



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

February 29, 2024

Clarksville Freestate, LLC
Oxford Hills, LLC
P.O. Box 417
Ellicott City, MD 21043

RE: WP-24-040 Erickson- Oxford Hills

Dear Sir/Madam:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

The Alternative Compliance application (WP-24-040) was submitted to DPZ on 10/10/23. The Directors initially met to review the application on 11/16/23. An onsite meeting was held on 11/28/23 with the project engineer, developer and staff from DPZ and OCS. Following this meeting, the Directors issued a 'revise and resubmit' letter with comments on 12/1/23. The revised application was submitted by the applicant to DPZ on 12/14/23. Additional meetings were held with Agency staff on 12/21/23 and onsite meeting was held with DPZ and DPW- Environmental Services staff on 2/8/24.

On February 15, 2024, and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Sections 16.115(c), 16.116(a)(1) and 16.116(a)(2)** of the Subdivision and Land Development Regulations to impact 100-year floodplain, streams, wetlands and buffers for construction of a continuing care retirement community (SP-23-001). Please see the attached Final Decision Action Report for more information on this request.

On February 15, 2024, and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove sixteen (16) specimen trees for the construction of a continuing care retirement community (SP-23-001). Please see the attached Final Decision Action Report for more information on this request.

On February 28, 2024, and pursuant to Section 16.104, the Director of the Department of Planning and Zoning considered and **approved** your request for alternative compliance with respect to **Section 16.120(c)(1)** of the Subdivision and Land Development Regulations to create a landlocked parcel to be dedicated to Howard County for a sewer pump station, which will be accessed via private roads through a public utility easement.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(c)(1) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas.

The proposed pump station will provide sewer utility service for the proposed development. Alternative layouts would require an access road to be constructed along the northern property line to Sheppard Lane which would result in additional impacts to the environmental features. Sheppard Lane is designated as a scenic road and there is poor sight distance in this area. By utilizing the private roads for access to the pump station, the impervious area is reduced and the owner (Erickson) will be responsible for repair and maintenance costs.

2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations.

The location of the pump station was selected based on the existing topography to provide gravity sewer service for the proposed development. Relocating the pump station would result in additional impervious areas and impacts to environmental features.

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants.

Approval of this variance will not confer to the applicant a special privilege that would be denied to others. The impacts are necessary to provide sanitary service for the proposed community while also utilizing the private infrastructure for access in effort to reduce the impervious area and environmental impacts.

4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.

Utilizing the private roads will not be detrimental to the public health, safety or welfare since Howard County will have guaranteed access to the pump station through a public utility easement. Any costs related to repair and maintenance of the access road will be the responsibility of the owner instead of Howard County. An alternative access location from Sheppard Lane would result in additional impacts to the environmental features and scenic road, and poor sight distance in this location would be a safety concern for vehicles using the access.

Approval of this Alternative Compliance to Section 16.120(c)(1) is subject to the following conditions:

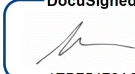
1. The approval of this Alternative Compliance request is specific to the sewage pump station proposed on 'Parcel C', as shown on the Alternative Compliance plan exhibit.
2. The proposed private streets within the project shall be designed and constructed to public road standards in accordance with the Design Manual or as approved by the Development Engineering Division and the Department of Public Works.
3. The pump station shall obtain access from the proposed private streets through a public utility easement to be recorded on a future plat. The applicant shall be responsible for establishing safe vehicular access to the pump station.
4. The owner shall be responsible for all maintenance, trash collection and snow removal along the private roads.
5. Include this Alternative Compliance file number (WP-24-040) in the General Notes on the Preliminary-Equivalent Sketch Plan (SP-23-001).

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, subdivision plans, 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 Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

cc: Research
DLD - Julia Sauer
Real Estate Services
Daniel Coy - DNR Daniel.coy@maryland.gov
Brandon Rowe- Bohler Engineering



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

**ALTERNATIVE COMPLIANCE
FINAL DECISION ACTION REPORT
FEBRUARY 15, 2024**

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY
DEPARTMENT OF PUBLIC WORKS

RE: **WP-24-040 Erickson- Oxford Hills**
Request for a variance to Section 16.1205(a)(3) of the Howard County Code and Alternative Compliance to Sections 16.115(c), 16.116(a)(1) and 16.116(a)(2) of the Subdivision and Land Development Regulations.

