



# 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

October 24, 2016

Robert Marietta  
Howard Community College  
10901 Little Patuxent Parkway  
Columbia, MD 21044

RE: WP-17-021 Howard Community College Stream  
Restoration Project

Dear Mr. Marietta:

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 an alternative compliance of **Section 16.155(a)(1)(ii)** and **Section 16.1205(a)(7)**.

Approval is subject to the following conditions:

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for the proposed development. No disturbance is permitted beyond the 4.22 acre limit of disturbance as shown on the plan exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. The proposed disturbance to 0.28 acres of existing Forest Conservation Easement shall be replanted on-site within the existing easement per Howard County Recreation & Parks standards.
3. The removal of Specimen Tree #10 (32" black cherry) is permitted as shown on the plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request. All efforts shall be made to reduce impacts to specimen trees during construction. Tree protection measures as detailed on the plan exhibit shall be utilized as necessary.
4. Once the proposed project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
5. Compliance with the attached comments from DPZ- Division of Land Development. Submit a revised plan exhibit to DPZ for file retention.
6. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, wetlands, streams and their buffers. Reference any applicable MDE or USACOE permits or tracking numbers on the building or grading permits.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The project that is subject of this alternative compliance request is needed to address an eroding stream that is negatively impacting the Howard Community College property. Strict compliance to the regulations would require additional time, effort and cost to address the requirements of a formal site development plan. The additional work would include a forest stand delineation and survey work in the field, as well as additional computations, mapping, reports, plans and exhibit preparation. Full compliance with the regulations would expend the design team's resources and would not improve the final design or construction of the project. Instead, it would take away valuable funds from the implementation of the project design and construction. Performing this extra work would also lengthen the schedule for this time-sensitive project.

There are 42 specimen trees in the vicinity of this eroding stream. In order to restore the stream reach to a stable condition, it is necessary to remove one specimen tree. The tree is a 32" black cherry and is in poor health. The proposed stream restoration geometry is based on minimizing overall site impacts and the preservation of the maximum number of high quality trees. The removed 32" black cherry will be completely incorporated into the stream restoration through beneficial re-use as bioengineering stock and as bank roughness features.

Not Detrimental to the Public Interest:

The existing stream is currently eroding its banks and causing a loss of trees and stream buffer vegetation. The loss of trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion. Public interests and safety will be improved by the proposed project. Stabilizing the stream banks will improve water quality downstream and will minimize the erosion occurring on the Howard Community College campus. Continued erosion will cause the loss of stream buffer and falling trees can pose a safety hazard for residents. It is important to public safety and the environment that the project is completed.

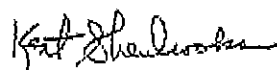
Will Not Nullify the Intent or Purpose of the Regulations:

No work being proposed by this project is counter to County policy or regulation. A key to this project is the swift and efficient processing of the design plans and construction of the project. The regulations are meant to assure that development occurs per County requirements and that environmental criteria are met, including the protection of existing forested areas to the extent practical. This project minimizes forest removal and where forest must be disturbed, reforestation will be performed in cooperation with the Department of Recreation & Parks. The limit of disturbance will be minimized to only that area necessary for constructing the project. Furthermore, the very nature of this project is to protect the environment by reducing erosion and sediment transport downstream and by providing a stable stream system. The Stormwater Management Division will coordinate to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area for the contractor to work. Every effort will be made to beneficially re-use any removed trees onsite, particularly live cuttings of willows for use in bioengineering. The alternative compliance request is not intended to exempt the project from County regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, 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 grading plan remains in active processing.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/eb

cc: Research  
DED  
Real Estate Services  
Brian Cleary- DPW- SWMD