

August 20, 2024

Devin Leary
Human and Rohde, Inc.
512 Virginia Avenue
Towson, MD 21286

Re: Middle River Logistics Park
Chesapeake Park Plaza
Forest Buffer Variance
Tracking # 05-24-4141

Dear Devin Leary:

Baltimore County Department of Environmental Protection and Sustainability (DEPS) received the above referenced request for a variance to the Baltimore County Code, Article 33 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on June 20, 2024. If granted, the variance would allow the impact of 13,049 square feet of forest buffer, including 1,687 square feet of permanent impact for the construction of a warehouse and the continued maintenance of existing utility lines on Block H of the Lockheed Martin Development. In addition to the building, parking and loading areas and stormwater management devices will be installed onsite. The applicant will plant 4,220 square feet of the buffer with Maryland native trees and shrubs to mitigate for the permanent water quality impacts associated with the proposed variance. An alternatives analysis was submitted with the forest buffer variance and will be addressed in a separate correspondence.

Part of the proposed development is located along the west side of Cow Pens Creek which is a Use-I stream and a tributary to Middle River. The majority of the forest buffer is 75 feet off the stream. The buffer expands beyond 75 feet to include non-tidal wetlands. In addition to the wetlands, the forest buffer consists of scattered trees and shrubs, part of an existing road, broken asphalt, and some compacted turf areas.

The property owner wants to construct three warehouses on Blocks B, G, and H of the Lockheed Martin Development at Chesapeake Park Plaza in Middle River. The forest buffer impacts associated with the proposed warehouse on Block H are the subject of this variance. The proposed warehouse and parking/loading areas on Block H will be constructed over an existing parking area. The developer examined other alternatives, but they were not practical because they interfered with the safe maneuverability of the truck drivers in the loading area and the functionality of the warehouse building. The proposed alternative will result in 13,049 square feet of impact to the buffer. The majority of the buffer impacts (7,352 square feet) are associated with the continued maintenance of vegetation under Baltimore Gas and Electric power

lines that cross over the buffer. The remaining impacts include adding paving for truck loading (480 square feet), maintaining a grass strip adjacent to the loading area (1,207 square feet), and for the removal of a road bed and other existing hard surface (4,010 square feet). At the conclusion of the project, the forest buffer will be enhanced by the removal of hard surface and the planting of additional trees and shrubs. The inability to re-develop an existing commercial site without impacting the forest buffer when the proposed project will result in a significant improvement to the buffer represents an unreasonable hardship for the applicant. Consequently, this Department finds that an unreasonable hardship exists in fully meeting the Forest Buffer Law.

The property owner proposes minimizing their impact on water quality by removing an existing access road and gravel areas which are located in the buffer, and stabilizing the remaining areas with native vegetation. In addition, the applicant will plant 4,220 square feet of the buffer with Maryland native trees and shrubs to mitigate for the proposed permanent buffer impacts. No tidal or non-tidal wetlands or streams will be impacted by the project and the forest buffer with the new trees and shrubs will be permanently protected in a Forest Buffer Easement.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. The applicant shall mitigate for the 1,687 square feet of permanent impact to the forest buffer by planting 4,220 square feet of the forest buffer with Maryland native trees and shrubs.
2. A Final Forest Buffer Protection Plan (FBPP) detailing the mitigation must be submitted to Environmental Impact Review for review and approval prior to approval of the grading and sediment control plan. A preliminary FBPP must be submitted and approved prior to approval of the development plan.
3. The 0.5 acre of forest buffer to remain undisturbed, temporarily disturbed, and planted with Maryland native trees and shrubs must be protected with a Forest Buffer Easement (FBE). The FBE must be recorded in the Land Records of Baltimore County prior to any permit approval.
4. Forest Buffer Easement signs must be installed along the easement boundary to delineate the limits of the FBE. The FBE sign locations must be shown on the FBPP and installed prior to permit approval.
5. An Environmental Agreement and planting security to guarantee survival of the onsite planting for three years must be submitted to Environmental Impact Review prior to any permit approval.
6. The following note must appear on all plans and plats submitted for this project:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains (Tracking Number 05-24-4141) was granted by the Baltimore County

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Department of Environmental Protection and Sustainability to allow the impact of 13,049 square feet of forest buffer, including 1,687 square feet of permanent buffer impact for the construction of a warehouse on Block H of the Lockheed Martin Development. Conditions were placed on this approval to reduce water quality impacts including planting trees and shrubs in open areas of the forest buffer.”

Please have the party responsible for meeting the conditions of this variance 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 this project.

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 Gris Batchelder at (410) 887-3980.

Sincerely,

Horacio Tablada
Director

HT/cgb

cc: James Damm, LMC Properties Inc.
Matt Bishop, Kimley-Horn and Associates

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

Property Owners

Date

Printed Names