Applicant: Clarksville Freestate, LLC
Oxford Hills, LLC
P.O. Box 417
Ellicott City, MD 21043

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove sixteen (16) specimen trees for the construction of a continuing care retirement community (SP-23-001). The Directors deliberated the application 11/16/23 and February 15, 2024. Additionally, there was an on-site meeting held on 11/28/23 with the project engineer, developer and staff from DPZ and OCS.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The property is unique in that it is bisected by an existing stream that flows between Neighborhood 1 and 2, and it has approximately 90' of elevation change from MD 108 to the back of the property. Private Road "C" connects Neighborhood 1 and 2 in (2) locations with (3) locations where environmental features or buffers are impacted, including (2) proposed stream crossings. The Public Access Road impacts environmental features in (2) locations. The road crossings and utility impacts are unavoidable in order to provide reasonable fire safety access, community connectivity, and public utility services throughout the property. A concerted effort was made to minimize impact to the existing stream, wetlands, floodplain, and associated buffers.

The applicant has made careful considerations during the planning and design of this community to preserve as many specimen trees as possible. The applicant followed a deliberate and collaborative process that included

many meetings with County agencies and community stakeholders over the past six (6) years. Through this collaboration, the community layout has evolved to what is proposed today. The design of roadways, building placement, and density of the community were adjusted to minimize impacts to the environmental features, including specimen trees. The removal of the specimen trees noted in this request are necessary to construct roads, utilities, and provide stormwater management for the proposed community. The Directors specifically discussed how the conditionally approved age restricted adult housing community presents some unique pedestrian and resident connectivity goals. Addressing the regulatory fire/safety requirements on site in addition to the pedestrian connections resulted in a variety of sidewalk and overhead enclosures to meet the specific populations' needs on site.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.

As highlighted above, the development is laid out such that there are neighborhoods within the community. Neighborhood 1 is located on the east side of the existing stream on site and Neighborhood 2 is located on the west side of the existing stream. Ingress/egress to both neighborhoods is provided and an effort was made by the applicant to minimize impact to the existing specimen trees, stream, wetlands, floodplains, and their associated buffers with roadways and pedestrian crossings to connect them.

The Directors reviewed and discussed the removal of these specimen trees associated with the facilities needed to provide the required road and utility connections, as well as emergency access for the community. Strict conformation with the requirements would limit the ability for this specific use to utilize a large portion of the property due to the location of the stream centered within the development and the location of specimen trees at connection points to the public right of way.

3. Verify that the granting of a variance will not adversely affect water quality.

The development is subject to the current Environmental Site Design criteria which includes the combination of water treatment practices to address water quality. Further, the development will provide management of the 100-year storm event. Stormwater management and soil erosion and sediment control measures, of which there is none present on the subject property, will be implemented with this community. In addition, stream restoration is proposed on site in order to provide improvement to the current stream and environmental conditions.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.

Approval of this variance will not confer to the applicant a special privilege that would be denied to others. The removal of specimen trees identified and detailed above is necessary for fire safety access to and connectivity throughout the community. Careful considerations were made during the design of this development to minimize the impact to the specimen trees and environmental features. The Directors discussed that impacts proposed are those that could not be avoided to meet the specific connectivity goals of this conditionally approved age restricted adult housing community. The ability to provide roads, utilities, and stormwater management are not special privileges and are necessary for reasonable development of the subject property.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

The removal of the specimen trees noted above is not based on a circumstance that is a result of actions by the applicant. As previously mentioned, the proposed road alignments, community layout, and utilities alignments have been coordinated to allow the impacts to be the minimum necessary to maintain public safety on the proposed roads and provide public utility services to the community. The removal of these specimen trees is necessary to construct the roads utilities, stormwater management facilities, and provide community connectivity.

