



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

November 18, 2015

Michael Pfau
3675 Park Avenue, Suite 301
Ellicott City, MD 21043

RE: WP-15-161 Hampton Hills (SP-15-016)

Dear Mr. Pfau:

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 16.1205(a)(7)**- Specimen Tree Retention and **Section 16.116(b)(1)**- Steep Slope Preservation.

Approval is subject to the following conditions:

1. The approval of this waiver request applies only to the 30 specimen trees as shown to be removed on the waiver exhibit. The removal of any other specimen tree on the property is not permitted under this request unless it can be sufficiently demonstrated by the applicant to be justified.
2. Any disturbance to existing steep slopes beyond the requested 1,196 square feet is not permitted under this waiver request unless it can be sufficiently demonstrated by the applicant to be justified.
3. The developer shall plant thirty (30) 3" minimum-caliper native shade trees in addition to the required perimeter landscaping to mitigate the removal of the specimen trees. Include the additional trees on SP-15-016 and all subsequent plans. These trees will be bonded with the Developer's Agreement under the final subdivision plan.
4. Protective measures shall be utilized during construction to protect the specimen trees that are proposed to remain. Include details of the proposed tree protection measures on SP-15-016 and all subsequent construction plans.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The trees proposed to be removed are all Tulip Poplars, which do not adapt well to disturbances and clearing of other vicinal trees and are generally not suitable in close proximity to houses due to their instability. If the layout were revised to shift the proposed development towards the Bonnie Branch stream and further away from the majority of the specimen trees, it would result in additional environmental impacts which would require the approval of additional waivers.

The requested 1,196 square feet of disturbance to steep slopes is required to facilitate the proposed stormwater management facility on Open Space Lot 16. The stormwater management facility will address

detention requirements since the project is located in the Tiber Hudson watershed which requires additional flood controls beyond the standard Environmental Site Design requirements.

Not Detrimental to the Public Interest

Per the applicant, the proposed layout is the best subdivision design for the property. It attempts to balance the retention of trees and the protection of the other environmental resources on the property. The design cannot be altered to save more specimen trees without creating other environmental impacts. The project is designed to maximize protection for all of the environmental resources and is therefore in the best interest of the Public. The proposed disturbance to steep slopes is necessary to construct the stormwater detention facility, which will provide additional flood controls for the Tiber Hudson watershed.

Will not nullify the intent or purpose of the regulations

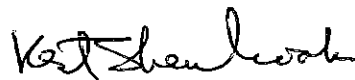
The lots were clustered to the smallest allowable size, designed to surround the public road extension and to utilize use-in-common driveways to minimize the limit of disturbance. Consideration was given to maximize the wooded buffer along the Bonnie Branch stream. The site was also designed to provide a corridor connecting the Howard County Open Space lots located to the east and west including the existing forest conservation areas.

Per the applicant, the proposed subdivision plan is reflective of the intent of the Forest Conservation Regulations. Specifically, the plan maximizes the stream and floodplain buffer, protects the steep slope areas and provides for contiguous forest and open space corridors. Additionally, the proposed onsite forest conservation areas are designed to provide reforestation of the existing driveway corridor and to retain a buffer along the scenic road right-of-way.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, 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 this subdivision remains in active processing.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Vogel Engineering
SP-15-016
Marian Honeczny - MD DNR
Brenda Liber - DLD