



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

October 29, 2018

Howard County DPW
3430 Court House Drive
Ellicott City, MD 21043
Attn: Brian Cleary

RE: WP-19-023 Strawberry Fields Dam Repair & Stream Restoration

Dear Mr. Cleary:

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)** and **Section 16.1201(n)**.

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 5.48-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 specimen trees 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 disturbance to the existing Forest Conservation Easement shall be replanted on-site within the easement per Howard County Recreation & Parks standards. Any permanent impacts to the existing Forest Conservation Easement may require additional planting and recordation of a revised easement. The applicant shall coordinate all proposed impacts and planting with the Department of Recreation & Parks.
4. Prior to the commencement of the proposed dam repair and stream restoration project, the Department of Public Works shall pay a fee-in-lieu in the amount of \$13,068.00 for the afforestation and reforestation obligations totaling 0.4 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.
5. Once the proposed dam repair and 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.
6. 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, stream, wetlands 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:

The proposed project is needed to address deficiencies in the existing stormwater pond and dam, as well as to stabilize the stream that conveys water from the outfall to Rockburn Branch. The dam does not meet current MDE Dam Safety Design Standards and could be endangering lives and property downstream of the dam. Strict compliance to the regulations would require additional time, effort, costs and would expend the design team's resources. This would not improve the final design or construction of the project and would take away valuable funds from the implementation of the project.

Not Detrimental to the Public Interest:

Approval of this Alternative Compliance request will not be detrimental to the public interest. The goal of the 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. By completing the project in a quick and efficient manner, taxpayer money will be conserved. Additionally, the improvements to the pond, dam and stream will protect lives and property of Howard County citizens living downstream of the dam.

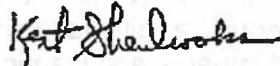
Will Not Nullify the Intent or Purpose of the Regulations:

Approval of this request will not nullify the intent or purpose of the regulations. The project is being done to repair deficiencies in the existing dam to maintain public safety. The limit of disturbance has been minimized to preserve existing forest and wetlands. The work proposed by this project is in conformance to County policy and regulations. The Alternative Compliance approval is necessary to expedite the time-sensitive project and to conserve valuable funds for the construction and implementation of the project.

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) 313-0729 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Century Engineering
Marian Honeczy- MD DNR