



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

December 21, 2022

Becker Building Company
attn: Joe Lomangino
2077 Somerville Road, Suite 206
Annapolis MD 21401

RE: WP-22-127 Hebron Woods (SP-22-001)

Dear Mr. Lomangino:

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.

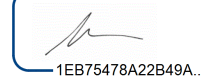
On December 15, 2022 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove 2 specimen trees. Please see the attached Final Decision Action Report for more information.

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 the subdivision plans are being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:



1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj

cc: Research
DLD - Julia Sauer
Benchmark Engineering
Marian Honeczy- DNR



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 RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-22-127 Hebron Woods**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Becker Building Company, LLC

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove two specimen trees [a 38.5" red maple and a 49.5" red maple]. The Directors deliberated the application in a meeting on Thursday December 15, 2022.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The applicant has identified three conditions pertaining to this site which cause an unwarranted hardship. Site access and intersection spacing in combination with the historic house and lot layouts have a large impact on the placement of the driveway. The proposed subdivision intends to utilize the existing access point from and to Old Frederick Road. The site's existing access consists of a 10-foot wide gravel driveway that continues straight from Old Frederick Road to a two-story frame house built in 1867 that will remain and is the focal point of the subdivision. Specimen Trees #3 and #4 are situated directly west of the existing driveway. The existing gravel driveway is required to be upgraded to a 16-foot wide paved driveway, per the County design standards, which will significantly disturb the tree's critical root zones. Moving the driveway east toward the adjacent property (Mt. Hebron High School) would decrease the intersection spacing between the properties and impact the viewshed of the historic house. Should the driveway be shifted, the critical root zones would still be impacted with the removal of the current driveway. The additional consideration is ESD-SWM practices as the County requires stormwater management for the newly improved/widened driveway. MB-4 is located at the lowest possible on-site elevation to collect run-off from the use-in-common driveway and to provide adequate outfall for the underdrain. This location will disturb more than 30% of the trees' critical root zones. designed to maintain the existing historic house as a focal point from the site's entrance at Old Frederick Road.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.

The special conditions as described in the first criterion above is a result of unique site conditions and constraints (the retention of the historic house and its driveway access). Strict enforcement of the regulation would require the applicant to redesign the site to maintain required site access and SWM capture however removal of the existing driveway would ultimately impact a significant portion of the CRZ of the Specimen Trees which would likely cause a future hazardous condition. Landowners are typically afforded the opportunity to eliminate a potentially hazardous condition from their property.

3. Verify that the granting of a variance will not adversely affect water quality;

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Additionally, stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.

The granting of this variance for site access will not confer a special privilege to the applicant. The specimen trees are in very close proximity to the existing driveway and the access point to the site. Development of the site will require the driveway to be improved. Given the existing condition, should a new driveway be shifted further from the existing trees, the CRZ would still be impacted by the removal of the current drive. The proposed project will be required to plant 4 native shade trees onsite as mitigation for the removal of the 2 specimen trees. The trees will be in areas of the development that will ensure their long-term protection.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

The conditions or circumstances of the tree locations and need to provide adequate access are not the result of actions by the applicant.

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property; and

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

7. Provide any other information appropriate to support the request.

The applicant included a Forest Stand Delineation with the critical root zone dimensions, a Specimen Tree Assessment prepared by a certified arborist, which includes photographs and detailed descriptions for each of the specimen trees located onsite. The original request for specimen tree removal included removal of Specimen Trees #3, #4 & #6. Through the development review process and at the behest of DPZ, design changes were made that eliminated the need to remove Specimen Tree #6.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following two conditions:

1. The removal of Specimen Trees 3 and 4 is hereby permitted, as shown on the Alternative Compliance plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request. Disturbance to the critical root zone of the remaining specimen trees shall be limited to a maximum of 30%. Protective measures shall be utilized during construction to protect the specimen trees which are proposed to remain. Details of the tree protection devices shall be provided on the final construction plans or supplemental plan and on the site development plan.
2. The applicant shall mitigate the removal of the two specimen trees by planting a minimum of 4 native shade trees onsite with a planting size of at least 3" diameter at breast height (DBH). Planting details shall be provided with the final road construction plans. The 4 shade trees will be bonded with the Developer's Agreement for the subdivision's required landscaping. The trees shall be monitored for at least 3 growing seasons and replaced in-kind if the plantings do not survive.

DocuSigned by:

Amy Gowan

5B4D5DD9470C4D4...

Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

88B74370827248A...

Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241B974513F4B7...

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme
File: WP-22-127/ SP-22-001



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

September 28, 2022

Becker Building Company
Attn: Joe Lomangino
2077 Somerville Road, Suite 206
Annapolis MD 21401

RE: **WP-22-127 Hebron Woods**

Dear Mr. Lomangino:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments from the Division of Land Development have been addressed, and those comments dated September 26, 2022 provided by the Office of Community Sustainability (uploaded to PDoc).

Copies of the exhibit/plan and the supplemental information and a response letter to the comments must be submitted within **45 days** of the date of this letter (**on or before November 12, 2022***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.

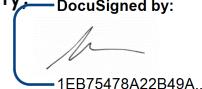
Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely, DocuSigned by:



Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj

Attachment: DLD

cc: Research DLD - Julia Sauer Benchmark Engineering



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No.
 Date Filed *WP-22-127*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: SP-22-001

Subdivision Name/Property Identification: HEBRON WOODS

Location of property: 9572 OLD FREDERICK ROAD, ELLICOTT CITY, MD 21042

Existing Use: RESIDENTIAL

Proposed Use: RESIDENTIAL SFD

Tax Map: 17

Grid: 15

Parcel No: 359

Election District: 2

Zoning District: R-20

Total site area: 3.99 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:

ECP-22-022

SEE ATTACHEMNTS

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
Section 16.1205(a)(3)	Protection of Specimen Trees (requesting removal of 5 trees)

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 

Signature of Petitioner Preparer:  Date: 

Name of Property Owner:  BECKER BUILDING COMPANY, LLC Name of Petitioner Preparer:  BENCHMARK ENGINEERING, INC.

Address:  2077 SOMERVILLE ROAD SUITE 206 Address:  8480 BALTIMORE NATIONAL PIKE SUITE 315

City, State, Zip:  ANNAPOLIS, MD 21401 City, State, Zip:  ELLICOTT CITY, MD 21043

E-Mail:  marylandbuildingco@gmail.com E-Mail:  bei@bei-civilengineering.com

Phone No.:  (301) 875-3831 Phone No.:  (410) 465-6105

Contact Person:  JOE LAMANGINO Contact Person:  MIKE RIEDEL

Owner's Authorization Attached