



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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December 16, 2010

Mr. D. Paplauckas  
6532 Montgomery Road  
Elkridge, MD. 21075

RE: WP-11-088 (Samuel's Grant)  
(associated with SP-10-006, Samuel's Grant, Lots 1-  
25, Buildable Parcel 'A' and Non-Buildable Bulk  
Parcels 'B' and 'C')

Dear Mr. Paplauckas:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request, **without condition**, to waive **Section 16.1205(a)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in Section 16.1205(a)(1-9).

**NOTE:** This waiver applies to the current development envelope only. Additional waivers may be required in the future should Parcels 'A' and 'B' be further subdivided.

The Planning Director's decision was made based on the following:

**Extraordinary hardships or practical difficulties:**

Denial of the waiver petition would result in undue hardship because it would require re-design of the project for the protection of 4 trees, which would, according to the consultant, "decrease the development potential of the site." The removal of specimen tree 'A' is required for the extension of Golden Crest Court, which will provide frontage for the project. The removal of specimen tree 'J' is required for the installation of the sewer line connection. Due to the location of the proposed cul-de-sac and grading required for proposed Lot 11, specimen trees 'O' and 'P' are proposed to be removed. The consultant has reviewed alternative design to save these 2 trees, however this resulted in access/frontage impacts to Lots 8-12. The value of these two trees was also assessed and it was determined that specimen tree 'P' was in poor condition due to limb loss and dieback. Refer to the applicant's justification submitted on November 30, 2010.

**Detrimental to the Public Interest:**

Per the consultant's justification, "the specimen trees to be removed do not provide any unique or irreplaceable functions nor provide any notable relationship to the public's interest". The intent of the Forest Conservation Act is to protect forest resources while allowing reasonable development of individual properties. Preserving 12 of the 16 specimen trees recognizes the intent of the Act to the extent possible.

**Nullifies the Intent or Purpose of the Regulations:**


Per the applicant's justification, "the regulations do allow for removal of specimen trees with County waiver approval. The Intent of the Regulations is to retain trees unless their retention is not practicable

within the context of site design." The consultant has pursued alternative design and given the site limitations and locations of trees, it is not practicable to retain the 4 specimen trees.

Indicate this waiver 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 waiver 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 Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at [tmaenhardt@howardcountymd.gov](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/TKM/waivers 2010/Samuel's Grant WP-11-088 approval 12-16-10

cc: Research  
DED  
FCC