
Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Kent Sheubrooks, Chief
Division of Land Development

FROM: Jeff Williams *sw*
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

DATE: June 24, 2018

RE: WP-18-135

The Health Department has reviewed the above referenced petition and has the following comments:

1. The Health Department has no objection with the assumption that the rear building is also connected to public water and public sewer.

Oswald, Hank

From: Allen, Nancy
Sent: Friday, June 22, 2018 10:17 AM
To: Oswald, Hank
Subject: RE: Public Water and Sewer Inquiry

Good Morning Hank,

7461 Montevideo Rd connected to public water and sewer 10/18/1979.

10002 Reed Lane is connected to public water only, install date 09/07/2006.

Please let me know if you have further questions.

Thank You,

Nancy Allen

nallen@howardcountymd.gov

From: Oswald, Hank
Sent: Friday, June 22, 2018 10:01 AM
To: Allen, Nancy <nallen@howardcountymd.gov>
Subject: Public Water and Sewer Inquiry

Hi Nancy:

Can you tell me when the following connected to public water and sewer:

- 7461 Montevideo Road
- 10002 Reed Lane

Thanks,

Hank

Hank Oswald
Licensed Environmental Health Specialist
Howard County Health Department
Bureau of Environmental Health
Well & Septic Program
8930 Stanford Boulevard
Columbia, MD 21045
410.313.1786 (Office)
hoswald@howardcountymd.gov

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HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: June 11, 2018

DPZ File No. WP-18-135

Department of Planning and Zoning

- 1 Research
- 1 Resource Conservation (Historic/Ag Pres)
- Public Service and Zoning Administration
- Address Coordinator

- 1 Comprehensive & Community Planning
- 2 Development Engineering Division
- Other
- 1 File

See:

Agencies

- 1 Soil Conservation District
- 1 Department of Inspections, Licenses & Permits
- 1 Department of Fire and Rescue Services
- 1 State Highway Administration
- 1 Health Department
- 1 Public School System
- 1 Recreation and Parks
- 1 Office of Transportation
- MD Aviation Administration
- WSSC (Non-Residential Only)

- Tax Assessment
- Verizon
- BGE
- Cable TV
- Police
- MTA
- Finance
- 1 DPW, Real Estate Services
- DPW, Construction and Inspection
- DPW, Bureau of Utilities

RE: 7461 Montevideo Road

ENCLOSED FOR YOUR = Signature Approval Review & Comments Files

THE ENCLOSED = Original Pre-Packaged Plan Set

Plans	# of Plans
<input type="checkbox"/> Sketch Plan	_____
<input type="checkbox"/> Prel Equiv Sketch Plan	_____
<input type="checkbox"/> Preliminary Plan	_____
<input type="checkbox"/> Final Plat/Plat of Easement/RE Plat	_____
<input type="checkbox"/> Final Constr Plans (RDS)	_____
<input type="checkbox"/> Final Development Plan	_____
<input type="checkbox"/> Site Development Plan	_____
<input type="checkbox"/> Landscape Plan/Supplemental Plan	_____
<input type="checkbox"/> Grading Plan	_____
<input type="checkbox"/> House Type Revision/Walk-Thru Red-Line	_____
<input type="checkbox"/> Water and Sewer Plan	_____

Applications	# of Plans
<u>15</u> Alternative Compliance Application	<u>15</u>
<input type="checkbox"/> Planning Board Application	_____
<input type="checkbox"/> ASDP/CSDP Application	_____
<input type="checkbox"/> DED Application/Checklist	_____
<input type="checkbox"/> DED Fee Receipt/Deeds/Cost Estimate	_____
<input type="checkbox"/> Overall Scaled Composite	_____
<input type="checkbox"/> Water & Sewer Plans	_____
<input type="checkbox"/> List of Street Names	_____

Supplemental Documents
<input type="checkbox"/> Wetlands Report
<input type="checkbox"/> Soils/Topo Map/Drain Area Map
<input type="checkbox"/> FSD/FCP/Worksheet and Application
<input type="checkbox"/> Declaration of Intent (Forest Cons)
<input type="checkbox"/> Drainage and/or Computation/Pond Safety Comps
<input type="checkbox"/> Preliminary Road Profiles
<input type="checkbox"/> APFO Roads Test/Mitigation Plan/Traffic Study
<input type="checkbox"/> Noise Study
<input type="checkbox"/> Sight Distance Analysis/Speed Flow Study
<input type="checkbox"/> Floodplain Study
<input type="checkbox"/> Stormwater Management Comps/Geo-Tech Report
<input type="checkbox"/> Industrial Waste Survey (DPW)
<input type="checkbox"/> Road Poster Form Letter
<input checked="" type="checkbox"/> Justification Letter
<input type="checkbox"/> Perc Plat
<input type="checkbox"/> Scenic Road Exhibits
<input type="checkbox"/> Deeds
<input type="checkbox"/> Photographs
<input type="checkbox"/> Retaining Wall Comps/Details
<input type="checkbox"/> Poster/Community or HDC Meeting Information
<input type="checkbox"/> Route 1 Details/Summary

WAS: Received Tentatively Approved Recorded
 Received and Revised Approved On June 11, 2018

COMMENTS: See memo Due- 17 Working Days: 7/6/18

Check, initial and return to the Department of Planning and Zoning if plan is approved with no comments.

DPZ STAFF INITIALS: KTB

Howard County Department of Planning and Zoning
Division of Land Development

ALTERNATIVE COMPLIANCE APPLICATION

[Alternative Compliance from Subdivision and Land Development Regulations]

Date Submitted/Accepted 6/11/18 DPZ File Number WP-18-135

I. **Site Description**

Subdivision Name/Property Identification: 7461 MONTEVIDEO ROAD

Location of property: 7461 MONTEVIDEO ROAD
(Street Address and/or Road Name)

COMMERCIAL (M-2)
(Existing Use)

COMMERCIAL (M-2)
(Proposed Use)

43
(Tax Map No.)

16
(Grid/Block No.)

96
(Parcel No.)

1st
(Election District)

M-2
(Zoning District)

3.3 Ac. ±
(Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.)

N/A

II. **Alternative Compliance Request**

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee **may grant alternative compliances or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.**

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 regulation. Attach a separate sheet if additional information is appropriate.

Section Reference No.	Summary of Regulation
1. <u>16.115.(c).(2)</u>	<u>No clearing, excavating, filling, altering drainage or impervious paving may occur on land located in a floodplain unless requested or Authorized by the department of planning and zoning.</u>
2. _____	_____
3. _____	_____
4. <u>16.116.(a)</u>	<u>Grading removal of vegetative cover and trees paving, and new structures shall not be permitted within 25' of a wetland. Grading removal of vegetative cover and trees, paving and new structures shall not be permitted within 50' of a perennial stream bank in non residential districts.</u>
5. _____	_____

III. *Justification*

All alternative compliance requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application at the time of submission. Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the alternative compliance will not be detrimental to the public interests.
- d. Confirm that approval of the alternative compliance will not nullify the intent of the Regulations.

