



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 19, 2020

Mangione Enterprises of Turf Valley
1205 York Road, Penthouse
Lutherville, MD 21093

RE: WP-21-051, Villages at Town Square

Dear Applicant:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On January 15, 2021 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(i)** of the Subdivision and Land Development Regulations to disturb 3,894 square feet of offsite intermittent stream buffer to grade and construct a 10 foot paved pathway. Please see the attached Final Decision Action Report for more information.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of **Section 16.115(c)(2)** would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items item] you were required to address, pursuant to Section 16.104(a)(1):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas

Strict conformance with the requirements would deprive the applicant of rights commonly enjoyed by others in similar areas. The regulations would restrict the development from using the existing pathway crossing that would connect the proposed Villages at Town Square and Caperton Village developments. Strict conformance with the Regulations would require a redesigned pathway that provides more impervious paving and stream bank buffer distance that would deprive the community of a pathway that provides direct and safe access to the nearby commercial area.

2. The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations.

The uniqueness of the property would result in practical difficulty and unreasonable hardship. There is stream channel that runs in between two existing storm water management ponds that completely divides the proposed Villages at Town Square and Caperton Village developments. The 100-year floodplain encompasses the portion of the stream buffer at the existing stream crossing. The construction of the proposed internal pathway connection outside of the 100-year floodplain would result in construction of a new stream channel

crossing and would require more impervious area and disturbance within the 50-foot stream bank buffer. The proposed pathway has been sited to keep the slope of the pathway to a minimum and connect to an existing pathway over an existing culvert through the most direct route. The combination of the floodplain, stream, alignment of the existing pathway, position of the existing public sewer and easement all contribute to a unique situation. The granting of the alternative compliance would allow for the implementation of safe pedestrian access from the two residential developments and provide better pedestrian access to the neighboring commercial area. The only way to accomplish this is to do so with a minor disturbance within a non-forested area containing environmentally sensitive features that are not encumbered by any other restrictions.

3. The variance will not confer on the applicant a special privilege that would be denied to other applicants.

Approval of this request will not confer a special privilege on to the applicant that would be denied to other applicants. The granting of the alternative compliance would allow for the implementation of safe pedestrian access between the two residential developments and more direct pedestrian access to the nearby commercial area from the Caperton Village development. Currently pedestrians would be utilizing the sidewalk along the roadway for access from the residences to the neighboring development and commercial area.

4. The modification is not detrimental to the public health, safety or welfare or injurious to other properties.

Approval of this request will not be detrimental to the public health; safety or welfare, or injurious to other properties. The granting of the alternative compliance would allow for the implementation of safe pedestrian access between the two residential developments and to the surrounding community. The proposed disturbances will be the minimum necessary to afford relief and construct the proposed pedestrian pathway. After the construction has completed the vegetated habitat will be restored and stabilized with reseeding of all disturbed areas.

Approval of this Alternative Compliance is subject to the following conditions:

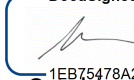
1. Compliance with all SRC agency comments on the submitted Final Plans, F-20-071.
2. The proposed disturbances to the 50' stream bank buffer and 100-year floodplain are limited to the areas shown on the approved plans for construction of the new pathway and removal of the remnants of the existing golf cart pathway. No disturbances should occur until the final plan is signed.
3. The existing golf cart pathway that does not provide connection between the new pedestrian pathways (as shown on F-17-102 and F-20-071) must be removed and returned to a natural vegetative state. The limits of disturbance and removal must be shown on F-20-071.
4. The existing 12" concrete culvert on Parcel 8, adjacent to Open Space Lot 93 (Caperton Village at Turf Valley) and to the rear of proposed Lots 58-63 (The Village at Town Square) must be removed and the natural stream channel must be restored. The restoration details must be shown on F-20-071.
5. 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, wetlands, streams and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on the final plan and any building or grading permits.
6. All grading and disturbances outside of the proposed pathway must be stabilized and returned to previous conditions once construction is complete. Disturbances to any existing vegetated areas should be to the minimum necessary to construct the new pathway and remove the existing golf cart pathway.
7. Add the Alternative Compliance Request number, purpose, section, date, and conditions on all subsequent plan submissions.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter 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 Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,

