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June 18, 2014

Maria Broadbent
City of Annapolis
Department of Neighborhood & Environmental Programs
145 Gorman Street, 3rd Floor
Annapolis, Maryland 21401

Re: Aris T. Allen Boulevard Residential/Rocky Gorge PUD
FCA Variance Request

Dear Ms. Broadbent:

As required by the State Forest Conservation Act, we are hereby requesting a variance for the removal of eleven (11) specimen trees (30" diameter or greater) on the above referenced property as part of the proposed Aris T. Allen Boulevard Residential/Rocky Gorge PUD project located off Aris T. Allen Boulevard, in the City of Annapolis, Maryland.

As demonstrated on the Forest Conservation Plan, trees 67, 80, 81, 82, 83, 84, 93, 95, 98, 99, and 100 are each located within the proposed Limits-of-Disturbance (LOD) and will be impacted by proposed grading activities. Of the eleven specimen trees that are proposed to be removed, one (1) is in poor condition, two (2) are rated in fair condition, and eight (8) are rated in good condition. The three (3) trees rated in fair health or poor do not warrant preservation.

The eleven (11) trees to be removed are located throughout the LOD, for the Planned Unit Development, which has a recorded plat creating public street right-of-way for Yawl Road extended, public street right-of-way for Sydney Circle, private alley corridors, open space parcels, and forty-eight (48) residential lots. These trees are located within either the building footprints or surrounding road network, or affected by associated grading, and cannot be preserved.

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The following describes the above requested variances in further detail and provides additional justification in accordance with Md. Code Ann. Natural Resources 5-1611 and COMAR 08.19.04.10.:

A. An applicant may request a variance from this subtitle or the requirements of Natural Resources Article, 5-1601 – 5-1612, Annotated Code of Maryland, if the applicant demonstrates that enforcement would result in unwarranted hardship to the applicant.

B. An applicant for a variance shall:
   1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

      Comment: Avoidance of the eleven (11) specimen trees would prevent reasonable use of the property, for which a Planned Unit Development has been approved. In addition, an approved record plat (Plat #15223 Book 293 Page 47) exists for this site, which creates the public and private road network, open space parcels, and 48 residential lots. The applicant has preserved much of the existing forest on-site, within a recorded Forest Conservation Easement (11.46 acres). At present, the developer is moving forward to seek final permits and begin construction. The associated Forest Conservation Plans are consistent with the original intent to preserve on-site forested areas, and allow for 9.2 acres of development area while ensuring that 74% of the entire 23.38 acre site is open space.

   2. Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

      Comment: In connection with the proposed development of other similarly zoned properties, and with trees in a similar condition and in similar locations on a site, the applicant's request would merit the same considerations during the review of the required variance application. Furthermore, variances for the removal of trees in similar circumstances on other properties have been granted.

   3. Verify that the granting of the variance will not confer on the applicant a special privilege that would be denied to the other applicants;

Comment: Granting this variance is consistent with past grants of variances and thus will not confer a special privilege to the applicant as compared to others. The applicant is proposing to remove these eleven (11) trees, of which three (3) are in fair or poor health and may pose a risk to life and property. Variances are routinely granted for the removal of trees in these conditions, both within the City of Annapolis and surrounding jurisdictions. The remaining eight (8) are located within the platted development area and cannot be preserved without radically altering the overall project. The applicant has already preserved 11.46 acres of existing forest, on-site, within a Forest Conservation Easement. Therefore, much of the forested areas on-site, particularly those with sensitive habitats such as intermittent streams and contiguous wetlands are being conserved. Thus, it can be concluded that no special privilege is being afforded to this applicant.

4. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;

   Comment: This variance is not the result of actions by the applicant. The removal of the eleven (11) trees is due to their condition and location on the site, as well as the limitations of the site design based on other regulated environmental features.

5. Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

   Comment: The request to remove the eleven (11) specimen trees is not a result of any condition on a neighboring property.

6. Verify that the granting of a variance will not adversely affect water quality.

   Comment: To ensure that there are no adverse effects on waterways in the immediate area of the project or the watershed in general, all grading and construction will be in accordance with an MDE/Anne Arundel County/City of Annapolis-approved Erosion and Sediment Control Plan that provides for adequate sediment and erosion control, and the site has been designed with post disturbance stormwater

management best management practices; implementing Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP).

I trust that this information is sufficient for your office to render a decision regarding this variance request. If we may be of any further assistance in this matter, please contact our office.

Very truly yours,

The Office of
McLaren Technical Services, Inc.
d/b/a McLaren Engineering Group

Piero "Pete" V. Mellits, P.E., LEED AP
Civil Engineering Manager

STATE OF MARYLAND
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