



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

Marsha S. McLaughlin, Director

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March 16, 2015

Peter and Cherie Congedo
6281 Trotter Rd.
Clarksville, MD. 21029

Trinity Quality Homes, Inc.
3675 Park Ave., Suite 301
Ellicott City, MD. 21043

RE: WP-15-093 (The Preserve at River Hill)
(related files: ECP-14-089 & SP-15-009)

To Whom It May Concern:

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 #1 through #3, #13 and #14 and #16 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. A minimum of 12 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 Preserve at River Hill" and will be in addition to any required landscape or forest conservation plantings. The mitigation will be shown on the associated Landscape Plan and surety for these additional trees will be required as part of the Final Plan.
3. Some or all of the mitigation plantings should be placed within the rear yards of the proposed lots after grading and fill occurs but PRIOR TO sales of individual lots.
4. Individual tree protective devices (tree fencing) shall be placed completely around Specimen tree #11 and Specimen Tree #4 PRIOR TO the commencement of any grading. This shall be outlined in the pre-construction management plan of the final Forest Conservation Plan (FCP) and within the sequence of construction provided on the Final Plan for "The Preserve at River Hill".

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 project has been designed utilizing a use-in-common driveway and smaller lot sizes in order to help decrease the amount of clearing and grading. Per the applicant's justification, "the result is an efficient and compact 8 lot subdivision which establishes over 2.3 acres of forest conservation on 5.67 acres."

In addition there is a practical difficulty with preservation of Tulip Poplars (5 of the 6 trees proposed to be removed). Per the applicant justification, "at maturity, Tulip Poplars can reach heights of 80'-100' and are not suitable retention trees in such close proximity to houses on smaller residential lots. They are a soft wood and can be susceptible to knock down during storms and they are not tolerant of dry conditions (they prefer moist soil). Proposed clearing would change the existing environmental setting making them more susceptible to insects, pests, disease, damage and failure".

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 will be placed in permanent easement thus protecting and enhancing the existing forest environment and supporting the public interest. The County will also 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 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 2015/The Preserve at River Hill WP-15-093 approval 3-16-15

cc: Research
DED
Real Estate Services
Vogel Engineering
M. Honeczy-DNR
SP-15-009