



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

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July 12, 2010

Mr. Louis Mangione
Music Fair Road Limited Partnership
1205 York Road - Penthouse
Lutherville, MD 21093

RE: WP-10-161, Lorien-Elkridge, proposed nursing home with assisted living facility,
TM Parcel 32, U.S. Route 1, reconsideration request of 07/06/10 (ECP-10-006)

Dear Mr. Mangione:

The reconsideration request of 07/06/10 was submitted because after the project engineer evaluated a new floodplain delineation and clarification of information from the environmental consultant, minor modifications/differences to the existing and proposed environmental impacts were found after we approved this waiver petition by letter dated 06/25/10. The minor modifications/differences to the existing and proposed environmental impacts are as follows:

- A. Existing encroachment within the stream buffer increased from 4,147 sq. ft. to 4,651 sq. ft.
- B. Existing encroachment within the floodplain decreased from 1,387sq. ft. to 507 sq. ft.
- C. The proposed development will increase the encroachment within the stream buffer from 2,450 sq. ft. to 3,095 sq. ft.
- D. The proposed development will decrease the encroachment within the floodplain from 736 sq. ft. to 354 sq. ft.

The Director of the Department of Planning and Zoning reconsidered your request for waivers from the following Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive Subdivision Sections:

- 1. 16.1205(a)(10), and granted permission to remove 7 existing trees (Specimen Trees 1-3 & 5-8) exceeding 30 inches in diameter that are not considered priority vegetation or located in priority areas for onsite retention and protection per Subdivision Sections 16.1205(a)(1)-(9), and;
- 2. 16.115(c)(2), and granted permission to grade, disturb and develop within the

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floodplain as shown on the WP-10-161 exhibit/plan, and;

3. 16.116(a)(1), and granted permission to grade, remove vegetative cover and develop within the 25' wetland buffer as shown on the WP-10-161 exhibit/plan, and;
4. 16.116(a)(2)(iv), and granted permission to permit grade, remove vegetative cover and development within the 50' stream buffer as shown on the WP-10-161 exhibit/plan.

The approval of this waiver petition is subject to compliance with the following conditions of approval:

1. In order to take forest conservation easement credit for the retention area of FCE 1 that is less than 35 feet in width, and to meet all or most of the forest conservation obligation for this project onsite, the "old field" (as identified on the FSD on plan sheet 4 of the WP-10-161 exhibit/plan) shall become a "reforestation area" of FCE 1.
2. This waiver petition approval pertains only to the limit of disturbance (LOD) located within the 100 year floodplain, 25' wetland buffer and 50' stream buffer shown on the WP-10-161 exhibit/plan submitted on 07/06/10 for reconsideration.
3. All grading, removal of vegetative cover, disturbance and development within the 25' wetland buffer is subject to obtaining the necessary permit(s) from the MDE, and adding a note to the site development plan indentifying the tracking number for the MDE permit(s).

Justification for the approval recommendation for this waiver petition:

1. The enclosed justification submitted by the Petitioner on 07/06/10 for reconsideration.
2. The modifications/differences to the existing and proposed environmental impacts cited in the justification submitted by the Petitioner on 07/06/10 for reconsideration were minor in nature, and did not alter our previous decision to approve the waiver petition requests.
3. The 7 existing trees (Specimen Trees 1-3 & 5-8) exceeding 30 inches in diameter that are to be removed are not considered priority vegetation or located in priority areas for onsite retention and protection per Subdivision Sections 16.1205(a)(1)-(9).
4. This waiver petition, if approved as cited above, will not nullify the intent and

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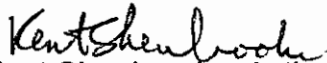
purpose of the Regulations as the proposed development will reduce in size the existing areas of encroachments currently located in the floodplain, 25' wetland buffer and 50' stream buffer and provide storm water management that will improve water quality as stated in the petitioner's justification.

5. When the irregular shape of the property, the multiple onsite environmental areas, the proposed facility design requirements, and the Route 1 Manual and Design Advisory Panel recommendations/requirements are taken into consideration, extraordinary hardships and practical difficulties would result from strict compliance with the Regulations cited above.

The approval of this waiver petition will remain valid for a period of one year from the date of this letter (until 07/12/11). If the site development plan for the proposed development is submitted before or on 07/12/11, the approval of this waiver petition will remain valid for as long as the site development plan remains in active processing.

If you have any questions, please contact Michael Antol at (410) 313-2350 or email at mantol@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

~~KS/MA~~
KS/MA/WP10161.reconsider.appr.ltr.

cc: File
Research
HSCD
DED
ECP-10-006
Benchmark Engineering, Inc.