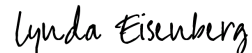
6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property. The design of the development considered the location of specimen trees and limited the impact to these trees as best as possible while maintaining the County design standards.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The removal of the sixteen (16) specimen trees is hereby permitted, as shown on the Alternative Compliance plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request. Disturbance to the critical root zone of the remaining specimen trees shall be limited to a maximum of 30%. Protective measures shall be utilized during construction to protect the critical root zones of the specimen trees proposed to remain. Details shall be provided on the Final Plan(s) and Site Development Plan(s).
2. Specimen Trees 'V' and 'U' are approved for removal only following approval of a stream restoration plan by the Department of Planning & Zoning.
3. The applicant shall mitigate the removal of the sixteen (16) specimen trees by planting a minimum of thirty-two (32) native shade trees onsite with a planting size of at least 3" diameter at breast height (DBH). Planting details shall be provided on the Final Plan or Site Development Plan for Phase 1. The trees will be bonded with the Developer's Agreement along with the required landscaping and afforestation. The trees shall be monitored for at least three (3) growing seasons and replaced in-kind if the plantings do not survive.
4. A detailed survey of invasive species within the forest retention areas (all forest strata) and details for removal and treatment of the invasive species will be required with the Phase 1 plans, including the removal and/or treatment of vines from any trees proposed to remain. Supplemental planting with native trees and shrubs will be required within the retention areas to establish a healthy, native forest. Details shall be provided on the Final Plan or Site Development Plan for Phase 1.
5. Provide a note on the preliminary-equivalent sketch plan (SP-23-001) and all subsequent plans referencing this alternative compliance request and conditions of approval.

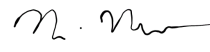
DocuSigned by:



42206835803942E...

Lynda Eisenberg, AICP, Director
Department of Planning and Zoning


DocuSigned by:



8220CB2AA8164F1...

Nicholas Mooneyhan, Director
Department of Recreation and Parks

DocuSigned by:



AEB80003A8F04A0...

Timothy Lattimer, Administrator
Office of Community Sustainability

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works and the Administrator of the Office of Community Sustainability considered and **approved** the applicant's request for an alternative compliance with respect to **Sections 16.115(c), 16.116(a)(1) and 16.116(a)(2)** of the Subdivision and Land Development Regulations. The purpose is to impact 100-year floodplain, streams, wetlands and buffers for construction of a continuing care retirement community (SP-23-001). The Directors deliberated the application 11/16/23 and February 15, 2024. Additionally, there was an on-site meeting held on 11/28/23 with the project engineer, developer and staff from DPZ and OCS.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by other in similar areas.

The proposed improvements and associated environmental impacts are unavoidable in order to provide reasonable access for fire and emergency service apparatus, community connectivity, and public utility services throughout the community. A concerted effort was made to minimize impact to the existing stream, wetlands, floodplain, and associated buffers. Strict conformance with the requirements in these areas would deprive the applicant from providing the necessary emergency access and community connectivity that was a focus of prior approvals. The Directors deliberated the site layout, opportunities to reduce the impacts, and balanced the approach with this conditionally approved use and the resulting goal of proposed environmental improvements.

2. The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations.

The proposed disturbances are necessary to provide essential water and sewer services for the proposed community. The property is unique in that it is bisected by an existing stream that flows between Neighborhood 1 and Neighborhood 2. In order to provide service, gravity sewer mains must cross this existing environmental feature to be collected and managed by the proposed sewer pump station.

Furthermore, given the proposed use, site access between buildings (both pedestrian and vehicular) are of utmost importance for health and life safety. The internal loop road "Private Road C" allows for a controlled access within the community and allowing prompt access between buildings and other parts of the community. Meeting ESD to the MEP requirements and providing management of the 100-year storm event for Stormwater Management results in many smaller stormwater facilities throughout the community increasing the development footprint and limits of disturbance required for grading of the facilities and their outfalls. Efforts have been made to reduce these impacts through the use of retaining walls, consolidating utilities to impacted areas, and locating areas of impact to narrower portions of the environmentally sensitive areas.