DocuSigned by:



1EB75478A22B49A...
Anthony Cataldo, AICP, Chief
Division of Land Development

AC/NH

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Benchmark Engineering



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

**ALTERNATIVE COMPLIANCE
FINAL DECISION ACTION REPORT**

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-21-051 The Villages at Town Square (F-20-071 & F-20-072)**
Request for a variance to Section 16.116(a)(2)(i) of the Howard County Subdivision and Land Development Regulations

APPLICANT: Mangione Enterprises of Turf Valley
Attn: Mr. Lou Mangione
1205 York Road, Penthouse
Lutherville, Maryland 21093

Pursuant to Section 16.116(d)(1), the Director of the Department of Planning and Zoning, Director of the Department of Public Works, and Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.116(a)(2)(i)** of the Howard Subdivision and Land Development Regulations. The purpose is to allow permission to disturb 3,894 square feet of offsite intermittent stream buffer to grade and construct a 10 foot paved pathway. The Directors deliberated the application in a meeting on January 7, 2020.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unwarranted hardship. This determination is made with consideration of the variance application and the seven (7) items the applicant was required to address, pursuant to Section 16.116(d)(1) and Section 16.104(a)(1):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas

Strict conformance with the requirements would deprive the applicant of rights commonly enjoyed by others in similar areas. The regulations would negate the development from having internal pedestrian access outside of the public right-of-way because there is stream channel that runs in between two existing storm water management ponds that completely divides the proposed Villages at Town Square and Caperton Village developments. Strict conformance with the Regulations would prohibit construction of an internal pathway and deprive the community of a scenic pathway that provides direct and safe access to the nearby commercial area.

2. The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations.

The uniqueness of the property would result in practical difficulty and unreasonable hardship. There is stream channel that runs in between two existing storm water management ponds that completely divides the proposed Villages at Town Square and Caperton Village developments. Any proposed, direct pedestrian crossings would need to cross this stream channel area. The proposed pathway has been sited to keep the slope of the pathway to a minimum and connect to an existing pathway over an existing culvert through the most direct route. The combination of the floodplain, stream, alignment of the existing pathway, position of the existing public sewer and easement all contribute to a unique situation. The granting of the alternative compliance would allow for the implementation of safe pedestrian access from the two residential developments and provide better pedestrian access to the neighboring commercial area. The only way to accomplish this is to do so with a minor disturbance within a non-forested area containing environmentally sensitive features that are not encumbered by any other restrictions.

3. The variance will not confer on the applicant a special privilege that would be denied to other applicants.

Approval of this request will not confer a special privilege on to the applicant that would be denied to other applicants. The granting of the alternative compliance would allow for the implementation of safe pedestrian access between the two residential developments and more direct pedestrian access to the nearby commercial area from the Caperton Village development. Currently pedestrians would be utilizing the sidewalk along the roadway for access from the residences to the neighboring development and commercial area.

4. The modification is not detrimental to the public health, safety or welfare or injurious to other properties.

Approval of this request will not be detrimental to the public health; safety or welfare, or injurious to other properties. The granting of the alternative compliance would allow for the implementation of safe pedestrian access between the two residential developments and to the surrounding community. The proposed disturbances will be the minimum necessary to afford relief and construct the proposed pedestrian pathway. After the construction has completed the vegetated habitat will be restored and stabilized with reseeded of all disturbed areas.

5. Disturbance is returned to its natural condition to the greatest extent possible.

All area disturbed outside of the paved pathway will be returned to its natural condition and be permanently stabilized in accordance with the permanent seedbed notes of the 2011 MDE Standards for Erosion and Sediment Control and will be lawn.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife and vegetative habitat; and

Vegetative habitat will be restored via the reseeded and restoration of the disturbed area upon completion of the project. The existing golf cart pathway that does not provide connection between the new pedestrian pathways must be removed and returned to a natural vegetative state and the existing 12" concrete culvert on Parcel 8, adjacent to Open Space Lot 93 (Caperton Village at Turf Valley) and to

the rear of proposed Lots 58-63 (The Village at Town Square) must be removed and the natural stream channel must be restored.

