



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
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December 4, 2014

Louis Mangione
Commercial Contractors, Inc.
1205 York Road, Penthouse
Lutherville, Maryland 21093

Re: The Gatherings at Ellicott's Retreat
Waiver Petition WP-15-039
(Site Development Plan SDP-14-090)

Dear Mr. Mangione:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsection 16.120(b)(5) of the Howard County Subdivision and Land Development Regulations. Waiver of this regulation would absolve you of the requirement to provide noise mitigation in the form of walls or fences with respect to the site development plan referenced.

As of the date of this letter the Planning Director approved your request, subject to the following condition:

1. The petitioner shall include the following note in bold and large lettering on SDP-14-090:
"Building construction materials shall be used to reduce the interior sound to 45 dBA for Buildings 1, 4 and 5."

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardships or practical difficulties may result from strict compliance with the regulations.

Compliance with the regulation would require sound walls to be constructed in close proximity to existing wetlands and along forest conservation easements. Further, to provide sound mitigation the walls would have to be as high as the proposed buildings on site, approximately 40 feet, which would be unsightly and close off the development from the surrounding natural vegetation and conservation areas.

The intent of the regulations will be served to a greater extent through the implementation of the alternative proposal.

The intent of the regulation is to provide sound attenuation on site. Through the use of the alternative proposed the residential units will be sound attenuated to the required 45 dBA. The majority of the site is attenuated through the buildings themselves acting as the sound barriers. The alternative also preserves the environmental areas such as wetland and stream buffers and allows existing vegetation to remain as a visual buffer for the residents instead of a large wall immediately outside the buildings.

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Waiver approval will not be detrimental to the public interest.

Waiver approval would eliminate constructing sound walls through protected environmental areas while still reducing noise levels on most of the site. The proposed building materials will be designed to reduce the sound for residents inside their buildings to 45 dBA while the buildings themselves would provide sound mitigation throughout most of the site along with the retaining walls and garages proposed.

The waiver shall not nullify the intent or purpose of the regulations.

The intent of the regulation is to provide sound attenuation on site through the use of the alternative. The residential units will be sound attenuated to the required 45 dBA. The majority of the site is attenuated through the buildings themselves acting as sound barriers. The alternative also preserves the environmental areas such as the wetlands and stream buffers and allows existing vegetation to remain as a visual buffer for the residents instead of a large wall immediately outside the buildings.

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

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

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
KCI Technologies