PLEASE ATTACH A SEPARATE LETTER OF JUSTIFICATION TO SUPPORT THE ALTERNATIVE COMPLIANCE REQUESTS.

IV. *Pre-Submission Meeting Requirements*

→→→a. **Community Meeting Requirement** - If no previous subdivision plans and/or zoning or conditional use petitions were processed, a pre-submission community meeting is required for the initial plan submittal of all new residential development and for new non-residential development located within 200 feet of a residential zoning district or an existing non-residential development which is located within 200 feet of a residential zoning district and proposed for a floor area expansion of more than 25% in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for alternative compliance of the site development plan requirement. [See DPZ policy memo dated 3/22/04 for existing lots/parcels]. The property owner/developer must provide 3 weeks advance notice regarding the community meeting's date, time and location to all adjoining property owners identified in the records of the State Department of Assessments and Taxation and any community association that represents the geographic area of the subject property by first class mail; and sent electronically to any community association registered with the County for projects in a certain geographic area; the Howard County Council; and DPZ, which will place the meeting notice on the DPZ's website. The developer shall send a copy of the minutes and written responses to the meeting attendees and DPZ, either electronically or by first class mail. **A certification that meeting notices were mailed, contact information for the attendees and a copy of the minutes and a written response with a dated return mail receipt or dated email attached to all of the major comments recorded at the meeting must be submitted to DPZ along with the initial plan application. The meeting minutes, including a written response to all questions, shall be sent to all meeting attendees within 60 days of the meeting either electronically or by first class mail [Council Bill 6-2011].**

→→→b. **HPC Meeting Requirement** - A pre-submission advisory meeting with the Historic Preservation Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk or checking with the Resource Conservation Division. The property owner/developer must contact the DPZ, Resource Conservation Division for the HPC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HPC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**

→→→c. **MAA Meeting Requirement** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or alternative compliance approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or alternative compliance application.

- d. **Design Advisory Panel (DAP)** – A pre-submission advisory meeting with the Design Advisory Panel is required for sketch and preliminary equivalent sketch plans that are submitted on or after November 3, 2008 for new development or redevelopment projects on parcels located in the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual; on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual; on parcels which age-restricted adult housing is to be constructed pursuant to a conditional use; on redevelopment parcels located in the New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council; and for revitalization and redevelopment of Downtown Columbia in accordance with Sections 16.1501 and 16.1504 of the Howard County Code. The property owner/developer must contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement and for information concerning the DAP meeting scheduling process and procedures. **The property owner/developer must submit a copy of the DAP project design recommendations to DPZ along with the initial subdivision plan application.**

V. **Plan Exhibit**

A. **Number of Copies Required**

The alternative compliance application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**15 sets of the completed alternative compliance application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road**).

In instances where the alternative compliance request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 15 or 19 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.**

Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.

Plan applications are available on the DPZ website at <https://howardcountymd.gov/Departments/Planning-and-Zoning/Land-Development>.

B. **Plan Requirement Checklist**

The detailed alternative compliance exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the alternative compliance request to ensure acceptance of the alternative compliance application for processing.

Legend:	<u>✓</u> NA	Information Provided Not Applicable	<u>X</u> Information Not Provided, Justification Attached
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- ✓ 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- ✓ 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- ✓ 3. North arrow and scale of plan.
- ✓ 4. Location, extent, boundary lines and area of any proposed lots.
- ✓ 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- ✓ 6. Delineation of building setback lines.
- ✓ 7. Delineation of all existing public road and/or proposed street systems.
- ✓ 8. Identification and location of all easements.
- ✓ 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or

provide a professional certification that environmental features do not exist on the property.

- N/A 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- ✓ 11. Any additional information to allow proper evaluation (e.g. for alternative compliance to wetland buffers an alternative analysis and mitigation proposal are needed; for alternative compliance to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for alternative compliance of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
- ✓ 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the alternative compliance request.
- ✓ 13. The exhibit plans should be highlighted to accurately illustrate the requested alternative compliance(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- ✓ 14. Submit 2 sets of photographs for all existing on-site structures.
- N/A 15. Identify the location of any existing wells and/or private septic systems.

- N/A 16. **Route 1 Manual**
Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

- N/A 17. **Route 40 Design Manual**
Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 Design Manual's requirements and recommendations. All plan submissions within the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

- ✓ 18. **Property Deeds** – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**

- ✓ 19. Please complete the following:

A pre-submission meeting was held with DPZ on 4/26/18 with _____ with
[date]
KENT SHEUBROOKS, CHAD EDMONDSON, JULIA BOONE, if applicable.
[DPZ, Director, DLD Division Chief or other SRC representatives]

VI. Fees

The Alternative Compliance application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application** and could cause additional time to be required to revise the application for resubmittal and re-review. For more information or questions, contact DPZ at (410) 313-2350.

VII. **Owner's/Petitioner's Certification**

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to provide an alternative compliance request of the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. ***If the applicant is the owner's agent, written documentation from owner granting that authority is required at the time of the submission.**

Owner's authorization attached *

[Signature] (Signature of Property Owner)
(Fee Simple Owner Only) 6/5/2018 (Date) [Signature] (Signature of Petition Preparer) * 6/6/18 (Date)

7461 Montevideo Rd, LLC (Name of Property Owner) F&H ASSOCIATES % Zach Fisch (Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer)

2842 Stuart Drive (Address) 6339 HOWARD LANE (Address)

Falls Church, VA 22042 (City, State, Zip Code) ELKRIDGE MD. 21075 (City, State, Zip Code)

E-Mail ivis@palenciaconstructionllc.com E-Mail zfisch@fisheri.com

703.538.0992 (Telephone) (Fax) 40.567.5200 Ext. 230 (Telephone) 40.796.1562 (Fax)

Contact Person: Ivis Tapanes Contact Person: Zach Fisch

**Howard County Department of Planning and Zoning
Division of Land Development**

**INITIAL SUBMISSION
ALTERNATIVE COMPLIANCE WORKSHEET
(For DPZ Use Only)**

Project Name _____	DPZ File No. _____
DPZ Plan Reviewer _____	Submission Date _____
Plan Consultant Representative _____	Time _____

- I. Application Requirements** *Indicate Yes, No or N/A*
- a. Application is complete _____
 - b. Required number of plans and applications are provided _____
 ___ Plans (15 sets on County Road or
 ___ Applications (19 sets on State Road)
 - c. Supplemental Information is provided _____
 - d. Certification of pre-submission community meeting and summary of community comments with dated responses to all meeting attendees within 60 days is provided and three week notice given to DPZ and County Council, if applicable _____
 - e. Certification of pre-submission HPC advisory meeting for new projects in Historic District or listed in Historic Sites Inventory _____
 - f. Photographs of existing structures (for Historic Preservation Review) _____
 - g. MAA Approval Letter (if applicable) _____
 - h. Written summary of Route 1 Manual/Route 40 Design Manual compliance (if applic) _____
 - i. DAP project design recommendation for Route 1/Route 40 projects _____

