



# 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 5, 2017

Cadogan Property, LLC  
Mildenberg, Boender & Associates, Inc.  
7350-B Grace Drive  
Columbia, MD. 21044

RE: WP-17-075 (St. Charles Woods)  
(associated with SP-15-010 and PB 430: St. Charles Woods)

To Whom It May Concern:

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 16.116(a)(1): Streams and Wetlands**: which prohibits grading, removal of vegetative cover and trees, paving, and new structures within 25 feet of a wetland in any zoning district and **Section 16.116(a)(2)** which prohibits grading, removal of vegetative cover and trees, paving, and new structures within 100 feet of a perennial stream.

**Approval is subject to the following conditions:**

1. Impact is restricted to 0.3 acres of wetland, 0.2 of wetland buffer, and 0.32 acres of perennial stream and perennial stream buffer as shown and indicated on the alternative compliance exhibit. Any proposal to increase the impact to the wetland area/wetland buffer or the perennial stream area/stream buffer or any other protected resource on site will require an additional alternative compliance petition to be submitted or a reconsideration of this alternative compliance petition file.
2. With SP-15-010 (and the subsequent F Plan), the applicant and consultant shall pursue additional buffering/screening options between Gibran Lane and the project boundary property line, adjacent to any existing homes. These options would include such items as berming, fencing and/or landscape screening. This buffer/screening would be IN ADDITION TO any required perimeter landscaping and street trees.
3. The proposed wetland, wetland buffer, perennial stream and perennial stream buffer disturbances are subject to obtaining all necessary permits from the Maryland Department of the Environment and the U.S. Army Corps Of Engineers, as required.

**The Planning Director's decision was made based on the following:**

**Extraordinary hardships or practical difficulties:**

Per the applicant's justification, "strict compliance with current regulations would eliminate the ability to develop 12 lots north of the wetland area (more than half of the proposed development). The proposed design allows for full development of the site, while creating a more cohesive community and disturbing the smallest portion of wetland associated wetland buffer, perennial stream and stream buffer. The only alternative would be to create a second access to the development from U.S. Route 40. The Maryland State Highway Administration

(MSHA) has previously voiced their opposition to constructing any access point on US 40 for this development. Access to Route 40 would also likely require significant and costly road improvements and could result in additional impacts to wetlands and floodplain along U.S. Route 40.

In addition, creating a second access point would be contrary to County Regulations which restricts the use of more than one access point from a roadway with a minor arterial (or greater) classification. In addition, strict compliance with the regulations with the creation of a secondary access point would result in a disconnected community with no convenient access between the lots on either side of the impacted environmental areas."

The consultant also indicates that "the sewer for the proposed "St. Charles Woods" project AND the existing "Ellicott Meadows Community" would be extended from Baltimore National Pike (water would be extended from Frederick Road). Whether the road is extended between the two buildable portions of the project or not, the crossing will be needed for the sewer extension, which will impact environmental resources on site. In addition, BGE currently uses an existing gravel/dirt driveway to maintain existing power lines. This driveway also crosses the wetlands and stream in the same location as proposed "Gibran Lane".

**Detrimental to the Public Interest /Nullifies the Intent or Purpose of the Regulations:**

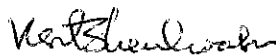
Per the applicant's justification, this proposal will not be Detrimental to the Public Interest nor Nullify the Intent or Purpose of the Regulations because the project still preserves a major portion of the on-site environmental features while still allowing reasonable development. This disturbance to the wetland, perennial stream and associated buffers (0.82 in total acres) is the least impact necessary to "address MSHA's desired point of access to the project (Frederick Road vs. US Rt. 40) and to allow the creation of a public road that provides continuity between both areas of the proposed development. The total impact (0.82 acres) represents less than 4.75 percent of the total 17.26 acres on the site. The impacts to the wetland and wetland buffer will occur at the edges of the on-site wetlands, with the remainder not being disturbed and most being protected with any overlying forest conservation easement. The Public Interest will also be served in that the sewer line being installed will also provide service to the adjacent 150+ unit "Ellicott Meadows" development which abuts the proposal.

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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 Tanya Krista-Maenhardt at (410) 313-2350 or email at [tmaenhardt@howardcountymd.gov](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/TKM/WP-17-075/St Charles Woods WP-17-075 approved 10-5-17

cc: Research  
DED  
Real Estate Services  
SP-15-010 and PB 430 files  
Lenore Slater  
Li Zhang