



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

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February 6, 2015

Locust Thicket Investors, LLC  
5836 Meadowridge Rd.  
Elkridge, MD. 21075  
c/o Steve Breeden

RE: WP-15-097 ("The Park at Locust Thicket")  
(related to S-14-002, "The Park at Locust Thicket")

Dear Mr. Breeden:

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 **denied** your request to waive **Section 16.155(a)(2)(i)** which requires a Site Development Plan for any single-family attached, apartment or mobile home residential development to allow mass grading of the site prior to approval of subdivision and site development plans, a waiver to **Section 16.1202(a)(3)** which requires a Forest Conservation Plan prior to development and prior to approval of any site development plan, subdivision plan, grading permit or County road and utility construction plans.

**Denial was based on the following reasons:**

1. The Park at Locust Thicket currently proposes 387 apartment units. At this time, only 95 allocations are available for this project. Another 154 allocations would become available after July, 2015. The remaining 138 allocations (for allocation year, 2019) have failed the open/closed schools test and are not available. It is premature to request and allow for mass grading of the site, when all allocations are not available and future allocations could be on hold for a number of years.
2. The Park at Locust Thicket project requires a stream crossing that significantly impacts the perennial stream and associated wetlands, floodplain, environmental buffers, and established forest (in excellent to good condition). This access/right-of-way disturbances must be shown to be the "least necessary" to allow access to the rear of the site. Without complete engineering, which would occur at the Preliminary Plan and Site Development Plan stages, it cannot be proven that "least disturbance necessary" has been contemplated and/or engineered. A grading plan does not offer the detailed engineering required under a Final Plan Road Construction drawing or a Site Development Plan nor the detailed protection of the environment outlined under a Forest Conservation Plan or Site Development Plan. To allow mass grading and deferral of Forest Conservation Plan is premature and would be at the expense of the environment, leaving the site exposed to the elements for several years.
3. The Park at Locust Thicket project involves right-of-way improvements and new private and public roads to service the proposal. Complete and detailed engineering has not occurred at the Sketch Plan stage nor would it be detailed under a grading plan. These issues would be reviewed in detail at the Preliminary Plan and Site Development Plan stages. To allow mass grading under a grading plan of the site at this time is considered premature and nullifies the Intent or Purpose

of the Regulations.

4. S-14-002 is under its sixth revision, in part due to no less than 3 design changes involving total unit numbers and type. In addition, the applicant has not yet been able to provide proof that Parcel 724 can be developed as currently depicted under S-14-002 with apartment building #9 containing 37 units. Associated Stormwater Management areas, access ways and other easements are also shown to impact Parcel 724. The design is in a "state of flux" until such time as the State of Maryland and Howard County enters into a written agreement on the use and design of Parcel 724. To allow mass grading and deferral of the Forest Conservation Plan is considered premature at this time.
5. A Forest Conservation Plan is a legal binding document that establishes forest conservation obligations and easement locations and is part of legal binding documents that outlines their protection. Allowing mass grading on a site that is almost entirely forested and encumbered by high priority retention areas (perennial stream, wetlands, floodplain, environmental buffers) without the submission, review and approval of a Forest Conservation Plan and plat of easement would be contradictory to mandated State Law. The County cannot support such a digression and the State Department of Natural Resources doesn't permit outright waiver to the forest conservation plan requirements.
6. This project will require a Preliminary Plan (due to establishment of new parcels and public roads/improvements), a Final subdivision plan and developer's agreements (to create Buildable Bulk Parcels 'A' and 'B', combine parcels and establish easements and to finalize the public road construction plans) and a Site Development Plan. The Sketch Plan and ECP plan are still in a revised status. Therefore, a request for waiver to SDP and FCP requirements when the Sketch and ECP plans have not been approved and the Preliminary Plan, Final subdivision plan (or final plat and road plans) and Site Development Plan have not been submitted-is considered premature.
7. The waiver request nullifies the Intent and Purpose of Section 16.101 of the Subdivision and Land Development Regulations which is to follow uniform procedures and standards for the processing of development plans for proper review and evaluation prior to issuance of grading permits.
8. This waiver request violates Section 16.123 of the Subdivision and Land Development Regulations requiring that grading for public roads and all other grading shall be performed under a valid permit issued by the Department of Inspections, Licenses, and Permits (DILP) in accordance with a forest conservation plan, road construction, storm drainage, SWM, grading, utility, and erosion and sediment control plans approved as part of a Final Plan under Section 16.147 and a Site Development Plan under Section 16.155 of the Subdivision and Land Development Regulations.
9. Prolonged exposure of the mass graded and cleared site to weather conditions may adversely affect adjoining properties and community.
10. Approval of the waiver request at this time would nullify the intent and purpose of Section 16.117 of the Subdivision and Land Development Regulations because land to be developed shall be designed and improved to maintain the integrity of the forested areas and refrain from all activity such as mass grading that would diminish the viability and environmental integrity of the on-site forest until a forest conservation plan and subdivision plans are received and approved.
11. In accordance with the attached comments from DPZ, Development Engineering Division, dated February 4, 2015.

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Indicate this waiver petition file number, request, section of the regulations, action (denial) and date of decision on all related plats, and site development plans, and building permits.

**PLEASE NOTE:** A waiver to **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) for removal of 10 specimen trees as noted in this petition request was also requested. Approval, with conditions, to remove 10 specimen trees was granted on January 20, 2015 under WP-15-083. Therefore, the repeat request under WP-15-097 for waiver to **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) is considered "previously addressed".

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at [tmaenhardt@howardcountymd.gov](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

attachment

KS/tkm/waivers 2015/The Park at Locust Thicket WP-15-097 denial 2-6-15

cc: Research  
DED  
SCD  
Zoning-C. Hamilton and Annette Merson  
DILP  
Real Estate Services  
Marsha McLaughlin  
ECP-14-024 file  
S-14-002 file  
Benchmark Engineering