



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

January 20, 2015

Locust Thicket Investors, LLC
5836 Meadowridge Rd.
Elkridge, MD. 21075
c/o Mark Moxley

RE: WP-15-083 ("The Park at Locust Thicket")
(related to S-14-002, "The Park at Locust Thicket")

Dear Mr. Moxley:

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) 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).

Approval is subject to the following conditions:

1. Waiver approval is limited to the removal of specimen trees #8, #10-13 and #16-20 as depicted on the waiver exhibit. Any proposal to remove additional specimen trees will require a new waiver request or an amendment to this waiver request.
2. An amended waiver exhibit shall be provided which contains a specimen tree chart for the entire site, listing all existing specimen trees on site. All references to "Offsite" for trees #16-21 shall be removed. ALSO-Specimen trees #4 and #5 and #25 ARE considered offsite-and should be labeled accordingly.
3. An amended justification shall be provided which corrects the status of the on-site and off-site trees.
4. The amended waiver exhibit and justification shall be provided within 30 days of waiver approval **(on or before February 19, 2015)**.
5. A minimum of 20 additional, native, 2-3" caliper trees shall be provided on site as part of the mitigation for the specimen tree removal. This mitigation will be addressed with the project known as "The Park at Locust Thicket". It will be shown on the associated Landscape Plan and surety for these additional trees will be required as part of the Site Development Plan approval for The Park at Locust Thicket.

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

Extraordinary hardships or practical difficulties:

Denial of the waiver petition with regard to specimen tree removal would result in undue hardship because it would require re-design and significant decreased unit yield. The property is heavily wooded and is significantly impacted by environmental features (stream valley and wetlands). Based on the unique physical conditions inherent to the subject property, the applicant does experience extraordinary hardship and practical difficulty in complying with the Regulations for the proposed site improvements. The proposed site design does protect 12 of the specimen trees located on site.

Detrimental to the Public Interest or Nullifies the Intent or Purpose of the Regulations:

With regard to the waiver to specimen tree removal, the developer intends to retain the forest within the highest retention priority areas (within the stream and wetland areas). These areas (approximately 7.52 acres in total) will be placed in permanent easement thus protecting and enhancing the existing forest environment and supporting the public interest. The County will require mitigation for those trees being removed.

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 Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/tkm/waivers 2014/The Park at Locust Thicket WP-15-083 approval 1-20-15

cc: Research
DED
FC Coordinator-B. Luber
DNR-Marion Honeczy
Benchmark Engineering
ECP-14-024 file
S-14-002 file