



Howard County Department Of Planning And Zoning

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October 24, 2018

Howard County Government
Department of Public Works
c/o Bureau of Environmental Services
attn: Radhika Wijetunge
Dorsey Building
Columbia MD

RE: **WP-19-025 Cherrytree Farm** Stormwater Management Pond Repair

Dear Radhika:

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 to the following sections of the Subdivision and Land Development Regulation:

Section 16.155(a)(1)(ii) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – Which requires a site development plan (SDP) for non-residential development and for disturbance greater than 5,000 square feet. The limit of disturbance for the proposed project is 0.64 acres.

Section 16.1201(n) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – Definitions: “Net Tract Area”, to allow the Limit of Disturbance (LOD) to serve as the Net Tract Area when determining a project’s Forest Conservation obligation. The applicant is requesting to use the 0.64 acres LOD as the Net Tract Area, instead of the total area of the subject parcels (7.92 acres).

Section 16.1205(a)(7) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – which requires the retention of state champion trees, trees 75% of the diameter of state champion trees and trees 30” in diameter or larger. The applicant is requesting to remove 1 specimen tree (a Tulip poplar).

Approval is subject to the following three (3) 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 0.64-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 one (1) specimen tree (tulip poplar) 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. Once the proposed pond restoration work is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources. Because the forest conservation obligation for this project with a net tract area of 0.4 acres require only minimal obligation of a tenth of an acre, DPZ does not require reforestation or a fee-in-lieu for 1/10 of an acre.

The decision of this alternative compliance petition is based on the following justification:

The project that is the subject of this alternative compliance request is needed to restore functionality of the SWM facility (pond) and address deficiencies to meet MD-378 criteria for ponds. 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.

The approval of this alternative compliance request will not be detrimental to the public interest, but will enhance the public interest through better managing stormwater runoff. The project is being done to restore, upgrade an existing SWM pond, an associated dam and outfall to restore functionality. This project will be designed with the forest conservation regulations and safety in mind; the LOD has been minimized to only a specific area necessary for constructing the project.

The approval of this Alternative Compliance request will not nullify the intent of the Regulations. This project is being done to restore functionality of the existing stormwater management pond and associated dam and address pond deficiencies to meet MD-378 criteria. None of the work proposed will nullify the intent and/or purpose of the Regulations; the petitioner will be held to high standard for ensuring that quality methods and safeguards are applied towards this project.

* Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the all pertinent permits pertaining to this project.

This requested alternative compliance will remain valid for one year from the date of this approval letter.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research
Zoning Administration (permits)
DILP
Rec and Parks
Century Engineering
WSSC