



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

October 13, 2016

Lois Peters, et. al.
13009 Twelve Trees Court
Clarksville, MD 21029

RE: WP-16-158, CSH Maple Lawn
Previous Plan: CSH Maple Lawn (ECP-16-060)

Dear Sir or Madam:

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

As of the date of this letter, the Planning Director **approved** your alternative compliance request for **Section 16.1205(a)(7)** to allow the removal of one (1) specimen tree 30" in diameter or greater.

Approval is subject to the following conditions:

1. Removal of the one (1) specimen tree will require replacement mitigation at a ratio of two (2) larger caliper trees (at least three (3) inches dbh) for each specimen tree removed (two trees total). The mitigation planting can be provided as part of the required perimeter landscaping for this project. With the Site Development Plan for this property, you must include plan sheets that show how you plan to address this alternative forest conservation/landscape mitigation.
2. Submission of a Site Development Plan application, including a Site Development Plan that includes plan sheets that address alternative forest conservation/landscape mitigation.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from the applicant retaining the specimen tree located on the property due to the location of the tree and the size of the parcel. Because of these factors, it is not possible to retain the specimen tree and still maintain reasonable development of the property. The retention of the specimen tree cannot be accomplished without severely restricting or completely eliminating the proposed development and intended use of the site.

Alternative Proposal

The alternative proposal would require the applicant to retain the specimen tree on the parcel. However, due to the location of the tree and the size of the parcel, the retention of the

specimen tree cannot be accomplished without severely restricting or completely eliminating the proposed development and intended use of the site. Therefore, in this situation, it is reasonable to allow the applicant to remove the specimen tree and permit alternative compliance with replacement mitigation planting for the removed specimen tree.

Not Detrimental to the Public Interest

The alternative compliance request will not be detrimental to the public interest since the applicant will be required to provide enhanced landscaping around the perimeter of the property. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed to help mitigate the loss of the specimen tree.

Will not nullify the intent or purpose of the regulations

Approval of this alternative compliance request will not nullify the Intent or Purpose of the Regulation because the Subdivision Regulations allow the Department of Planning and Zoning to authorize, "planting in an alternate location," if it is deemed to have a "greater environmental benefit." This Division has determined that the required enhanced landscaping around the perimeter of the property is deemed to have a "greater environmental benefit" than retention of the specimen tree. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed, and will help to mitigate the loss of the specimen tree. Therefore, approval of this alternative compliance request will satisfy the Intent of the Regulations by creating an environmental benefit.

Indicate this alternative compliance 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 alternative compliance will remain valid for one year from the date of this letter or as long as the final plat and/or SDP remain in active processing.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Gutschick, Little, and Weber
DPZ File #'s WP-16-158 & ECP-16-060
Marian Honeczy, DNR