



# 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

April 30, 2018

Michele Monde  
Howard County Stormwater Management Division  
6751 Columbia Gateway Drive  
Columbia, MD 21046

RE: WP-18-103 Little Patuxent at Frederick Road  
Stream Rehabilitation Project

Dear Ms. Monde:

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 16.155(a)(1)(ii)**, **Section 16.1201(n)** and **Section 16.1205(a)(7)**.

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 5.77-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 two (2) 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. The proposed 63,512 square feet of disturbance to the existing Forest Conservation Easement on Parcel 1144 shall be replanted on-site within the existing easement per Howard County Recreation & Parks standards.
4. Once the proposed stream restoration work is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources as detailed on the plan exhibit.
5. 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, streams, wetlands and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on any building or grading permits.
6. Prior to the commencement of this restoration project, the Department of Public Works shall forward all right-of-entry documents for the two privately-owned lots to the Department of Planning & Zoning- Division of Land Development.

Our decision was made based on the following:

*Extraordinary Hardships or Practical Difficulties:*

The project that is the subject of this alternative compliance request is needed to address an eroding stream system that is negatively impacting County open space and adjacent private property. Strict compliance to the Regulations would require additional time, effort and cost to address a large amount of land that is not affected by the proposed project. The additional work would include a forest stand delineation and survey work in the field as well as additional computations, mapping, reports and plan exhibits. Full compliance with the Regulations would result in the expenditure of the design team's resources and would not improve the final design or construction of the project. Performing this additional work would take away valuable funds from the project and would lengthen the schedule for completion of the time-sensitive restoration work.

*Not Detrimental to the Public Interest*

The approval of this alternative compliance request will not be detrimental to the public interest. The project is being done to stabilize eroding stream banks and to protect the adjacent roadway crossings. Continued erosion will cause the loss of open space and stream buffer vegetation. Falling trees can pose a safety hazard for residents. It is important to public safety and to the environment that the project gets completed in a timely manner.

*Will not nullify the intent or purpose of the regulations*

The existing stream is currently widening due to stream bank erosion which results in the loss of trees and stream buffer vegetation. The loss of trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion. The alternative compliance request is not intended to exempt the project from County regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the Regulations. The project will be designed with the forest conservation regulations in mind. The limit of disturbance will be minimized to only that area necessary for constructing the project. The very nature of this project is to protect the environment by reducing erosion and sediment transport downstream and to provide a stable stream system. The SWMD is working closely with the Department of Recreation and Parks to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area for the contractor to work.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats and building/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,



Kent Sheubrooks, Chief  
Division of Land Development

KS/eb

cc: Research  
DED  
Real Estate Services  
Lindsay Nicoll- McCormick Taylor