HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Marsha S. McLaughlin, Director

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June 21, 2011

Robert B. White
Hedgerow Farm, LLC
13803 Lakeside Drive
Clarksville, Maryland 21029

Re: Hedgerow Farm, Lots 3-5 & Non-Buildable Preservation Parcel "C"
        Waiver Petition WP-11-141

Dear Mr. White:

The Director of the Department of Planning and Zoning considered your request for a waiver of the
Howard County Subdivision and Land Development Regulations. As of the date of this letter, the
Planning Director approved your request to waive Subsections 16.116(a)(2)(iii), 16.120(b)(4)(iii)(b), and
16.1201(e) of the Howard County Code. Waiver of these regulations will: a) allow grading, removal of
vegetative cover and trees, and paving within the 100' streambank buffer for the proposed Lot 4 well
box, dry well roof leader, retaining wall, and minor grading and the use-in-common driveway to serve
Lots 4 and 5; b) allow environmental features and buffers on lots less than 10 acres in size for Lots 4 and
5 and to reduce the 35' environmental setback from the 100' stream buffer on Lot 4; and, c) allow
establishment of forest conservation easements at truncated easement corners less than 35' wide for
proposed Forest Conservation Easement Area Numbers 8B(1), 9A, 9B, 10A, 10B, and 10C, respectively.

Approval is subject to the following conditions:

1.   Petitioner shall submit a forest conservation plan as part of the final plan application for the
resubdivision of F-11-022. The forest conservation plan shall reflect abandonment and augmentation of
existing forest conservation easements and addition of proposed forest conservation easements. The plan
shall include the addition of signage to forest conservation area perimeters resulting from augmentation
and addition. Posting of forest conservation surety will be required prior to subdivision recordation.

2.   Approval of the waiver of §16.116(a)(2)(iii) authorizes encroachments by the limit of disturbance into
the 100' streambank buffer to construct the use-in-common driveway for Lots 4 and 5 and the well box,
dry well roof leader, retaining wall, and minor grading on Lot 4 as depicted on the waiver petition
exhibit dated May 2011. No additional activities within the 100' streambank buffer are authorized by
approval of this waiver.

3.   Petitioner shall submit, as part of the final plan application, a Lot 4 house orientation and location
analysis to minimize proposed impacts within the 35' environmental setback. Impacts shall be no greater
than those depicted on the waiver exhibit. Upon approval of the study by the Department of Planning
and Zoning, the 35' environmental setback will be reduced to allow for construction of the house
depicted in the approved analysis. The reduced setback shall be recorded on the plat submitted as part
of the final plan.

4. Petitioner shall submit, as part of the final plan application and forest conservation plan, a plan for mitigating impacts to vegetative cover and trees resulting from activities proposed within the 100' streambank buffer. The forest conservation surety for the proposed subdivision shall include posting of surety for the required mitigation.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty Would Result from Strict Compliance

Extraordinary hardship and practical difficulty to the Petitioner would result if the waiver was denied and strict compliance with the regulations enforced. The property is encumbered by unique physical conditions including unusual topography, unusual shape and size, multiple stream systems and their buffers, and wetlands and their buffers. The portion of the Petitioner's property subject to waiver consideration is traversed by two stream systems with associated floodplain, wetlands, stream buffers, etc. The property is further bisected by a 60-foot wide transmission right-of-way containing underground gas pipeline and fiber optic cable. The topography within the area of consideration rises over 20 to 40 feet above the adjacent stream systems with limited vehicular access to the property.

Waiver Approval Will Not Nullify the Intent or Purpose of the Regulations

Approval of this waiver will not nullify the intent or purpose of the regulations. The Petitioner's plan provides limited development of the property through preservation while protecting the historic resource on the site and allowing for the continuation of agricultural activities on the only areas of the property suitable for equine husbandry. The plan utilizes approved storm water and erosion and sediment control measures including use of pervious pavement for the use-in-common driveway. Additionally, the forested areas to be added to existing forest conservation easements abut recorded pipeline easements and ultimate road rights-of-way and will remain undeveloped.

Waiver Approval Not Detrimental to the Public Interest

Waiver approval will not be detrimental to the public interest. The Petitioner has received approval from the Development Engineering Division and the Department of Fire and Rescue Services regarding the use-in-common driveway design. The Design Manual approval provides the property with required access for emergency services, but also reduces the width of paving, thereby reducing the amount of impervious surface. The Petitioner has received percolation test approval from the Health Department for the proposed lots.

Indicate this waiver petition file number on all related plats and forest conservation plans. This waiver will remain valid for one year from the date of this letter or as long as this subdivision remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
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