

SCHULTZ V. PRITTS ENVIRONMENTAL ISSUE

1. **Of 59 Howard County Streams, Only Six Are High-Quality Waters** and one of the six (Carrolls Branch) will be impacted by this project since it is located along a tributary to Carrolls Branch.¹
2. **Carrolls Branch Health** is dependent upon the health of tributary streams, such as that on the proposed Donaldson Funeral Home site.
3. **The Tributary Is Degraded By Existing Development** within the watershed and the proposed funeral home will increase the level of degradation by:
 - a. **Increasing Impervious Area** above the 8% - 10% threshold where stream quality drops from good to fair; and
 - b. **Reducing Forest Cover** further which is already minimal in the watershed.
4. **Stream Buffer Connection** results from the fact that the 100-foot setback appears in Article II of the Howard County Subdivision Regulations. Section 16.114. General, sets forth requirements applicable to all of the specific sections of Article II. Section 16.114(d) requires:

Reflect Unique Characteristics of Site: Subdivisions and site development plans shall reflect the uniqueness of the site responding to its topography, wetlands, streams, forests, historic resources and its relationship to adjoining land uses and roads, both proposed and existing.

The presence of High-Quality, Tier II waters on the site is certainly a unique stream characteristic and would justify ensuring that the buffer is adequate to protect the unique resources. If the project fully complied with Maryland's Environmental Site Design requirements then the 100-foot buffer might be sufficient to safeguard the unique stream characteristics. But, as shown below, numerous failures to comply with ESD will result in further degradation of the tributary and Carrolls Branch.

¹ For High-Quality Waters Map visit: mde.maryland.gov/programs/Water/TMDL/Water%20Quality%20Standards/Documents/Tier_II_MapsandTables/TII_Howard_CO.pdf

Environmental Site Design

Tributary degradation could be prevented through full compliance with Maryland Environmental Site Design requirements. However, current plans show the following violations of those requirements.

5. **Drainage Area** of the single proposed ESD practices, a micro-bioretenention practice, is 109,329 square feet and 20,000 square-feet is the maximum permitted in Section M-6, page 5-98, of the *Maryland Stormwater Design Manual*.
6. **Multiple ESD Practices** are required. If micro-bioretenention is used then six practices would be needed.
7. **Distributing Practices Uniformly** throughout the site is called for in Section M-6, page 5-98, of the *Maryland Stormwater Design Manual*.
8. **Septic & Well Conflicts** are likely to result during the siting of the six practices uniformly throughout the project area since Section 5.5.2, page 5-19, of the *Maryland Stormwater Design Manual*, requires a minimum 25-foot setback from septic systems and 100 feet from wells.
9. **Pull Parking Lot East Of Impermeable Soils** so that micro-bioretenention practices can be placed in soils suited for groundwater recharge as stated in Section M-3, page 5-82, of the *Maryland Stormwater Design Manual*.
10. **Slope** of the parking lot draining directly to the micro-bioretenention practice is 6% and less than 5% is recommended in Section M-6, page 5-96, of the *Maryland Stormwater Design Manual*.
11. **Forest Conservation** is a critical component of ESD, yet a forest conservation easement area is not shown on the plan.

Septic System

12. **A Drainageway** is present within the proposed septic easement. COMAR 26.04.02.04J(3) requires a minimum 25 foot separation between drainageways and the “on-site disposal system plus recovery area.”
13. **ESD Compliance** may create additional conflicts if micro-bioretenention facilities are placed within 25 feet of the septic easement.

Wetlands

14. **Wetland Buffer** not shown on the plan even though Petitioners Exhibit 20, shows a wetland extending up to the common boundary of the site and Christ Lutheran Church to the south. The applicant should be directed to submit a wetland study for this portion of the site. At a minimum a 25-foot buffer should be shown at the point where the wetland touches the boundary.

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