



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

September 15, 2016

Hoddinott LLC
8318 Forest Street, Suite 200
Ellicott City, Maryland 21043

RE: WP-16-152 Enclave at Tierney Farm (F-15-110)

Dear Owner:

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 request for alternative compliance of **Section 16.116(a)** of the Subdivision and Land Development which prohibits grading, removal of vegetative cover and trees, paving and new structures within streams, wetlands, and their buffers.

Approval is subject to the following conditions:

1. In compliance with the Development Engineering Division comments dated August 29, 2016:
 - a. Applicant shall convey the runoff in a non-erosive manner.
 - b. Applicant shall provide benches where the slope height exceeds 20'. Check with Soil Conservation District for further guidance.
 - c. Grading shall not impact the floodplain and environmental features.
2. In compliance with the Howard Soil Conservation District comments dated June 28, 2016:
 - a. The use of the access bridges should be the longest possible to support the needed construction vehicles to minimize disturbance to the environmental features.
3. The final road construction drawings for F-15-110 must be redlined to mimic the alternative compliance petition exhibit. The redline must be approved, and changes made to the originals, prior to applying for a grading permit.
4. All revisions to F-15-110 must be in compliance with the approved Maryland Department of Environment permit (Tracking No. 15-NT-3284/201561579).
5. Disturbance to the environmental features is only for the use of the temporary access bridges. No permanent disturbance or grading shall occur within the environmental features. Once the temporary access bridges are abandoned the area must be stabilized and replanted as forest conservation easement in accordance with the forest conservation plan.
6. The alternative compliance file number, requested sections, decision date and conditions of approval shall be indicated on the final road construction plans and subdivision plat as a general note.

Our decision for approval was made based on the following:

Extraordinary Hardship or Practical Difficulty

A portion of the excavated material from the proposed development will be redistributed on-site from the buildable lots to Open Space Lot 54 to create a planted forest conservation easement berm along Guilford Road. Transportation of this material without encroaching within environmental features will require truck traffic to exit the site onto Guilford Road and re-enter from Guilford Road at multiple construction entrances. Lengthening the needed travel distance to haul material, and creating additional traffic and construction entrances along Guilford Road is not a practical construction approach.

Not Detrimental to the Public Interest

Keeping unnecessary truck traffic and multiple construction entrances off of Guilford Road, providing a physical berm between the new development and existing developments, and planting a permanent forest conservation easement within the currently cultivated environmental features will not be detrimental to the public's interest.

Alternative Proposal Will Serve the Regulations to a Greater Extent and Will Not Nullify the Intent or Purpose of the Regulations

The intent of Section 16.116(a) of the Subdivision and Land Development Regulations is to protect streams, wetlands and their buffers from being permanently developed or disturbed. This request is to allow placement of temporary access bridges within the environmental features in order for vehicles to access the open space lot to redistribute excavated materials. No excavation, grading, paving or permanent structures are being endorsed within the environmental features. Ultimately the subdivision proposes the environmental features to be planted and retained within a permanent forest conservation easement for long term protection. Furthermore, the temporary access bridges will be constructed in accordance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, and all work will be done in accordance with the Maryland Department of Environment approved permit and a Howard County grading permit.

As of the date of this letter, the Planning Director **denied** your request for alternative compliance of **Section 16.123(a)(2)** of the Subdivision and Land Development which requires grading to be performed under a valid permit in accordance with the approved final subdivision plan.

Denial was based on the following reasons:

1. The final road construction plans, F-15-110, have been signed by the Department of Planning and Zoning; therefore, a mass grading plan will not be accepted. A grading permit must be issued for all grading in accordance with the final road construction drawings. A redline to the final road construction plans will be required.
2. A small portion of the approved forest conservation retention easement will be impacted by the installation of the temporary access bridge. The applicant must redline the final forest conservation plans to revise the retention easement to a reforestation easement.

Please 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 this subdivision remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jb

cc: Research
DED
FCC
WP-16-152
F-15-110(PDox)
Tina Patel
Alan J. Schneider
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