



**Howard County Department Of Planning And Zoning**

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Marsha S. McLaughlin, Director

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November 03, 2011

Mr. Bruce Gist  
Howard County Public School System  
10910 MD Route 108  
Ellicott City, MD 21042

RE: WP-12-069, The Legacy at Ducketts Ridge, Parcel A (proposed "Elementary School #41")

Dear Mr. Gist:

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 Subdivision Section:

1. 16.116.(a)(1), and hereby grants permission to remove vegetative cover and trees, grade, fill, pave and develop within 25 feet of a wetland on Parcel A, The Legacy at Ducketts Ridge.

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

1. The Petitioner/developer shall apply for and obtain any required 404/401 permits/certificates.
2. The wetland mitigation as proffered under this waiver petition application shall be provided as part of a larger stream/wetland complex elsewhere in the County that will provide greater habitat diversity and potential, as approved by the MDE.

Justification for the approval recommendation for this waiver petition:

1. Undo hardships and practical difficulties would result from strict compliance with the Regulations due to the design requirements for an elementary school site, the onsite isolated wetland and size of this property. In order to develop this property as an elementary school site, impact to the isolated wetland and the 25' wetland buffer cannot be avoided. The location of the isolated wetland and the 25' wetland buffer, the size of the property and the layout/design requirements for the school combine to create a practical difficulty and extraordinary hardship for the Howard County Public School System which cannot be overcome if strict compliance with the Regulations is required.

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2. The approval of this waiver petition will not be detrimental to the public interest, or nullify the intent of the Regulations because the school is being proposed to benefit the community at the only available site in the area, and the onsite isolated wetland and 25' wetland buffer will be replaced with wetland mitigation that will be provided as part of a larger stream/wetland complex elsewhere in the County that will provide greater habitat diversity and potential.

See the enclosed advisory comment from the Development Engineering Division dated 10/26/11.

Indicate this waiver petition file number, request, section of the Regulations, action, conditions of approval, and approval date for this waiver petition in a detailed note on sheet 1 of ECP-12-025 and the site development plan that is required to be submitted for this project. This waiver petition approval will remain valid as long as this project is active.

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

Sincerely,



Kent Sheubrooks, Chief,  
Division of Land Development

KS/MA/WP12069.appr.ltr.

cc: File  
Research  
DED  
SDP-06-070  
Ducketts Ridge, LLC  
Fisher, Collins and Carter, Inc.