



# 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

April 11, 2017

Greenberry, LLC  
7350-B Grace Drive  
Columbia, MD 21044

RE: WP-17-089, Greenberry  
Alternative Compliance Approval

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 alternative compliance request for **Section 16.1205 (a)(7)** to allow for the removal of seven (7) specimen trees 30" in diameter or greater.

Approval is subject to the following conditions:

1. Removal of the seven (7) specimen trees will require replacement mitigation at a ratio of two (2) larger caliper trees (at least three (3) inches dbh) for each specimen tree removed (fourteen trees total). The mitigation planting can be provided as part of the required perimeter landscaping for this project. With the Final Plan/Supplemental Plan for this property, you must include plan sheets that show how you plan to address this alternative forest conservation/landscape mitigation.

Our decision was made based on the following:

#### Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from the applicant retaining the seven specimen trees located on the property due to the location of the trees and the size of the lots. Because of these factors, it is not possible to retain the specimen trees and still maintain reasonable development of the property. The retention of the specimen trees cannot be accomplished without severely restricting or completely eliminating the proposed development and intended use of the site.

#### Alternative Proposal

The alternative proposal would require the applicant to retain the seven specimen trees on the lots. However, due to the location of the trees and the size of the lots, retention of the specimen trees cannot be accomplished without severely restricting or completely eliminating the proposed development and intended use of the site. Therefore, in this situation, it is reasonable to allow the applicant to remove the specimen trees and permit alternative compliance with replacement mitigation planting for the removed specimen trees.

#### 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 for every one (1) specimen tree removed to help mitigate the loss of the specimen trees.


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 Regulation 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 trees. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed, and will help to mitigate the loss of the specimen trees. Therefore, approval of this alternative compliance request will satisfy the Intent of the Regulations by creating an environmental benefit. Also, due to the Health Department's policy of removing any specimen tree located within the private septic easement area, 4 of the 7 trees must be removed. The other 3 trees are located within the limits of the proposed houses on the two lots.

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 the subdivision 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](mailto:jehartner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JH

cc: Research  
DED  
Mildenberg, Boender, and Associates, Inc.  
DPZ File #'s WP-17-089 & F-17-056  
Marian Honeczy, DNR  
Forest Conservation Coordinator