



Howard County Department of Planning and Zoning

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Valdis Lazdins, Director

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February 23, 2016

Sandra E. Hill
12435 S Lime Kiln Road
Fulton, Maryland 20759

RE: WP-16-090/Hill Property
Lots 1 to 6

Dear Ms. Hill:

The Director of the Department of Planning and Zoning considered your request for waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.1205(a)(7) which requires the retention of specimen trees 30" or more in diameter so as to remove 2 of 6 specimen trees for proposed development. Approval is subject to the following conditions:

1. Removal is approved for ST #1 identified as a 30" Red Maple and ST #2 identified as a 31" Red Maple as shown on the waiver petition exhibit.
2. The developer proposes mitigation for the removal of the two specimen trees by placement of approximately 11.02 acres of existing forest into on-site forest conservation easement areas and by perimeter plantings. All proposed plantings and the creation of the forest conservation retention easement will serve to mitigate and provide an alternative proposal for the removal of the two specimen trees.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The applicant proposes the re-subdivision of the site into six building lots in accordance with the RR-DEO Zoning Regulations. An existing dwelling which will remain will be located on Lot 3 consisting of 10 acres of which 2.05 acres of forest will be placed into Forest Conservation Easement B, and Lot 2 will consist of 11 acres of which 8.97 acres of forest will be placed into Forest Conservation Easement A. Lots 4, 5 and 6 will be approximately 3 acres in size. Construction of the house and proposed well location will require the removal of two specimen trees located on Lot 2 and identified as 30" and 31" Red Maples. The Retention of all specimen trees is a goal of the Forest Conservation Act, however practical difficulty exists which precludes the reasonable retention of these resources. The difficulty arises due to the location of the trees and the lack of flexibility available in house location because of steep slopes and other environmental features located on Lot 2. In addition, ST #1 is in fair condition with some dieback and ST#2 is in poor condition with major limb damage.
2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The intent of the regulations is to preserve specimen trees when possible. However, due to the irregular shape of the lot, steep slopes and approved septic and well location, the proposed house on Lot 2 cannot be shifted to preserve the two specimen trees. The developer has considered all alternatives and has greatly reduced the limit of disturbance, but the better solution at present time is to remove ST #1 and ST# 2. Since these trees are also not in good condition, they pose a significant

hazard to the proposed house if retained. Mitigation for the specimen tree removal will be met by retention of Forest Conservation Easements A which will contain 8.97 acres of retention on Lot 2 and Easement B on Lot 3 consisting of 2.05 acres. Four other specimen trees will be saved and perimeter landscaping installed.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The applicant is attempting to develop the site in a safe and orderly manner while meeting required setbacks, well and septic locations, storm water management and protection of existing environmental features. In doing so, however, removal of the two specimen trees for construction of the house is necessary. Shifting lot lines, roadway or relocation of storm water management facilities and outfalls would not be beneficial in this case, but rather removal of the specimen trees would better serve the residents of this subdivision and provides a better and safer solution.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain valid for one year from the date of this letter or for as long as development plans remain active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb

cc: Mildenberg, Boender & Assoc.
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Research/DED