



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

September 21, 2017

Harmony Builders
4228 Columbia Road
Ellicott City, MD 21042

RE: WP-18-024 Somerville Estates

Dear Sir/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 **Section 16.1205(a)(7)** of the Subdivision and Land Development Regulations, which states that state champion trees, trees 75% of the diameter of state champion trees and trees 30" in diameter or larger shall be left in an undisturbed condition during construction.

Approval is subject to the following conditions:

1. The approval of this alternative compliance request applies only to the two (2) specimen trees as shown to be removed on the plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request unless it can be sufficiently demonstrated by the applicant to be justified.
2. The developer shall plant four (4) 2-1/2" minimum-caliper native shade trees in addition to the required perimeter landscaping to mitigate the removal of the two specimen trees. Include the additional trees on SP-17-011 and all subsequent plans. These trees will be bonded along with the required perimeter landscaping as part of the final subdivision plan.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The retention of the two specimen trees has proven to be a practical difficulty due to the location of the trees and the lack of flexibility available in site layout. Other constraining regulations and overall project size limit the potential for alternative designs. The required structure setbacks, locations for stormwater management and topography also pose a practical difficulty for the retention of the trees. Avoidance of both specimen trees is not possible while maintaining the development potential of the property, thus creating a hardship for the developer.

Not Detrimental to the Public Interest:

The approval of this alternative compliance request will not be detrimental to the public interest. The removal of the trees will not impact water quality or habitat value or function. The trees are isolated and within an existing mowed lawn. The removal of the trees will be mitigated through the planting of additional native shade trees.

Will not nullify the intent or purpose of the regulations:

The proposal will not nullify the intent of the regulations since the applicant is proposing to plant four native shade trees to mitigate the removal of the two specimen trees. The proposed subdivision must comply with other constraining regulations and due to the location of the trees, their preservation is not practical.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, 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 Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Mildenberg, Boender & Assoc., Inc.
Marian Honeczy- MD DNR