



# NEWS RELEASE

HOWARD COUNTY COUNCIL

FOR IMMEDIATE RELEASE:

Contact Wendy Royalty: (410) 313-2001  
wroyalty@howardcountymd.gov

## Council Chair Files Two “Big Tree” Bills (CB56 and CB57)

*Ellicott City, MD (July 15, 2021)* – On July 6, 2021, Council Chair Liz Walsh introduced two bills aimed at better protecting the trees, woodlands and forest we still have in Howard County and better deterring their continued unlawful destruction:

**CB56 actually, finally defines *highest-conservation-priority* “specimen” trees** to include trees with a diameter of 75% or more of the diameter of the current state or county champion tree, whichever is smaller. As is, what biggest trees get identified to the County’s Department of Planning and Zoning as part of the development process defaults simply to a rote measure of diameter. As is, that measure is 30” in diameter, four-and-one-half-feet above ground, or about 94” in circumference. Meaning, for example, the County champion Colorado Spruce at St. John’s Episcopal Church in Ellicott City, the County champion Japanese Umbrella Pine in Clarksville or the County champion European White Birch in Wilde Lake Park in Columbia — per [this State-wide list of “big trees”](#) — would never be accounted for. None are at least 30” in diameter; none would be identified on the ubiquitous lists of the latest subdivision’s biggest trees “TBR” (to be removed); and, therefore, no permission even would be asked of DPZ to clear them. [Among the best version of a County-specific “champion tree” list our office can find](#), only one of those State-listed big trees’ qualifying information is identified at all. **These oldest, biggest trees vanish nearly every time new development builds in. And they will continue to vanish, just as so many of our County’s other big trees have already, irreplaceable even over our children’s lifetimes.**

[“Specimen Tree Chart” From July 2019 Environmental Concept Plan for “Gatherings at Taylor Place” in Taylor Village, Ellicott City](#) (Chart is on 2nd page, bottom left of plan).

To ensure we don’t lose more of these barely-documented “champions”— and just generally more of our County’s oldest, most climate-impactful trees — CB56 proposes to reduce the current, only, *de facto* criteria of highest-conservation-priority by half a foot to 24” in diameter (or 75” in circumference). The bill also proposes to explicitly recognize that “specimen” trees themselves can be historic. [This recent piece in The New York Times](#) confirms that “even a single tree can be a crucial marker” for the otherwise unmarked graves of those people who lived and died enslaved in this County and the still-nascent research into the mob lynchings of our past (see also, e.g., <http://www.hocoltr.org/lynchings/> and <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/013700/013743/html/13743bio.html>).

**CB56 also aims to add a five-year look-back provision to forest conservation** similar to what already applies by law to protect this County’s cemeteries. The onus is placed on the subdivision applicant, and its licensed forester, landscape architect, or arborist making the representations to DPZ as to the quality and quantity of on-site forest resources, to identify any known or probable clearing within the last five years. If so, the property shall be subject to forest conservation regulation and plan approval processes as though such trees, woodlands and forest still stood.

**CB57 clarifies and enhances the array of penalties available to the Department of Planning and Zoning in the face of willful or repeated non-compliance** with our forest conservation laws. This District 1 office has seen first-hand what little is and can be done given existing options, most recently on the site of the old Sheppard Pratt hospital in the hills above old Ellicott City, on College Avenue, the last future phase in the sprawling hundreds-big acreage of so-called Taylor Village. After a number of constituent complaints of large-scale clearing, we were able to get a Department of Planning and Zoning inspector on site who confirmed what worried neighbors already knew: a number of big trees subject to approved waiver requests ([1](#) and [2](#)) had been cut down before final plans had issued.

[Many more trees, also felled, never had been identified to DPZ in any plans at all.](#)

Per existing law, the County issued a stop-work order, assessed a *de minimis* fine and required some measure of replacement planting that could not begin to make up for what had been destroyed.

What's proposed to be changed in the enforcement provisions of the County's forest conservation law will affect a better, stronger deterrent. Most importantly, the Department of Planning and Zoning will be empowered to revoke any approved forest conservation plan and suspend processing of any other plans submitted by or on behalf of a property owner who willfully or repeatedly violates forest conservation law. Additionally, monetary penalties are confirmed to be calculated per inch circumference tree unlawfully removed and per day any violations continue unabated.

Testimony for these two bills will be accepted at the legislative public hearing on Wednesday, July 21, 2021. Anyone may sign up to testify by visiting <https://apps.howardcountymd.gov/otestimony>. The meeting is open to the public and may be viewed online by visiting <https://cc.howardcountymd.gov/Online-Tools/Watch-Us>. If you would like to submit written testimony, please email [CouncilMail@HowardCountyMD.gov](mailto:CouncilMail@HowardCountyMD.gov).

To read Council Bill 56 and 57-2021, please visit <https://cc.howardcountymd.gov/Legislation>.

