



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

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October 2, 2014

Donald Munro  
3914 Huntington St., NW  
Washington, DC 20015

RE: WP-13-116, Property of Donald Munro –  
RECONSIDERATION (to add 2 additional  
specimen trees to be removed)

Dear Mr. Munro:

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

On October 1, 2014, the Planning Director **approved** your request to reconsider the waiver to waive **Section 16.1205(a)(7)** to include two additional specimen trees permitted for removal to the one previously approved (a total of 3 specimen trees to be removed).

Approval is subject to the following conditions:

1. The approval for specimen tree removal is amended to include ONLY Specimen Trees #10 and #19 (as identified on the Forest Stand Delineation and ECP-14-006) in addition to Specimen Tree #15 previously approved for removal.
2. Any specimen tree approved for removal must be replaced at a 2:1 ratio (6 replacement trees total), preferably of the same species if suitable for the developed site. The developer shall identify these replacement trees on the Final Plan and surety of these shade trees shall be incorporated into the landscape surety with as part of the Final Plan. It is recommended these trees are placed along the future driveway and outside any BRL.
3. Once the replacement trees are identified on the plan, planted and bonded, removal of specimen trees #10 and #19 may occur despite any time lapse between approval of this waiver and the construction permitted on Lots 1 or 3.
4. A note regarding this waiver should be referenced on the grading permits for Lots 1 and 3 in order to avoid any delays in permitted due to specimen tree removal.
5. All other waivers and conditions for the initial WP-13-116 for all other sections approved on July 3, 2014 remain valid and in effect. They are not eliminated or superseded by the approval of this reconsideration, with the exception of condition #9 which is updated with the approval of this consideration.
6. Please add a note regarding this waiver petition reconsideration (file number, date, purpose, decision and conditions) to the Final Plat and Final Plan.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** – The site is primarily wooded and is characterized by areas of moderate and steep slopes as well as wetland and stream features. Location of the septic reserve area is limited in part by staying an adequate distance from these environmental features while placing the septic reserve area along the boundaries of the proposed building envelopes. In locating the four septic reserve

areas, two of the reserve areas have a specimen tree located within them. The actual location of the septic improvements may or may not impact the tree(s), as a large enough area is often reserved for the initially installed septic system and to leave space for a new system when the initial system fails. Therefore, it may be 30 years or more before the specimen trees that are located within the easement may be disturbed, if ever, and by the time a disturbance may be needed, the tree may be eliminated due to natural causes (felled by wind, lightening, disease, etc...).

**Implementation of Alternative Proposal:** The applicant's proposal provides the best solution. To mitigate the potential for these specimen trees to be removed due to the subdivision proposed, the applicant is processing this waiver and planting the requisite replacement trees to offset this issue and to ensure the future lot owners are not burdened with processing a waiver and mitigation when applying for grading and building permits while constructing their new homes.

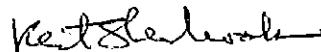
**Not Detrimental to the Public Interest:** The processing of the waiver is not detrimental to the public interest since it keeps the septic reserve areas within the locations approved by the Department of Health and it allows the applicant subdividing these lots to be responsible for the mitigation of any tree removal rather than potentially impacting future lot owners at the time that they try to obtain permits on their lots.

**Will Not Nullify the Intent or Purpose of the Regulations:** A significant amount of forest is proposed to be retained in forest conservation easement as shown on the Final Conservation Plan. One specimen tree will be removed to construct a use-in-common driveway for Lots 2-4, which will be mitigated with the planting of two (2) native trees. An additional four (4) trees will be planted for the potential removal of two additional specimen trees. Therefore, out of 22 specimen trees, a maximum of three specimen trees will be removed to accommodate the four lots and dwelling units to be created. For any specimen trees located within the building envelopes of the four lots, it is anticipated that the future lot owners will retain the specimen trees or otherwise may be required to submit the separate waiver to disturb additional specimen trees not already approved for removal.

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 or in accordance with Condition #3.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at [jfarrar@howardcountymd.gov](mailto:jfarrar@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JMF 

cc: Research  
DED  
Real Estate Services  
Shanaberger and Lane  
Tesseract