



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

April 21, 2016

Geo-Technology Associates, inc.
14280 Park Center Drive
Laurel, MD 20707
Attn: Maxwell D. Potember

RE: Amended Letter to Correct Overall Property Area
Verizon Wireless, New Cut, BGE Tower 281A
WP-16-105

Dear Mr. Potember:

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 **Sections 16.115.(d), 16.157.(b).(11), 16.1201.(n) and 16.1204.(c) of the Subdivision Regulations** to allow the area delineated for floodplain, wetlands, wetland buffers, streams and streams buffers, the area to be evaluated in the Forest Conservation Plan (FCP) and the Forest Stand Delineation Plan (FSD), and the area to be used to calculate the forest conservation requirement be limited to the proposed 0.49± acre limit of disturbance in lieu of the overall property area of 8.94± acres*. **The approval is subject to the following conditions:**

1. At the time of submission of the required Environmental Concept Plan (ECP) and the Site Development Plan (SDP), the applicant shall delineate existing environmental features including floodplain, wetlands, wetland buffers, streams and stream buffers, steep slopes and forest resources located within the proposed 0.49± acre limit of disturbance / review area.
2. No disturbance is permitted beyond the 0.49± acre limit of disturbance shown as the review area on the waiver petition exhibit, WP-16-105.
3. The 0.49± acre review area, which coincides with the limit of disturbance, shall be used as the Gross Site Area for the purpose of calculating the forest conservation obligation for the proposed limited development of this site.
4. Compliance with all SRC Agency comments generated with the review of the Environmental Concept and Site Development Plans for the proposed limited development of this site.
5. On all plans and applications for all applicable permits, provide as a General Note a brief description of this waiver petition, WP-16-105, which includes the requested sections of the Regulations, date, action taken, and conditions of approval.

Justification for our decision of approval was made based on the following:

- **Summary of extraordinary hardships and practical difficulties which would result from strict compliance with the Regulations:**

The overall property is 8.94± acres and is located within an overhead electrical transmission line right-of-way or public road or utility parcel. It would be impractical to investigate the entire 8.94± acres for floodplains, pond, wetlands, wetland buffers, streams and stream buffers when the 0.49± proposed

development area of this site represents a fraction of the overall property and a relatively small disturbance footprint. It is also unnecessary to delineate these environmental features in areas where the applicant proposes no development or disturbance. It would be an extraordinary hardship for the applicant to be required to use the entire overall property to calculate the forest conservation obligation for the development of fraction of the overall property. Since the applicant seeks waivers to limit the area of investigation for environmental features to the proposed limits of disturbance and waiver to limit the Tract Area and Net Tract acre to the proposed limit of disturbance, it follows that the area for which the forest stand delineation is required would also be similarly reduced to the proposed limit of disturbance.

- **Approval of this waiver will not nullify the intent of the Regulations:**

The intent of the Regulations will still be met with the approval of this waiver, because the applicant is not proposing to waive the requirements in their entirety. Instead the applicant proposes limiting the scope of the investigation so that it is commensurate with the scope of development activity. Furthermore, in the event that future development activity would take place on the overall property, floodplains and environmental features not delineated as part of the ECP, SDP, Final Plan and FSD could be subsequently investigated and delineated and forest conservation requirements generated from that development could be addressed at that time.

- **Approval of this waiver will not be detrimental to the public interests:**

This request will not be detrimental to the public interest because as noted above, the necessary environmental investigations and delineations will still being performed and the forest conservation requirements will be addressed for the area of development of this property based on the proposed limit of disturbance.

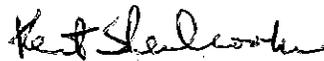
- **Approval of this waiver will not nullify the intent of the Regulations:**

The waiver request is not intended to exempt the project from County Regulations. Approval of this request will not nullify the intent of the Regulations since the Regulations are still being addressed, but for a limited scope.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on any related environmental concept plan, plat, site development plan, and building permit. This requested waiver will remain valid for one year from the date of this letter or as long as any associated subdivision plan /site development plan/grading plan remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 

cc: Research
Nicole Yan, Development Engineering Division
Real Estate Services Division, DPW
James Irvin, Director, DPW – Owner
Gina M. Mainolfi – BGE

***The purpose of this letter is to amend the overall property area to be 8.94+ acres.
This area was previously and erroneously stated to be 136.4+ acres.**