



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350  
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 4, 2020

Douglass Brunner  
1200 Stueart Street, Unit 1511  
Baltimore, MD 21230

RE: WP-20-066, Gaither Farm  
Alternative Compliance Request

Dear Mr. Brunner:

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 16.120(b)(4)(iii)(b)**.

Approval is subject to the following conditions:

1. All specimen trees must be protected during construction. A registered arborist must inspect the trees and implement recommendations for professional pruning of roots and foliage. All pruning must be performed by a Maryland licensed tree expert. Tree protection fencing must be installed around the entire perimeter of each specimen tree to the greatest extent possible to prevent root and foliage damage during construction. Alternative designs of the site must be conducted by the consultant in order to minimize root damage.
2. There shall be no disturbance within any floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention.
3. The future house on lot 15 shall maintain a setback from the forest conservation easements as shown on the most recent alternative compliance plan exhibit to avoid encroachments and to allow a useable yard.
4. The plat must be amended and recorded to show the forest conservation easement areas as shown on the most recent alternative compliance plan exhibit.
5. All plans associated with this property must be red-lined to show the proposed forest conservation easement areas as shown on the most recent alternative compliance plan exhibit.
6. You must amend your simplified environmental concept plan (SECP) to show your proposal and obtain approval for that SECP.
7. You must execute developers agreements and forest conservation agreements for the proposed forest conservation easement areas as shown on the most recent alternative compliance plan exhibit.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardships or practical difficulties would arise from not allowing floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention be permitted on lots less than 10 acres in size since the applicant is taking appropriate measures by providing an adequate buffer between the proposed homes and those environmentally sensitive areas. Additionally, the proposed forest conservation easement areas connect to a larger forest conservation easement area off site, further helping to protect sensitive forest resources. Also, the proposed forest conservation easement areas will contain and protect two specimen trees on site.

Alternative Proposal

An alternative proposal would require the applicant to pay a fee-in-lieu, create an off-site easement, or utilize a forest bank for their forest conservation obligation. However, the following measures will take place to protect sensitive resources:

1. The applicant is taking appropriate measures to protect floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention, by providing an adequate buffer between the proposed homes and those environmentally sensitive areas;
2. The proposed forest conservation easement areas connect to a larger forest conservation easement area off site, further helping to protect sensitive forest resources; and
3. The proposed forest conservation easement areas will contain and protect two specimen trees on site.

Therefore, this alternative proposal meets the intent of the regulations and connects the on-site resources to larger forest conservation areas.

Not Detrimental to the Public Interest

The applicant's request to locate floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention on lots less than 10 acres will also not be detrimental to the public interest since,

1. The applicant is taking appropriate measures to protect floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention, by providing an adequate buffer between the proposed homes and those environmentally sensitive areas;
2. The proposed forest conservation easement areas connect to a larger forest conservation easement area off site, further helping to protect sensitive forest resources; and
3. The proposed forest conservation easement areas will contain and protect two specimen trees on site,

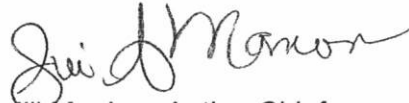
Will not nullify the intent or purpose of the regulations

The intent of the regulations is to protect environmentally sensitive features. The applicant is proposing a significant buffer between the proposed single family detached dwellings and the existing environmental features, connecting to a larger forest conservation easement area off site, and protecting two specimen trees within the proposed forest conservation easement areas. Therefore, adequate protection is being provided to those environmental features.

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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact JJ Hartner at (410) 313-2350 or email at [jjhartner@howardcountymd.gov](mailto:jjhartner@howardcountymd.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Manion". The signature is fluid and cursive, with the first name "Jill" and last name "Manion" clearly distinguishable.

Jill Manion, Acting Chief  
Division of Land Development

JM/JH

cc: Research  
DED  
Real Estate Services  
Marian Honeczy- DNR  
Brenda Luber, DLD