



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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September 21, 2012

Linwood Center
3421 Martha Bush Drive
Ellicott City, MD. 21043
ATTN: William Moss

RE: WP-13-030 (Linwood Center)
(Associated with SDP-11-041-Linwood Center, Inc.)

Dear Mr. Moss:

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 **Section 16.1205(a)(7)** to allow removal of specimen trees.

Approval is subject to the following conditions:

1. A minimum of 4 new shade trees (minimum of 3" caliper) shall be planted on-site to mitigate the removal of both specimen trees. At least two of these newly planted trees shall be Beech trees.
2. Landscape surety associated with SDP-11-041 shall not be released until all required planting on the landscape plan as well as the planting of these 4 additional trees has been completed.
3. The applicant is **STRONGLY** encouraged to contact a local timber mill, to discuss any desire to process the Beech tree.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because both trees are experiencing health issues, do not occur within the limits of existing forest and are in close proximity of the new building. They pose a potential hazard from limb loss or complete tree collapse onto a building that will be frequented by students and staff.

According to the arborists report (Excel Tree Expert Co., Inc.), the 43" diameter Linden (*Tilia cordata*) located near the present main building, suffers from "numerous and obvious dead or dying scaffold limbs. The tree has a fairly large canopy with 40% dead limbs throughout the crown and one large cracked and dying scaffold limb. There is a wood decaying fungus on the trunk of the tree at approximately 20 feet from the ground level from a large and improper pruning cut. The roots of the tree are restricted by the asphalt parking lot on all sides of the tree. The restricted growing space...has a detrimental effect on the roots, due to lack of oxygen and water percolation to the root system, compaction of the soil and susceptibility to root decay or failure".

With regard to the 51" diameter fern leaf beech (*Fagus sylvatica*), the arborist states, the tree "has a large and prominent crown with approximately 20% dead wood in the crown. The base of the tree has a cavity at 5 feet from ground level from an improper pruning cut made several years ago. The cavity varies in size from 6-12 inches wide and extends into the tree to a depth of 2 feet. Hypoxylon was detected on the trunk of the tree

and several root flares. The disease is first evident as dieback of one or more branches. The foliage of the diseased limbs turns yellow and dries. This dieback continues from branch to branch through the stem until eventually the tree dies. This beech has one large (12 inch diameter) scaffold limb from the disease at the present time. The base of the tree near the root flares shows indications of armillaria root rot fungus. An infected tree will die once the fungus has girdled it, or when extensive root death has occurred. The fungus appears to have infected more than 50% of the base near the root collar. An infected tree will die once the fungus has girdled it, or when extensive root death has occurred."

Detrimental to the Public Interest:

The removal of 2 specimen trees in poor health that pose risk of partial or total collapse will not be detrimental to the Public Interest. According to the applicant, "a new building is proposed to be built in the courtyard in front of the main building. Significant grade changes and the disruption of soil or roots is an additional stress factor for the trees. Both trees have limited space for root expansion and the development of the land will likely diminish the amount of available oxygen and water to the already diminished root systems on both trees." The arborist states, "I believe that both trees have significant problems, are in decline and cannot be preserved under the best arboricultural care".

Nullifies the Intent or Purpose of the Regulations:

The Intent and Purpose of the Regulations will be upheld through the required review process. The applicant is proposing to meet forest conservation obligations by the retention of 0.11 acres of existing forest, planting of 0.36 acres and the payment of fee-in-lieu for the remaining 0.64 acres of obligation. The removal of the trees will be mitigated at 4:1. See also the justification provided by the consultant submitted on August 23, 2012.

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 and/or grading plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/tkm/Waivers 2012/Linwood Center WP-13-030 approval 9-21-12

cc: Research
DED
M. Honecny-DNR
J. Rutter
SDP-11-041 file (Linwood Center)