SPECIMEN TREE CHART						
NUMBER	COMMON NAME	SPECIES	DBH	CONDITION	COMMENTS	TO BE REMOVED
61	White ash	<i>Fraxinus americana</i>	39	Fair	Leaning/ Small crown	X
62	Silver maple	<i>Acer saccharinum</i>	34	Poor	Dieback/ Trunk split	
63	Silver maple	<i>Acer saccharinum</i>	42	Fair	Dieback/ small crown	X
64	Tulip poplar	<i>Liriodendron tulipifera</i>	32	Fair	Crown dieback/ small crown	X
65	Tulip poplar	<i>Liriodendron tulipifera</i>	33	Good		
66	White ash	<i>Fraxinus americana</i>	31	Good	Heavy vines/ small crown/ dieback	X
67	Silver maple	<i>Acer saccharinum</i>	37	Fair	Dieback/ Root compromise on slope	X
68	White ash	<i>Fraxinus americana</i>	34	Good	Leaning/ on steep slope	X
69	White ash	<i>Fraxinus americana</i>	32	Good	Leaning	X
113	White ash	<i>Fraxinus americana</i>	33	Fair	Split @ 3' Total dieback/hollow	
146	Poplar	<i>Populus sp.</i>	33	Good	Root Compacted from road	X
<b>Total Specimen Trees to be Removed :</b>						<b>8</b>

Howard County Department of Planning and Zoning  
Division of Land Development  
**ALTERNATIVE COMPLIANCE APPLICATION**

[Alternative Compliance from Subdivision and Land Development Regulations]

Date Submitted/Accepted 2/1/19 DPZ File Number WP-19-072

**I. Site Description**

Subdivision Name/Property Identification: GATHERINGS AT TAYLOR PLACE

Location of property: COLLEGE DR & CRESTED VIEW (PROPOSED)  
(Street Address and/or Road Name)

HOSPITAL  
(Existing Use)

DGE RESTRICTED (PCR)  
(Proposed Use)

25  
(Tax Map No.)

20  
(Grid/Block No.)

73 74 + 93  
(Parcel No.)

24  
(Election District)

202  
(Zoning District)

\_\_\_\_\_  
(Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.)

ECP-18-028  
\_\_\_\_\_  
\_\_\_\_\_

**II. Alternative Compliance Request**

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee may grant alternative compliances or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the regulation. Attach a separate sheet if additional information is appropriate.

Section Reference No.	Summary of Regulation
1. <u>Section 16.1205(a)(7)</u>	<u>TREES 30" IN DIAMETER OR LARGER ARE FOREST RETENTION PRIORITIES</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

THE GATHERINGS AT TAYLOR PLACE  
ECP-18-028  
ALTERNATIVE COMPLIANCE

III JUSTIFICATION

The purpose of this Alternative Compliance Application is to request the removal of 8 specimen trees (diameter 30" or greater) in conjunction with the proposed Gatherings at Taylor Place development.

The petitioner is proposing the establishment of a 35' forest conservation easement adjacent to College Avenue, which is beyond the required scenic road buffer. The existing trees located in this area, adjacent to existing College Avenue, will be retained and permanently protected.

There is approximately 50' of vertical topography from the northwest corner of the project to the southeast corner. This portion of the overall hospital property had previously included various structures, drives and parking areas. The age-restricted townhouse product is proposed due to the flexibility in accommodating vertical grade. The front door can be located on the garage level on the first floor. Additionally, the townhouses can break elevation between units and buildings. The project is also constrained by existing wetlands and associated buffers.

The removal of the 8 specimen trees is required to provide reasonable development of the property in accordance with zoning and designation Regulations. If the Alternative Compliance request were denied, the proposed development would be significantly impacted. The grading and development would need to be designed to avoid disturbance to the critical root zone of each of the specimen trees. This would result in minimal development potential and the project would not be financially viable, creating a financial hardship for the petitioner/property owner.

The alternative proposal would include 2:1 mitigation for each of the 8 trees removed. These trees would be native species of street tree caliber, planted in suitable locations within the project.

The specimen trees to be removed include 4 white ash trees that are in good-fair condition and are also subject to the Emerald Ash Borer. The other 4 trees consist of tulip poplars and silver maples that are in good-fair condition and neither of which is a desirable, high value tree. Therefore, the removal and 2:1 replacement results in serving the Regulations to a greater extent.

The removal of the specimen trees is not detrimental to the public's interest as it eliminates questionable and undesirable trees and provides for the planting of healthy and appropriately located trees, which will provide a greater benefit to the public.

The overall project provides for the retention of substantial wooded resources located in environmental, high priority areas. The subject specimen trees are of minimal value and have questionable longevity. This would replace them with healthy trees (2:1 ratio), which will provide a long-term benefit and therefore, will not nullify the intent or purpose of the Regulations.



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

February 21, 2018

Taylor Service Company  
Historic Ellicott Properties  
4100 College Avenue  
Ellicott City, MD 21043

RE: WP-17-048 Taylor Highlands

Dear Sir/Madam:

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 16.120(c)(4)** and **Section 16.1205(a)(7)**.

