



June 12, 2020

HODPW SWM Division  
Attn: Avinash Dewani  
9801 Broken Land Parkway  
Columbia, Maryland 21046

RE: WP-20-104 Mellen Court Stream Restoration  
Capital Project D-1158

Dear Mr. Dewani:

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 16.155.(a)(1)** - This section requires a site development plan for non-residential development and for disturbance great than 5,000 square feet.

**Approval is subject to the following conditions:**

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 1.9 acre limit of disturbance, as shown on the alternative compliance exhibit, unless it can be sufficiently demonstrated by the applicant to be justified.
2. Once the proposed project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources in accordance with the alternative compliance planting plan exhibit.
3. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbances within the floodplain, streams, wetlands, and wetland buffers. Reference the applicable MDE or USACE permit numbers on any building or grading permits.

**Our decision was made based on the following:**

1. **Unreasonable Hardships or Practical Difficulties may result from strict compliance with this subtitle**  
There is no physical development or structures proposed in conjunction with the stream restoration project. Strict compliance with the regulations to submit a Site Development Plan would delay the start of this restoration project, the purpose of which is to improve the habitat and water quality of the unnamed tributary within the Little Patuxent watershed. Full sets of stream design and sediment/erosion control plans have been submitted to the Subdivision Review Committee agencies for review. A planting and live staking plan has also been provided, which will establish a riparian buffer along the stream and stabilize the stream banks when the project is completed. Strict compliance with the Regulations would be an unreasonable hardship for the applicant since the time required to prepare and review the site development plan would delay this time sensitive project. The alternative compliance plan exhibit will be submitted and retained by Howard County staff and serve as an acceptable substitute to the Site Development Plan.

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 Kathryn Bolton at (410) 313-2350 or email at [kbolton@howardcountymd.gov](mailto:kbolton@howardcountymd.gov).

Sincerely,

DocuSigned by:  
*Anthony Cataldo*  
1EB75478A22B49A...

Anthony Cataldo, Chief  
Division of Land Development

AC/ktb

cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services  
KCI  
File



DPZ Office Use only:  
 File No. *WP-20-10f*  
 Date Filed *4/30/2020*

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Stream Restoration

**Subdivision Name/Property Identification:** Mellen Court Stream Restoration Project

**Location of property:** Columbia, MD 21046

**Existing Use:** Forested **Proposed Use:** Forested

**Tax Map:** 30 **Grid:** 15 **Parcel No:** 198, 156 **Election District:** 06

**Zoning District:** R-20, NT **Total site area:** 1.9 acres (outside NT District)

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

A county capital project is proposed to restore an eroding stream to improve water quality. The channel is degraded with several indications of instability that include: head cuts, debris jams, undercut banks, steep exposed banks, limited access to the floodplain, and destabilized outfall channels.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.155 (a)(1)(ii)	1. Section 16.155(a)(1)(ii) – Waiver of site plan: The proposed project is restoration of a stream, necessary to prevent continued sedimentation into the Little Patuxent River.
<del>16.1201(n)</del>	<del>2. Section 16.1201(n) – Definition of net tract area for forest conservation computations: Per Forest Conservation regulation (Subtitle 12) the entirety of all parcels impacted by the proposed work are to be used to define the net tract area for forest conservation computations. The sum of the area of the five lots is 4.32 acres; however, the proposed limit of disturbance (LOD) outside of the NT is only 1.9 acres. When the area of the 100-year floodplain is netted out of the LOD, the remaining area is 0.3 acre.</del>

Section Reference No.	Brief Summary of Request

Signature of Property Owner: [Redacted]

Date: 04/28/2020

Signature of Petitioner Preparer: [Redacted]

Date: Avinash Dewani

Name of Property Owner: [Redacted]

Name of Petition Preparer: HODPW SWM Division

Address: [Redacted]

Address: 9801 Broken Land Parkway

City, State, Zip: [Redacted]

City, State, Zip: Columbia, MD 21046

E-Mail: [Redacted]

E-Mail: adewani@howardcountymd.gov

Phone No.: [Redacted]

Phone No.: 410-313-6417

Contact Person: [Redacted]

Contact Person: Avinash Dewani

Owner's Authorization Attached