The Directors found that strict adherence to the regulations would restrict connectivity within the proposed community significantly reducing fire safety access, community connectivity, and reasonable public utility services throughout the community.

3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.

Approval of this variance will not confer to the applicant a special privilege that would be denied to others. The impacts identified and detailed above are necessary for fire and emergency service apparatus, community connectivity, and utility services throughout the community.

4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.

The modification is not detrimental to the public health, safety or welfare, or injurious to other properties. Approval of the requested modification will serve to provide the necessary access for fire and emergency service apparatus, community connectivity, and public utility services throughout the community. Efforts have been made to reduce disturbances within the community through the use of retaining walls, consolidating utilities to impacted areas, and locating areas of impact to narrower portions of the environmentally sensitive areas. Utilities have been designed to be separated by the minimum width allowable by Howard County. Along with the minimum spacing, proposed connection points for water and sewer to existing utilities are designed to be located at the narrowest stream crossing points possible to further limit their disturbance.

5. Any area of disturbance is returned to its natural condition to the greatest extent possible.

Disturbance is returned to its natural condition to the greatest extent possible. As noted above, consideration was made in the layout of the community to avoid steep slopes where possible and to minimize impacts to the environmental features. Further, the in-stream mitigation proposed at Point #4 will help mitigate an erosive condition that currently exists at the property.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitats. Careful considerations were made during the design of the community to minimize the impact to the environmental features and impacts proposed are those that could not be avoided. The Directors deliberated and directed the team to investigate design features such as head walls, retaining walls, pedestrian bridges and culverts are utilized to reduce disturbances and impacts to environmentally sensitive areas. Arched culverts are proposed as noted above to limit the impact to the stream. Proposed stream crossings for utilities were located within the proposed road crossings where possible. Water quality measures are proposed within the community to provide environmental site design to the maximum extent practicable as is required by Howard County and MDE. These water quality measures will enhance the water quality of runoff from the proposed community.

7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.

As noted above, impacts are limited to that which are the minimum necessary to serve the needs of the community. Retaining walls, head walls, culverts, and the consolidation of crossings to the narrowest stream crossing locations have been proposed to limit the impacts to the environmental features. The use of these practices limits the impacts to environmental features to only that which are necessary to provide the required and essential services including access for fire and emergency service apparatus, community connectivity, and public utility services to support the proposed community.

In addition to the applicant's justifications, as part of the Directors' deliberation, the following items were considered through the review process:

Impact Point #1- stream crossing is proposed along the private road near the center/northern portion of the site. The proposed impacts include:

- 839 sf disturbance to stream (reduced from 1,028sf as originally proposed).
- 30,777 sf disturbance to stream buffer (reduced from 32,573sf).
- 3,389sf disturbance to 100-year floodplain (reduced from 3,934sf).

The road crossing will be constructed with a bottomless arch culvert which will span the stream. Water/sewer utilities and the overhead pedestrian bridge will be aligned with the road to consolidate and minimize the impacts. The alignment of the sewer outfall will require disturbance within the stream buffer to provide sewer service to a significant portion of Neighborhood 2. The Directors believe the jack and bore process would reduce impacts to the greatest extent for the installation of the sewer line. Directors would like the developer to investigate tunneling from manhole to manhole rather than the proposed pits as they investigate further in final design.

Impact Point #2- disturbance to an intermittent stream is proposed near the intersection of the private loop road and the Public Access Road for construction of the private roadway, sewer and overhead pedestrian bridge.

- 1,372sf disturbance to stream (reduced from 1,522sf as originally proposed).
- 16,505sf disturbance to stream buffer (reduced from 17,383sf).

The location of the private road in this location is at the head of an intermittent stream. The overhead pedestrian bridge and sewer crossing were consolidated to the same location to minimize impacts. The team investigated an alternative alignment of the private road, however it would result in inadequate spacing between the private road and the Public Access Road. They also investigated an alternate alignment for the sewer connection and overhead pedestrian walkway but both negatively impacted the proposed stormwater management facility. The Directors appreciated the reduction and highlighted the stream in this location is fairly degraded and in poor condition.

