

February 26, 2025

Kevin Haines
Holly Oak Consulting, LLC
303 Sycamore Rd
Severna Park, MD 21146

Re: Towson High School
Forest Conservation Specimen Tree Variance
Tracking # 06-24-4196

Dear Kevin Haines:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by the Department of Environmental Protection and Sustainability (DEPS) on December 9, 2024. This request proposes to remove 30 out of 34 trees. 26 specimen trees (ST) are located on site and four trees (ST-15,17, 18 & 19) straddle the property boundary. There are 11 specimen trees (ST-15-26) within a wooded area which must be re-graded for a new parking lot. There are two specimen trees that are non-native (ST-33& 34) and will not require mitigation. The remaining 17 trees are isolated trees scattered throughout the property. One tree, ST-19 is in poor condition while the remaining trees are in good to fair condition.

The Director of DEPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One of the three criteria under Subsection 33-6-116 (d) must be met, and all three of the criteria under Subsection 33-6-116 (e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of the property. The applicant is seeking to re-grade the site due to overall changes in site use with additional buildings, athletic facilities and expanded parking lots. However, requiring protection of the 30 specimen trees would not deprive the petitioner of all beneficial use of the property, since the lot is already developed with an existing school, athletic fields and parking facilities. Therefore, this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The petitioner's plight in making the proposed improvements is due to unique circumstances associated with the location of the specimen trees relative to the limit of disturbance necessary to re-grade the site for new school facilities, rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The 30 specimen trees found on the property would be disturbed for the re-grading of the site for new school facilities and parking lots. The site is already a high school. Furthermore, no change in land use would result, as the site has been institutionally developed with a high school for over 80 years and the surrounding areas are residential neighborhoods that have been built around the school. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that there is a floodplain, forest buffer and associated stream on site. Two specimen trees that are proposed to be removed are located within the forest buffer. However, approximately 22,000-sf of planting is proposed within the forest buffer to mitigate for forest buffer impacts. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions on the property necessitating this variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of DEPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Allowing the removal of 30 specimen trees in fair to good condition, to re-grade the existing site for redevelopment would be consistent with the spirit and intent of this law given that impacts to forest are minimal and will be enhanced with on-site mitigation planting and water quality impacts would be minimal. Additionally, removal of the 11 trees in the forested area will be mitigated through forest conservation reforestation in a county approved mitigation bank and removal of the isolated 17 individual native specimen trees in fair to good condition will be mitigated by payment of a fee-in-lieu of \$32,933.85. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. No mitigation fee is proposed for ST-33 & 34 because they are nonnative and ST-19 because it is in poor condition. Specimen trees ST-15-26 are within a forest area and will be mitigated through Forest Conservation mitigation via onsite planting and the purchase of credits at a DEPS approved Forest Conservation Bank. The remaining 17 specimen trees shall be mitigated by payment of a \$32,933.85 fee in lieu, which is based on 25% of the critical root zone of each tree. This fee-in-lieu of mitigation and any mitigation for afforestation/reforestation shall be remitted to DEPS prior to approval of any permit for this project. Checks should be made payable to Baltimore County.
2. The following note must appear on all subsequent plans for this project:

“A variance (tracking #06-24-4196) to Baltimore County’s Forest Conservation Law was granted to allow removal of thirty specimen trees. Conditions were placed on this variance to ensure the spirit and intent of this law were met including payment of a fee-in-lieu of mitigation.”
3. The final Forest Conservation Plan (FCP) shall be revised to reflect this variance as well as the proposed minor subdivision and approved by DEPS staff prior to issuance of any permits.

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

Sincerely yours,

Horacio Tablada
Director

Kevin Haines
Towson high School Renovations
Forest Conservation Variance
Page 4

HT/jda

c. Daniel Coy, Maryland Department of Natural Resources
Leslie Lazzeri, Baltimore County Public Schools

I/we agree to the above conditions to bring the referenced site into compliance with
Baltimore County's Forest Conservation Regulations.

Baltimore County Public School Representative's Signature

Date

Printed Name