



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

August 22, 2016

Hei Sun Lee & Hei Sun Chung
2 Effington Low Court
Montville, NJ 07045-9305

RE: WP-16-148, Hilltop Landing
Previous Plan: Hilltop Landing (S-15-005)
Plat Reference: Liber 4, Folio 11, Lot 12

Dear Sir or Madam:

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

As of the date of this letter, the Planning Director **approved** your alternative compliance request for **Section 16.1205(a)(7)** to allow removal of the two (2) trees 30" in diameter or larger. The Planning Director also **approved** your alternative compliance request for **Section 16.146** to allow submission of a Final Subdivision Plan without first submitting a Preliminary Plan.

Approval is subject to the following conditions:

1. Removal of the two (2) specimen trees will require replacement mitigation at a ratio of two (2) larger caliper trees (at least three (3) inches dbh) for each specimen tree removed (four trees total). The mitigation planting can be provided as part of the required perimeter landscaping for this project. You must submit a Supplemental Plan with your Final Subdivision Plan for this property that shows how you plan to address this alternative forest conservation/landscape mitigation.
2. Specimen Tree #1 and Specimen Tree #3 must be protected during construction. A registered arborist must inspect the trees and implement recommendations for professional pruning of roots and foliage. All pruning must be performed by a Maryland licensed tree expert. Tree protection fencing must be installed around the entire perimeter of Specimen Tree #3 and to the greatest extent possible around Specimen Tree #1 to prevent root and foliage damage during construction. Alternative designs of the site must be conducted by the consultant in order to minimize root damage.
3. Submission of a final plan application, including a final subdivision plat and a supplemental plan.
4. The proposed driveway to serve new Lots 2 through 7 shall comply with Section 16.120(b)(6)(vi) of the Howard County Subdivision Regulations. Per Section 16.120(b)(6)(vi),

“The driveways for pipestem lots shall be located at least ten feet from the project boundary to provide space for required perimeter landscaping to buffer the adjacent property. Where a ten-foot buffer is not possible due to the existing parcel's configuration, drainage, or easement constraints, or is undesirable because future subdivision of the adjoining parcel may require sharing the use-in-common driveway under subsection (c)(2)(iv) of this section, the Department of Planning and Zoning may approve a five-foot driveway buffer. In such instances, a hedge, solid fence, wall, or Type D landscape edge is required, except in the front setback from a public road, where a solid screen would block sight distance.”

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from the applicant retaining the specimen trees located on the property due to the location of the trees and the size of the parcel. Because of these factors, it is not possible to retain the two (2) specimen trees and still maintain reasonable development of the property. The retention of the specimen trees cannot be accomplished without severely restricting or completely eliminating the proposed subdivision and intended use of the site. Additionally, extraordinary hardships or practical difficulties would also arise from requiring a Preliminary Plan prior to submitting a Final Plan since there are no public roads associated with this project and a Sketch Plan that addresses virtually all Preliminary Plan requirements has already been submitted and approved.

Alternative Proposal

The alternative proposal would require the applicant to retain all specimen trees on the parcel. However, due to the location of the trees and the size of the parcel, the retention of the specimen trees cannot be accomplished without severely restricting or completely eliminating the proposed subdivision and intended use of the site. Therefore, in this situation, it is reasonable to allow the applicant to remove the two (2) specimen trees and permit alternative compliance with replacement mitigation planting for the removed specimen trees. Additionally, an alternative proposal would require the applicant to submit a Preliminary Plan prior to submitting a Final Plan. However, since there are no public roads associated with this project and a Sketch Plan that addresses virtually all Preliminary Plan requirements has already been submitted and approved, requiring a Preliminary Plan is not recommended by this Division.

Not Detrimental to the Public Interest

The alternative compliance request will not be detrimental to the public interest since the applicant will be required to provide enhanced landscaping around the perimeter of the property. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed to help mitigate the loss of the two specimen trees. Additionally, since there are no public roads associated with this project and the applicant is proposing that the required sidewalk improvements be shown on the Supplemental Plans submitted with the plat, not requiring a Preliminary Plan will not be detrimental to public interest in any way.

Will not nullify the intent or purpose of the regulations

Approval of this alternative compliance request will not nullify the Intent or Purpose of the Regulation because the Subdivision Regulations allow the Department of Planning and Zoning to authorize, “planting in an alternate location,” if it is deemed to have a “greater environmental benefit.” This Division has determined that the required enhanced landscaping around the perimeter of the property is deemed to have a “greater environmental benefit” than retention of the specimen trees. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed, and will help to mitigate the loss of the two specimen trees. Therefore, approval of this alternative compliance request will satisfy the Intent

of the Regulations by creating an environmental benefit. Additionally, because of the current lot configuration, any alternate configuration would severely restrict or completely eliminate the proposed subdivision and intended use of the site. Therefore, allowing the proposed subdivision configuration, and not requiring a Preliminary Plan, would promote fairness and consistency in the application of the plan processing procedures.

Indicate this alternative compliance 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 alternative compliance will remain valid for one year from the date of this letter or as long as the final plat and/or SDP remain in active processing.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Benchmark Engineering, Inc.
DPZ File #'s WP-16-148 & S-15-005
Marian Honecny, DNR