



# 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

January 18, 2018

Dennis Patrick, Michael Patrick & Derek Patrick  
1960 Daisy Road  
Woodbine, MD 21797

Reid Cook  
Resource Environmental Solutions  
5367 Telephone Road  
Warrenton, VA 22031

RE: WP-18-065 Maple Dell Farm Stream Restoration Project

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 alternative compliance of **Section 16.155(a)(1)(ii)**, **Section 16.1201(n)** and **Section 16.1205(a)(7)**. During the review of this request, it was determined that alternative compliance is not required for Section 16.115(c)(2), Section 16.116(c) and Section 16.1202(b)(2)(i).

Approval is subject to the following conditions:

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 12.1-acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. The removal of the three (3) specimen trees is permitted as shown on the plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request. All efforts shall be made to reduce impacts to specimen trees during construction. Tree protection measures as detailed on the plan exhibit shall be utilized as necessary.
3. Once Capital Project D-1158 is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
4. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, wetlands, streams and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on any building or grading permits.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance to the Regulations would prevent or severely limit the development of this stream restoration project, which is being installed to improve environmental and water quality and to secure TMDL credits for the county. Full sets of stream design plans have been submitted to the county for review. A planting plan has also been provided to establish forest on the pasture area after the restoration is complete. The remainder of the parcel is an active dairy farm and should not be included when determining the forest conservation obligation for this project. Strict compliance with the Regulations would extend the project timeline, increase costs and duplicate efforts which have already been made.

Not Detrimental to the Public Interest:

The approval of this alternative compliance petition will not be detrimental to the public interest. The proposed work will improve water and environmental quality, stabilize eroding stream banks and promote aquatic habitat. Therefore, the goal of this petition is to appropriately permit the project in a timely fashion. This project will benefit local residents by increasing aesthetics, reducing water pollution downstream and by helping the County meet its TMDL requirements.

Will not nullify the intent or purpose of the regulations:

The alternative compliance request is not intended to nullify the intent of the Regulations. Rather, the intent is to protect the environmental resources through long-term solutions that will stabilize and enhance a currently degraded natural system. This requires work within these resources during the restoration project, but will improve both quality and quantity of natural features after the work is complete. Specifically, the project will re-establish forested stream buffers, create forested wetlands onsite and restore the function and aquatic habitat of Lisbons Little Creek. The project will also reduce sediment and nutrient pollution to downstream waters, including the Triadelphia Reservoir, a source of drinking water to Montgomery County. The Limits of Disturbance have been minimized to only the areas necessary for grading, access and restoration work.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related building and grading permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a grading 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](mailto:ebuschman@howardcountymd.gov).

Sincerely,

Handwritten signature of Kent Sheubrooks, consisting of the first letters of the first and last names and a stylized 'KS' monogram.

Kent Sheubrooks, Chief  
Division of Land Development

KS/eb

cc: Research  
DED  
Real Estate Services  
DPW- SWMD