- II. Fee Computation** **Fee**
- Number of alternative compliance sections requested _____
 - * Base Fee for first two alternative compliance sections (**\$450**) _____
 - Fee for each additional alternative compliance section (___ additional alternative compliances x **\$50** each) _____
-
- * (Maximum fee of **\$350** for Agricultural Preservation parcels)

TOTAL _____

III. Certification

Cash Receipt No. _____ Amount _____

SAP Acct 1000000000-3000-3000000000-PWPW000000000000-432530

Check issued by _____

___ Alternative Compliance application is accepted for processing.

___ Scheduled SRC meeting date.

___ Alternative Compliance application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____

June 4, 2018

Mr. Valdis Lazdins, Director
Howard County Department of
Planning and Zoning
Howard County, Maryland
3430 Courthouse Drive
Ellicott City, Maryland 21042

Re: 7461 Montevideo Road
Lots 3 and 4
Plat Book 5 PAGE 25
Tax Map 43 Grid 16 Parcel 96

Dear Mr. Lazdins:

On behalf of our Client, 7461 Montevideo Road LLC, we are submitting herewith an alternative compliance application from sections 16.115. (c). (2) and 16.116. (a) of the subdivision and land development regulations.

Our justification for this alternative compliance request is as follows:

On March 7, 2017 our Client purchased the property. The property consists of two (2) lots (lots 3 & 4), is approximately 3.3 ac. in size and is zoned M-2. At the time when the property was purchased, it contained an existing business within the existing structure at the front of the property an access driveway to Montevideo Road that was relocated, due to the vertical realignment of Montevideo Road in front of the property from its original location and moved closer to the stream by Howard County. Please see the attached statement from our Client regarding existing site conditions at the time of property purchase.

Our Client is a contractor and he purchased this property to be used as a local hub for construction activities in this area, to store construction equipment and have an onsite repair shop for his own equipment maintenance.

During the establishment stages of the business on this site our Client rehabilitate an existing old structure located in the middle of the property along the eastern boundary line and turned it into a maintenance shop. He constructed a short (under three 3 feet high) timber retaining wall, he constructed an approximately 100' X 20' "carport" to provide a roofed structure to park equipment, he created a gravel storage yard for equipment and materials. While creating the gravel storage yard our Client replaced old drainage pipes and piped portions of an existing stream under the gravel area that he created and also inadvertently encroached onto the neighbor's property, parcel 586, 7525 Montevideo Road, located to the east. Our Client also installed a new deck and vinyl fence in the rear of the existing structure that is located at the front of the property.

A citation was issued to our Client by Howard County for constructing without permits. Since the stream and wetlands were disturbed FSH advised our Client to contact MDE and schedule a site visit to evaluate the extent of environment impact.

On 2/26/2018 we held a site meeting in which FSH Associates, MDE and Howard County participated in. MDE cited our Client for disturbance of wetlands and stream. On 3/8/2018, with MDE on site, we performed exploratory testing to determine the outline of the wetlands under the gravel cover. Enclosed herewith is a plan exhibit that outlines the corrective measures that are required to take place and that were reviewed and approved by MDE. A supplement e-mail from MDE that spells out the restoration requirements is also enclosed herewith.

On our enclosed plan exhibit, we are delineating 4 focus areas that had disturbance occurred or will require disturbance in order to comply with the required restoration activities of the wetlands and stream that pertain to this alternative compliance request are:

AREA 1:

Due to the vertical realignment of Montevideo Road the existing asphalt entrance was shifted to the north and constructed by Howard County. The timber retaining wall that was constructed by our Client intended to protect and stabilize the access between the existing car port on the side of the front building and a non-stable slope facing the stream. A 25-26 feet stable gravel area allows for safe access to the rear of the property. The timber retaining wall keeps this access from eroding and stable.

AREA 2:

The area defined on the exhibit as a wetland restoration area will require removal of the existing gravel and re-establishing wetland vegetation within the defined limits. In addition the off-site wetlands restoration area is also defined as a forest conservation retention area under F-17-034 plat #24068 and SDP-16-064. Therefore trees will be planted offsite to restore the area to a forest.

AREA 3:

Per MDE's direction, the existing 24" HDPE pipe segments on both sides of the "pre-existing" 24" RCP pipe will be removed and a vegetated open channel will be established to replicate the stream channel.

AREA 4:

Existing gravel within the 50 foot stream bank buffer will be removed and re-vegetated with seed and mulch.

On behalf of our Client we are requesting an alternative compliance from section 16.115. (c). (2) to permit minimal disturbances in the floodplain for the purposes of removing an existing 24" HDPE pipe and restoring an open stream channel and stable outfall.

Permitting this alternative compliance request will allow to restore a piped stream and revert it to open channel flow as directed by MDE.

An alternative compliance from section 16.116. (a) is requested to:

1. Allow keeping an under 3 feet high timber retaining wall and gravel access to the rear of the property. The width of the gravel access drive between the retaining wall and corner of the existing carport is approximately 25' wide. Per design manual volume III 24' is the minimum width of a commercial access driveway. The physical location of

the driveway is dictated by the location of the existing entrance that was shifted to its current location due to the vertical realignment of Montevideo Road and constructed by Howard County. There is no other practical location along the frontage of the property that can accommodate safe access to the property. Therefore the requested relief to allow the encroachment of the timber retaining wall and gravel drive is the minimum necessary to be able to derive safe access to the rear of the property.

2. Allow to keep the existing 100' X 20' "carport" within the wetlands and wetlands buffer. We are requesting to allow keeping the "carport" structure in its location. Since no additional structures or construction are proposed on this site, removal of the carport and relocating it to a location that is relatively flat and that can accommodate this structure will result in removal of large trees that could be saved. On behalf of our Client we are requesting that in lieu of moving the structure or parts of it, our Client creates more wetlands, to mitigate for the difference.
3. To keep the storage yard usable, on behalf of our Client, we request to allow to keep the existing gravel within the 50' stream and 25' wetland buffers. Having to remove all gravel from the 50' stream and 25' wetland buffers area will result in a non-usable storage yard. Creating a new usable, relatively flat storage yard will result in grading and trees removal that can be avoided.

Since the pre-existing stream crossing was in place and the equipment repair shop is already existing and established. On behalf of our Client we are requesting to allow the existing crossing and small portion of the repair shop be within the newly restored stream buffer. Per MDE the pre-existing crossing is allowed to stay. This crossing allows our Client reasonable access to the rest of his property and to the equipment repair shop that is an integral part of his business for maintenance of equipment. Not allowing the pre-existing crossing to remain, will deprive our Client access to usable land. Without this access/crossing, more than 3/4 of the property will not be usable.

