



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

January 29, 2016

David A. and Dale E. Curtis
304 Klinger Drive
Westminster, MD. 21157

Highland Development Corp.
P.O. Box 228
Clarksville, MD. 21029
ATTN: Richard Demmitt

RE: WP-16-064 (Brighton Mill II)
[associated with SP-16-004: Brighton Mill II]

Dear Interested Parties:

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) and 16.1205(a)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in Section 16.1205(a)(1-10) and waiver to **Section 16.120(b)(8)** which states that lots which abut two streets will be permitted only when necessary to avoid fronting lots on non-access roads or where their use resolves special site planning or land use problems.

Approval is subject to the following conditions:

1. Waiver approval is limited to the removal of specimen trees #2806, #2814, #2815, #2820, #2821, #2842 as depicted on the waiver exhibit. Any proposal to remove additional specimen trees will require a new waiver request or an amendment to this waiver request.
2. Permission is also granted for the FUTURE removal of specimen trees #2813 and #2812 (if necessary to accommodate the replacement septic area).
3. Individual tree protective devices (tree fencing) shall be placed completely around Specimen tree #2812 and Specimen Tree #2813 PRIOR TO the commencement of any grading. This shall be outlined in the pre-construction management plan of the final Forest Conservation Plan (FCP) and within the sequence of construction provided on the Final Plan for "Brighton Mill II".
4. A minimum of 16 additional, native, 2-3" caliper trees shall be provided on site as part of the mitigation for the specimen tree removal. This mitigation will be addressed with the project known as "Brighton Mill II" and will be in addition to any required landscape or forest conservation plantings. The mitigation will be shown on the associated Landscape Plan and surety for these additional trees will be required as part of the Final Plan.
5. Some or all of the mitigation plantings should be placed within the rear yards of proposed Lots 8-12 (outside of any septic reserve area) after grading and fill occurs but PRIOR TO sales of individual lots. These replacement trees shall be in addition to the required Type 'B' landscape buffer along the rear

yards of proposed Lots 8-12.

6. No additional access points onto Broccolino Way for Lots 8-12 shall be granted, now or in the future.
7. Provide access restriction arrows and labels between Lots 8-12 and Broccolino Way on all current and future plans.
8. Written permission must be provided by both the fiber optic cable right-of-way operator and Atlantic Seaboard Company for the crossing of these areas with proposed driveways for Lots 8-12 and the creation of Curtis Vista Way.
9. A revised waiver exhibit shall be submitted within 2 weeks of waiver approval (**on or before February 12, 2016**) which addresses the following:
 - Labels the 50' wide pipeline easement owned by Atlantic Seaboard Company.
 - Modifies the specimen tree table to indicate possible future removal of specimen trees #2812 and #2813.
 - Depicts and labels access restriction arrows and labels between Lots 8-12 and Broccolino Way on all current and future plans.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Per the applicant's application, "there is practical difficulty that arises from the location of specimen trees, the orientation of the well and septic areas and the proposed house boxes on Lots 5 and 6. The property has several unique features that also drives the development and location of the proposed lots. The drainage swale of proposed Lot 6 and the low area on proposed Lot 5, required the Health Department to avoid those areas for percolation testing. Additionally, there is an existing well located on the neighboring property, which eliminated some area for the siting of septic reserve areas for Lots 5 and 6. The area of required perc testing and the location of the adjacent well, forced the siting of the on-lot septic systems further into the forested areas, resulting in impacts to specimen trees."

"The area between the existing Broccolino Way right-of-way and the 30' fiber optic cable right-of-way and the 50' gas main easement area, averages 332 feet. The current design proposed 5 lots that front on proposed Curtis Vista Way, with these lots also backing onto Broccolino Way (creating double-frontage lots). These 5 lots average 147 feet in width. Excluding the area already recorded for the fiber optic cable and gas main, the area available for the house, well and septic is 47,224 feet. While the developer could create a narrow parcel along Broccolino Way to eliminate the double frontage of lots, the current proposal of double-fronting lots appears to be a better design, helps to meet lot size requirements while accommodating well and septic reserve setbacks and would eliminate the need to create a narrow and fragmented (~20 feet wide and 660 feet long) preservation parcel between Lots 8-12 and Broccolino Way which would have to be maintained by the Home Owners Association, instead of individual lot owners as part of their own property".

Detrimental to the Public Interest/Nullifies the Intent or Purpose of the Regulations:

With regard to the waiver to specimen tree removal, the majority of the on-site specimen trees shall be retained and the developer intends to preserve the majority of the existing forest within the highest retention priority areas (within the floodplain, stream and wetland areas). These will be placed in permanent easement(s), thus protecting and enhancing the existing forest environment and supporting the public interest. The County will also require mitigation for those trees being removed. The developer has also proposed additional planting on Non-Buildable Preservation Parcel 'B', in anticipation of a future additional forest bank.

The Intent of the Regulations concerning double-frontage lots will be met by dis-allowing any access on to Broccolino Way for Lots 8-12 and by providing a type 'B' moderate landscape buffer along the rear yards of

proposed Lots 8-12 In addition, no impervious area would be permitted within the septic reserve areas of Lots 8-12 which are located adjacent to Broccolino Way. The approval of the waiver would not be detrimental to the Public Interest because inclusion of the area between the septic areas and the Broccolino right-of-way into residential lots will ensure that the property owners will maintain the property as lawn area, performing regular mowing and care. The right-of-way of Broccolino Way and the abutting areas, serve as the entrance to the original Brighton Mill subdivision (F-06-067). Allowing the double-fronting of these lots will help maintain the aesthetic of this roadway, existing subdivision and surrounding areas.

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/site development plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/RIM-Working/WP-16-064 Brighton Mill II approval 1-29-16

cc: Research
DED
Real Estate Services
M. Honeczy-DNR
Benchmark Engineering: John Carney
SP-16-004 file