



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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August 10, 2011

Trotter Point, LLC
11807 Wollingford Court
Clarksville, MD 21029
ATT: Brian Boy

Richard Conte
5770 Trotter Road
Clarksville, MD 21029

RE: WP-12-011/Trotter Point, Parcels 8, 9 and 165
Specimen Tree Removal Request

Dear Property Owners:

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

As of the date of this letter, the Planning Director **approved** your request for waiver to Section(s): 16.1205(a)(7) restricting the removal of specimen trees having a diameter of 30" or greater, subject to the following conditions:

1. Approval is given for removal of seven of sixteen specimen trees as shown on the waiver petition exhibit and identified as Specimen Tree Nos. 1 to 7.
2. Two landscape trees per every specimen tree removed shall be provided having a minimum diameter of 3 ½" (for a total of 14 shade trees). The replacement trees are to be in addition to the required perimeter landscape trees.

JUSTIFICATION FOR APPROVAL:

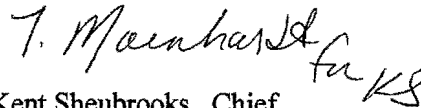
1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The retention of all specimen trees is a goal of the Forest Conservation Act. However, practical difficulties exist on this site due to the long narrow shape of the parcels and existence of environmental features which prohibits areas of development. A final plat, F-08-162 and a site development plan, SDP-09-024 were approved for development on Parcel 8, however, construction was never initiated. In addition, development on adjoining southern Parcel Nos. 165 and 9 was proposed under S-06-011 and SP-07-012 which also became void. The developer now intends to incorporate all parcels (8, 165 and 9) into one subdivision, creating 14 building lots and four open space lots. A Public Access Place will be constructed with access onto Trotter Road, a Scenic Road. Sixteen specimen trees exist throughout the entire site with a majority located along the southern boundary of parcel 9. Parcel 9 also contains forest, a perennial stream, stream bank buffer and flood plain area. Due to a fairly flat topographical area and previously approved lot layout on Parcel 8, eight lots will be developed to the north of a proposed public access place with an additional six lots located to the south. This location of development is the most appropriate since the environmental features to the south must be situated on an open space lot. However, proposed grading for construction of the public access place and house location will require the removal of seven specimen trees located on Parcel Nos. 8 and 165. The remainder of specimen trees will be saved and situated on proposed Open Space Lot 18 (Parcel 9), within a Forest Conservation Easement.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The developer has considered all possible subdivision design with regard to saving trees. However, due to lack of flexibility in lot layout, existing topography and environmental features on site, no other alternative is possible for the location of buildable lots and public road right-of-way. The developer has proposed a minimum removal of seven specimen trees. The developer shall be required to install two landscape trees having a minimum diameter of 3 1/2" for every specimen tree removed, totaling 14 additional shade trees above required perimeter landscaping for this subdivision.

3. Approval of this waiver request will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to better protect existing trees while providing adequate and safe access to all proposed lots. By utilizing a SWM design which incorporates ESD to the MEP, the site design layout reduces the impervious footprint of disturbance on the property. The project engineer has designed a plan which will maximize retention of critical forest resources and save nine specimen trees. As such the proposed site plan alternative meets reasonable development goals of the project while still addressing forest protection obligations as indicated under the Forest Conservation Act.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for one year from the date of this letter or as long as development plans are in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb

cc: Research/DED
Benchmark Engineering
Marion Honecny, DNR