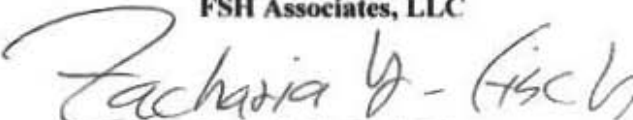
Allowing to keep the repair shop and concrete pad at their current location, and since our Client does not intend to construct additional structures on site, no additional construction activities that will trigger grading and tree removal will be required therefore minimizing on site environmental impacts.

Removal of gravel within the stream bank buffer in the rear of the property (area 4) is proposed to comply with the regulation and to reduce impervious areas.

At the site development plan stage, for stormwater management benefit we may find some additional gravel areas in the rear of the property that may be removed and replaced with vegetation.

Should you have any questions or need additional information, please let me know.

Sincerely,
FSH Associates, LLC



Zacharia Y. Fisch P.E.



2842 Stuart Drive, Falls Church, VA 22042

703-538-0992

ivis@palenciaconstructionllc.com

Re: 7461 Montevideo Road site conditions at the time of the property purchase

At the time this property was purchased the property had a building located in the front, a smaller building structure towards the rear of the property and a shed. Both buildings received upgrades such as new windows, doors, paint and new finishes, the building located at the front of the property had a deck and a fence installed, the building located at the rear had a concrete pad added to the building, and exterior upgrades. The shed was demoed. We also added an open carport to the property, this new addition is located behind the front building. There was an old stream crossing pipe that ran across the property, these pipes were rusted and falling apart so we had them replaced with new black corrugated pipes. The back of the front building had a big area of around 150 feet graveled and there was a pathway of about 12 feet wide leading to the rear building, the rear building had approximately 50 feet of gravel, the rest of the gravel we added to accommodate access to other areas of the property.

Should you have any additional question please do not hesitate in contacting us.

Sincerely,



Ivís Tapanes

Zach Fisch

From: Zach Fisch
Sent: Thursday, April 26, 2018 1:45 PM
To: Buschman, Eric; ksheubrooks@howardcountymd.gov; Boone, Julia; Edmondson, Chad
Cc: Ivis Tapanes; Walter Palencia
Subject: 7461 Montevideo road.

Minutes of meeting:

Meeting date: 4/26/2018

Meeting Time : 11:00

Attendees : 1.Kent Sheubrooks , chief , Division of land Development (DLD)
2.Chad Edmondson , chief , Development Engineering Division (DED)
3.Eric Buschman , DLD.
4.Julia Boone , DPZ , Zoning administration.
5.Ivis Tapanes , Palencia construction.
6.Walter Palencia , Palencia construction
7.Zach Fisch , FSH Associates.

On behalf of our client, Palencia construction, FSH presented a wetland and stream restoration plan that was reviewed and approved by MDE with specific planting and stream restoration requirements to be depicted on a site development plan (SDP).

The SDP will be prepared and submitted for review through the Howard county SDP review process. In the meeting we concluded that prior to submitting a complete SDP, an Alternative compliance application should be submitted . The Alternative compliance application will seek relief from the regulation to allow some environmental impacts associated with existing structures and gravel surfaces that were constructed without approved plans/permits.

Kent suggested that a meeting with the planning director be held prior to submitting the Alternative compliance application .

In addition, after the Alternative compliance and subsequently , the site development plans are prepared , FSH will file a JPA with the state to permit the stream and wetland restoration and any impacts for which relief is requested. Also, FSH will assess if in addition to wetland restoration on the adjacent property to the east, any trees need to be planted so the offsite disturbed area can continue to qualify as a forest retention area.

Should you have any questions or have any comments to this summary please let me know.

Sincerely

Zacharia Y. Fisch P.E , Principal
FSH ASSOCIATES LLC
6339 Howard Lane
Elkridge MD 21075
Tel. (410)567-5200 EXT.230
Fax.(410)796-1562
E-mail z.fisch@fsheri.com

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Zach Fisch

From: Sean McKewen -MDE- <sean.mckewen@maryland.gov>
Sent: Tuesday, April 10, 2018 10:25 AM
To: Zach Fisch
Cc: Punam Tyagi -MDE-; Steve Huber; ivis@palenciaconstructionllc.com; James Craig -MDE-; Debra Correia -MDE-; Paula Stonesifer -MDE-; Kirk, Bryan; Buschman, Eric; Boone, Julia; Allen, Sean P.; Rolls, Steve
Subject: Re: 7461 Montevideo Road (Howard County)- Inspection report 3/3/18
Follow Up Flag: Follow up
Flag Status: Flagged

Good morning and thank you for an opportunity to review the plan. We've a few comments relative to nontidal wetlands.

1. The area indicated in red as the wetland restoration area is acceptable. The limits look correct to us.
2. We will need to see a planting plan listing the species and number of trees/shrubs. The plan must also include an appropriate shade tolerant wet mix of emergent vegetation both for stabilization and vegetative diversity.
3. The plan suggests that the landowner wishes to apply for an authorization to leave a portion of the wetland fill by seeking an after-the-fact authorization. Before considering that proposal, we would first want to hear from the County with regard to whether they will allow the open-sided shed to remain. If the County indicates that it can be approved, then an application would have to be submitted. Be advised that there are alternatives which would have avoided all wetland impact had an application been submitted prior to construction. Explaining why none of those alternatives (specifically size, location and/or orientation) are feasible will be a tall hurdle to clear.

If you have any questions or would like to discuss the matter further, please let us know.

Sean

Sean McKewen
Western Section Chief
Nontidal Wetlands Division
Maryland Dept. of the Environment
301.689.1493
240.362.2140-cell

On Fri, Apr 6, 2018 at 2:39 PM, Zach Fisch <z.fisch@fsheri.com> wrote:

Punam,

Attached please find a pdf of the environmental restoration plan for the 7461 Montevideo road property.

Hard copies will be sent out to you by mail on Monday.

Zach Fisch

From: Punam Tyagi -MDE- <punam.tyagi@maryland.gov>
Sent: Thursday, April 19, 2018 10:35 AM
To: Sean McKewen -MDE-
Cc: Zach Fisch; Steve Huber; ivis@palenciaconstructionllc.com; James Craig -MDE-; Debra Correia -MDE-; Paula Stonesifer; Kirk, Bryan; Buschman, Eric; Boone, Julia; Allen, Sean P.; Rolls, Steve
Subject: Re: 7461 Montevideo Road (Howard County)- Inspection report 3/3/18

Follow Up Flag: Follow up
Flag Status: Flagged

Zach, in addition to Sean's comments compliance have few comments in regards to the restoration plan.

1. E& S controls and the details should be included in the restoration plan.
2. More details about the HDPE pipe that will be removed, i.e. length of the pipe and impacts of the disturbed area should be included in the drawings. Please explain how you plan to restore the impacted area.
3. During the process how you will manage the water in the stream, please explain if you plan to install water diversion/dewatering method. If yes, please provide details.
4. What equipment will be used to remove the fill and to remove the pipe from the 100 year floodplain and nontidal wetlands and waterway.
5. As mentioned by Sean we would like to have planting plan and site stabilization plan.
6. Sequence of construction for all the items should be included in the restoration plan.

