



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

October 2, 2022

Michael Phau
Trinity Home Mary Land, LLC
3675 Park Ave. #301
Ellicott City, MD 21043

RE: WP-22-129 Maple Grove
Alternative Compliance Partially Approved

Dear Mr. Phau:

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.

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 **partially 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 2 specimen trees and mitigate with the planting of 4 native trees with a DBH of 3". The Directors deliberated the application in a meeting on September 23, 2022. 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 a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

Please be advised approval of specimen tree removal is contingent upon signature approval of a site development plan and issuance of required grading and building permits. Approval of an alternative compliance application in association with a preliminary, sketch or preliminary equivalent sketch plan submission does not grant approval to remove specimen trees prior to issuance of permits.

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely, DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/DD

Attachment (1): Directors Action Report

cc: Research
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
Vogel + Timmons Group



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Amy Gowan, Director

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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-22-129 Maple Grove**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Michael Phau, Trinity Home Mary Land, LLC
3675 Park Ave. #301
Ellicott City, MD 21043

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 **partially 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 2 specimen trees and mitigate with the planting of 4 native trees with a DBH of 3". The Directors deliberated the application in a meeting on September 23, 2022.

Each Department hereby determines the applicant has demonstrated to the Directors satisfaction that strict enforcement of the above-cited regulation regarding Specimen Tree 3 would result in an unwarranted hardship. The Directors determined that enforcement of the above-cited regulations regarding Specimen Tree 1 would not 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 3.1-acre property includes the headwater of an intermittent stream and buffer. The property slopes down from the west to the northeast with an elevation change of 39'. The access to the property is on the existing road frontage on the south side. The presence of the intermittent stream and its buffer on the north east part of the property creates the best opportunity for open space and potential retention of environmental features. This leaves the western portion available for development of the lots and associated driveways, utilities and SWM facilities. Specimen Tree 2 will remain and be located in the open space lot. Specimen tree 3 is in poor condition and is recommended for removal for the health and safety of others.

Specimen tree number 1 is located at the edge of the developable area. The Directors acknowledge the revised exhibit demonstrates that potential future road improvements may impact ST-1 beyond the threshold of survivability. However, no future development is in process and the ultimate road configuration in the exhibit is conjecture. The Directors deliberated and found that denial of the applicant's request to remove ST-1 does not meet the threshold of unwarranted hardship. There appear to be opportunities to shorten the length of roadway improvements and redesign the site for this site to be reasonably redeveloped and maintain ST-1.

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

Strict enforcement would prevent the owner from removing a tree (ST-3) which is in poor health that should be removed for safety reasons. Other land owners enjoy the similar right to remove hazardous trees. The retention of ST-1 was not found to deprive the landowner of these same rights as redesign may be possible to save this tree in good condition.

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

There is no evidence that granting the variance to remove one or both specimen trees will adversely affect water quality. The enhanced SWM requirement will protect and improve the conditions on surrounding properties. The pond design will utilize "woods" to represent the existing conditions. As a result, the developed site runoff rate will be less than the current existing conditions, "grass/lawn".

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

No special privilege is conferred upon the applicant. The project will provide enhanced SWM facilities, road improvements and preservation of the existing stream, buffer, and specimen trees 1 and 2. The removed tree will be mitigated with the planting of two native trees. Similar applicants would be required to meet the same regulations that are applied to this application.

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

The property geometry, topography and presence of environmental features on site were not conditions that were created 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

Specimen tree 3 is in poor health and presents a hazard. This is not a condition related to land or building uses from a neighboring property.

The current Upton Road right-of-way was established by SHA Plat 32042 (Deed 537/175). The ROW extends beyond ST-1. Upton Road or a private driveway will be extended when and if adjacent Parcel 1190 is developed. The full extension of roadway is not required for reasonable development of this current parcel and the extension of roadway is only a functional condition of land or future building use on a neighboring property. Removal of ST-1 does not meet this criterion.

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

The petition includes tree assessments by a certified arborist certifying that specimen tree ST-3 is in poor condition and should be removed. Removing Lot 9 has potential to save ST-3, however the condition of ST-3 is unsafe and therefore not an advisable option. The applicant did submit a revised exhibit that depicts potential impacts from the full construction of roadway and improvements to the adjacent site. This exhibit was discussed with the Directors as part of the overall review of this application.

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

1. Approval is for removal of Specimen Tree 3 only and shall be mitigated with the planting of 2 native shade trees meeting 3" DBH. The mitigation trees shall be placed in the open space lot and clearly be shown on the plans to be preserved.
2. The next plan submission should include the modifications shown in the revised exhibit that reduce impacts to the root zone of ST-2 from 16.5% to 12.6% or less.
3. Include a note on all plan submission that describe this application, WP-22-129, the request, decision, decision date and list conditions of approval.
4. Plans shall include pre-construction, construction and post construction tree protection details to protect ST-2 and improve its health and ultimate survivability. Protection methods and details shall be prepared by a licensed arborist or landscape architect.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

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Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme



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

July 18, 2022

Mr. Tim Keane
Maple Grove at St. Johns, LLC
3675 Park Ave., Suite 301
Ellicott City, MD 21043

RE: WP-22-129 Maple Grove alternative Compliance
Revise and Resubmit

Dear Mr. Keane:

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 July 14, 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 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 and is requesting you **Revise and Resubmit** your proposal. Please see the attached Decision Action Report for more information.

