



Howard County Department Of Planning And Zoning
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Marsha S. McLaughlin, Director

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September 29, 2011

Howard County Board of Education
10910 Route 108
Ellicott City, Maryland 21042
ATT: Bruce Gist

RE: WP 12-032/Board of Education; Atholton High School
Red-Line Revisions to SDP-08-050, School addition, parking and
underground geothermal well system

Dear Mr. Gist:

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

As of the date of this letter, the Planning Director **approved** your request for waiver to Section(s) 16.1201(n) and 16.1204(d)(1) to allow the area of the LOD for a proposed school addition, parking area, utilities and installation of an underground geothermal well system to be used for computation of the forest conservation requirement rather than based on the net tract area of this site. Approval is subject to the following:

1. A fee-in-lieu of .25 acres of required afforestation in the amount of \$8,167.50 shall be paid to the Forest Conservation Fund at time of submission of the red-line revision request to SDP-08-050.

JUSTIFICATION FOR APPROVAL:

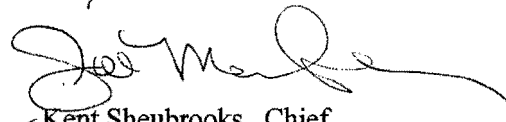
1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The Atholton High School property encompasses three parcels of land totaling 40.98 acres located on the west side of Freetown Road. The majority of the site is developed with a school building, mobile support buildings, parking lots a ball field and track area. A small portion of the western edge of the property is forested. The Board of Education is proposing red-line revisions to previously approved SDP-08-050 so as to show a southern building extension, parking expansion and an underground geothermal well system. The overall limits of disturbance will be approximately 4.1 acres. This disturbance includes redevelopment of .7 acres of existing impervious area, creation of 1.7 acres of new impervious surface and 1.7 acres of temporary disturbance for the installation of the geothermal wells and surrounding temporary grading. To require on site forest conservation for the .25 acres of afforestation would restrict future classroom expansions and cause practical difficulties in providing recreational uses associated with the functions of a major high school facility

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. In accordance with similar redevelopment projects, the owner is proposing that the net tract area of the project be defined only by those areas undergoing a change in use. In this case the net tract area that is only undergoing a change in use is 1.7 acres of existing lawn which will be converted to new impervious surface. All other areas within the overall limits of disturbance are currently developed and will not undergo a change in use. This area is the .7 acres of existing impervious and 1.7 acres of temporary disturbance for the geothermal well, equaling 2.4. Allowing implementation of an alternative proposal for fee-in-lieu for 1.7 acres of new disturbance rather than on the total of 4.1 acres (2.4 acres existing/temporary disturbance + 1.7 new disturbance), the intent of the regulations can still be met with a contribution to the Forest Conservation Fund.

3. Approval of this waiver request will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to meet the forest conservation obligation with a better alternative. The proposed development will not impact any existing forest or require the removal of specimen trees. By permitting calculations to be based on 1.7 acres of net tract area, forest conservation obligations will be met and the owner can move forward with construction of classrooms and provide a more green environment by the installation of geothermal wells.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for one year from the date of this letter or as long as development plans are in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



.btb

cc: Research/DED
Fisher, Collins & Carter