Please let me know if you have any questions.

Thanks
Punam Tyagi -ECS IV
WSA/Compliance Program, Western Division
91 Eastern Blvd.
Hagerstown, MD 21740
office: (301) 665-2893
Fax: (301) 665-2848

On Tue, Apr 10, 2018, 10:25 AM Sean McKewen -MDE- <sean.mckewen@maryland.gov> wrote:
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Should you have any questions please let me or Steve Huber know.

Thank you.

Zacharia Y. Fisch P.E., Principal

FSH ASSOCIATES LLC

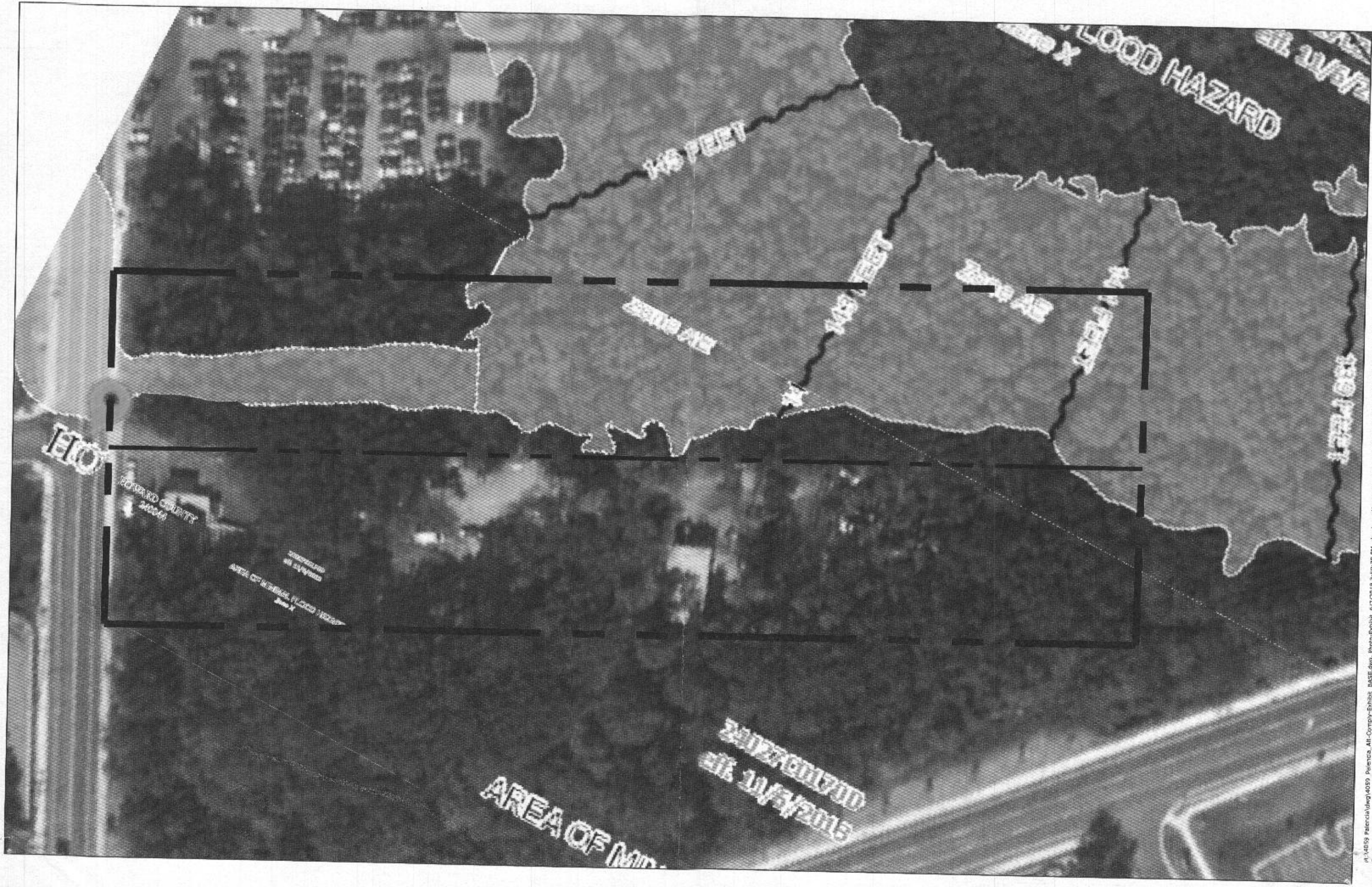
6339 Howard Lane

Elkridge MD 21075

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Fax.(410)796-1562

E-mail z.fisch@fsheri.com



TECO

FORWARD COUNTY
240044

UNDESIGNED
AREA OF HAZARDOUS FLOOD HAZARD
Zone X

145 FEET

140 FEET

140 FEET

135 FEET

135 FEET

FLOOD HAZARD

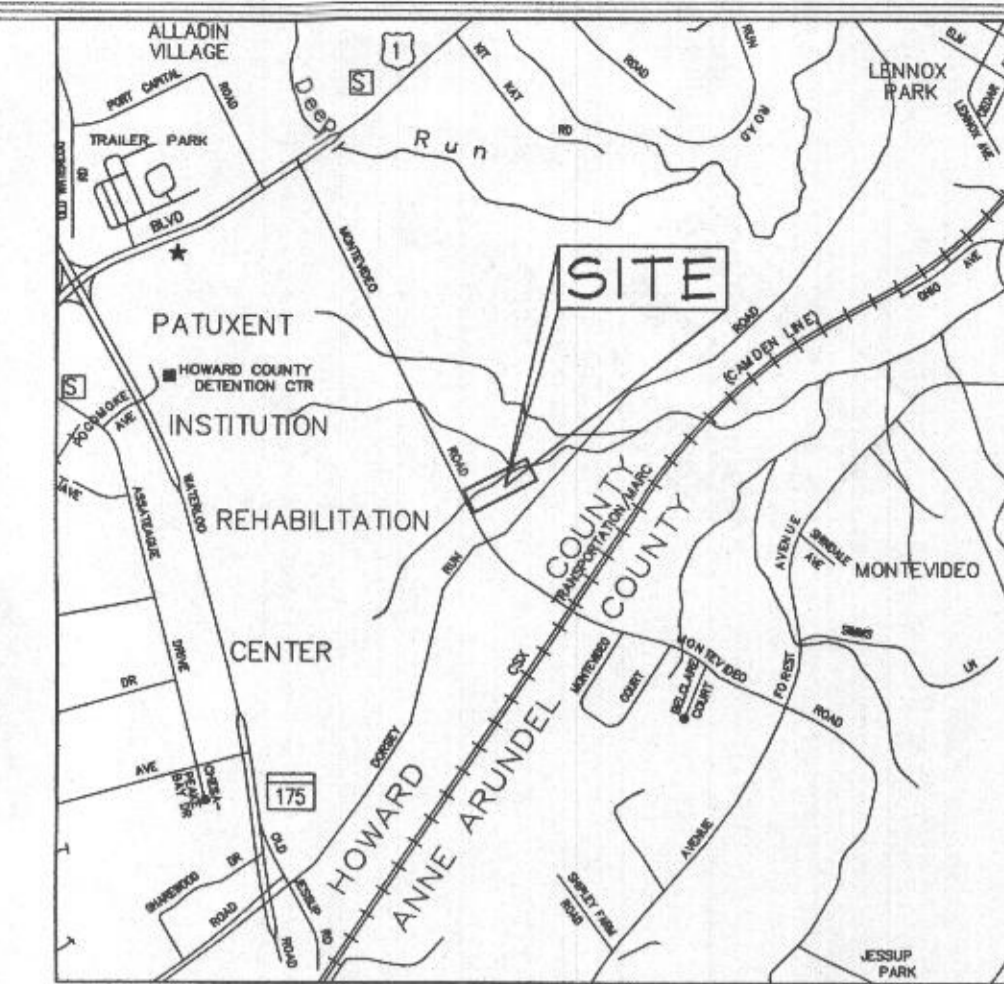
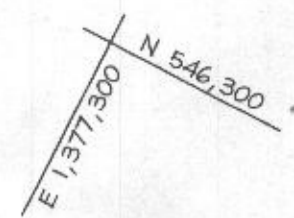
130 FEET

