

**ST. MARY'S COUNTY GOVERNMENT  
DEPARTMENT OF  
PUBLIC WORKS & TRANSPORTATION**

*James M. Gotsch, P.E.*

*Director*



**COMMISSIONERS OF ST. MARY'S COUNTY**

James R. Guy, President

Michael R. Alderson, Jr., Commissioner

Eric S. Colvin, Commissioner

Michael I. Hewitt, Commissioner

**MEMORANDUM**

**DATE:** August 2, 2023

**TO:** Jessica Andritz, Director  
St. Mary's County Department of Land Use and Growth Management

**FROM:** Jim Gotsch, P.E., *JMG*  
Director, Public Works and Transportation

**RE:** RE: The Regional Agricultural Center Forest Stand Delineation  
Permit #MJSP21-0225, FSD23-0207

On behalf of the Commissioners, the owner of the above referenced property, the Department requests consideration and approval of an administrative variance to remove six specimen trees located in the development area of the septic reserve area at the Regional Agricultural Center.

Please find attached a report from EnviroProjects, under the guidance of the DNR Qualified Professional Michael Rivera, regarding the subject specimen trees and the forest stand delineation plan.

*24.10 Variances from Forest Conservation Priority Retention Areas*

*I. General. The general standards for granting a variance set forth in Section 24.3 do not apply to Forest Conservation Priority Retention Area Variances. Variances to Forest Conservation Priority Retention Areas are limited to trees described in Chapter 75.8.2.b.(4), (5), and (6).*

The subject trees are listed in 75.8.2.b.6.a- a tree having a diameter of 30" or greater measured at 4.5' above the ground and qualifies for a variance for removal.

*Applications. As part of the application for a variance from Forest Conservation Priority Retention Area requirements, the applicant must demonstrate to the satisfaction of the county, that reasonable efforts have been made to protect trees described in chapter 75.5.i. b. G), 0, and (6) and the plan cannot reasonably be altered.*

The subject trees are not part of the priority forest on this tract and are in good health. Three of the subject trees (T52, T54, & T58) are located on the flat portion of the site that is needed for the on-site drain fields and are required to be removed in order to complete the project. There are three additional trees (T53, T55, & T57) along the edges of the septic reserve which require between 25% to 50% of the root mass to be removed for clearing. Construction activities, relating to the septic drain fields will all be in the Critical Root Zone. Due to soil compaction, loss of oxygen, water and nutrients, destruction of the feeder roots and lateral roots, these trees will most likely die. The specimen tree will be taken from a protected environment (surrounded by other trees, which protect it from high winds, storm damage, overexposure

of sun and cold, etc.) to an open environment. The trees if saved would pose a threat of regrowth into the costly on-site wastewater treatment which is being installed to control the wastewater discharge as there is no public sewer in the vicinity.

*3. Standards. A variance from Forest Conservation Priority Retention Area requirements shall only be granted by the Planning Director upon findings that:*

*a. Owing to special features of a site or other circumstances, implementation of the provisions of Chapter 75 would result in unwarranted hardship to the applicant, and*

If the variance is not granted, the County would have to repetitively remove the root growth as it encroaches on the drain fields, which would impact the health of the trees and increase maintenance activity costs for the operator of the facility. ***The site has limited areas with flat enough topography that is also able to support the percolation requirements needed to treat the proposed building wastewater. The placement of drain field also takes into consideration the highly erodible soils on the Northeast portion of the site that surround the stream buffer.*** This would result in unwarranted ***hardship to the applicant.***

*b. The granting of a variance will not adversely affect water quality.*

The removal of these trees will not impact water quality. Any development will be approved by all required environmental agencies as part of the site plan. Water quality for the site is being treated in micro-bioretenment facilities and submerged gravel wetlands ***any negative impacts from the removal of these specimen trees will be ameliorated by the use of these storm water management devices and their application of ESD to the MEP***

In light of the above, the Department respectfully requests that these trees be allowed to be removed.