



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350  
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

January 30, 2020

Kerri Dinsmore, P.E.  
Howard County DPW- UDD  
7125 Riverwood Drive, Suite B  
Columbia, MD 21046

RE: WP-20-045 Sucker Branch Sewer Interceptor and  
Stream Restoration Project  
(associated with Capital Project S-6283)

Dear Ms. Dinsmore:

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)**, **Section 16.1201(n)**, **Section 16.1205(a)(7)** and **Section 16.103(j)**.

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 17.09-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 ten (10) specimen trees is permitted as shown on the plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request unless it can be sufficiently demonstrated by the applicant to be justified. All efforts shall be made to reduce impacts to specimen trees during construction, including utilizing tree protection fencing, planking, root pruning or similar measures as detailed on the alternative compliance plan exhibit. The proposed 20 native shade trees will serve as mitigation for removal of the specimen trees, as shown on the alternative compliance landscape plan exhibit.
3. Prior to the commencement of the proposed sewer improvement and stream restoration project, the Department of Public Works shall pay a fee-in-lieu in the amount of \$114,345.00 for the reforestation obligation totaling 2.1 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.
4. The applicant shall coordinate with DPW- Real Estate Services Division to record Grant of Easement Plats for the proposed sewer easements and revisions to existing sewer easements. The Grant of Easement Plats must be recorded in Land Records prior to submission of building or grading permits to initiate construction. DPW shall forward a digital copy of the recorded Grant of Easement plats to DPZ- Eric Buschman prior to application for permits.

5. The applicant shall coordinate with the Howard County Dept. of Recreation & Parks to replant any disturbed areas within the existing forest conservation easement on Parcel 15- Lot 3. The Grant of Easement Plat for Lot 3 shall include the abandonment of the existing non-credited forest conservation easement area (within 100-year floodplain) which overlaps with the existing and proposed sewer easement. Upon recordation, a digital copy of the recorded Grant of Easement Plat for Lot 3 shall be forwarded to DPZ- Eric Buschman.
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 wetland buffers. Reference the applicable MDE or USACE permits or tracking numbers on all building or grading permits. Provide approval letters from MDE and/or USACE with the grading permit applications.
7. Prior to the commencement of the proposed sewer improvement and stream restoration project, the Department of Public Works shall forward all right-of-entry documents for the privately-owned lots to the Department of Planning & Zoning- Division of Land Development.
8. Once the proposed sewer improvement and stream restoration work is complete, the Limit of Disturbance shall be restored to its previous condition in accordance with the applicant's landscaping and seeding plan.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

This project is needed to address upgrades to the existing sewer system to accommodate future growth in the sewershed. Strict compliance to the regulations would require additional time, effort and cost to assess a large amount of land that is not affected by the proposed project. Full compliance with the regulations and the expenditure of the design team's resources would not improve the final design or construction of the project. Instead, it would take away valuable funds and lengthen the schedule for this time-sensitive project.

Not Detrimental to the Public Interest:

Approval of this Alternative Compliance request will not be detrimental to the public interest. By completing the project in a quick and efficient manner, taxpayer money will be conserved. The ultimate use of the land is similar to the current uses; therefore, the project will not change the nature and character of the surrounding areas. The limit of disturbance is minimized to only the area necessary for constructing the project and will utilize existing easements and access roads where possible. Areas that are temporarily disturbed will be replanted or seeded in accordance with the landscape plans.

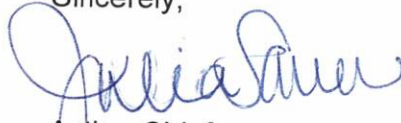
Will Not Nullify the Intent or Purpose of the Regulations:

The approval of this Alternative Compliance request will not nullify the intent of the regulations. The project's purpose is to ensure adequate sewer amenities for current and future growth within the sewershed. The project will be reviewed by the MD Dept. of the Environment, US Army Corps of Engineers and Subdivision Review Committee agencies for compliance with all county, state and federal regulations. The entire Limit of Disturbance will be stabilized and replanted and/or seeded in accordance with the applicant's landscape plan. The removal of 10 specimen trees will be mitigated by the planting of 20 native shade trees onsite in addition to the proposed stabilization and replanting of the Limit of Disturbance. Grant of Easement Plats will be recorded in Land Records to record the proposed sewer and utility easements.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, 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 site development plan, subdivision plan, capital project plan, building or grading permit is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,



Acting Chief  
Division of Land Development

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