



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

December 17, 2018

Kevin Garvey
2605 Route 97
Glenwood, MD 21738

RE: WP-19-030 Green Meadows- Lot 1

Dear Mr. Garvey:

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 16.120(b)(4)(iii)(b)**, **Section 16.144(m)** and **Section 16.1205(a)(7)**.

Approval is subject to the following conditions:

1. F-18-066 shall be resubmitted to the Department of Planning & Zoning within 135 days from the date of the revision request letter (on or before March 7, 2019).
2. The proposed forest conservation plantings shall include a variety of stock sizes. At least 25% of the required plantings on Lots 7 & 8 shall include a minimum of 1" caliper trees. Tree shelters shall be utilized on all plantings to protect from deer and other potential damages.
3. A minimum of 10' shall be provided between the proposed forest conservation easements and the sewage disposal areas on Lots 7 & 8.
4. A minimum of 10' shall be provided between the proposed forest conservation easements and the proposed access easement for the shared driveway for Lots 7 & 8.
5. A minimum of 100' shall be provided between the proposed forest conservation easements and any dwelling on Lots 7 & 8.
6. The existing underground electric line must be removed from within the proposed forest conservation easement areas prior to recordation of the plat.
7. A Deed of Forest Conservation Easement, Forest Conservation Agreement and surety for onsite mitigation must be executed with the Real Estate Services Division of the Department of Public Works prior to submission of plat originals.
8. A 2-year post construction survival and maintenance period will be required once the proposed forest conservation plantings are installed. Prior to the release of the required surety, the developer must submit documentation to the county that post construction educational materials were distributed by the developer to educate the new residents of the subdivision regarding the proper use of the forest conservation easement areas, the developer's forest conservation easement responsibilities and the eventual transfer of the long-term maintenance responsibilities to the owners.
9. The alternative compliance approval applies only to Specimen Tree #6 as shown on the alternative compliance plan exhibit. The removal of any other specimen trees on the property is not permitted unless it can be sufficiently demonstrated by the applicant to be justified.
10. The removal of Specimen Tree #6 will require mitigation by planting two native shade trees onsite. The trees shall be a minimum of 3" caliper and shall be shown on the final landscaping and forest conservation plans. The trees will be bonded with the required forest conservation surety.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Due to the property's size and zoning, the creation of an additional parcel to accommodate the forest conservation easements is not feasible. The proposed forest conservation easements will be situated in an area that will be buffered from the residential houses by the approved septic areas and driveways. This should reduce the potential for encroachments from the property owners. Specimen Tree #6 is located within the approved septic area for 'Parcel A'. The septic areas are approved based on percolation testing and the specimen tree is located in an area that has soils suitable for sewage treatment. The future construction of a septic system on 'Parcel A' may require the removal of Specimen Tree #6. Replacement trees will be planted under F-18-066 to mitigate for the removal of Specimen Tree #6. Comments received from the Subdivision Review Committee agencies during the initial review of F-18-066 will require additional fieldwork and professional services. The additional time to resubmit F-18-066 is necessary to revise the design and to submit an adequate plan for review.

Not Detrimental to the Public Interest:

The approval of this alternative compliance request will not be detrimental to the public interest. The proposed forest conservation easements will create a buffer between the residential lots and the future commercial development on 'Parcel A'. The proposed forest conservation easements will be located more than 100' from the residential houses and will allow for usable yards. The potential removal of Specimen Tree #6 will be mitigated by planting two replacement trees onsite. The onsite forest conservation easements and specimen tree mitigation plantings will create additional forest in an area that is currently fields and agricultural crops. The additional time to resubmit F-18-066 will allow the developer time to prepare the additional reports and studies requested by the Subdivision Review Committee agencies.

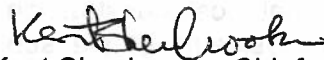
Will Not Nullify the Intent or Purpose of the Regulations:

The approval of this alternative compliance request will not nullify the intent or purpose of the regulations. The proposed forest conservation easements will be situated in an area of the property that should reduce the potential for encroachments. Signage will be displayed along the perimeter of the easements in accordance with the Forest Conservation Manual. The future homeowners will be provided with educational documents outlining the restrictions within the easement areas and the responsibilities for long-term maintenance. The retention of Specimen Tree #6 is not feasible due to the location of the approved septic areas, but the replacement plantings will mitigate for its removal. The additional time requested by the developer to submit revised plans will allow for the completion of additional studies and reports required by the review agencies.

Indicate this alternative compliance petition file number, request, section, action, conditions of approval and date on all related plats, supplemental plans and building permits. This alternative compliance approval will remain valid for the time period specified in the conditions of approval 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 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
DS Thaler & Associates
Marian Honecny- MD DNR