



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

April 29, 2010

Dave Loudermilk  
Department of Public Works  
9250 Bendix Road  
Columbia, MD 21045

RE: WP-10-126, Savage Volunteer Fire Station  
(SDP-10-084)

Dear Mr. Loudermilk:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.116(a) and (b)**, which outlines the protection of wetlands, streams and steep slopes, including the prohibition of grading, removing vegetative cover, or constructing structures within 25' of wetlands, 50', 75' or 100' from stream banks, or within areas of slopes 25% or greater that span over 10 vertical feet over an area of 20,000 square feet; **Section 16.117(a)**, which requires land to be subdivided or developed to be designed in a manner that respects existing topography or minimizes clearing of existing plant communities, especially forest areas; and **Section 16.1205(a)(7)**, which outlines the forest retention priorities when adhering to the Forest Conservation Act, including areas of floodplain, stream buffers, wetlands and buffers, steep slopes, the location of state champion trees, trees 75% of the diameter of state champion trees and trees 30" in diameter or larger, and many other provisions. Per State Senate Bill 666, State Champion trees or trees 30" diameter or larger cannot be disturbed without a waiver.

Approval is subject to the following conditions:

1. The stream is relocated and restored in accordance with the stream mitigation plan provided with this waiver request. The stream mitigation plan must become part of the signed site plan sheet set for SDP-10-084.
2. To further increase diversity, add at least one additional understory species (shrub or small tree) to the stream mitigation planting plan. This can replace some of the Shadblow and/or a few of the proposed larger trees; an overall increase in the number of plantings is *not* needed.
3. The portion of the forest being retained was found to be of lower quality in the Forest Stand Delineation. To improve the condition of the retained forest, remove the invasive species, control the vines, and remove any junk and debris from the stand, as recommended in the Forest Stand Delineation Report.
4. Approval of these disturbances is subject to approval by MDE for the permit requested under tracking number #200962276, and all other required permits. Proof of approval for required permits must be submitted to DPZ-DLD prior to receiving signature approval of the Site

Development Plan. The limit of disturbance shall be the minimum necessary for the proposed site improvements.

5. Compliance with the SRC agency comments for SDP-10-084.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - See the enclosed justification statement from the applicant for a complete analysis. The environmental features are located on the most centralized and widest portion of the site. There are no options to develop the site without impacting the environmental features. The site was selected by the County for the Fire Station due to the centralized location, which is necessary for fire apparatus to meet response times to emergencies. The denial of this waiver would require the County to attempt to locate another parcel of land that meets the accessibility, centralized location to the response area, and is large enough to accommodate the number of fire apparatus bays, the living quarters, the community facility, and adequate parking. The subject property is encumbered with unique physical conditions including the parcel irregularity, a narrow lot shape, and other conditions such as wetlands, streams, buffers, and required structure and use setbacks measured from three abutting public roads which result in practical difficulties and unnecessary hardships in complying with the regulation requirements.

**Implementation of an Alternative Proposal** - No alternative proposals are possible on this site. The County would need to secure another piece of land that meets the safety and accessibility requirements for the fire station. If such a piece of land was found, the County would need to purchase the land and plan the site, which would substantially delay improving the public safety infrastructure for the Savage area.

**Not Detrimental to the Public Interest** - See the enclosed justification statement from the applicant for a complete analysis. The existing stream on the site originates from a culvert north of the site and is piped to the south of the site. The stream and the existing forest are isolated, and no interior forest characteristics are present. There are specimen trees on site that are in fair condition or poor condition, which will be removed. These forest, stream and wetland impacts will be mitigated through the relocation of the stream bed and native tree and shrub planting, thereby increasing environmental quality. Forest will be retained in a portion of the site. These efforts ensure the proposed improvements are not a detriment to the public interest. Furthermore, as stated above, the chosen location for the fire station meets many requisites to ensure adequate accessibility and response time, and an improved community gathering site. These improvements thereby serve the public interest.

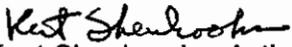
**Will Not Nullify the Intent or Purpose of the Regulations** - See the enclosed justification statement from the applicant for a complete analysis. The intent of Sections 16.116, 16.117, and 16.1205 is to ensure that water quality is protected and improved, soil erosion and storm run-off is minimized, the incidence of flooding and other unsuitable sanitary conditions or hazards is reduced, impacts on existing plant communities are minimized, scenic beauty is preserved, and to ensure quality wildlife habitat is preserved to the extent possible. The stream and forest are in fair condition, although the stream has an eroded bed. A woodland area to the east of the site will be retained, and the conditions of approval will improve its quality. A fee-in-lieu will be paid that will provide funds for a forest to be planted in an area of higher wildlife value. Overall, because of the isolated nature of these environmental features, the proposed mitigation of the stream and vegetation, and the inherent public safety improvement proposed for the site, the approval of this waiver does not nullify the intent or purpose of the regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This

requested waiver will remain valid for one year from the date of this letter or as long as the site development plan remains in active processing.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at [jfarrar@howardcountymd.gov](mailto:jfarrar@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Acting Chief  
Division of Land Development

KS/JMF

Attachement

cc: Research  
DED  
Jeff Schwab, Tesseract Sites  
SDP-10-084 file (PDox-Waiver folder)  
Marion Heneczy, Department of Natural Resources  
Brenda Luber