



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

June 13, 2018

Mr. Mark Levy  
6800 Deerpath Road  
Suite 100  
Elkridge, MD 20175

Dear Mr. Levy:

RE: WP-18-099, Clarksville Crossing, F-18-081

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 (10)** which prohibits removal of specimen trees, and **Section 16. 120(b) (4) (iii) (b)** which prohibits environmental features on lots less than 10 acres in size.

Approval is subject to the following conditions:

1. The alternative compliance petition number (WP-18-099) and its conditions of approval must be added to all subdivision plans and final plat, F-18-081.
2. The developer shall plant twenty-four (24) 3" minimum caliper native shade trees in addition to the required perimeter landscaping to mitigate the removal of the specimen trees. Include the additional trees on the Final Plan and all subsequent plans. These trees will be bonded with the Developer's Agreement under the final subdivision plan.
3. Protective measures shall be utilized during construction to protect the specimen trees that are proposed to remain. Include details of the proposed tree protection measures on the Final Plan.
4. The alternative compliance approval applies only to the twelve (12) specimen trees to be removed as shown on the waiver plan exhibit. The removal of any other specimen trees on the property is not permitted unless it can be sufficiently demonstrated by the applicant to be justified.
5. No disturbance shall be permitted within environmental features and required buffers except for the necessary environmental disturbances for the use-in-common driveway entranceway as shown on final plan, F-18-081.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty -**

The developer has demonstrated that 12 specimen trees must be removed which are within proposed well and septic areas, or located within the area of the site proposed for grading. Six (6) trees conflict with Health Department Law (COMAR 26.04.02.04E) which requires removal of trees within a sewage disposal area and well boxes. The remaining trees require removal because of the proposed grading. The only entrance of the property contains wetlands, stream and floodplain and buffers. This area will serve as a shared driveway to serve the 4 pipestem lots. One lot is over 10 acres in size. However, three lots will contain environmental features within the pipestem area of each lot. The building envelope for the lot will not contain environmental features. Therefore, the dwelling will be sited without impacting the environmental features. Given the location

of the environmental features and the only access to the property, allowing the environmental features within the lots are unavoidable since a public road is not proposed nor is it required based on the 4 proposed lots.

**Not Detrimental to the Public Interest** - Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Although the developer is proposing to remove 12 specimen trees, mitigation will be provided for the removal of these trees. In addition, the building site for the homes will not be impacted by the environmental features since these features are located that the entrance to the subdivision not within the building envelope. The access to the site (shared driveway) will contain the environmental features. Since this is the only access to the site, the environmental impacts to these features are considered essential disturbance.

**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 regulations. The developer will provide on-site mitigation for the removal of the 12 specimen trees. The site been designed to protect the environmental features to the greatest extent possible including retaining 34 of 46 specimen trees. The environmental features will not be contained within the building envelope of the lot, but is located at the entrance to the property. Since this is the only access to the site, the impact to the environmental features is considered essential disturbance. Providing a public road instead of a shared driveway will not provide a better protection of the environmental features. Since the paved width of a shared driveway is less than that required for a public road, the shared driveway provides a better protection of these environmental features.

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 Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Real Estate Services  
Benchmark Engineering, Inc.  
F-18-081  
Marian Honeczy, DNR