



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

November 14, 2016

WR Grace and Co.
ATTN: Nizam Usta
7500 Grace Drive
Columbia, MD. 21044

RE: WP-17-026, Grace Tech Park, Parcel 'A'
Approval Letter

Dear Mr. Usta:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of the following sections:

Section 16.115(d) which requires delineation of floodplain on final plats and site development plans.

Section 16.157(b)(11) which requires the delineation of ponds, wetlands, wetland buffers, streams and stream buffers on the site development plan.

Section 16.1204(c) which requires a forest stand delineation to be conducted on the entire property to be developed.

Section 16.1201(n): Definitions: "Net Tract Area" and Section 16.1202(b)(1)(i): Applicability; Exemptions; Declaration of Intent to allow the Limit of Disturbance to serve as the Net Tract Area when determining the forest conservation easement obligation.

Section 16.1205(a)(7) and 16.1205(a)(10) to allow removal of specimen trees.

Approval is subject to the following conditions:

1. The area of plan submission shall not exceed 1.64 acres as shown on SDP-17-006.
2. A Forest Stand Delineation, Forest Conservation Plan and Wetlands Delineation Report shall be conducted for the project area of 1.64 acres and shall be submitted and approved under SDP-17-006.
3. Forest Conservation shall be addressed for the 1.64 acres of plan submission associated with SDP-17-006. Forest Conservation must be addressed by the purchase of forest conservation easement credits from an off-site forest mitigation bank or a fee-in-lieu payment under SDP-17-006.
4. Removal of specimen trees shall be limited to **only** Specimen Tree 'B', as shown on SDP-17-006.

5. Removal of the Specimen Tree 'B' will require replacement mitigation at a ratio of two (2) larger caliper trees (at least three (3) inches dbh) for removing the specimen tree. The mitigation planting can be provided as part of the required perimeter landscaping for this project. You must address this alternative forest conservation/landscape mitigation under SDP-17-006.
6. Specimen Tree 'A' must be protected during construction. A registered arborist must inspect the tree and implement recommendations for professional pruning of roots and foliage. All pruning must be performed by a Maryland licensed tree expert. Tree protection fencing must be installed around the entire perimeter of Specimen Tree 'A' to prevent root and foliage damage during construction. Alternative designs of the site must be conducted by the consultant in order to minimize root damage.

Our decision was made based on the following:

Extraordinary hardships or practical difficulties:

The entire property is 54.80 acres and is largely developed with the Grace Tech Park campus. The proposed development (1.64 acres) covers only a small portion of the total site. It would be impractical to investigate the entire 54.80 acre campus for floodplain and other environmental features, when the proposed development and forest conservation area represent a fraction of the total property. It is also unnecessary to delineate floodplain and other environmental features in areas where no development or disturbance is proposed. It should also be noted that per FEMA floodplain maps, floodplain does not occur within the project area.

Requiring the property owner to use the entire property to calculate forest conservation requirements rather than allowing the LOD to act as the Net Tract Area would be a practical hardship for the property owner since the proposed development area is only 1.64 acres. The proposed footprint only covers a small portion of the total site and represents a relatively small disturbance footprint.

The applicant is also seeking permission to remove one specimen tree in order to construct a proposed warehouse building and associated parking. This tree is located in the location proposed for the new construction, including a loading dock, grading, and retaining walls. Without an approved Alternative Compliance request that would allow the removal of this tree, practical difficulty would result because the project could not move forward as designed.

Detrimental to the Public Interest /Nullifies the Intent or Purpose of the Regulations:

Allowing Alternative Compliance to Section 16.115(d), 16.157(b)(11) and 16.1204(c) would not be detrimental to the public interest nor nullify the intent and purpose of the regulations, as floodplain does not occur within the project area and Alternative Compliance simply limits the scope of the requirement to the project area at this time. If in the future, development should occur within the remainder of Parcel 'A', the delineation of floodplain, wetlands, wetland buffers, streams and stream buffers will be addressed at the time of that particular development. The applicant has submitted an Environmental and Forest Stand Delineation Report for the project area under SDP-17-006.

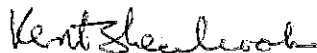
Allowing the LOD to act as the Net Tract Area (Section 16.1201(n) and 16.1202(b)(1)(i)) for forest conservation requirements does not nullify the Intent and Purpose of the Regulations, it just allows for a decrease in scope. The applicant is proposing to meet forest conservation requirements by the purchase of forest conservation easement credits from an off-site forest mitigation bank or a fee-in-lieu payment.

Allowing removal of one specimen tree (Section 16.1205(a)(7) and 16.1205(a)(10)) would not nullify the intent and purpose of the regulations, but does allow for the project to move forward as designed. The applicant has limited their development footprint to only the area necessary to construct the proposed office building, parking and stormwater management facilities. Additionally, the property owner will provide replacement mitigation at a ratio of two (2) larger caliper trees (at least three (3) inches dbh) for removing the specimen tree.

Indicate this alternative compliance 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 alternative compliance will remain valid for one year from the date of this letter or as long as this site development plan remains in active processing.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Real Estate Services
Vogel Engineering, Inc.
SDP-17-006
Marian Honezy, Department of Natural Resources
Brenda Luber, Forest Conservation Coordinator