



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

August 3, 2016

Donald Ferron
5864 Deer Ridge Lane
Elkridge, MD 21075

Dear Mr. Ferron:

RE: WP-16-160, Ferron Property (F-16-085)

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 request for an alternative compliance of Section 16.1205(a) (7) to allow for the removal of one (1) specimen tree which has been identified to be located within the boundary of this site, and **Section 16.116(a)(i)** which prohibits grading, removal of vegetative cover and trees, paving, and new structures within 25-feet of a wetlands and their buffers.

Approval is subject to the following conditions:

1. As mitigation for the requested removal of one (1) specimen tree located within this site, the developer is required to plant two 3" caliper native shade trees along the northern property line near the Yuran Property. These trees will be shown on the landscaping plan and will be bonded with the landscaping surety.
2. On the final plan (F-16-085) and all subsequent plans and/or plats, provide a brief description of alternative compliance, WP-16-160, as a general note to include requests, sections of the regulations, action and date.
3. The applicant shall obtain all required authorizations and permits from the Maryland Department of Environment and U.S. Army Corps of Engineers for disturbances with the wetlands, and their buffers and any wetlands mitigation required. Reference any applicable MDE or USACOE permits or tracking numbers on the associated plans and building or grading permits.
4. No disturbance is permitted beyond the limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified. Best management practices for grading and driveway construction shall be used by the contractor to limit the disturbance.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The extraordinary hardship or practical difficulty involved with this alternative compliance request would only permit 1 buildable lot as 70% of the parcel area is on the other side of the wetlands and buffer. The wetlands and its buffers bisect the parcel. In order to create two (2) of the proposed lots, disturbance to the wetland and its buffer is necessary. The specimen tree (30" Red Maple in fair condition) is located outside the wetland and wetland buffer approximately 50' south of the existing Ruxton Drive right-of-way. The grading required for the driveway will impact the critical root zone, thus requiring the removal of one specimen tree. The property has been owned by the Ferron family for approximately 100 years. The two building lots will be created for the construction a home for the property owner and the other will be for his son's family,

Not Detrimental to the Public Interest - Approval of the alternative compliance will not alter the essential character of the neighborhood since the applicant will be required to plant two 3" caliper native trees as replacement trees. The alternative proposed by the County to have the developer plant two 3" caliper shade trees for the required plantings will help to mitigate the removal of the specimen tree and serve the public interest as an alternative compliance. The disturbance to the wetlands and their buffers is necessary for the driveway to serve 2 building lots. The developer's family has owned the property for approximately 100 years. The wetlands that are now present on the property are due to runoff from the adjacent Rausch Property subdivision located on north and west of the site. The developer has indicated that the wetlands area was previously used to grow crops. The driveway is shifted as close to the north property line as possible to avoid impacts to the environmental feature. The developer will provide landscaped screening along the driveway to provide privacy for those properties along the property boundary.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this alternative compliance will not nullify the intent or purpose of the Regulations because the Subdivision Regulations allow the Department of Planning and Zoning to authorize planting in an alternative location if it is deemed to have a greater environmental benefit. The intent of the Regulations is not to restrict clearing of all forested areas or areas that include specimen trees. Retaining a suitable margin around large trees provides a better chance of survival. When trees are stand alone and in an area that must be cleared for other reasons, the efforts to save a specific tree would likely be unsuccessful and would not accomplish the goals of the forest conservation regulations. The developer is proposing to disturb 855 square feet of wetlands in order to construct a shared driveway. The overall hydrology to the wetland will not be impacted due to the culvert to redirect flow.

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 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.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
Vogel Engineering
F-16-085