AREA OF NO FLOOD HAZARD

2407201710
01/11/2013

LEGEND

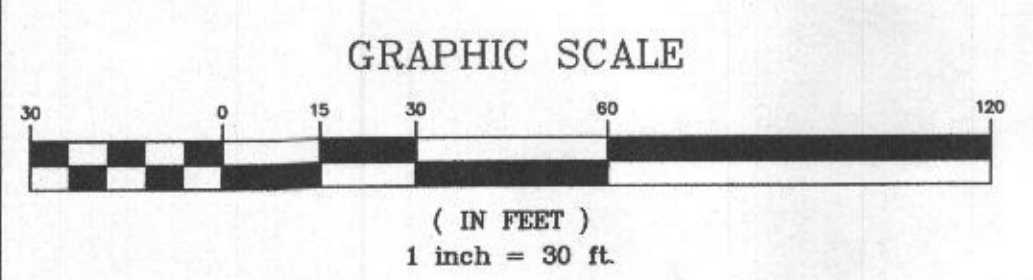
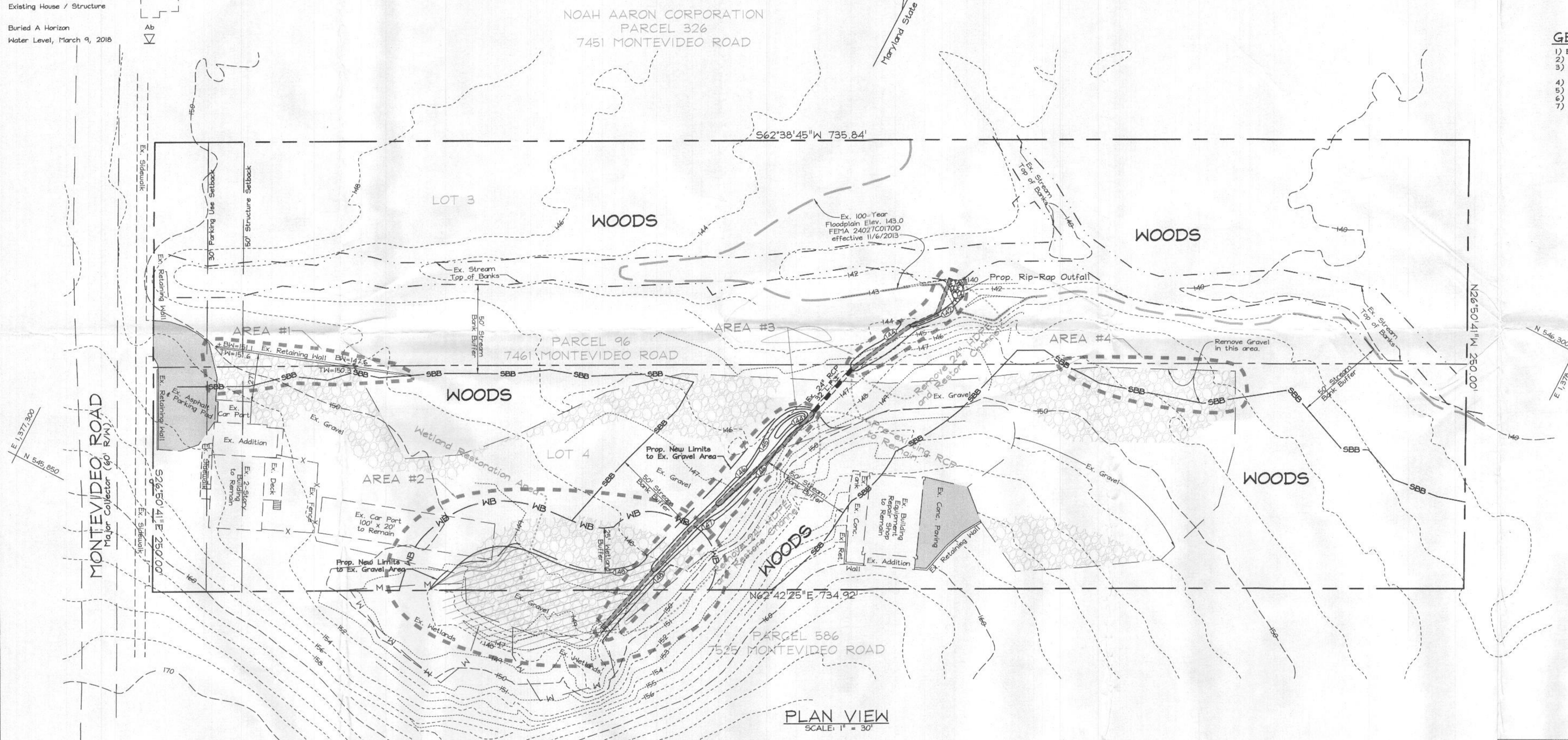
- Existing Contour 10' Interval ----- 150
- Existing Contour 2' Interval ----- 148
- Existing Contour 1' Interval ----- 147
- Proposed Contour ----- 146
- Proposed Contour, after-the-fact permit ----- 145
- Property Boundary -----
- Stream Bank Buffer ----- SBB
- Ex. Stream Banks -----
- Ex. Wetlands ----- W W
- Wetlands Buffer ----- WB WB
- Ex. 100-Year Floodplain -----
- Existing Fence Line ----- X X
- Existing Retaining Wall -----
- Test Pit ----- TP4
- Ex. Pipe to be Removed -----
- Ex. Pipe to be Remain -----
- Prop. Wetland Restoration Area -----
- Existing Gravel -----
- Existing House / Structure -----
- Buried A Horizon ----- Ab
- Water Level, March 9, 2018 -----



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES

- 1) BEARING AND DISTANCE OBTAINED FROM LIBER 14389 FOLIO 429/430
- 2) TAX MAP 43 PARCEL 96
- 3) PLAT No. J-41485-04, CAPITAL PROJECT No. J-4148B AND PLAT BOOK 5, PAGE 25.
- 4) FIELD WORK COMPLETED ON 12/26/17 AND MARCH 2018.
- 5) AREA OF PROPERTY = 3.3 ac±
- 6) PROPERTY ZONED: M-2
- 7) THE SITE IS WOODED EXCEPT AREAS THAT ARE BUILT-ON, AND THAT ARE IN GRAVEL. THERE ARE SOME GRAVEL AREAS THAT ALSO CONTAIN EXISTING TREES.



