



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

May 9, 2017

Marjorie and Stephen Crawford
19612 Islander Street
Olney, Maryland 20832

Donald and Sally O'Keefe
6950 Haviland Mill Road
Clarksville, Maryland 21029

RE: WP-17-106: Crawford & O'Keefe Properties
(related to F-17-016: Crawford and O'Keefe)

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 16.1205(a)(7)&(10) of the Subdivision and Land Development Regulations, which requires the retention of state champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger.

Approval is subject to the following conditions:

1. Approval is for the removal of eight (8) specimen trees identified as Specimen Trees E, N, R, S, X, NN, PP and QQ on the alternative compliance petition exhibit and final plan. No other specimen trees may be removed. Removal of the eight (8) specimen trees will require mitigation of 16, 2.5" caliper shade trees. If the site design allows, these mitigation trees should be planted along the perimeter of this project in order to provide enhanced screening for the existing adjacent developed properties. Review for compliance with this mitigation requirement will be conducted with the review of the final subdivision plan. The mitigated trees shall be bonded with the landscaping obligation.
2. The seven mitigation trees currently shown on the alternative compliance exhibit between Lots 1 and 2 and Lots 3 and 4 and Lots 21 and 22 shall be relocated out of any proposed sewage reserve area. In addition, they shall not be located between adjacent sewage reserve areas. This relocation will help the viability and permanency of these mitigation trees and their critical root zones in the future. The exhibit shall be revised to show new location of these trees. [NOTE: The other 9 mitigation tree locations are acceptable.] See also attached Health Department comments dated May 1, 2017.
3. The alternative compliance exhibit shall also be updated to change all references from "waiver" to "alternative compliance", the Mitigation Tree Schedule on the exhibit shall be updated (see condition #4 below) and the alternative compliance note will reflect the CURRENT request to

remove 8 specimen trees. The revised exhibit will be submitted within 2 weeks of alternative compliance approval (**on or before May 23, 2017**).

4. The Landscape Plan for F-17-016 will be revised to show all mitigation plantings and a surety will also be required. For these eight trees specifically, the Planting Schedule shall identify two, 2.5" caliper trees, of identical species, for each of the eight trees that are proposed for future removal.

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

Extraordinary Hardship or Practical Difficulty

A practical difficulty exists in retaining all 43 specimen trees due to the topography of the site. In order to create lots with wells on high ground and septic disposal areas on low ground, the road must be designed along the ridge line where the removal of six specimen trees is required. Ten specimen trees to be removed are located within the buildable lots. The lot layout for the overall development is impacted by passing percolation test pits, minimum lot size requirements, well and septic setbacks, grade differentials between the proposed vertical alignments and proposed finished floor elevations, and existing environmental features. The lots have been clustered outside of the environmental features, holding the lots as close to the minimum 40,000 square feet as possible in order to minimize the limit of disturbance while maintaining the Health Department's Well & Septic Program requirements. This approach has increased the cost to provide stormwater management on the lots, but has limited the impact to the specimen trees and forest resources. The removal of eight additional trees is at the request of the Health Department.

Alternative Proposal Will Serve the Regulations to a Greater Extent

The developer does not intend to disturb the eight specimen trees at this time; however, the Health Department will have the right, in the future, to remove these trees if needed in order to utilize future sewage reserve repair areas. For this reason, the developer is proposing mitigation at this time of two, 2.5" caliper trees, of identical species, for each of the eight trees that could be removed.

Not Detrimental to the Public Interest

Approval of the alternative compliance will not be detrimental to the public interest. Due to the topography of the site, most of the specimen trees to be removed are not visible from Haviland Mill Road and their removal would not be noticeable to the public. Efforts were made to propose a layout that saves the specimen trees along the perimeter of the property, notably along the southwest boundary. Furthermore, the removal of the eight specimen trees allows for a layout that meets the Health Department's regulations which promotes public health and safety.

Will not Nullify the Intent or Purpose of the Regulations

The intent of this regulation is to place high priority on protecting specific vegetation on proposed development sites. Although retention of these priority areas are highly encouraged, the Department of Planning and Zoning may authorize disturbance of these specific areas, via an **alternative compliance** petition, if the applicant can demonstrate that reasonable efforts to protect them cannot be implemented, that the uses allowed by right cannot occur without such disturbances, or that forest planting within an alternative location would have greater environmental benefit. The applicant has demonstrated to the Department of Planning and Zoning that the site was designed to achieve retention of higher priority environmental areas while minimizing proposed disturbance and adhering to the well and septic and stormwater management requirements and setbacks, and the maximum lot size requirements.

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, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/WP-17-106/Crawford & O'Keefe approval 5-9-17

cc: Research
DED
HEALTH
Real Estate Services
Forest Conservation Coordinator
Elm Street Development
Bohler Engineering-B.R. Rowe
M. Honeczy-DNR
F-17-016 file