



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 28, 2017

Development Partners, LLC
11807 Wollingford Court
Clarksville, MD 21029

RE: WP-17-069, Hilltop Landing,
Approval Letter

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 request for an alternative compliance of the following sections:

An alternative compliance to **Section 16.1205 (a)(7)**: Forest Retention Priorities: To allow for the removal of an additional specimen tree 30" in diameter or greater (35" Tulip Poplar).

Approval is subject to the following conditions:

1. Removal of the additional specimen tree (Specimen Tree #3) will require replacement mitigation at a ratio of two (2) larger caliper trees (at least three (3) inches dbh) for each additional specimen tree removed (two additional trees – 6 trees total, including the previously approved Alternative Compliance request). 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 landscape mitigation.
2. Specimen Tree #1 (as shown on Supplemental Plans for F-17-037) must be protected during construction. A registered arborist must inspect the tree 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 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.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – Extraordinary hardship would result from the applicant retaining Specimen Tree #3 since retention of that specimen tree would severely hinder the ability of the property owner to comply with agency comments related to the Final Plan. The Department of Fire and Rescue Services (DFRS) is requiring that a tee-turnaround be constructed at the end of the use-in-common drive to accommodate emergency vehicles. In order to provide a tee-turnaround large enough to comply with the DFRS request, Specimen Tree #3 must be removed. Additionally, the Development Engineering Division (DED) is requiring that the proposed sewer main and storm drain line be moved closer to the specimen tree, which will cause severe damage to the root structure, resulting in eventual death of the tree.

Alternative Proposal – The alternative proposal would require the applicant to retain Specimen Tree #3 on the parcel. However, due to agency comments and the location of the specimen tree in relation to the required tee-turnaround, sewer main, and storm drain line, the specimen tree cannot be retained without severely hindering the ability to comply with the comments generated by DFRS and DED. Therefore, in this situation, it is reasonable to allow the applicant to remove the specimen tree and permit alternative compliance with replacement mitigation planting for the removed specimen tree.

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 to help mitigate the loss of the specimen tree. Additionally, the tee-turnaround that will require removal of Specimen Tree #3 will be beneficial to the public interest since it will allow emergency vehicles to quickly and safely maneuver around the subdivision in an emergency situation.

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 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 tree. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees to help mitigate the loss of the specimen tree and provide an additional buffer to the adjoining community. Therefore, approval of this alternative compliance request will satisfy the Intent of the Regulations by creating an environmental benefit. Additionally, approval of this alternative compliance request 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 a subdivision or site development plan remains 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
Real Estate Services
Benchmark Engineering, Inc.
S-15-005
F-17-037
Forest Conservation Coordinator
Marian Honezy, Department of Natural Resources