



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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May 4, 2010

Forest Ventures  
5300 Dorsey Hall Drive, Ste. 102  
Ellicott City, MD 21042

RE: WP-10-132, Forest Green

Dear Sir or Madam:

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 16.116(a)(2)(i)**, which states that grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 50' of an intermittent stream. The proposed development will impact the stream buffer to provide a suitable outfall for the SWM facility; **Section 16.117(b)**, which states that grading, removal of vegetative cover and trees, new structures and paving shall not be permitted on steep slopes 25% or greater over 10 vertical feet. The proposed development proposes grading on steep slopes 25% or greater on Parcel 1172 to accommodate the construction for a future commercial building on that parcel and **Section 16.1205(a)(8) & (10)**, which outlines the forest retention priorities when adhering to the Forest Conservation Act, including areas of floodplain, stream buffers, wetlands and buffers, steep slopes, areas 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. The proposed development will require the removal of 4 of the 5 on-site specimen trees located on this property to accommodate the commercial use development site improvements.

Approval is subject to the following conditions:

1. The off-site forest conservation easement obligation for this project must be provided within the Little Patuxent River watershed corridor within a priority retention area to be determined with the processing of SDP-10-36. The developer's first priority for the forest mitigation should be at an off-site high priority retention area if a site is available for use. If an off-site retention area is not available, the developer shall provide off-site forest planting as an alternative or the purchase of credits at a Forest Mitigation Bank.
2. Larger caliper trees are to be used to fulfill a portion of the off-site Forest Conservation planting obligation and/or through retention of priority forest area, preferably with stands of specimen trees to provide the displaced habitat for this project.
3. Provide stream stabilization details as part of the SDP-10-036 signed plan set of drawings.
4. Compliance with the SRC comments for SDP-10-36.
5. The waiver petition approval pertains only to the limits of disturbance (LOD) within the 50' stream buffer and wooded steep slope areas as shown on the highlighted WP plan exhibit and SDP-10-36. The LOD shall be the minimum impact necessary for the proposed site improvements.

**Extraordinary Hardship or Practical Difficulty** - See the enclosed justification statement from the applicant. In order to meet storm water management on-site, improve water quality of water leaving the site, and to provide a site for the existing business to remain on site, this waiver is necessary.

**Implementation of an Alternative Proposal** – Alternatively, the portion of the development located within the environmentally sensitive areas and buffers could be removed if the project were redesigned. However, doing so would not allow the improvement of the under-used commercial property to comply with the upcoming Route 40 Manual for a commercial use site.

**Not Detrimental to the Public Interest** - See the enclosed justification statement from the applicant. Approval of the waiver request will improve water quality through the stabilization of the stream bed. Furthermore, loss of habitat on this highly developed Route 40 commercial property will be restored to an off-site area with greater interior forest and/or additional priority environmental features. Approval of this waiver request will not alter the essential character of the neighborhood or be detrimental to the public interest because this property is located within the highly developed commercial corridor along U.S. Route 40 in Ellicott City.

**Will Not Nullify the Intent or Purpose of the Regulations** - See the enclosed justification statement from the applicant. Approval of the waiver request will improve water quality through the stabilization of the stream bed. Furthermore, loss of habitat on this urbanized commercial site will be restored to an off-site area with greater interior forest and/or additional priority environmental features. The proposed design for this project minimizes the site disturbance and is considered reasonable development for this commercial property located along the Route 40 corridor.

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/jw

cc: Research  
DED  
FCC  
SDP-10-036, Forest Green  
Brenda Luber  
Marian Honeczy, MD Forest Service