Impact Point #3- stream crossing is proposed along the private road near the southern portion of the site. The proposed impacts include:

- 817sf disturbance to stream (reduced from 1,009sf as originally proposed).
- 27,396sf disturbance to stream buffer (reduced from 30,029sf).
- 2,517sf disturbance to 100-year floodplain (reduced from 2,962sf).
- 529sf disturbance to wetlands (reduced from 572sf).
- 3,347sf disturbance to wetland buffer (increased from 2,573sf due to addition of public pathway)

The road crossing will be constructed with a bottomless arch culvert which will span the stream. A public pedestrian pathway was requested at this crossing by the Department of Recreation & Parks to connect the two public parks. The proposed water main loop will be aligned with the roadway to consolidate the impacts. The stream has been previously impacted adjacent to this location (upstream) by the construction of the existing Freestate gas station and a private driveway. The public access connection increased the wetland buffer impacts but serves a significant public interest and the Directors found this reasonable given the reduction in the wetland impacts at this crossing overall.

Impact Point #4- Following conversations between staff and the development team, stream restoration is proposed by the developer to stabilize an actively eroding stream channel as mitigation for the other proposed impacts. Based on observations and discussions at an onsite meeting on 11/28/23, this area of the stream was identified as having deeply incised banks and undercut exposed soil with near vertical slopes. The developer proposes to lay back the existing stream bank slopes to a 4:1 ratio, install rock vanes (strategically placed to minimize tree damage), armor the toe of the bank with rock rolls and stabilize the banks with native riparian vegetation. Final details will be provided with a Final Plan or Site Development Plan. The approximate disturbance includes:

- ~1,988sf disturbance to stream
- ~9,622sf disturbance to stream buffer
- ~1,387sf disturbance to 100-year floodplain

An additional onsite meeting was held with DPZ and DPW- Environmental Services staff on 2/8/24 to review the stream restoration plan as proposed by the developer to provide information to the Directors for consideration. Additional opportunities appeared to exist onsite for possible restoration along the eroded streams. To limit the disturbance and tree removal, staff believe less intrusive measures may be feasible and beneficial including requiring dense plantings along the eroded stream banks, live stakes, brush layering, etc. and grade controls within the eroded ditch above the currently proposed restoration area and were considered by the Directors in their review of the overall request.

Directors Action: Approval of alternative compliance of Sections 16.115(c), 16.116(a)(1) and 16.116(a)(2) is subject to the following conditions:

1. Disturbance to the 100-year floodplain, streams, wetland and buffers shall be the minimum necessary to construct the road crossings and utilities, as shown on the alternative compliance plan exhibits. Any disturbance to regulated

resources beyond this request will require approval of Alternative Compliance from the Department of Planning & Zoning.

