



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

February 4, 2016

Dave Woessner
308 Magothy Road
Severna park, MD 21146

RE: WP-16-087, Terry's Place
(F-15-025 & ECP-15-023)

Dear Mr. Woessner:

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) On-site Forest Retention** requiring the retention of all specimen trees to allow the removal of specimen tree ST4 a 30" Slippery Elm on the subject property.

Approval is subject to the following conditions:

1. Provide two (2) replacement native trees of 3" minimum caliper on site in place of the removed tree as mitigation. The mitigated plantings are to be placed on the property to enhance the landscape screening. These plantings are to be provided on the SDP and will be incorporated into the landscape surety at the SDP stage.
2. A redline to the Road Construction Drawings will be required to show the updated driveway layout, and grading changes, and the existing specimen tree ST4 to be removed.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The applicant would have experienced extraordinary hardships and practical difficulties with the development of the property due to the recorded configuration of the 6 lots, the locations of the utilities supplying water and sewer service to the proposed homes, and the location of the use in common driveway. The site layout was designed to minimize impact to the existing vegetative materials. The locations of the specimen trees spread out throughout the site made developing the property and saving all the trees extremely difficult. The tree was proposed to initially be saved however due to the locations of the existing utilities and the proposed utility connection locations, the critical root zone of Specimen Tree ST4 will be impacted by the proposed installation. Safety was also a concern for keeping the tree and splitting the driveway around it because there is no lighting along the proposed driveway to illuminate the existing tree. It was a concern that visitors to Lots 4, 5, and 6 would be unfamiliar with the driveway layout, and problems could arise in low light conditions.

Implementation of an Alternative Proposal - The intent of the Forest Retention Priorities is that large good quality native trees be a priority to be retained, but reserve leeway for them to be removed if necessary. The site has been arranged in such a way as to preserve as many of the native trees as possible. The site grading and installation of the required utilities proposed for the development impact the existing specimen tree ST4 requiring its removal. The initial design incorporated a split driveway around the existing specimen tree to

preserve it while maintaining access to the three rear lots homes. Retaining this tree was also considered a safety concern for visitors who would be unfamiliar with the driveway layout in the dark.

Not Detrimental to the Public Interest - Approval of this waiver request would not have been detrimental to the public interest as the site layout was designed to maintain the existing entrance while preserving as much of the existing vegetation as possible. Safe vehicular access was also a concern and it was considered to be in the public's best interest to allow removal of the tree.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of the waiver request would not nullify the intent of the regulations. The removal of the referenced specimen tree on this site is particular to the development of the property which is limited by existing site conditions, and the existing utility locations. It was also a safety concern for safe vehicular access so it should not be seen as a nullification of the intent 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 the site development plan remains in active processing.

If you have any questions, please contact Nick Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
FCC