



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 23, 2017

Trinity Quality Homes (Mr. Michael Pfau)
3675 Park Ave. Suite 301
Ellicott City, MD. 21043

RE: WP-17-117 (The Preserve at River Hill)

Dear Mr. Pfau:

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 16.1205(a)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in Section 16.1205(a)(1-10).

Approval is subject to the following conditions:

1. Alternative compliance approval is limited to the removal of specimen trees #4 as depicted on the alternative compliance exhibit. Any proposal to remove additional specimen trees will require a new alternative compliance request or an amendment to this alternative compliance request.
2. A minimum of 2 additional, **native**, 2-3" caliper trees shall be provided on site as part of the mitigation for the specimen tree removal. This mitigation will be addressed with the project known as "The Preserve at River Hill" and will be in addition to any required landscape or forest conservation plantings. **The mitigation will be shown via redline on the associated Landscape Plan. PLEASE NOTE: Leyland Cypress cannot count toward mitigation plantings.**
3. The mitigation plantings should be placed (preferably) within the rear yard of Lot 3 (6210 Grace Marie Drive) after grading and fill occurs but PRIOR TO sale of this lot. The applicant is also encouraged to mill any healthy, intact portions of the tree when and if it is removed.

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

Extraordinary hardships or practical difficulties:

Denial of the alternative compliance petition would result in undue hardship because it would require retaining a tree that could pose a potential threat to surrounding property.

Per the applicant's previous justification, "at maturity, Tulip Poplars can reach heights of 80'-100' and are not suitable retention trees in such close proximity to houses on smaller residential lots. They are a soft wood and can be susceptible to knock down during storms and they are not tolerant of dry conditions (they prefer moist soil)."

This tree was originally impacted and compromised by previous construction activities associated with the adjacent "Cricket Creek" subdivision. Grading occurred within 8 feet of the tree and impacted a portion of its critical root zone (over 40% of the CRZ). Although the tree is currently in good condition, there is some die back observed at the top of the crown.


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

With regard to specimen tree removal, the developer will retain the forest within the highest retention priority areas (within the stream and wetland areas). The forest will be placed in permanent easement thus protecting and enhancing the existing forest environment and supporting the public interest. The County will also require mitigation for the tree being removed. The applicant's arborist contends that "due to the larger size of the tree and potentially affected root system from previous construction, the tree should be removed to mitigate potential damage to existing and proposed houses should the tree fail and fall."

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

KS/TKM/The Preserve at River Hill WP-17-117 approval 5-23-17

cc: Research
DED
Real Estate Services
Forest Conservation Coordinator
M. Honeczy-DNR
Vogel Engineering
F-15-111 file