



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

May 17, 2017

Chase Limited Partnership
14401 Sweitzer Lane, Suite 200
Laurel, MD 20707

Dear Sir or Madam:

RE: WP-17-109, Chase Property at Mission Road
(ECP-17-053)

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 **Section 16.116(a)(1)** which prohibits grading, removal of vegetative cover and trees, paving and new structures within 25-feet of a wetland to allow filling two small wetland areas; **Section 16.1202(a)** requiring the filing of a Forest Conservation Plan to allow a temporary deferral until submission of the SDP for the new public schools; and from **Section 16.1205(a) (7) and (10)** which prohibits removal of specimen trees, or trees 30" in diameter or larger for the removal of 31 specimen trees.

Approval is subject to the following conditions:

1. DPW or Public School System shall plant sixty-two (62) 2-1/2" to 3" minimum caliper native shade trees, in addition to the required perimeter landscaping, to mitigate the removal of the 31 specimen trees. The mitigation trees shall be shown on the Site Development Plan for the school site.
2. The alternative compliance approval applies only to the 31 specimen trees to be removed as shown on the alternative compliance plan exhibit. The removal of any other specimen trees on the property is not permitted unless it can be sufficiently demonstrated by the applicant to be justified.
3. The alternative compliance number (WP-17-109) and its conditions of approval must be added to all subdivision plans and site development plans and permits.
4. Mitigation for the removal of the existing forest must be satisfied at the site development plan for the proposed school site.
5. The applicant shall obtain all required authorizations and permits from the Maryland Department of Environment and U.S. Army Corps of Engineers for disturbances within the wetlands and their buffers. Reference any applicable MDE or USACOE permits or tracking numbers on the site development plans and grading permits.
6. No disturbance is permitted beyond the disturbance as shown on the plan exhibit unless it can be sufficiently demonstrated by the applicant to be justified.

7. Submission of a site development plan for the proposed mass grading and tree clearing.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty –

The thirty-one specimen trees and two isolated wetland areas are located within the primary construction area for the proposed schools (elementary, middle and high schools), thus requiring the removal of these trees and the filling of these wetlands. The developer has indicated that these wetlands were the result of previous mining disturbance and the removal of existing topsoil creating a depression in the topography. The U.S. Army Corps of Engineers (USACE) has determined that these wetlands are not jurisdictional waters of the US. In addition, the Maryland Department of the Environment (MDE) determined that Wetland Areas 1 and 2 are isolated and authorized the permanent filling of these areas under authorization number 16-NT-0371/201661650, dated April 24, 2017. In addition, the developer is requesting the deferral of the forest conservation obligation until the site developmental plan phase of the development process for the new public schools. The developer will clear and grade the site in preparation for the new schools. Forested areas containing environmental features will be not disturbed except within the area of the two isolated wetlands. It is anticipated that approximately 15.07 acres of forest will be retained and approximately 18.99 acres of reforestation planting will be required with the SDP. Deferring the forest conservation obligation to the SDP phase, will allow the site to be designed to adequately serve the needs of the three new public schools. The site will not be graded outside the LOD shown on the plan exhibit.

Not Detrimental to the Public Interest - Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Although the developer is proposing the removal of 31 specimen trees, and the filling of isolated wetlands, the site is needed for the construction of three public schools. The goal of the regulations is to promote the health, safety, and welfare of the county residents by assisting in the orderly and efficient development of land. Allowing the deferral of the forest conservation obligation will not be detrimental to the public since the obligation will be fulfilled at the SDP phase.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this alternative compliance request will not nullify the intent or purpose of the regulations. The developer will provide on-site mitigation for the removal of the 31 specimen trees. In addition, USACE and MDE have determined that the wetlands are isolated. MDE has authorized the filling of these wetlands. If the specimen trees cannot be removed and the wetland cannot be filled, the site will not adequately serve the needs of the three new public schools. The deferral of the forest conservation will not nullify the intent of the regulations because the obligation will be satisfied at the site development plan of the process

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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
CNA, LLC
Marian Honeczy, DNR
ECP-17-053
Forest Conservation Coordinator