



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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November 15, 2012

Mark S. Richmond
Howard County Stormwater Management Division
6751 Columbia Gateway Drive, Suite 514
Columbia, MD 21046

RE: 4597 Dower Drive Stream Restoration
Capital Project D-1158
WP-13-045

Dear Mr. Richmond:

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

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.155.(a).(1).(ii) which requires Department of Planning and Zoning approval of a Site Development Plan for non-residential development; and, Section 16.1201.(n) which defines "Net Tract Area" for the purpose of calculating the Forest Conservation Obligation.** Approval is subject to the following conditions:

1. No disturbance is permitted beyond the limit of disturbance shown on the waiver petition exhibit, WP-13-045 unless it can be sufficiently justified by DPW. All disturbed areas must be stabilized and replanted, as appropriate.
2. The applicant shall acquire any required MDE and/or U.S. Army Corps of Engineers permits for disturbance within the floodplain, wetlands, stream and their buffers, as applicable. Reference any applicable MDE or U.S. Army Corps of Engineer permits or tracking number on the grading permit application.
3. On plans and applications for all applicable permits, provide as a General Note a brief description of the waiver petition, WP-13-045 which includes the requested sections of the Regulations and date and action taken.

Our decision was made based on the following:

- Summary of extraordinary hardships and practical difficulties which would result from strict compliance with the Regulations:

The stream project that is the subject of this waiver request is needed to address an eroding stream system that is negatively impacting County open space and infrastructure, which is an environmental and public safety concern. Strict compliance to the Sections noted above would require additional time, effort, and cost to address a large amount of land that is in no way affected by the proposed project. The additional work would include survey work in the field, as well as additional computations, mapping, report, plan and exhibit preparation. Full compliance with the regulations and the expenditure of the design team's resources would not improve the final design or construction of the stream project and would take away valuable funds from the implementation of the project design and construction. Performing this extra work would also lengthen the schedule for this project.

- Approval of this waiver will not nullify the intent of the Regulations:

A key to this project is the swift and efficient processing of the design plans and construction of the project. The regulations are meant to assure that development occurs per County requirements and that environmental criteria are met, including the protection of existing forested areas to the extent practical, and where forest must be disturbed, reforestation of the project site. The stream restoration has been designed to minimize the limit of disturbance to only that area necessary for constructing the project. Furthermore, the very nature of this project is to protect the environment by reducing erosion and sediment transport downstream and by providing a stable stream system. The County is also working closely with DRP to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area for the contractor to work.

- Approval of this waiver will not be detrimental to the public interests:

The existing stream is currently moving laterally, eroding stream banks, potentially exposing existing sewer pipes and manholes, and causing a loss of trees and stream buffer vegetation. The loss of the trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion. Doing nothing is not an option, as the erosion problem will not fix itself and the sewer infrastructure needs to be protected. Public interests and safety will be improved by the proposed project. The waiver request is not intended to exempt the project from County regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations.

- Approval of this waiver will not nullify the intent of the Regulations:

As stated above, approval of this waiver request will not nullify the intent of the Regulations. The project is being done to stabilize approximately 150 linear feet of eroding stream bank and protect sewer infrastructure. Continued erosion will cause the loss of Open Space and stream buffer, and falling trees can pose a safety hazard for residents, not to mention the potential health and safety issues from a sewer spill. It is important to public safety and the environment that the project gets done. No work being proposed by this project is in any way counter to County policy or Regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as the grading plan remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development


KS/JMF/MPB

cc: Research
Philip M. Thompson – Development Engineering Division
Department of Inspections, Licenses & Permits
Howard Soil Conservation Service