



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

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December 1, 2014

Bruce Taylor and Michael Weal  
c/o Don Reuwer  
5300 Dorsey Hall Drive, Suite 102  
Ellicott City, MD 21042

RE: WP-15-056, Forest Green (SDP-10-036)

Dear Dr. Taylor and Mr. Weal:

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 16.116(a)(2)(i)**, which states that grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 50' of an intermittent stream, in order to pipe the 125' segment of stream on-site to connect the existing pipes on either end of the stream under Route 40, add a sidewalk on Route 40 to the property line, and expand the building footprint and drive lanes for Building C into the area of the former stream buffer.

Approval is subject to the following conditions:

1. Complete the redline for SDP-10-036 for all requested improvements.
2. Provide a copy of approval documentation from MDE to the County for the proposed improvements (*completed - received by the County on October 10, 2014*).
3. As the stream will become piped, remove the 50' stream buffer from SDP-10-036 and Final Plat F-15-001.
4. Inquire with SHA, DED and DPW to determine if a public easement is required for the pipe to be placed on the Forest Green property. If so, please show the public easement on the final plat and SDP.
5. Please include the waiver petition number, decision, date of decision, and conditions to a general note on the SDP and Final Plat.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - Please see attached justification from the applicant and other accompanying documentation. The applicant has been requested by SHA to install sidewalk to the property line, which also aligns with the County goal to promote more walkability for projects along Route 40 (in accordance with the Route 40 manual). The small segment of daylighted intermittent stream makes this task impossible without significant grading in the stream buffer and piping the 125' segment of stream to join the existing piping on both ends of the stream. The proposed stream disturbance has been approved by MDE. Furthermore, this design was initially requested by DED in 2010 due to concerns regarding increase risk of erosion by rip-rapping the existing grade drop-off to the stream on the site. Once the stream is piped, the stream buffer becomes irrelevant, and

increasing the building envelope is justified, as it would become an unreasonable hardship to maintain a stream buffer to a stream that is not daylighted.

**Implementation of an Alternative Proposal** – The area of intermittent stream is small and the stream is piped/culverted under Road 40 on both ends of the stream. The current condition promoted the incidence of erosion and the original design used rip-rap as an attempt to limit erosion, which has an impact on water quality and to uses on the land on which the stream is located. The alternative design proposed with this waiver utilizes the piping initially recommended by County Engineering staff to eliminate erosion in this area. Furthermore, the piping and filling of this area allows the construction of sidewalk to the property line as promoted in the Route 40 Design Manual as well as Section 16.134 of the Subdivision Regulation. Completion of this sidewalk has been requested by DPZ-DCCP, DPZ-Transportation and SHA. In sum, the stream piping reinforces a preferred design alternative that reduces incidence of erosion, allows the completion of a sidewalk segment, and has been approved to meet environmental regulations set forth by the State. The piping of the stream eliminates the buffer and provides additional developable area for the applicant to design the proposed bank pad for Parcel C.

**Not Detrimental to the Public Interest** – The segment of stream impacted does not provide priority habit. Only 125' of the stream is daylighted; the majority of the stream is culverted under Route 40. Stream buffers are enforced to protect any habit value and to protect water quality. However, the existing grades of the area increase the incidence of erosion, which degrades water quality. The applicant designed the project to add riprap to stabilize the area, but the piping of this small stream segment eliminates the issue of erosion. The piping of the stream allows construction of the sidewalk to the property line which promotes pedestrian movement, and will allow connection of sidewalks if the adjacent property is redeveloped, which is in the public interest.

**Will Not Nullify the Intent or Purpose of the Regulations** – As stated above, stream buffers are enforced to protect habit value and to protect water quality. In the case of this small segment of stream, there is little to no habitat value and water quality was potentially impacted by leaving the stream in its current state. The reduction of erosion potential by piping the stream reduces impact on water quality. Pedestrian movement is also promoted with the complete construction of the sidewalk. And once the stream is piped the stream buffer can be eliminated and the expansion of the construction area for Building C as proposed does not nullify the intent or purpose of the regulations.

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/site development plan/grading plan] remains in active processing.

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  
Fisher Collins and Carter