- 7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.**

The proposed grading and removal of vegetative cover that is proposed is the minimum necessary to afford relief. The design and placement of the pathway is located along a sloped area that will utilize the existing pathway culvert crossing. The portion of the pathway within the stream bank buffer parallels the contours as much as possible to help lessen the pathway slope and limit additional disturbances. Vegetative habitat will be restored to its natural condition upon completion of the project.

Directors Action: Approval of this alternative compliance is subject to the following conditions:

1. Compliance with all SRC agency comments on the submitted Final Plans, F-20-071.
2. The proposed disturbances to the 50' stream bank buffer and 100-year floodplain are limited to the areas shown on the approved plans for construction of the new pathway and removal of the remnants of the existing golf cart pathway. No disturbances should occur until the final plan is signed.
3. The existing golf cart pathway that does not provide connection between the new pedestrian pathways (as shown on F-17-102 and F-20-071) must be removed and returned to a natural vegetative state. The limits of disturbance and removal must be shown on F-20-071.
4. The existing 12" concrete culvert on Parcel 8, adjacent to Open Space Lot 93 (Caperton Village at Turf Valley) and to the rear of proposed Lots 58-63 (The Village at Town Square) must be removed and the natural stream channel must be restored. The restoration details must be shown on F-20-071.
5. 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, wetlands, streams and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on the final plan and any building or grading permits.
6. All grading and disturbances outside of the proposed pathway must be stabilized and returned to previous conditions once construction is complete. Disturbances to any existing vegetated areas should be to the minimum necessary to construct the new pathway and remove the existing golf cart pathway.
7. Add the Alternative Compliance Request number, purpose, section, date, and conditions on all subsequent plan submissions.

DocuSigned by:

Amy Gowan

5B4D5DD9470C4D4...

Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Thomas Meunier

977F1202E3D14B4...

Thomas Meunier, Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

3241B974513F4B7...

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DPW, Thomas Meunier



DPZ Office Use only:
 File No. *wp-21-051*
 Date Filed *11/3/20*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: RESIDENTIAL MULTI-FAMILY BUILDING DEVELOPMENT
Subdivision Name/Property Identification: VILLAGE AT TOWN SQUARE
Location of property: TOWN SQAURE PARKWAY & RESORT ROAD, TURF VALLEY
Existing Use: VACANT **Proposed Use:** RESIDENTIAL - SFA
Tax Map: 16 **Grid:** 19 **Parcel No:** P/O 8 **Election District:** 3
Zoning District: PGCC **Total site area:** 17.03 AC.

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

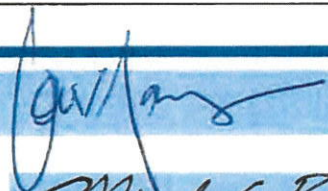
F-20-072, S-86-013, ECP-17-047, S-17-008, WP-18-002, F-12-055, F-15-056, P-18-004, 24-5089-D, 24-5090-D, 24-5091-D,

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.115.(c)(2)	Floodplain preservation: Prohibitions on Use of Floodplain Land: To allow clearing, excavating, filling, altering drainage, or impervious paving, to occur on land located in a floodplain as deemed necessary, for the construction of a pathway to an existing pathway.
16.116.(a)(2)(i)	Protection of wetlands, streams, and steep slopes: Streams and Wetlands: To allow grading, removal of vegetative cover and trees, paving, and new structures to be permitted within fifty feet of an intermittent stream bank buffer, for the construction of a pathway to an existing pathway.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:



Date:

10/29/20

Signature of Petitioner Preparer:



Date:

10/27/2020

Name of Property Owner: Mangione Enterprises
of Turf Valley LP

Name of Petition Preparer: MIKE RIEDEL
BENCHMARK ENG.

Address: 1205 York Rd., Penthouse
Lutherville, MD

Address: Benchmark Engineering, Inc.
8480 Baltimore National Pike
Suite 315

City, State, Zip: Lutherville, MD 21093

City, State, Zip: Ellicott City, MD 20143

E-Mail: louis@mfe.bz

E-Mail: bei@bei-civilengineering.com

Phone No.: 410-825-8400

Phone No.: 410-465-6105

Contact Person: Louis Mangione

Contact Person: Mike Riedel

Owner's Authorization Attached