

February 26, 2025

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

Re: White Property – 6001 Foxhall Farm Road
Forest Buffer Variance
Tracking # 01-25-4259

Dear Henry Leskinen:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by the Department of Environmental Protection and Sustainability (DEPS) on January 16, 2025. This variance seeks to allow continued use of 18,512 square feet (sf) of Forest Buffer maintained as lawn, 6,198 sf of Forest Buffer utilized as two driveways, 476 sf of continued use within the 35-foot (ft) setback from the Forest Buffer for existing structures (house, garage and portico) and 144 sf of impacts to the 35-ft setback for the construction a new shed. The applicant is seeking to subdivide the property into a three-lot minor subdivision.

The Forest Buffer is associated with Bull Branch, a Use I stream which extends along the northern boundary of this residential property. The full Forest Buffer extends along the entire northern portion of the property to the east, wrapping around to the south side of property. The buffer encompasses over 60% of the property.

As indicated above, the vast majority of the proposed impacts to the buffer are for continued use of lawn and driveways that predated the enactment of the Forest Buffer Law. Their continued use will result in no new direct impacts to the Buffer. The only new impact is within the 35-ft setback and is proposed over an area that is currently used as lawn. Furthermore, impacts to water quality would be adequately minimized given that there will ultimately be a net increase in forest within the Forest Buffer Easement (FBE). The Forest Buffer Protection Plan proposes to plant 24 trees in the buffer along the stream and wetlands between the two existing driveways, totaling 5,466 sf. Additionally, approximately 40,996 sf of Forest Buffer on site will be removed from use and allowed to naturally regenerate. The entire Forest Buffer on site will be placed in an easement and recorded in Baltimore County Land Records with its appropriate Declaration of Protective Covenants.

This Department has reviewed your request and has determined that a practical difficulty exists, in that both the structures and uses within the buffer predate the Forest Buffer Law, and the Forest Buffer encompasses the entire north end of the property. Furthermore, we find that the potential for impacts to water quality as a result of this proposal is low.

Therefore, we will grant this request in accordance with §33-3-106(a)(1) of the Baltimore County Code with the following conditions:

1. A Forest Buffer Protection Plan (FBPP) detailing proposed impacts and mitigation planting must be reviewed and approved by EIR prior to grading and sediment control plan approval. The final FBPP submittal must include an itemized cost estimate for its implementation. A security equal to 110% of the approved cost estimate must be posted with EPS via Environmental Agreement prior to any permit approval. The FBPP may be combined with the Forest Conservation Plan.
2. The FBE must be recorded in Baltimore County Land Records with its appropriate Declaration of Protective Covenants prior to reduction of any DEPS-held securities.
3. Forest Buffer signage shall be installed along functioning FBE boundary at 100-foot intervals or at any significant turn in the FBE boundary prior to any grading or building permit approval. Signs must be affixed using two bolts to metal U-posts four feet high and embedded at least two feet in the ground.
4. High visibility, orange safety fencing shall be installed along the project's limit of disturbance (LOD) wherever the LOD comes within 50 feet of any Forest Buffer Easement, Forest Conservation Easement, or Forest Buffer and Forest Conservation Easement. EPS staff shall inspect this fence prior to any permit approval.
5. The following notes must appear on all subsequent plans submitted for this project:
 - "A variance to the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (tracking # 01-25-4259) was granted by Baltimore County Environmental Protection and Sustainability to allow the continued use of 24,710 sf of Forest Buffer, 476 sf of continued use within the 35-ft setback, and 144 sf of new impacts to the 35-ft setback for the construction of a new shed. Conditions were placed on this variance to reduce impacts to water quality including planting within the Forest Buffer, allowing 40,996-sf of Forest Buffer to be removed from

maintenance to naturally regenerate, and posting the Forest Buffer Easement boundary with protective signage.”

- “There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”

Please have the property owner 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 addition 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. Jann Anderson at (410) 887-3980.

Sincerely yours,

Horacio Tablada
Director

HT/ja

c. Herd and Caroline White Trustees, Property Owner
Ken Well, kj Wells Inc. Engineer

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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 Owner's Signature

Date

Printed Name