2. Bottomless arch culverts shall be utilized to span the streams at road crossings #1 and #3 as proposed in the petition. No disturbance to the streams will be permitted except for the clearing of vegetation required for construction of the road crossings. Details shall be provided on the Final Plan or Site Development Plan.
3. Jack and bore construction shall be utilized to install the sewer line beneath the stream and 100-year floodplain at impact area #1. Details shall be provided on the Final Plan or Site Development Plan. The developer is encouraged to investigate relocating the tunnel pits to the location of the manholes outside of the buffer, rather than the proposed pits.
4. With approval from Howard Soil Conservation District and DPZ- Development Engineering Division, plunge pools shall be constructed at the outfalls of all storm drains discharging to perennial streams 'B', 'C' or 'D' to slow the velocity of water prior to reaching the eroded stream channels. Details shall be provided on the Final Plans or Site Development Plans.
5. A stream restoration plan shall be included with the Phase 1 Final Plan or Site Development Plan to stabilize and restore perennial stream 'D' as identified in the petition. The restoration area shall be extended downstream to at least 50-feet beyond the confluence with perennial stream 'C'. Measures shall be included to prevent the existing headcuts within the channel from migrating upstream. Measures to slow the velocity of water and erosion within the channel upstream of the restoration area will also be required (check dams, live stakes, etc.).
6. A plan to stabilize the banks of perennial streams 'B' and 'C' between impact areas #1 and #3 shall be included with the Final Plan or Site Development Plan for Phase 1. Stabilization measures shall include planting live stakes, brush layering, etc. as approved by the Department of Planning and Zoning.
7. The planting densities within all onsite stream buffers shall be increased beyond the minimum requirements for afforestation (Figure 3-M in Forest Conservation Manual) to provide stabilization in the areas adjacent to the eroding streams. The planting calculations shall be double the standard forest conservation requirements (Ex: proposed 2-inch caliper trees = 200 trees/acre, 15'x15' spacing) or as approved by the Department of Planning and Zoning. The planting plan shall also include native shrubs and riparian seed mix within the stream buffers. The applicant is encouraged to utilize native tree and shrub species with deep root systems to stabilize the areas adjacent to the eroding stream banks.
8. The sequence of construction in the Phase 1 plans shall specify that the stream restoration and stream buffer plantings will be completed prior to the construction of the retaining walls, utilities, etc. A phasing plan for the stream restoration, planting and retaining wall construction may be required to avoid impacts to the planted areas.
9. 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 regulated resources prior to approval of the Final Plans and/or Site Development Plans. The authorization number and date shall be included in a note on the Final Plans and/or Site Development Plans. The applicant shall conduct the authorized activities in a manner consistent with the Best Management Practices for Working in Nontidal Wetlands and Wetland Buffers, as specified by MD Dept. of the Environment.
10. All excess fill, spoil material, debris and construction material shall be disposed of outside of the wetlands, streams, buffers and 100-year floodplain, and in a location and manner which does not adversely impact surface

or subsurface water flow into or out of the wetlands. Temporary construction trailers, staging areas and stockpiles shall not be located within the wetlands, buffers or 100-year floodplain.

11. All disturbed areas shall be stabilized and seeded or planted with native vegetation immediately after construction is complete, in accordance with the erosion and sediment control plans.
12. Provide a note on the preliminary-equivalent sketch plan (SP-23-001) and all subsequent plans referencing this alternative compliance request and conditions of approval.

DocuSigned by:

Lynda Eisenberg

4220B635863942E...

Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

DocuSigned by:

Yosef Kebede

7436E469C7824F6...

Yosef Kebede, Director
Department of Public Works

DocuSigned by:

Timothy Lattimer

AEB00003A6F04A0...

Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DRP
DPW



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

December 1, 2023

Clarksville Freestate, LLC
Oxford Hills, LLC
P.O. Box 417
Ellicott City, MD 21043

RE: WP-24-040 Erickson- Oxford Hills

Dear Sir/Madam:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On November 16th and 28th, 2023 and pursuant to Sections 16.116(d) and 16.1216, the Director of the Department of Planning and Zoning, Director of the Department of Recreation and Parks, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered your request for alternative compliance with respect to **Section 16.116(a)(1)**, **Section 16.116(a)(2)** and **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to disturb streams, wetlands, buffers and specimen trees and is requesting you **Revise and Resubmit** your proposal. Please see the attached Decision Action Report for more information.


The revised and resubmitted alternative compliance application must be submitted within 45 days from the date of this letter (**on or before January 15, 2024***).

***In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.**

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials must be received on or before the due date. Submission materials can also be emailed to planning@howardcountymd.gov for processing. **Please include this letter with your submission as it will serve as the checklist for staff.**

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:


1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

cc: Research
DLD - Julia Sauer
Bohler Engineering



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

ALTERNATIVE COMPLIANCE DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-24-040 Erickson- Oxford Hills**
Request for an alternative compliance to Section 16.116(a)(1), Section 16.116(a)(2) and Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Clarksville Freestate, LLC
Oxford Hills, LLC
P.O. Box 417
Ellicott City, MD 21043

