



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

February 1, 2017

Mr. Chris Sakkos
Dosa Clarksville, LLC
20308 Wiley Court
Laytonsville, MD 20882

Dear Mr. Sakkos:

RE: WP-17-060, The Woodlands, Lots 1-8, Buildable
Preservation Parcel A and Non-Buildable
Preservation Parcel B (SP-16-008)

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 (10)** which prohibits removal of specimen trees.

Approval is subject to the following conditions:

1. The waiver petition number and its conditions of approval must be added to all subdivision plans and final plat.
2. The developer shall plant eighteen (18) 3" minimum caliper native shade trees in addition to the required perimeter landscaping to mitigate the removal of the specimen trees. Include the additional trees on the Preliminary Equivalent Sketch Plan and all subsequent plans. These trees will be bonded with the Developer's Agreement under the final subdivision plan.
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 the Preliminary Equivalent Sketch Plan and all subsequent plans.
4. The alternative compliance approval applies only to the 9 specimen trees to be removed as shown on the waiver plan exhibit. The removal of any other specimen trees on the property is not permitted unless it can be sufficiently demonstrated by the applicant to be justified.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty -

The developer has demonstrated that in order to achieve a reasonable lot yield, 9 specimen trees must be removed which are within proposed well and septic areas. Several designs were considered that would provide 8 buildable lots and 1 buildable parcel (maximum yield is 10 buildable units), and minimal disturbance to the environmental features and existing vegetation. Although, the 9 specimen trees (18, 21, 22, 27, 28, 29, 30, 35 and 43) may be removed as part of this alternative compliance request, the trees will only be removed if directed by the Health Department. These nine trees conflict with Health Department Law (COMAR 26.04.02.04E) which requires removal of trees within a sewage disposal area and well boxes (see attached Health Department memo dated 11/29/16).

Not Detrimental to the Public Interest - Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Although the developer is proposing to remove 9 specimen trees, these trees will only be removed if the Health Department requires it for sewage disposal and/or well construction. The final disposition of the 9 specimen trees should be determined at the final plan phase of the development process.

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 regulations. The developer will provide on-site mitigation for the removal of the 9 specimen trees. The site been designed to achieve a reasonable lot yield and to protect the environmental features to the greatest extent possible including retaining 23 of 49 specimen trees (WP-16-017 allowed the removal of 18 specimen trees).

The Howard County Health Department Division has evaluated the subdivision and supports the developer's alternative compliance request.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

Attachment

cc: Research
DED
Real Estate Services
Thomas Coale, Esquire
Sill Engineering
SP-16-008
Marian Honeczy, DNR
Forest Conservation Coordinator