ALTERNATIVE COMPLIANCE EXHIBIT
7461 MONTEVIDEO RD
 LOTS 3 & 4; PLAT BOOK 5, PAGE 25
 TAX MAP 43 GRID 16 PARCEL 96
 HOWARD COUNTY, MARYLAND

<p>OWNER/DEVELOPER 7461 MonteVIDEO Road, LLC 7461 MonteVIDEO Road c/o Ivis Tapanes 2842 Stuart Drive Falls Church, VA 22042 Tel: 703-538-0992</p>	<p>FSH Associates Engineers Planners Surveyors 6339 Howard Lane, Elkridge, MD 21075 Tel: 410-567-5200 Fax: 410-796-1562 E-mail: info@fsheri.com</p>
<p>DESIGN BY: SLH DRAWN BY: CRH2 CHECKED BY: ZYF SCALE: 1" = 30' DATE: 6-7-18 H.O. No.: 4059 SHEET No.: 1 OF 1</p>	

Drawing file: \\V:\088\PALENCIA\Drawings\0889_PALENCIA_JIT-COOPER-EDMIST-2182.dwg
 Plotted by: Charles H. Hays at 06/07/2018

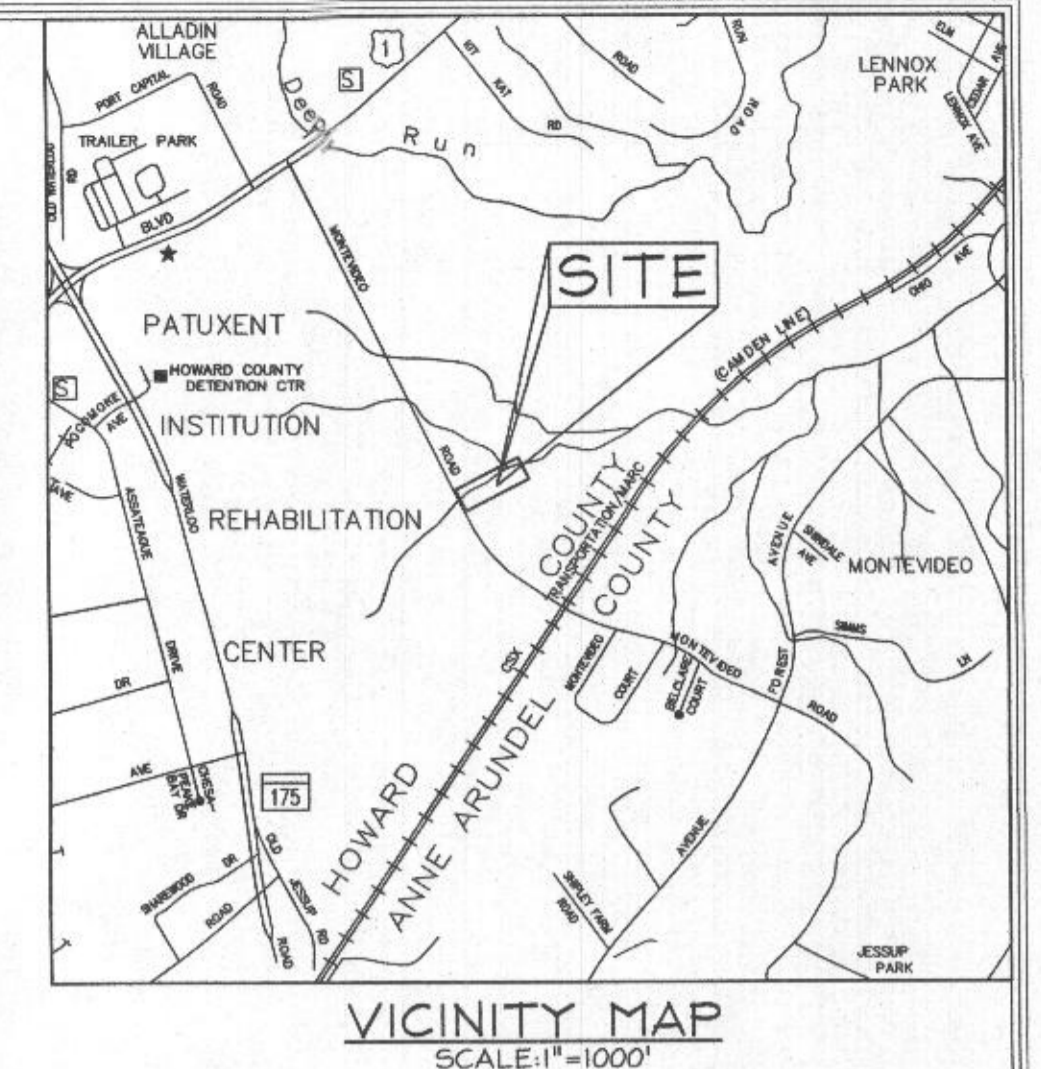
LEGEND

- Existing Contour 10' Interval ----- 150
- Existing Contour 2' Interval ----- 148
- Existing Contour 1' Interval ----- 147
- Proposed Contour ----- 146
- Proposed Contour, after-the-fact permit ----- 145
- Property Boundary -----
- Stream Bank Buffer ----- SBB
- Ex. Stream Banks -----
- Ex. Wetlands ----- W
- Ex. 100-Year Floodplain -----
- Existing Fence Line ----- X
- Existing Retaining Wall -----
- Test Pit ----- TP4
- Ex. Pipe to be Removed -----
- Prop. Wetland Restoration Area -----
- Existing Gravel -----
- Existing House / Structure -----
- Buried A Horizon ----- Ab
- Water Level, March 9, 2018 -----

