



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

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December 8, 2014

Hoddinott LLC
5100 Dorsey Hall Drive
Ellicott City, Maryland 21042

RE: WP-15-069: Enclave at Tierney Farm
(SP-15-006)

Dear Owner:

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)&(10)** of the Subdivision and Land Development Regulations, which requires the retention of state champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger.

Approval is subject to the following conditions:

1. Approval of Section 16.1205(a)(7)&(10) is for the removal of fourteen (14) specimen trees identified as Specimen Trees 2355, 2356, 2357, 2358, 2362, 2363, 2364, 2366, 2367, 2368, 2390, 2391, 2392, 2398 on the waiver petition exhibit and preliminary equivalent sketch plan. No other specimen trees may be removed. Removal of the fourteen specimen trees will require mitigation of fourteen 3" – 4" caliper trees. The mitigated trees shall be native species and be shown as part of the landscape plan with the final plan, and shall be bonded with the landscaping obligation.
2. Compliance with the Subdivision Review Committee agency comments for SP-15-006.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The property is triangular in shape and is surrounded by Guilford Road to the east, Maryland Route 108 to the west and RR-DEO (Rural Residential – Density Exchange Option) residential properties to the south. The property contains four tributary systems. Tributary 1 is located on the western portion of the property. It originates on-site below a groundwater fed non-tidal wetland and flows south, parallel to Maryland Route 108, until it converges with Carroll's Branch approximately 1800 feet off-site. Tributaries 2, 3 & 4 are located on the eastern portion of the property with Tributary 4 closest to Guilford Road. These tributaries originate off-site from the north side of Guilford Road. Tributary 3 converges with Tributary 2 on-site and flows south, along with Tributary 4, until they converge with Carroll's Branch approximately 1200 feet off-site. Wetlands, floodplain, and forested areas are also located on the property and are generally in association with the aforementioned stream systems. The proposed subdivision was designed to take in consideration the location of the higher priority environmental features (wetlands, streams, their buffers, and floodplain) and the best suitable development area. With that configuration, fourteen of the forty-six specimen trees must be removed; three specimen trees must be removed for the proposed internal road system, nine specimen trees for the proposed house locations, and two specimen trees for the proposed water and sewer main and utilities (note – disturbance within the environmental features for the utility connection is considered essential disturbance in accordance with Section 16.116(c) of the Subdivision and Land Development Regulations). A practical difficulty and hardship occurs due to the location of these specimen trees and

the lack of flexibility in the site layout due to the location of the higher priority environmental features bisecting the property.

Alternative Proposal Will Serve the Regulations to a Greater Extent

The proposed design clusters the residential lots into a large contiguous area that allows the majority of the lots to have direct access onto the open space lots. Avoiding the removal of the specimen trees would ultimately create a fragmented subdivision design by creating a greater disturbance to areas currently identified for inclusion in the contiguous open space lots surrounding the proposed development; therefore, removal of the fourteen specimen trees serve the purpose of the regulations to a greater extent.

Not Detrimental to the Public Interest

The removal of fourteen specimen trees will not be detrimental to the public interest because the majority of the trees being removed are located internally within the property and outside the protected environmental areas. The specimen trees of higher priority retention (for this development) are along the property boundary and within the stream systems and forest stands. In this case, there is not a predominate forest structure or habit due to the former agricultural use of the property. However this development proposes reforestation of the stream buffers, which will strengthen the forest structure, and protect and enhance the environmental buffers for the proposed development and surrounding communities.

Will Not Nullify the Intent or Purpose of the Regulations

The intent of this regulation is to place high priority on protecting specific vegetation on proposed development sites. Although retention of these priority areas are highly encouraged, the Department of Planning and Zoning may authorize disturbance of these specific areas if the applicant can demonstrate that reasonable efforts to protect them cannot be implemented, that the uses allowed by right cannot occur without such disturbances, or that forest planting within an alternative location would have greater environmental benefit. The applicant has demonstrated to DPZ that given the limitations of the higher priority environmental areas the site provides a reasonable subdivision design by concentrating the development within a large continuous area instead of disturbing greater amount of land area for fragmented development. DPZ will require mitigation of the specimen tree removal by providing additional landscaping with the final subdivision plan.

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 the subdivision, site development plan, or grading plan remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jb

cc: Research
DED
FCC
SP-15-006 (PDox)
Marian Honecny-DNR