



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

July 7, 2016

Bryan Pass
7715 Suffolk Way
Hanover, MD 21076

RE: WP-16-118 Pass Property

Dear Mr. Pass:

The Director of the Department of Planning and Zoning considered your request for alternative compliance to the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for alternative compliance to **Section 16.120(b)(4)(iii)(b)**, which states that environmental features are not permitted on lots or buildable preservation parcels of less than 10 acres in size, and **Section 16.1205(a)(7)**, which requires the preservation of trees 30" in diameter or larger.

Approval is subject to the following conditions:

1. The approval of this alternative compliance request applies only to the 9 specimen trees as shown to be removed on the plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request unless it can be sufficiently demonstrated by the applicant to be justified.
2. The developer shall plant eighteen (18) 2" minimum-caliper native shade trees in addition to the required perimeter landscaping to mitigate the removal of the nine specimen trees. Include the additional trees on F-15-113 and all subsequent plans. These trees will be bonded with the perimeter landscaping under the builder's grading permit.
3. Protective measures shall be utilized during construction to protect the specimen trees that are proposed to remain. Include details of the proposed tree protection measures on F-15-113 and all subsequent construction plans.
4. The approval of this alternative compliance request applies only to the proposed forest conservation easement for retention on Lot 1, as depicted on the plan exhibit. No easements for forest conservation will be permitted on Lots 2-4.
5. No grading, removal of vegetative cover and trees, paving or new structures will be permitted within the limits of 100-year floodplain, wetlands, streams or their required buffers in accordance with Section 16.116 of the Subdivision and Land Development Regulations. The applicant shall maintain a 35' Environmental Setback from the steep slopes, floodplain, streams, wetlands, required buffers and/or forest conservation easements as depicted on the Final plan, F-15-113.
6. Any disturbance to existing steep slopes beyond the amount necessary to construct the proposed driveway is not permitted under this alternative compliance request unless it can be sufficiently demonstrated by the applicant to be justified.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Requiring strict compliance with the regulations would result in an extraordinary hardship for the petitioner. The petitioner is proposing to retain 3.2 acres of existing forest in retention easements. The easements will be located on Lot 1 and Open Space Lot 5. Lot 1 will be approximately 6.12 acres in size, which is large enough to allow for sufficient land outside of the forest easements to provide for usable yards and to minimize encroachments into the easements. The developer is restricted in using optional lot sizes (less than 10 lots) and is therefore permitted to locate the stream, wetlands and buffers on the residential lots in accordance with Section 16.120(b)(4)(iii)(c) of the Subdivision Regulations. The subject property contains 27 specimen trees which are mostly Tulip Poplars. The developer is proposing to remove 9 specimen trees during construction. The property is almost entirely wooded and the developer has proven that it would be very difficult to design the proposed development while still preserving all of the specimen trees and environmental features located onsite. The developer has demonstrated that alternative designs were considered and the proposed layout will minimize disturbance to the environmental features and specimen trees to the maximum extent practical.

Not Detrimental to the Public Interest:

The alternative compliance proposal will not be detrimental to the public interest. The proposed forest conservation easement on Lot 1 will protect the steep slopes, stream, wetlands and associated buffers located along the eastern property line. Open Space Lot 5 will be created to preserve a historic cave located on the site by placing the land into a forest conservation easement and dedicating the Open Space Lot to Howard County. The removal of the specimen trees will not be detrimental to the public interest since a large portion of the existing forest will be retained within forest conservation easements. The developer will also be required to plant additional shade trees to mitigate for the removal of the specimen trees. The removal of 9 specimen trees is necessary in order to construct the driveway, utilities and stormwater management facilities for the proposed development.

Will not nullify the intent or purpose of the regulations:

Approval of this request for alternative compliance will not nullify the intent or purpose of the regulations. Lot 1 will contain the proposed forest conservation easement and will be approximately 6.12 acres in size, which is large enough to sufficiently accommodate the retention easement while still providing space for usable yards. The removal of the 9 specimen trees is necessary to allow for construction of the shared driveway, utilities and stormwater management facilities. The removal of the specimen trees will be mitigated with onsite planting of native shade trees in addition to the perimeter landscaping requirements.

Indicate this alternative compliance file number, request, section of the regulations, action, conditions of approval and date on all related plats, site development plans, and building permits. This approval for alternative compliance 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 Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Vogel Engineering