



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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July 21, 2011

Mark S. Richmond
Howard County Department of Public Works
Storm Water Management Division
6751 Columbia Gateway Drive, Suite 514
Columbia, MD 20146

RE: Meadowbrook Park Stream Restoration
Capital Project D-1158
WP-11-198

Dear Mr. Richmond:

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 to waive **Section 16.155.(a).(1).(ii) -- Waiver of Site Development Plan; Section 16.1201.(n) -- Definition of Net Tract Area for Forest Conservation Computations; and, Section 16.1205.(a).(7) -- Removal of a Specimen Tree.**

Approval is subject to the following conditions:

1. The Net Tract Area used to calculate the Forest Conservation Obligation is based on the 3.50 acre Limit of Disturbance (LOD) for construction of Capital Project D-1158. DPW is required to Pay a Fee-in-Lieu in the amount of \$7,514.10 for the reforestation obligation of 0.23 acres (10,018.80 sq.ft.) calculated at the rate of \$0.75 per sq.ft. DPW is required to make this payment through a transfer of funds prior to making application for local permits and to the commencement of construction for Capital Project D-1158. The SAP Account for funds transfer is 2060000000-3000-3000000000-PWP000000000000-432521. A copy of the transfer receipt for the Forest Conservation Fee-in-lieu payment shall be submitted to Ms. Brenda Luber, DPZ, Division of Land Development for reporting purposes to the State. Also, a completed Forest Conservation Data Summary for this project shall be submitted to Ms. Brenda Luber. You may access this document on-line at: <http://howardcountymd.gov/DPZ/DPZDocs/FOCODATA.pdf>.
2. No disturbance is permitted beyond the limit of disturbance shown on the waiver petition exhibit, WP-11-198 unless it can be sufficiently justified by DPW. All disturbed areas must be stabilized and replanted, as appropriate.
3. For public safety, the Department of Public Works must make arrangements with the Department of Recreation and Parks to block public recreational access to the areas of the pathway that are impacted by the stockpile area(s) and limit of disturbance as shown on Waiver Petition Exhibit C-3.
4. The applicant shall acquire any required MDE and/or U.S. Army Corps of Engineers permits for disturbance within the floodplain, wetlands, stream and their buffers, as applicable. Reference any applicable MDE or U.S. Army Corps of Engineer permits or tracking number on the permit application.
5. On plans and applications for all applicable permits, provide as a General Note a brief description of the waiver petition, WP-11-198 which includes the requested sections of the Regulations and date and action taken.

- Summary of extraordinary hardships and practical difficulties which would result from strict compliance with the Regulations:

The proposed stream revitalization project is needed to address an eroding stream system that is negatively impacting the park and County infrastructure and presents an environmental and public safety concern. Strict compliance with these sections of the Regulations would require additional time, effort, and costs. The additional work would include preparation of a forest stand delineation report, extensive survey field work, additional computations, mapping, reports, and plan and exhibit preparation. Full compliance with the regulations and the expenditure of the design team's resources would not improve the final design or construction of the stream project and would take away valuable funds from the implementation of the project design and construction. Performing this extra work would also lengthen the schedule for this project.

- Approval of this waiver will not be detrimental to the public interests and will not nullify the intent of the Regulations:

The very nature of this project is to protect the environment by reducing erosion and sediment transport downstream and by providing a stable stream system. The existing stream is currently moving laterally, eroding stream banks, potentially exposing existing sewer pipes and manholes, threatening to breach the embankments of several wetland ponds adjacent to the stream and causing a loss of trees and stream buffer vegetation. The loss of trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion.

A key to this project is the swift and efficient processing of the design plans and construction of the project. The regulations are meant to assure that development occurs per County requirements and that environmental criteria are met, including the protection of existed forested areas to the extent practical, and where forest must be disturbed, reforestation of the project site per the forest conservation worksheet. The Meadowbrook Park stream restoration has been designed with the forest conservation regulations in mind. The limit of disturbance has been minimized to only that area necessary for constructing the project. All efforts are being made to avoid specimen trees and other large trees in and around the work area and for construction access; however, the removal of one(1) specimen tree is unavoidable to build this project. The Department of Public Works is working closely with the Department of Recreation and Parks to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area for the contractor to work.

The proposed disturbances to the existing on-site environmental features are necessary to protect the public's interest, safety and well being. The waiver request is not intended to exempt the project from County Regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations which will not be nullified by the granting of the waiver requests. The project is being done to stabilize approximately 1300 linear feet of eroding stream bank and to protect the on-site sewer infrastructure. Continued erosion will cause the loss of Open Space and stream buffer; falling trees can pose a safety hazard for residents in the park; and protection of the sewer pipe can prevent potential health and safety issues from a sewer spill. Capital Project D-1158 is an important public safety and environmental protection project.

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 plan and applicable permits remain in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 

cc: Research
Development Engineering Division
Department of Recreation & Parks
Department of Inspections, Licenses & Permits
Forest Conservation Coordinator
Marian Honecny – MD Forest Service