is eroding on either side of the stream, leading to potentially unsafe conditions. No alternatives to this project exist, as the proposed work is necessary to maintain public safety. Impacts to the forest buffer will be minimized by accessing the site from Dogwood Road. Additionally, the stabilized streambanks and impacted forest buffer will be replanted to provide a functioning riparian buffer and long-term stabilization.

This Department has reviewed your request and has determined that a practical difficulty exists in fully complying with Section 33-3-112 of the Forest Buffer Law given that stream restoration cannot occur without impacting the stream and its forest buffer. Furthermore, impacts to water quality will be adequately minimized during construction, and water quality will ultimately be improved as a result of the proposed stream restoration and subsequent buffer planting.

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. A final Forest Buffer Protection Plan (FBPP) detailing proposed mitigation planting at 2:1 for forested buffer and 1:1 for non-forested buffer must be reviewed and approved by DEPS staff prior to approval of the project's grading and sediment control plan.
2. Temporarily impacted forest buffer shall be reforested with native deciduous species of trees. Tree stock shall be a minimum 5- to 6-foot-high container-grown, except for any live staking of graded stream banks, and adequately sheltered.
3. A FBP security based on 110% of the DEPS-approved cost estimate shall be posted via an Environmental Agreement prior to grading permit issuance.
4. The following note shall appear on all subsequent plans submitted for this project:

“A variance (tracking # 04-24-4203) 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, allowing temporary disturbance of the stream and its forest buffer in order to replace the existing bridge on Dogwood Road (Bridge-0072) and to repair the eroding channel along Bens Run. Conditions were placed on this variance to reduce impacts to water quality including the replanting of disturbed forest buffer.”

Please sign the statement on the following page and return a signed copy of this letter to this Department. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of the renovation permit for this property.

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 contact Ms. Jannifer Anderson at (410) 887-3980.

Sincerely yours,

Horacio Tablada  
Director

HT/ja  
c: Baltimore County Department of Public Works & Transportation

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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.

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Dept. of Public Works Signature

Date

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Printed Name