



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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June 26, 2013

Kathleen Miesse
Personal Representative of the Estate of Arthur Kraeski
9222 Old Scaggsville Road
Laurel, MD 20723

RE: WP-13-080; Deer Springs (SP-13-007) –
RECONSIDERATION for Section
16.1205(a)(7) ONLY

Dear Ms. Miesse:

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

On June 25, 2013, the Planning Director **approved** your request for a **reconsideration** of a waiver to **Section 16.1205(a)(7)**, to allow the removal of trees 30" in diameter or larger. The purpose of the reconsideration request is to revise which trees are identified for removal with the approval of the waiver. Two white oak trees previously permitted to be removed are now identified to remain. In their place, one split trunk red oak is proposed for removal.

Approval is subject to the following conditions:

1. Removal of the specimen tree will require mitigation with the planting of two new native shade trees for up to 6 new shade trees (*4 new shade trees for the split trunk tree (identified as two trees on the FSD) + 2 new shade trees for the removal of a Silver Maple on the north side of development*) with a minimum 2 1/2" caliper trunk. Surety of these shade trees shall be incorporated into the landscape surety with the final road construction drawings. The split trunk tree shall be counted as two trees for the purpose of this replacement.
2. Conditions 1-2 and 4-5 of the waiver WP-13-080 approved March 27, 2013 shall be upheld.
3. The waiver petition to 16.120(b)(6)(v)(c) is still denied.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – The developer is attempting to address community suggestions and redesign requests by the Department of Planning and Zoning in order to preserve healthy trees that are within proximity to neighbors, as well as address several other neighborhood concerns. During the redesign, several lots were shifted, which saved two trees (one in fair and one in good condition) and the developer is proposing a lot at the location of the split oak tree, which was previously in an open space lot.


Implementation of Alternative Proposal: Approving this alternative proposal allows for the retention of two specimen trees, one in good condition and one in fair condition in conjunction with a new created forest conservation easement, which are in proximity to the existing neighborhood, for the removal of one split trunk tree in fair condition that was not part of a forest conservation easement and was internal to the subdivision.


Not Detrimental to the Public Interest – The public interest will be served to a greater extent since the developer can retain a wooded view from neighboring homes and allow the retention of these specimen trees within a forest conservation easement.

Will Not Nullify the Intent or Purpose of the Regulations - The granting of this waiver will not nullify the intent of this regulation. In regard to specimen trees, the developer has made great efforts to retain a majority of the on-site specimen trees. Of 26 trees on-site, only one silver maple, an invasive species, and one split trunk tree, are proposed to be removed. The Silver Maple is in good condition, and the split red oak is in fair condition, but have siting issues that would cause the maple to be impacted by grading and the split oak have the potential to be a liability to the future homeowners association due to its size and the location to other proposed homes. The loss of these trees will be mitigated to the extent possible with the planting of additional shade 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 Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

KS/JMF 

- cc: Research
- DED
- Kent Sheubrooks
- Real Estate Services
- Marshall Davidson, DPW
- Jen Terrasa, County Council
- JoAnn Maxfield, Council Assistant
- Regina Clay, Community Liaison
- Ken Yannacci
- Karen Russo
- Jacquie Sentell
- Bibi Perrotte-Foston
- Bill Stoner
- Stu Kohn
- John Harvie
- Wendell Barrett
- Sam and Angela Peebles
- Joe Rutter, Land Design and Development
- Eric Salmi, Vogel Engineering
- SP-13-007
- Forest Conservation Coordinator
- Marian Honecny, DNR