



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

December 29, 2016

Bob Corbett
Williamsburg Group LLC
5485 Harpers Farm Road
Columbia, MD 21044

RE: WP-17-046, Melchoir Property

Dear Mr. Corbett:

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 16.1205(a)(7) and (a)(10) On-Site Forest Retention**, which requires that State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County..

Approval is subject to the following conditions:

1. Provide (6) replacement trees of 2 ½" to 3" caliper on site in place of the removed trees as mitigation to be shown on the submitted Simplified ECP plans.
2. Include the alternative compliance request number, description, and decision on all associated and future plans.
3. Provide site photographs and the one year warranty for the installed mitigation plantings after installation.

Our decision was made based on the following:

Self-Created Hardship:

The applicant would have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. There are multiple specimen trees located on the property. The house has been placed in a centralized location to maintain some distance from the surrounding properties and houses and to make use of the proven well and septic areas. Steep topography and the size and shape of the lot prevent the relocation of the proposed house. The two proposed tulip poplar trees to be removed were incorrectly located on the original survey. One tree is now located within the proposed building footprint and the second tree will have its critical root zone impacted by the proposed house and septic reserve areas. Since the existing nature of the lot prevented relocating the house and septic areas, the developer and potential homeowner will experience extreme hardship with the development of the property.

Implementation of Alternative Proposal:

The intent of the regulations is to protect the priority forest areas and the specimen trees while allowing reasonable development of the property. This project meets the intent of the Regulations by preserving as much of the vegetated areas on site as possible. Steep topography and the size and shape of the lot prevented the relocation of the house and thus required the removal of the two tulip poplar trees. Alternatively the

developer proposes to plant six new trees in place of the two specimen trees proposed to be removed as alternative mitigation.

Detrimental to the Public Interests:

The majority of the existing vegetation and specimen trees will be preserved on site. Measures have been taken in the design for the property to preserve and protect the vegetated areas on the property. The two trees proposed to be removed will be mitigated with the planting of 6 new trees, adding to the wooded nature of the property.

Nullifies the Intent or Purpose of the Regulations:

Approval of the alternative compliance request would not have nullified the intent of the Regulations as they allow the removal of specimen trees with County approval. The intent of the regulations is to retain specimen trees and avoid their unnecessary removal provided that their retention is not practical within the context of the site development. The central location of the two trees makes their retention difficult given the size and configuration of the cluster lot. The two trees removed will not be noticeable to the public given the amount of existing vegetation to remain on site and the addition landscape materials to the property.

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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
Sill Engineering
Forest Conservation Coordinator
Marian Honeczy, DNR
F-13-074