



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 31, 2018

Avinash Dewani
Howard County SWM Division
6751 Columbia Gateway Drive, Suite 514
Columbia, MD 21046

RE: WP-18-123 Heritage Woods SWM Pond Retrofit

Dear Mr. Dewani:

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 1.67-acre limit of disturbance as shown on the plan exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. Prior to the commencement of Capital Project D-1158, the Department of Public Works shall pay a fee-in-lieu in the amount of \$26,789.40 for the reforestation obligation of 0.82 acres. The payment shall be made through the transfer of funds to SAP Account 2060000000-3000-3000000000-PWPZ000000000000-432521. A copy of the transfer receipt shall be submitted to DPZ- Division of Land Development for file retention records.
3. The removal of the 33" White Oak tree is permitted as shown on the plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request unless it can be sufficiently demonstrated by the applicant to be justified. All efforts shall be made to reduce impacts to specimen trees during construction, including utilizing tree protection fencing or similar measures to protect 'SP-2' (44" Willow Oak).
4. Once the proposed stormwater management pond retrofit project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
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, wetlands, streams and their buffers. Reference the applicable MDE or USACE permits or tracking numbers on the alternative compliance plan exhibit and any associated building or grading permits.

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 a stormwater management pond with a failing riser that is negatively impacting water quality in the watershed. Strict compliance to the Sections noted above would require additional time, effort and costs to address a large amount of land that is not affected by the proposed project. 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. This would also take away valuable funds and lengthen the schedule for this time-sensitive project.

Not Detrimental to the Public Interest

The existing pond has a failing riser and principal spillway. The issue will not fix itself and threatens to impact the functionality of the pond. The failing pond is also impacting water quality within the watershed. Public interests and safety will be improved by the proposed project.


Will Not Nullify the Intent or Purpose of the Regulations

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. A key to this project is the swift and efficient processing of the design plans and construction of the project. The regulations are meant to assure that development occurs per County requirements and that environmental protection criteria are met. 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. Furthermore, the very nature of this project is to protect the environment by improving water quality downstream. The SWMD is also working closely with the Recreation & Parks Department 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 grading and/or building 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.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
DPW- Real Estate Services Division