



# 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

December 2, 2015

Mr. Chris Sakkos  
20324 Willey Court  
Laytonsville, MD 20882

Dear Mr. Sakkos:

RE: WP-16-017, the Woodlands, Lots 1-8, Buildable  
Preservation Parcel A and Non-Buildable Preservation  
Parcel B

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 16.120(b)(4)(iii)b to allow a Forest Conservation Easement on Buildable Preservation Parcel A; Section 16.126(b) to allow the well on Lot 3 to be located 10 feet from an existing Agricultural Preservation Easement; Section 16.1205(a)(7) and (10) to allow for the removal of 18 specimen trees. The Planning Director **denied** your request to waive Section 16.120(b)(4)(iii)b to allow a Forest Conservation Easement on proposed Lot 3.

Approval is subject to the following conditions:

1. Compliance with all Subdivision Review Committee comments.
2. The waiver petition number and its conditions of approval must be added to all subdivision plans and final plat.
3. The developer shall plant eighteen (18) 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 the Preliminary Equivalent Sketch Plan and all subsequent plans. These trees will be bonded with the Developer's Agreement under the final subdivision plan.
4. The house on Buildable Preservation Parcel A must be located a minimum of **100 feet** from the edge of Forest Conservation Easement.
5. 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 the Preliminary Equivalent Sketch Plan and all subsequent plans.
6. The required Forest Conservation signs must be posted along the edge of the Forest Conservation Easement before the first use-in-occupancy permit is issued for a lot or parcel within the subdivision.
7. The forest retention easement on Buildable Preservation Parcel A must be revised to exclude a portion of proposed Forest Conservation Easement Area "B" to be a minimum distance of 100 feet from the side property line of Lot 3.

8. The waiver approval applies only to the 18 specimen trees to be removed as shown on the waiver plan exhibit. The removal of any other specimen trees on the property is not permitted unless it can be sufficiently demonstrated by the applicant to be justified.
9. A 35-foot setback shall be provided and maintained from the forest conservation easement located on Preservation Parcel A.
10. The developer shall be advised that forest conservation easements that are either on or adjacent to residential lots are often encroached upon. Therefore, this office advises the developer to provide additional education and/or barriers such as split rail fencing or additional signage around the Forest Conservation Easement perimeter to warn future home owners of the protection requirement of forest conservation easement areas.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty -**

The developer has demonstrated that in order to achieve the maximum lot yield the 18 specimen trees must be removed and that the well for Lot 3 must be located 10 feet from the Agricultural Preservation Easement. The Forest Conservation Easement on Buildable Preservation Parcel A will be placed in a perpetual easement and will provide a treed buffer to the adjacent properties. Also, the developer has demonstrated that a reasonable rear yard will be provided for the future owner of this parcel. If this waiver petition is denied, the developer will not be able to create the 8 lots and buildable preservation parcel.

**Not Detrimental to the Public Interest -** Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Although the developer is proposing the removal of 18 specimen trees, several of these trees are in poor health. In addition, 17 of the specimen trees are 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. The Development Engineering Division has reviewed the storm water management requirements for this subdivision and is in support of the requested petition. The developer will provide on-site mitigation for the removal of the specimen trees. In addition, the retention of a treed buffer along the perimeter of the parcel will provide a screening for the adjacent properties. The Health Department and the Administrator of the Agricultural Land Preservation Program are in support of the reduction of the 50-foot well setback from the Agricultural Preservation Easement. Allowing the Forest Conservation Easement on the Buildable Preservation parcel will create a perpetual easement prohibiting the removal of the trees thus providing a permanent screening for the neighboring properties.

**Will Not Nullify the Intent or Purpose of the Regulations -** Approval of this waiver request will not nullify the intent or purpose of the regulations. The developer will provide on-site mitigation for the removal of the 18 specimen trees. The Health Department and Administrator of the Agricultural Land Preservation Program have determined that the location of the well on Lot 3 will not pose an adverse impact to the adjacent parcel because of the wooded swale bordering the lot and adjacent property. Allowing a Forest Conservation Easement on Buildable Preservation Parcel A will provide a permanent screening for the adjacent properties and the future owner of the parcel. The Development Engineering Division has evaluated the subdivision for storm water management compliance and supports the developer waiver request.

Denial was based on the following reasons:

Given the size of Lot 3 (approximately 1.46 acres) it has been the experience of this Department that although a permanent Forest Conservation Easement may be recorded on a parcel/lot, many property owners encroach into the easement area because they prefer a manicured lawn instead of a natural forested area with limited permitted uses.

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 this subdivision remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Real Estate Services  
Sill Engineering Group  
Marian Honecny, DNR  
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