



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

August 13, 2019

Avinash Dewani, PE
Howard County DPW- Stormwater Management Division
6751 Columbia Gateway Drive, Suite 514
Columbia, MD 21046

RE: WP-19-111 Brentwood Manor Stream Restoration Project

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)** 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 5.7-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 state champion trees, trees 75% of the diameter of state champion trees or trees 30" in diameter or larger is not permitted under this alternative compliance request. Any removal of specimen trees will require alternative compliance to Section 16.1205(a)(7) of the Subdivision and Land Development Regulations. 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 Easements shall be replanted on-site within the easements per Howard County Recreation & Parks standards. Any permanent impacts to the existing Forest Conservation Easements 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 stream restoration project, the Department of Public Works shall pay a fee-in-lieu in the amount of \$45,738.00 for the reforestation obligation totaling 1.4 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 stream restoration work is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
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, streams, wetlands and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on any building or grading permits.

7. Prior to the commencement of this restoration project, the Department of Public Works shall forward all right-of-entry documents for the two privately-owned parcels to the Department of Planning & Zoning- Division of Land Development.
8. Compliance with comments from the Division of Land Development dated August 13, 2019.

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 an eroding stream system that is negatively impacting water quality in the Little Patuxent River watershed. 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. 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.

Not Detrimental to the Public Interest:

The approval of this alternative compliance request will not be detrimental to the public interest. The existing stream is currently eroding and causing a loss of trees and stream buffer vegetation. Continued erosion will result in additional vegetation loss which further destabilizes the stream banks, accelerating the rate and amount of erosion. The erosion will eventually migrate laterally farther into County sewer infrastructure. Falling trees can also pose a safety hazard for residents. It is important that the project gets completed in a timely manner. The alternative compliance plan exhibit has been reviewed by the Subdivision Review Committee agencies and is a suitable substitute for a site development plan.

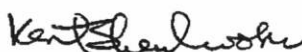
Will Not Nullify the Intent or Purpose of the Regulations:

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. The limit of disturbance will be minimized to only that area necessary for constructing the project. The goal of this project is to protect the environment by reducing erosion and sediment transport downstream and to provide a stable stream system. The SWMD is working closely with the Department of Recreation and Parks to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area for the contractor to work. Efforts will be made to beneficially re-use the removed trees onsite.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related grading and 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) 313-0729 or email at ebuschman@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/eb
cc: Research
DED
Real Estate Services