



Howard County Department of Planning And Zoning

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Marsha S. McLaughlin, Director

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October 21, 2014

Richard Sabatelli
9300 Old Scaggsville Rd
Laurel MD 20723

RE: WP-15-041 Sabatelli Property, Lots 1-4 and Open Space Lot 5

Dear Mr. Sabatelli:

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 the following section of the Subdivision and Land Development Regulations:

Section 16.1205(a)(7) of the Amended Fifth Edition – On-site forest retention of 30” in diameter or larger specimen trees are considered priority for on-site retention and protection in the County. The applicant proposes to remove two (2) specimen trees (a 44.5” Red Oak in poor condition and a 47.5” Southern Red Oak struck by lightning).

Approval is subject to the following four (4) conditions:

- 1) Provide at least four (4) replacement trees of 3” to 4” caliper on site as additional landscaping trees or as part of the forest conservation easement area as mitigation plantings for the removal of the two (2) specimen trees. The replacement trees shall be bonded and shown on the supplemental plan and SDP plan.
- 2) The remaining specimen trees that are located on this site must be protected with *tree protection devices* and such devices must be depicted on both the supplemental plan and the site development plan.
- 3) The seven remaining specimen trees must remain undisturbed, unless a new waiver petition is filed with adequate justification.
- 4) Provide a note on the final plan and the site development plan that includes this waiver’s file number, the section to be waived, the waiver decision, the date of the decision and conditions of approval.

Justification for Recommendation

The subject property contains nine (9) specimen trees that have been identified on-site by Eco-Science Professionals. Two of the nine specimen trees shall be removed from the property where site improvements are proposed. The developer has stated that "*due to the random locations of the specimen trees, it is not possible to save all of the trees.*" The seven specimen trees that shall remain will be either on the newly created residential lots or the proposed open space lot. The developer is proposing to retain the existing residence (9300 Old Scaggsville Road) and the detached garage on a newly created 27,000 square foot lot. In order to retain all of the existing structures and to comply with the applicable setbacks, the front lot (the existing residence) had to be larger in size than the other three lots. The hardship or practical difficulty in this matter is that the remainder of the property yielded a smaller developable area where two specimen trees are located and cannot be saved. Should the Regulations be strictly enforced, it would create a hardship on the developer to reconfigure the lots, site the proposed improvements and to meet the minimum site design requirements and not disturb some of the specimen trees.

The two specimen trees have been identified on the plan waiver exhibit and are identified as the following: a 44.5" Red Oak and a 47.5" Southern Red Oak. The developer has stated that one of the trees is in poor health and the other has been damaged due to a lightning strike. Photos of these two trees have been provided by the developer's consultant.

Grading is limited only to the developable portion of the site that's clear of any environmentally sensitive areas. This grading activity shall better contour the land for accommodation of a proposed private driveway, storm water management, storm water drainage, and protected preserved/open space areas. The developer has made all efforts to save these specimen trees and to include them within the design of this project, however, in consideration of grading required for site development, the two specimen trees cannot be saved.

Approval of this waiver request will not nullify the intent or purpose of the regulations since the overall purpose of the project is to divide this deeded parcel into a subdivision of fee-simple lots to construct single-family detached residential dwellings. The developer has provided a detailed justification with a table to describe the nine specimen trees and their conditions. The proposed subdivision layout shall be provided on the Final Plan and additional site information (including existing site conditions and a forest conservation plan) will be included as part of that plan submission.

This requested waiver will remain valid for one year from the date of this letter or as long as the final plan (F-14-098) remains in active processing.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research

DED

F.C.C.

File: F-14-098

DNR Forest Services: Marian Honeczy