



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

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January 22, 2013

Debra E. Taylor  
P.O. Box 535  
Fulton, MD 21044

RE: Fulton Manor Valley Lots 1-9 & Buildable  
Preservation Parcel A & Non-Buildable  
Preservation Parcel B  
WP-13-092 (SP-13-003 & ECP-12-040)

Dear Ms. Taylor:

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).7 for removal of five(5) of the sixteen (16) specimen trees identified on this property.**

Approval is subject to the following conditions:

1. The developer shall plant a total of ten(10) evergreen trees along Landscape Perimeters P-8 and P-12 (see perimeters as identified on the Landscape Plan, SP-13-003) as replacement mitigation for the removal of the five(5) specimen trees (Trees H, I, J, K & L) as identified on the Forest Stand Delineation Plan and the Waiver Petition Exhibit as "to be removed". These ten(10) evergreen trees will augment the required 18 perimeter shade trees required along these perimeters. This additional landscaping will provide an enhanced landscape buffer between the existing 3 acre lots and the proposed 1 acre cluster lots.
2. See the enclosed comments dated 12/21/12 from the Health Department and dated December 12, 2012 from the Development Engineering Division, DPZ.
3. The removal of any of the remaining eleven(11) specimen trees (Trees A, B, C, D, E, F, G, M, N, O & P) not designated for removal under this waiver petition WP-13-092, would require waiver petition approval in accordance with Section 16.1205.(a).7 of the Subdivision and Land Development Regulations.
4. On SP-13-003 and all subsequent plans and plats, provide a brief description of waiver petition, WP-13-092, as a general note to include requests, sections of the regulations, action and date.

Our decision for approval was made based on the following justification:

- Extraordinary hardship or practical difficulties which may result from strict compliance with the Regulations - The design for this particular project has been working through a strategy of locating the bulk of the improvements close to the point of access on Fulton Estates Court for the proposed lots. This design has been used to create as little impact to the overall site as possible and still meet the requirements of the multiple subdivision review agencies. All attempts have been made to save all sixteen(16) specimen trees within the project boundary;

however, the proposed design will require the removal of five of the specimen trees now located in the area of the improvements. The area of improvements is driven by the required setbacks applied to sites which contain private wells and septic fields. Although the lots where the specimen trees are impacted are greater than an acre in size, the setbacks that dictate the locations of the proposed house and SWM facilities limit the locations of the improvements.

- Approval of the waiver will not be detrimental to the public interests – Approval of the waiver request will not be detrimental to the public interest since the applicant will be required to provide enhanced landscaping. The replacement mitigation of ten(10) evergreen trees along perimeters P-8 and P12 adjacent to existing developed 3 acre lots will help to mitigate the loss of the five(5) specimen trees and will provide an enhanced perimeter landscaping edge to provide screening of the new development for the existing developed properties. This enhanced perimeter landscaping will also help to mitigate the loss of the five(5) specimen trees.
- Approval of the waiver will not nullify the intent or purpose of the Regulations – Approval of this waiver request will not nullify the intent or purpose of the Regulations because the Subdivision Regulations allow the Department of Planning and Zoning to authorize planting in an alternate location if it is deemed to have a greater environmental benefit. If the layout was revised to make the lots deeper to accommodate the changes necessary to keep these particular trees, the result would be a greater loss of the existing forest and a reduction of the future forest conservation easements. The lots would also be closer to the priority forest areas where the stream is located. Revisions to avoid the removal of these five(5) specimen trees would be at the expense of many trees that exist as part of a forest that buffers environmental features.

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 Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at [pfendlay@howardcountymd.gov](mailto:pfendlay@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JMF/MPB

Attachments: DED; Health

cc: Research  
Philip M. Thompson – Development Engineering Division  
Robert Bricker – Health Department  
Forest Conservation Coordinator  
Marion Honeczy – Maryland DNR  
Fisher, Collins & Carter, Inc.  
Richard Klein – Community Environmental Defense Services