



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

August 9, 2018

Linda Blum
ShIPLEY'S Grant Community Association
3130 Fairview Park Drive, Suite 200
Falls Church, VA 22042

RE: WP-18-139, ShIPLEY'S Grant (Open Space Lot C-64)

Dear Ms. Blum:

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 16.116(a)(2)(ii)**, which states that grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 50' of an intermittent stream bank.

Approval is subject to the following conditions:

1. The encroachment into the stream and stream buffer must follow the draft forest conservation manual guidelines for paved pathways within recorded forest conservation easements:
 - a. The path shall be a maximum of 6' wide
 - b. The path shall not require the removal of trees of 6" DBH or greater.
 - c. The pathway must be constructed of materials that can be installed using equipment with a maximum weight of a ½ ton.
 - d. The pathway is placed no closer than 6' from the base of the trunk of any tree over 12" DBH.
 - e. The pathway is constructed without filling more than 6" of fill material.
2. The path shall not cross the floodplain.
3. A bridge must be constructed to span the stream banks.
4. A redline to SDP-16-079 must be submitted and approved, and any required permits obtained, prior to the construction of the pathway commencing.
5. The plat of revision for Open Space Lot C-64 (F-17-078) which proposes modifications to the forest conservation boundary to correct the encroachment of the tot lot must be signed by the appropriate Homeowner's Association representative and recorded in the Land Records of Howard County within 90 days of the approval of this alternative compliance (**on or before November 7, 2018**).
6. The approval of the stream and buffer encroachment and crossing is limited to the location of the intermittent section of stream as shown on the alternative compliance exhibit.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: The tot lot is isolated on all sides by streams and the BGE transmission line right-of-way. The only way for the residents on the north side of the stream to currently access the tot line is via a circuitous route utilizing the one bridge crossing the stream which is located about ¼ mile from the tot lot, requiring some residents to walk a ½ mile to the playground from the furthest lots. The only convenient pathway option for the northern residents is the cross the stream at a narrow intermittent location to reduce any disturbances.

Alternative Proposal: This alternative proposal provides additional community connectivity with limited stream disturbances. A bridge is proposed to span the stream banks limit any disturbance to the stream itself. The petitioner is committed to abiding to the draft guidelines for paved pathways within forest conservation areas.

Not Detrimental to the Public Interest: The public interest is served to a greater extent through the allowance of this stream crossing, as it provides additional community connectivity and proposed a forest pathway and stream crossing in a way that mitigates any potential impacts. It also provides residents better access to a community amenity.

Will not nullify the intent or purpose of the regulations: The construction is proposed in such a way that is reduces the chance of any long-term impacts to the stream or buffer, as well as to the forest canopy. Therefore, the approval of this alternative compliance does not nullify the intent or purpose of this regulations.

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 Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF

cc: Research
DED
Real Estate Services
Dan Sweeney, GLW