Approval is subject to the following conditions:

1. The proposed private streets within the project area shall be designed and constructed to public road standards in accordance with the Design Manual or as approved by the Development Engineering Division and the Department of Public Works. The private streets within the R-A-15 zoned portion of the property shall comply with the setbacks in Section 112.0 of the Zoning Regulations.
2. The Homeowner's Association shall own and maintain the private streets within this development and shall be responsible for all maintenance, trash collection and snow removal.
3. The planned residential lots shall front on and obtain access from the proposed private streets. The applicant shall be responsible for establishing safe vehicular access to all residential lots.
4. Sidewalks and street trees shall be provided along the private streets in accordance with Sections 16.124 and 16.134 of the Subdivision Regulations and the Landscape Manual.
5. The developer shall provide a stream restoration plan as part of the final construction drawings for "Stream #2" as identified on the Natural Resource Inventory/Forest Stand Delineation Plan dated June 24, 2016. The restoration plan shall include debris removal, grade controls, riparian plantings, live staking, or similar restoration practices as outlined in the Stream Restoration Narrative dated January 17, 2018. A final as-built plan and report shall be submitted to DPZ upon completion of the stream restoration work. The 2-year survival period for the afforestation plantings will not begin until the as-built report is received by DPZ.
6. The approval of this alternative compliance request applies only to the 72 specimen trees as shown to be removed on the plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request unless it can be sufficiently demonstrated by the applicant to be justified.
7. The developer shall mitigate the removal of 72 specimen trees by planting a mix of native shade trees at a 2:1 ratio, totaling 144 shade trees. The plantings shall have a caliper of no less than 2½" and will be bonded as part of the landscaping surety with future plans. The locations, species and planting specifications will be reviewed by DPZ as part of the final landscaping plan. The 144 trees will be in addition to any trees required per the afforestation planting calculations and stream restoration plan.
8. The pavement and gravel piles along the existing service road extending from New Cut Road to the proposed Limit of Disturbance shall be removed and the area shall be planted and placed within a Forest Conservation Easement.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 4, 2020

Dr. Bruce Taylor  
Autumn Development Corp.  
Taylor Daycare LLC  
8 Park Center Court, Suite 200  
Owings Mills, MD 21117

RE: WP-19-072 Gatherings at Taylor Place

Dear Dr. Taylor:

Regarding the above referenced alternative compliance petition, this Division is advising you that no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

Agency: DLD #Copies: 5 copies

The requested information/revised plans must be submitted to this Division within **45 days** of the date of this letter (**on or before March 20, 2020**), or this Division will recommend that the Planning Director deny this alternative compliance petition.

*Please contact Judy Edwards at 410-313-2350 or email [juedwards@howardcountymd.gov](mailto:juedwards@howardcountymd.gov) to schedule a submission appointment for this plan.*

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action.

If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans/information. Compliance with all items indicated above is required before the revised plans/information will be accepted.

**Please bring a copy of this letter with you to your submission appointment.**

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,

Acting Chief  
Division of Land Development

Enclosures: DLD comments  
cc: Research  
Real Estate Services  
Vogel Engineering + Timmons



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350  
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

January 21, 2020

Ross Taylor, Resident Agent  
Historic Ellicott Properties, Inc.  
8 Park Center Court  
Owings Mills, MD 21117

RE: CE-20-05: 4122 College Avenue, Ellicott City, MD 21043  
Tax Map 25, Block 20, Parcel 93

Dear Mr. Taylor,

This is notice of violations of the Howard County Planning, Zoning and Subdivision and Land Development Regulations ("HCPZ"). It is important that you read this entire letter carefully as your legal rights may be affected.

Taylor Service Company has violated HCPZ §16.106(a) and §16.123(a)(2), §16.1202(a) and §16.1205(a)(7) by clearing specimen trees without approval of a forest conservation plan and subdivision or site development plan. The violation was documented on January 7, 2020 and January 15, 2020 when inspectors of this department observed tree stumps of specimen trees recently removed.

To abate this violation, the following actions must occur:

1. The developer shall mitigate the removal of all specimen trees by planting a mix of native shade trees at a 3:1 ratio (in other words, planting of three trees for every one tree unlawfully removed). The plantings shall have a caliper of no less than 3" and will be bonded as part of the landscaping surety with future. The locations, species and planting specifications will be reviewed by DPZ as a condition of approval of the Preliminary Equivalent Sketch Plan. The mitigation trees will be in addition to any trees required per the afforestation planting calculations and stream restoration plan.
2. In addition to the mitigation planting described above, the pavement and gravel piles along the existing service road extending from New Cut Road to the proposed Limit of Disturbance shall be removed and the area shall be planted and placed within a Forest Conservation Easement.
3. Planting shall be installed according to the planting schedule approved by the County. The planting schedule will be developed in accordance with a County approved construction phasing plan and must be included in the final plan set.

A good-faith effort must be made to appropriately plant live, undamaged trees with a high chance of survivability. Please refer to the 2014 American Standard for Nursery Stock (<https://www.americanhort.org/page/standards>) and "Appendix H" of the Howard County Forest Conservation Manual for planting and maintenance guidelines.