

December 5, 2024

Connor McManus
Dynamic Engineering Consultants, Inc.
125 West Street, Suite 201
Annapolis, MD 21401

Re: Wawa White Marsh
10801 and 10811 Pulaski Highway
Forest Buffer Variance
Tracking # 05-24-4215

Dear Connor McManus:

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 September 30, 2024. If granted, the variance would allow the impact of 8,297 square feet of Forest Buffer, including 1,573 square feet of permanent buffer impact and the continued use of buffer areas for a proposed Wawa gas station and convenience store on a previously developed site. The buffer impacts are associated with parking areas, drive aisles, curb and gutter, and a retaining wall for the proposed convenience store. The applicant will mitigate for the 1,573 square feet of permanent buffer impacts by planting onsite as well as purchasing credits at an offsite planting bank. An alternatives analysis was submitted with the forest buffer variance to address the stormwater management and utility impacts to the buffer and will be addressed in a separate correspondence.

The proposed Wawa convenience store and gas station is located at the intersection of Pulaski Highway and Ebenezer Road and consists of two parcels of land. The site was previously developed and included both a gas station and a car repair shop. The Forest Buffer is located along the southern property boundary with areas along the lower eastern and western property lines. There are no wetlands and streams onsite and a small area of forest along the southern property line. Beyond the southern property boundary is an isolated non-tidal wetland with a 25-foot buffer which extends onsite and further south of the property is Whitemarsh Run, a Use-IV stream. The Forest Buffer onsite is a result of the 25-foot setback associated with the 100-Year Floodplain of Whitemarsh Run. The buffer contains both developed areas with gravel and asphalt paving as well as grass and forested areas.

The property owner wants to construct a Wawa convenience store and gas station with associated parking areas, drive aisles, curb and gutter, and a retaining wall. The total impact to the Forest Buffer from these development activities is 8,297 square feet. Over half of the impacts to buffer are temporary (6,724 square feet) and the remaining permanent impacts include

both forested (851 square feet) and non-forested areas (722 square feet). The majority of the site was previously developed with some impacts to the Forest Buffer. The inability to redevelop a site which had previous buffer impacts without impacting the Forest 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 concentrating the proposed development along Pulaski Highway and reducing the width of the drive aisles to limit impacts to the buffer. In addition, permanent buffer impacts will be mitigated by planting onsite and purchasing credits at an offsite planting bank. Onsite planting areas, temporarily disturbed forested buffer areas, and buffer areas that will not be disturbed will be permanently protected. Also, stormwater management facilities will be added to the site to address stormwater run-off. No stormwater best management practices existed onsite previously.

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 1,573 square feet of permanent impact to the Forest Buffer. The total mitigation required is 2,424 square feet which includes 722 square feet of mitigation for non-forested buffer impacts (1:1 ratio) and 1,702 square of mitigation for forested forest buffer impacts (2:1 ratio).
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.
3. Any credits purchased at an offsite planting bank to address the 2,424 square feet of mitigation required for this project must be purchased prior to grading permit approval.
4. All temporarily disturbed areas of the Forest Buffer must be returned to their original condition. Restoration of the temporarily disturbed areas must be detailed in the FBPP.
5. A Forest Buffer Easement must be recorded in the Land Records of Baltimore County prior to permit approval to protect the Forest Buffer.
6. An Environmental Agreement and planting security based on 110% of the planting cost for the onsite planting must be submitted to the Department prior to permit approval.
7. 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 05-24-4215) was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow the impact of 8,297 square feet of forest buffer, including 1,573 square feet of permanent buffer impact and the continued use of buffer areas for a proposed Wawa convenience store and gas

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station. Conditions were placed on this approval to reduce water quality impacts including planting onsite, purchasing credits at an offsite planting bank, and restoring temporarily disturbed areas.”

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: David Malanga, SG Maryland LLC
Kirk Salvo, Eben Limited Partnership
Joey Mizrahi, Paramount Realty
Haley Kelly, Wetland Studies and Solutions

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

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