



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

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

July 13, 2011

Howard County Housing Commission  
6751 Columbia Gateway Drive  
Columbia, MD. 21046  
ATTN: Thomas Carbo

RE: WP-11-204 (Hilltop Redevelopment)  
(associated with SDP-11-051 Hilltop/Ellicott City Redevelopment: Ellicott Mills Drive)

Dear Mr. Carbo:

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 16.1205(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) and a waiver to Section **16.116(b)** which prohibits grading, removal of vegetative cover and trees, structures and paving on land with existing steep slopes.

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

1. Impacts to steep slopes (25% or greater) may not be greater than a total of 0.96 acres as depicted on the waiver exhibit, unless it can be sufficiently demonstrated by the applicant to be justified.
2. Waiver approval is limited to the removal of specimen trees #7 and #9 as depicted on the waiver exhibit. Any proposal to remove additional specimen trees will require a new waiver request or an amendment to this waiver request.
3. Compliance with the SRC agency comments issued for SDP-11-051.

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 2 trees, both of which occur within the Limits of Disturbance. Specimen tree #9 lies within the limits of a proposed building and Specimen tree #7 lies within the limits of a proposed parking lot-which poses a possible safety risk. It should also be noted that the subject property has been previously disturbed with the existing Hilltop Development.

The extraordinary hardship or practical difficulty involved with the steep slopes disturbances is based on the existing unique physical constraints inherent with the subject property because of the existing steep roadside grades located adjacent to Ellicott Mills Drive and Mt. Ida Drive that were created as a result of the street construction and the resulting roadside embankments. The existing steep slopes and the public road rights-of-ways along two sides of this site combine to restrict and limit the usable area of the property. Based on the unique physical conditions inherent to the subject property, the applicant does experience extraordinary hardship and practical difficulty in complying with the Regulations for the proposed site improvements. The proposed site design does use engineered retaining walls to limit proposed disturbances within the steep slope area.

**Detrimental to the Public Interest:**

Removal of 2 specimen trees will not be detrimental to the public as they are being removed, in part, because of potential safety risks. The removal of these trees will be mitigated through the retention of existing forest area placed within a long-term protective easement, some on-site forest conservation plantings and through the plantings of landscape trees.

The proposed impacts to steep slopes is considered by the applicant to be a benefit to the Public as it will generate a new, updated community, with certain units being market rate and some being MIHU units. The project will also create a new recreational facility to be used by County citizens.

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

The Intent and Purpose of the Regulations will be upheld through the required review process. The applicant is proposing to meet a portion of the forest conservation obligations on site by the retention of 3.9 acres of existing forest and the planting of 0.24 acres of new woodland. There will also be the addition of 260 landscape trees that are above and beyond the required building foundation and bio-retention facility plantings. Forest Conservation easement #2 encompasses areas of steep slopes, on-site wetlands and an existing stream, thus satisfying forest retention priority areas #1 and #2 (as outlined in Section 16.1205(a)(1) and 16.1205(a)(2)). Forest conservation easements #3, #4, #5 and #6 contain areas of wooded, steep slopes that will be protected under easement (a priority area as outlined under Section 16.1204(a)(4)).

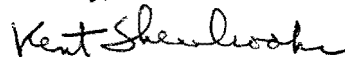
The disturbance of steep slopes is considered to be "least impact possible" on a site highly encumbered by steep slopes, making design of the project a unique challenge. Several of the disturbances are to steep slopes that resulted from the creation of the original Hilltop development and are thus considered "man-made". Utility connections, pathways, sidewalks, stormwater outfalls and retaining walls are considered a safety feature and/or necessary to the project and may be considered "necessary disturbances" and thus will not nullify the intent or purpose of the regulations.

\*\*\*\*

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 the site development plan 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

**Attachment**

KS/tkm/Waivers 2011/Hilltop redevelopment approval WP-11-204 7-13-11

cc: Research  
DED  
Vogel Engineering, Inc.  
Stavrou Associates, Inc.  
Marian Honecny-DNR