



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

June 28, 2017

Wilbur and Evelyn Hinkle Family Ltd
Attn: Barbara Dawson
3067 Shorecrest Bay Drive
Murrells Inlet, SC 29576

RE: WP-17-123, Highland Meadows (F-17-077)

Dear Mrs. Dawson:

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) On-Site Forest Retention** which requires that State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County. This alternative compliance request will allow for the removal of an additional 4 of the 65 specimen trees for the proposed development as shown on the alternative compliance exhibit as Specimen Tree numbers 15, 16, 18, and 23.

Approval is subject to the following conditions:

1. Compliance with all SRC Agency comments generated with the review of the submitted Final Plan, F-17-077.
2. Eight (8) 2.5"-3" caliper, native shade trees as mitigation for the removal of the four (4) specimen trees from the property. Surety for the mitigation trees shall be added to the landscape surety with the final plan supplemental and road construction drawings.

Our decision was made based on the following:

Self-Created Hardship:

The applicant would have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. The applicant proposes the subdivision of Parcel 93 into 9 buildable lots, one Buildable Preservation Parcel A and Non-Buildable Preservation Parcels B & C. The existing public right of way of Buck Haven Court will be extended westward across Parcel 93 to end in a cul-de-sac. Non-Buildable Parcel B will contain areas of streams, wetlands, their buffers, steep slopes, floodplain, a forest conservation easement, and will surround the perimeter of the buildable lots. The preservation of these elements on the western property boundary shifts the developable areas to the eastern side of the property and limits the developable area. The lack of flexibility available in the buildable areas to place the houses, creates issues in protecting all the specimen trees located on the property. Due to the close proximity to the proposed houses and septic reserve areas on Lots 1 and 2, ST# 15, 16, 18 and 23 will be removed. The Health Department requested that the additional 4 specimen trees be removed due to their proximity to the proposed septic fields.

Implementation of Alternative Proposal:

The intent of the regulations is to protect existing trees 30" in diameter or larger as they are considered priority for on-site retention and protection in the County. The intent of the regulations would be better served through the implementation of an alternative proposal and approval of the alternative compliance request. Alternatively, eight (8) new shade trees will be planted as mitigation for the four (4) removed specimen trees. The mitigation plantings will be in addition to the landscape plantings currently required per the Howard County Landscape Manual.

Detrimental to the Public Interests:

Approval of the alternative compliance request would not be detrimental to the public interest. The applicant is attempting to develop the property in a safe and orderly manner while meeting the required setbacks, well and septic locations, stormwater management, and protection of environmental features and existing forest. In doing so, however removal of four (4) additional specimen trees to prevent potential damage to the proposed septic areas would be necessary. Removal of the specimen trees and planting additional landscape shade trees would better serve the residents of this subdivision and provides a better solution. There will still be many specimen trees preserved on site.

Nullifies the Intent or Purpose of the Regulations:

Approval of the alternative compliance request would not have nullified the intent of the regulations. The regulations allow for the removal of specimen trees with County approval. The intent of the regulations is to retain specimen trees unless their retention is not practicable within the context of the site development. Given that the layout of the subdivision was designed to preserve an extensive amount of sensitive environmental areas and specimen trees, the removal of the four (4) additional trees would not have been a nullification of the intent of the regulations. The removal of the four (4) additional specimen trees would be necessary for the protection and establishment of the approved septic areas. Removal of the specimen trees is based on the subdivision lot layout design approved by the Planning Board on November 17, 2016.

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 Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
GLW
Forest Conservation Coordinator
Marian Honeczy, DNR
F-17-077