



Howard County Department Of Planning And Zoning

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

Marsha S. McLaughlin, Director

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March 16, 2010

Mr. Duncan Slidell
BA Waterloo Townhomes, LLC,
C/O Bozzuto and Associates, Inc.
7850 Walker Drive, Suite 400
Greenbelt, MD 20770

RE: WP-10-107, Shipley's Grant, Phase V and Phase I (F-10-048)

Dear Mr. Slidell:

The Director of the Department of Planning and Zoning considered your request for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive Subdivision Sections:

1. 16.116(a)(2)(i) and (ii) , to be permitted to clear and grade within the 50' and 75' stream buffers as shown on the WP-10-107 exhibit/plan.

The approval of this waiver petition is subject to compliance with the following conditions of approval:

1. The stream buffer areas cleared and graded per this waiver petition approval:
 - A. Shall not exceed the limits shown on the WP-10-107 exhibit/plan, and;
 - B. Shall be afforested in accordance with the F-06-019 forest conservation plan.
2. The F-10-048 road plans shall be revised:
 - A. Per the attached DED comment # 1 dated 03/02/10.
 - B. To provide a SSF or TPF along the LOD where it is located within the stream buffers.

Justification for the approval recommendation for this waiver petition:

1. The justification submitted by the project engineer. See the enclosed copy.
2. The two areas of the 50' stream buffer (Impact Area 1 - 442 sq. ft./0.01 ac. and Impact Area 2 - 1,368 sq. ft./0.03 ac.) and the one area of the 75' stream buffer (Impact Area 3 - 4,284 sq. ft./0.10 ac) to be cleared and graded were previously

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- used as a part of a farm crop field that was disturbed periodically with farming activities, are not forested, and the area of these three impacted stream buffer areas is very small in relationship to the total acreage of stream buffers in this subdivision that are not being disturbed.
3. The three small non-forested areas of the stream buffer to be cleared and graded per this waiver petition request are proposed to be planted/forested as an afforestation forest conservation easement per the approved forest conservation plan for F-06-019.
 4. The proposed grading is a temporary impact to the stream buffer area which will become a forested stream valley.
 5. Undo hardships and practical difficulties would result from strict compliance with the Regulations as follows:
 - A. If this waiver petition request is not approved, retaining walls would have to be constructed that would burden the HOA with maintenance responsibilities, maintenance costs and liability for the retaining walls in perpetuity, and;
 - B. The required retaining walls and their maintenance easements would reduce the area of the proposed forest conservation easement.
 6. This waiver petition request, if approved, will not nullify the intent and purpose of the Regulations, as the three non-forested areas of the stream buffers to be cleared and graded are to be forested, and the area to be forested will be greater in size if retaining walls and their maintenance easements are not required.

Indicate this waiver petition file number, sections of the regulations, requests, action, conditions of approval, and date in a detailed note on sheet 1 of the F-10-048 plat and plans. This waiver petition approval will remain valid as long as plat, F-10-048, remains in active processing.

Advisory comment:

"Please be advised that the 2007 Stormwater Management Regulations are currently in effect, *but that new State Stormwater Management Regulations will go into effect on May, 04, 2010.* Any project not having an approved stormwater plan and sediment and erosion control plan by May 04, 2010 will be required to revise their plans to the *new State regulations.*"

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If you have any questions, please contact Michael Antol at (410) 313-2350 or email at mantol@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/MA/WP10107.appr.ltr.

cc: File
Research
HSCD
DED
F-10-048
GLW