



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

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March 3, 2015

GLW

3909 National Drive, Suite 250
Burtonsville, MD. 20866
ATTN: C. Gutschick

RE: WP-14-124 ("Gaither's Chance") **RECONSIDERATION**
(associated with SP-14-006 and F-15-043, "Gaither's Chance")

Dear Mr. Gutschick:

The Director of the Department of Planning and Zoning considered your request for Reconsideration 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 for Reconsideration for waiver to **Section 16.1205(a)(7) and 16.1205(a)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in **Section 16.1205(a)(1-10)** and waiver to **Section 16.132(a)** which requires the developer to construct or provide for the construction of roads fronting or within a proposed subdivision...and the construction of the roads shall be in accordance with paragraphs (2) through (6) of this Subsection and in accordance with the Design Manual.

Waiver re-consideration approval is subject to the following additional conditions:

1. Previous condition #2 is amended as follows:

As part of the mitigation for specimen tree removal, permanent fencing (in addition to required signage) will be placed along those property boundaries of Lots 4, 5 and 16 closest to the 100' stream buffer to help insure protection of the proposed forest conservation easements and to insure that the 100' stream buffer is respected. **This fencing shall be installed after the lots have been graded and stabilized, prior to the construction of any new homes on those lots and at the same time as the permanent protective signage is installed, (prior to the commencement of the 2 year post-construction survival period).**

2. All related plats and plans shall show super silt fencing along the affected tree line in the interim for the protection of forest and environmental features and associated buffers.
3. All previous conditions #1, #3-#5 as outlined in approval of waiver WP-14-124, dated August 19, 2014 still apply.

The Planning Director's decision on the re-consideration was made based on the following:

Per the applicant's justification, "the developer does not object to installing the permanent fencing, but wishes to ask for a reconsideration of the timing of fence installation. In a few locations, the limit of disturbance (LOD) extends beyond the proposed fence line all the way up to the stream buffer. If the fence is installed before the plats are recorded, the fence would need to be removed in some locations to allow for grading and then reinstalled once the grading is complete."

The applicant's alternative proposal is to "install the fence after the lots have been graded and stabilized. The inspection to ensure the permanent fence is installed can occur at the same time as the initial inspection of the forest conservation signs. The fence and the signs will be in almost the same locations. This will ensure that the permanent fencing is installed and it will help to keep the future homeowner from encroaching into the stream buffers as the original condition from WP-14-124 (approved in August, 2014) had intended."

Indicate this waiver petition file number, request, section of the regulations, action, amended conditions of approval, and date on all related plats, and site development plans, and building permits.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/TKM/Waivers 2014/Gaithers Chance RECONSIDERATION WP-14-124 approval 3-4-15

cc: Research
DED
Forest Conservation Coordinator
CHM, LLC
M. Honeczy-DNR
SP-14-006 file
F-15-043 file