The revised and resubmitted alternative compliance application must be submitted within 45 days from the date of this letter (on or before **September 1, 2022***).

***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.**

Please refer to the Department of Planning and Zoning website for current business processes during this time. 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 Donna Despres at (410) 313-3429 or email at dledespres@howardcountymd.gov.

Sincerely,

DocuSigned by:


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

AC/DD

cc: Research
DLD - Julia Sauer
Real Estate Services
Vogel Engineering



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ALTERNATIVE COMPLIANCE DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-22-129 Maple Grove**
Request for a variance to Section 16.1205(a)(3) of the Forest Conservation Regulations.

Applicant: Mr. Tim Keane
Maple Grove at St. Johns, LLC
3675 Park Ave., Suite 301
Ellicott City, MD 21043

The above referenced application to remove 2 specimen trees was reviewed on July 14, 2022. Pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Department of Recreation and Parks and Administrator of the Office of Community Sustainability considered the applicant’s request for a variance with respect to **Section 16.1205(a)(3)** of the Howard County Forest Conservation Regulations and are requesting that the applicant **Revise and Resubmit** the proposal addressing the following items:

Please propose an alternative layout with the following objectives:

1. Preserve specimen tree number one by removing lot number 8 and relocate the T-turnaround and SWM facility outside the critical root zone of ST-1 to the maximum extent possible.
2. Explores options to further reduce impacts to ST-2. In particular, grading close to the trunk should be minimized, or potentially eliminated as demonstrated on the alternate plan exhibit that removed Lot 9. Explore moving the LOD (presumed for the outfall) farther from trunk of ST-2.

It is noted that ST-3 is in poor condition and should be removed and eliminating Lot 9 is not necessary to preserve ST-3. However, reconfiguring the lot may be helpful to minimize disturbance to ST-2.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

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Raul Delorme

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Raul Delorme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme

Certificate Of Completion

Envelope Id: 165A274EACDE4CA2A459BABC1A0DBDDC	Status: Completed
Subject: Please DocuSign: WP-22-129 Maple Grove revise+resubmit ltr.docx, WP-22-129 DAR Sec 16.1216 R+R....	
Source Envelope:	
Document Pages: 4	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Disabled	Envelope Originator:
Envelope Stamping: Disabled	Anthony Cataldo
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	Ellicott City, MD 21043
	acataldo@howardcountymd.gov
	IP Address: 167.102.191.18

Record Tracking

Status: Original	Holder: Anthony Cataldo	Location: DocuSign
7/18/2022 1:05:36 PM	acataldo@howardcountymd.gov	

Signer Events

Anthony Cataldo
 acataldo@howardcountymd.gov
 Division Chief
 Howard County Government
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 1EB75478A22B49A...
 Signature Adoption: Uploaded Signature Image
 Using IP Address: 167.102.191.18

Timestamp

Sent: 7/18/2022 1:05:56 PM
 Viewed: 7/18/2022 1:06:00 PM
 Signed: 7/18/2022 1:06:12 PM
 Freeform Signing

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted	7/18/2022 1:05:56 PM
Certified Delivered	Security Checked	7/18/2022 1:06:00 PM
Signing Complete	Security Checked	7/18/2022 1:06:12 PM
Completed	Security Checked	7/18/2022 1:06:12 PM

Payment Events

Status

Timestamps



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

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: MAPLE GROVE

Subdivision Name/Property Identification: MAPLE GROVE S-18-005

Location of property: UPTON ROAD

Existing Use: VACANT **Proposed Use:** RESIDENTIAL

Tax Map: 24 **Grid:** 5 **Parcel No:** 41 **Election District:** 2ND

Zoning District: R-12 **Total site area:** 3012 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:

S-18-005
 WP-19-033
 ZB-1111M (WITHDRAWN)

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
16.1205(a)(3)	FOREST RETENTION PRIORITIES. RETENTION OF 30" AND GREATER DIAMETER TREES

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

Michael Prou

Date:

05-24-2022

Signature of Petitioner Preparer:

Joey Veasel

Date:

5/24/22

Name of Property Owner:

TRINITY HOMES
MICHAEL PROU

Name of Petitioner Preparer:

Joey Veasel

Address:

2675 Park Ave #301

Address:

3300 W. Ridge Road #100
Ella

City, State, Zip:

ELlicott City MD 21043

City, State, Zip:

ELlicott City MD 21043

E-Mail:

EKeane@trinityhomes.com

E-Mail:

Joey.Veasel@Timmons.com

Phone No.:

410 480 0823

Phone No.:

410-461-7666

Contact Person:

MIKE PROU

Contact Person:

Joey Veasel

Owner's Authorization Attached