



Howard County Department Of Planning And Zoning
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Marsha S. McLaughlin, Director

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December 01, 2011

Mr. Steve Breeden
Simpson Mill, LLC
P.O. Box 417
Ellicott City, MD 21041

RE: WP-12-029, Simpson Mill, Lots 1-150, Open Space Lots 151 and 152, and Buildable Bulk Parcel A, reconsideration request of 11/04/11 (F-12-025, SDP-12-015)

Dear Mr. Breeden:

The Director of the Department of Planning and Zoning reconsidered your request for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your reconsideration request to waive Subdivision Sections:

1. 16.115(C)(2), to be permitted to construct a proposed, paved pathway within the onsite floodplain, and;
2. 16.116(a)(2)(ii), to be permitted to construct a proposed, paved pathway within the onsite 75' stream buffer, and;
3. 16.120(c)(1), to not be required to provide any of the required minimum lot frontage of 60 feet on an approved public road which provides access to the property for proposed Bulk Parcel A (zoned "POR" with frontage on two, existing, vehicular access restricted public roads, Cedar Lane and MD Route 32, and a proposed private road that is internal to the subdivision), and;
4. 16.134(a)(1), to not be required to construct sidewalks on both sides of all streets in the project and along the project frontage.

The approval of this reconsidered waiver petition is subject to compliance with the following conditions of approval:

1. The private roads shall be maintained by the HOA and the owner(s) of Buildable Bulk Parcel A.
2. The section of the proposed pathway shown outside of the "existing right-of-way for interceptor sewer 1132/129" to the south of the "ex. rock to be utilized for proposed pathway" on the exhibit/plan submitted on 11/04/11 for this waiver petition reconsideration shall be relocated southward to the non-forested area of the "existing right-of-way for interceptor sewer 1132/129".
3. Sidewalks shall be provided along the private roads as shown on the exhibit/plan submitted on 11/04/11 for this waiver petition reconsideration, with the following additional connections:

- A. The proposed sidewalk along south side of River Rock Way shall be extended to connect with the proposed pathway at the west end of the street.
 - B. The proposed sidewalk along north side of Green Mill Way shall be extended to connect with the proposed pathway at the east end of the street
4. The proposed pathway from the proposed sidewalk along the north side of proposed Simpson Mill Road to the existing asphalt area to the south of the Harriet Tubman Lane Bridge shall be provided as shown on the exhibit/plan submitted on 11/04/11 for this waiver petition reconsideration.
 5. Add a detailed note to the General Notes on sheets 1 of F-12-025 and SDP-12-015 that indicates this waiver petition file number, the sections of the Regulations, requests, action, conditions of approval, and the approval date.

Justification for the approval recommendation for this reconsidered waiver petition:

1. The public interest will be secured by permitting Bulk Parcel A to front on a private road, which will permit the units to be moved toward the private roads and the center of the site and away from the existing forest, which will result in the retention of additional existing forest onsite.
2. This waiver petition request, if approved as cited above, will not nullify the intent and purpose of the Regulations, because:
 - A. The private roads will comply with all Howard County design and construction requirements, will be maintained by a HOA and the owner(s) of Buildable Bulk Parcel A, will provide the residents with greater control over the roads in their community, and will result in additional onsite forest retention.
 - B. The proposed pathway will be located for the most part on an existing sewer right-of-way which is predominately non-forested, and will meander around any existing trees.
 - C. The proposed pathway will provide pedestrian and bicycle access near the Middle Patuxent River on open space and to the nearby Robinson Nature Center.
 - D. The proposed sidewalks have been located to provide adequate access for the residents, and to limit the size of the limit of disturbance which will result in additional onsite forest retention.
3. Undo hardships and practical difficulties would result from strict compliance with the Regulations due to an increase in the forest conservation obligation for this project.

The approval of this reconsidered waiver petition will remain valid for as long as F-12-025 and/or SDP-12-015 remain in active processing.

December 01, 2011
WP-12-029, reconsideration request, Simpson Mill
Page 3

If you have any questions, please contact Michael Antol at (410) 313-2350 or email at mantol@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

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KS/MA/WP12029.reconsideration.request.appr.ltr.

cc: File
Research
HSCD
DED
DRP
Benchmark Engineering, Inc.