The above referenced application to disturb streams, wetlands and their associated buffers and to remove 14 specimen trees was reviewed on November 16, 2023 and additionally at an on-site meeting with the project engineer and property owner on November 28, 2023 attended by the Director of Planning and Zoning and the Administrator of the Office of Community Sustainability and their staff. Pursuant to Sections 16.116(d) and 16.1216, the Director of the Department of Planning and Zoning, Director of the Department of Public Works, Director of the Department of Recreation and Parks and Administrator of the Office of Community Sustainability considered the applicant's request for an alternative compliance with respect to **Section 16.116(a)(1)**, **Section 16.116(a)(2)** and **Section 16.1205(a)(3)** of the Howard County Subdivision and Land Development Regulations and are requesting that the applicant **Revise and Resubmit** the proposal addressing the following items:

1. Impact Points #1 and #3- investigate designs to reduce the pavement width at road crossing #1 and #3 to minimize the impacts. Can either of these crossings be revised to a single-lane road to restrict access to pedestrians, emergency vehicles and maintenance vehicles only (gated, bollards, etc.)? Investigate utilizing a bridge or bottomless arch culvert to protect the natural stream bottom and to eliminate or minimize disturbance to the stream, wetlands and 100-year floodplain. Provide detailed justification explaining why the alternatives are not currently proposed. Additionally, investigate if it is possible to use tunnel/bore or other methods to construct the sewer line to minimize disturbance within the stream buffer?
2. Impact Point #2- investigate relocating the overhead pedestrian bridge and utilities to the same area as the road crossing to consolidate the impacts to a single location.
3. Investigate opportunities for onsite mitigation including stabilizing and restoring the eroding stream channel as discussed at the onsite meeting on November 28, 2023. Provide an analysis or report identifying potential opportunities and techniques for restoring the onsite streams. Consider relocating the proposed outfalls to eliminate discharges in the vicinity of the eroding stream or consider utilizing multiple outfalls or other devices to prevent concentrated flows.

- 4. Explore providing afforestation along Sheppard Lane within the 100' scenic road buffer or planting larger caliper trees within the proposed afforestation areas. Submit details for any proposed forest management plans including the removal and treatment of non-native and invasive species, supplemental planting of native trees within the proposed forest retention areas, etc. as potential additional mitigation.
- 5. Consider an alternative layout to limit disturbance to Specimen Tree 'BB' to less than 30% of the critical root zone. This red maple tree is in 'good' condition and located along the edge of the proposed forest retention easement.
- 6. Please provide additional written justifications for the placement of the proposed independent living building located at the entrance road B between the 2 existing environmental systems. Are there alternative locations for this structure or units that would eliminate the associated environmental impacts.

DocuSigned by:

Lynda Eisenberg

4220B635863942E

Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

DocuSigned by:

Nicholas Mooneyhan

8226CB2AA8164F1...

Nicholas Mooneyhan, Director
Department of Recreation and Parks

DocuSigned by:

Yosef Kebede

7436E489C7824F6...

Yosef Kebede, Director
Department of Public Works

DocuSigned by:

Timothy Lattimer

AEB0003A8F04A0...

Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DPW
Recreation and Parks
Bohler Engineering



ALTERNATIVE COMPLIANCE APPLICATION

Site Description:

Subdivision Name/Property Identification:

Location of property:

Existing Use:

Proposed Use:

Tax Map:

Grid:

Parcel No:

Election District:

Zoning District:

Total site area:

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:

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.

Section Reference No.	Brief Summary of Request
	Protection of Wetlands, Streams, Steep Slopes: Requesting approval of 2 necessary impacts to streams, totaling approximately 1,162 SF of stream disturbance, approximately 83,914 SF of stream buffer disturbance, and 1 Wetland impact totaling approximately 1,939 SF of wetland impact and 9,645 SF of wetland buffer impact.

Signature of Property Owner:

Date:

Signature of Petitioner Preparer:



Date:

Name of Property Owner: Clarksville Freestate, LLC
Oxford Hills, LLC

Name of Petition Preparer:

Address:

Address:

City, State, Zip:

City, State, Zip:

E-Mail:

E-Mail:

Phone No.:

Phone No.:

Contact Person:

Contact Person:

Owner's Authorization Attached