



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

September 20, 2017

Warfield Woods LLC
attn: Kennard Warfield Jr.
14451 Triadelphia Road
PO Box 30
Glenelg MD 21737

RE: WP-18-023 Waverly Grove, Lots 1-30 and Open Space Lots 31-35 (F-16-101)

Dear Mr. Warfield:

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 to the following section of the Subdivision and Land Development Regulations:

Section 16.116(a)(2)(ii) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – Grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 75 feet of a perennial stream for use I streams.

Approval is subject to the following four (4) conditions:

1. No additional disturbance or grading shall occur within the 75-foot stream buffer of Open Space Lot 32 than that what's detailed for the retaining wall easement on the alternative compliance petition.
2. A redline revision to the final construction plans (F-16-101) must be submitted for review to detail the location of the retaining wall, its limit of disturbance (if applicable) and the wall's maintenance easement prior to the recordation of the final plat.
3. Provide a note on the final plat (F-16-101) the constructions plans and the site development plan regarding this alternative compliance petition approval. This note shall include those subdivision regulation section petitioned, the date of the alternative compliance approval, and the conditions of approval.
4. Should DPW and DED require a protection fence above the retaining wall, the fence must be metal decorative in appearance and not have a chain-link fence appearance.

The decision of this alternative compliance petition is based on the following justification:**Section 16.116(a)(2)(ii) – Disturbance to the 75-foot perennial stream buffer**

Waverly Grove was planned with one row of townhouses facing an internal pathway. This row of townhouse floor elevations required excessive steps and landing pads to traverse the vertical difference between the first floor and the ground level of these homes. A retaining wall is proposed for this area to help stabilize the ground for a row of townhouses. The petitioner has stated that “the design of the townhouse units 16-25 require a retaining wall in the area closest to an existing stream buffer in the southern portion of the site; to accommodate the maintenance on the downhill side of the retaining wall, a private 10-foot wide retaining wall easement within Open Space Lot 32”. By providing the retaining wall this vertical difference is lessened and results in an improved site condition for the prospective home owners. The proposed disturbance to the 75-foot stream buffer shall be limited to a relatively small area (please see plan exhibit) in Open Space Lot 32, at the rear of several townhouse lots. The purpose of the easement is to allow access for a possible maintenance to the wall within the open space lot.

The petitioner has stated that “allowing approval of this alternative compliance provides the ability to better protect the stream buffer by providing a greater structural demarcation between development and environmental features” that are located south of this disturbance. The only disturbance will be for a small area (approximately 550 SF) within the 75-stream buffer. There will not be any trees removed from this area.

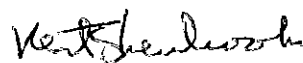
The petitioner has stated that “the wall maintenance easement would not be detrimental to the public interests since its establishment is to ensure available access to maintain the wall in a safe and stable condition”. Directly south of the proposed retaining wall maintenance easement there is an existing sewer and utility easement also located within the stream buffer.

No other SRC agency objects to this request.

This alternative compliance approval will remain valid for one year from the date of this letter or as long as this project remains in active subdivision and/or site development plan review processing.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research

DED

Zoning Division – Annette Merson
Fisher, Collins and Carter