N 546,300
E 1,377,300

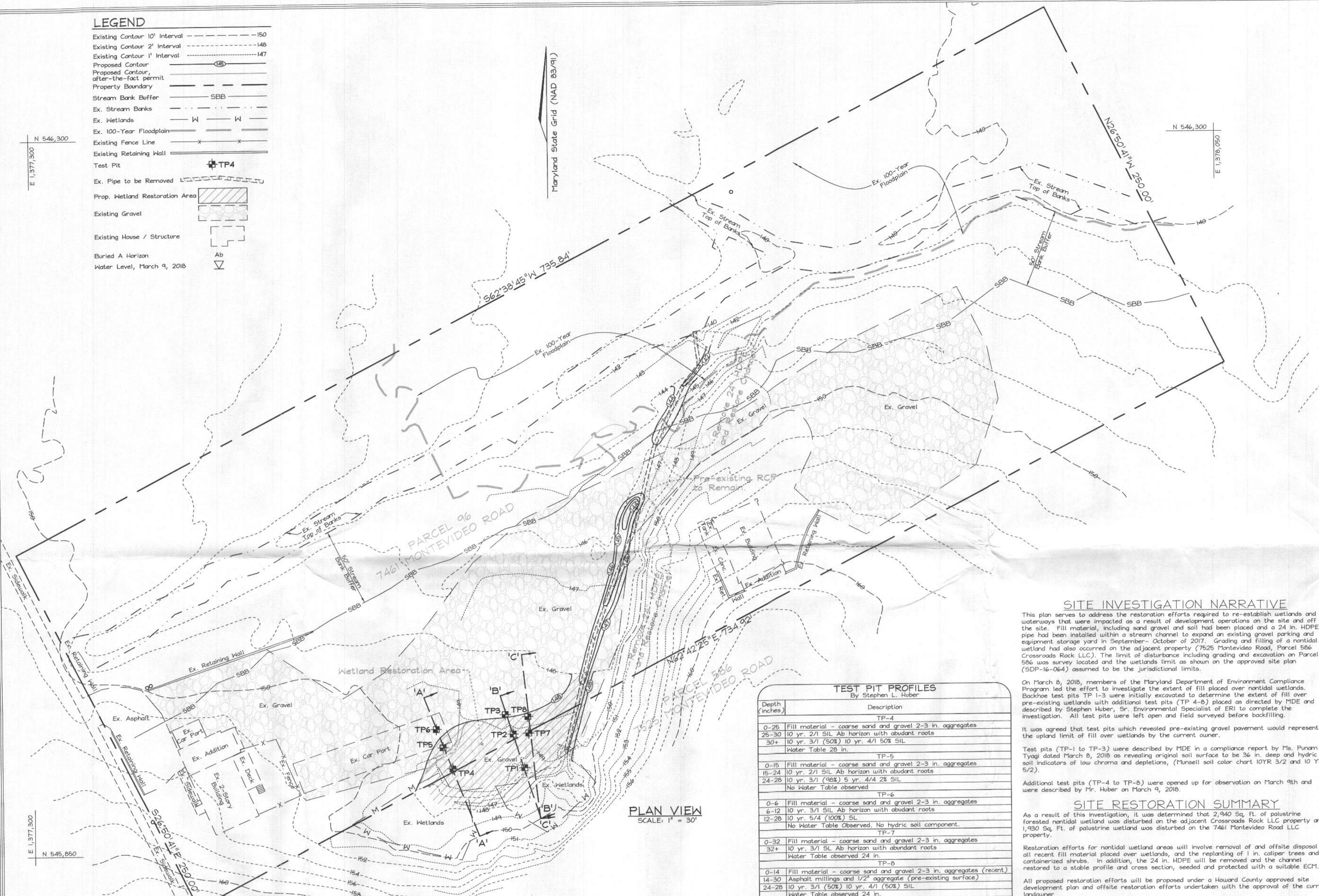
Maryland State Grid (NAD 83/11)

N 546,300
E 1,376,050



GENERAL NOTES

- 1) A BOUNDARY SURVEY WAS NOT PERFORMED.
- 2) BEARING AND DISTANCE OBTAINED FROM LIBER 1439 FOLIO 424/430
- 3) TAX MAP 43 PARCEL 96
- 4) PLAT No. J-4148B-04, CAPITAL PROJECT No. J-4148B
- 5) FIELD WORK COMPLETED ON 12/26/17 AND MARCH 2018.



TEST PIT PROFILES
By Stephen L. Huber

Depth (inches)	Description
TP-4	
0-25	Fill material - coarse sand and gravel 2-3 in. aggregates
25-30	10 yr. 2/1 SIL. Ab horizon with abundant roots
30+	10 yr. 3/1 (50%) 10 yr. 4/1 50% SIL.
Water Table 28 in.	
TP-5	
0-15	Fill material - coarse sand and gravel 2-3 in. aggregates
15-24	10 yr. 2/1 SIL. Ab horizon with abundant roots
24-28	10 yr. 5/4 (100%) SL
No Water Table observed	
TP-6	
0-6	Fill material - coarse sand and gravel 2-3 in. aggregates
6-12	10 yr. 3/1 SIL. Ab horizon with abundant roots
12-28	10 yr. 5/4 (100%) SL
No Water Table Observed. No hydric soil component.	
TP-7	
0-32	Fill material - coarse sand and gravel 2-3 in. aggregates
32+	10 yr. 3/1 SL. Ab horizon with abundant roots
Water Table observed 24 in.	
TP-8	
0-14	Fill material - coarse sand and gravel 2-3 in. aggregates (recent)
14-30	Asphalt millings and 1/2" aggregate (pre-existing surface)
24-28	10 yr. 3/1 (50%) 10 yr. 4/1 (50%) SIL.
Water Table observed 24 in.	

SITE INVESTIGATION NARRATIVE

This plan serves to address the restoration efforts required to re-establish wetlands and waterways that were impacted as a result of development operations on the site and off the site. Fill material, including sand gravel and soil had been placed and a 24 in. HDPE pipe had been installed within a stream channel to expand an existing gravel parking and equipment storage yard in September - October of 2017. Grading and filling of a nontidal wetland had also occurred on the adjacent property (7525 Montevideo Road, Parcel 586 Crossroads Rock LLC). The limit of disturbance including grading and excavation on Parcel 586 was surveyed located and the wetlands limit as shown on the approved site plan (SDP-16-064) assumed to be the jurisdictional limits.

On March 8, 2018, members of the Maryland Department of Environment Compliance Program led the effort to investigate the extent of fill placed over nontidal wetlands. Backhoe test pits TP 1-3 were initially excavated to determine the extent of fill over pre-existing wetlands with additional test pits (TP 4-8) placed as directed by MDE and described by Stephen Huber, Sr. Environmental Specialist of ERI to complete the investigation. All test pits were left open and field surveyed before backfilling.

It was agreed that test pits which revealed pre-existing gravel pavement would represent the upland limit of fill over wetlands by the current owner.

Test pits (TP-1 to TP-3) were described by MDE in a compliance report by Ms. Punam Tyagi dated March 8, 2018 as revealing original soil surface to be 36 in. deep and hydric soil indicators of low chroma and depletions, (Munsell soil color chart 10YR 3/2 and 10 YR 5/2).

Additional test pits (TP-4 to TP-8) were opened up for observation on March 9th and were described by Mr. Huber on March 9, 2018.

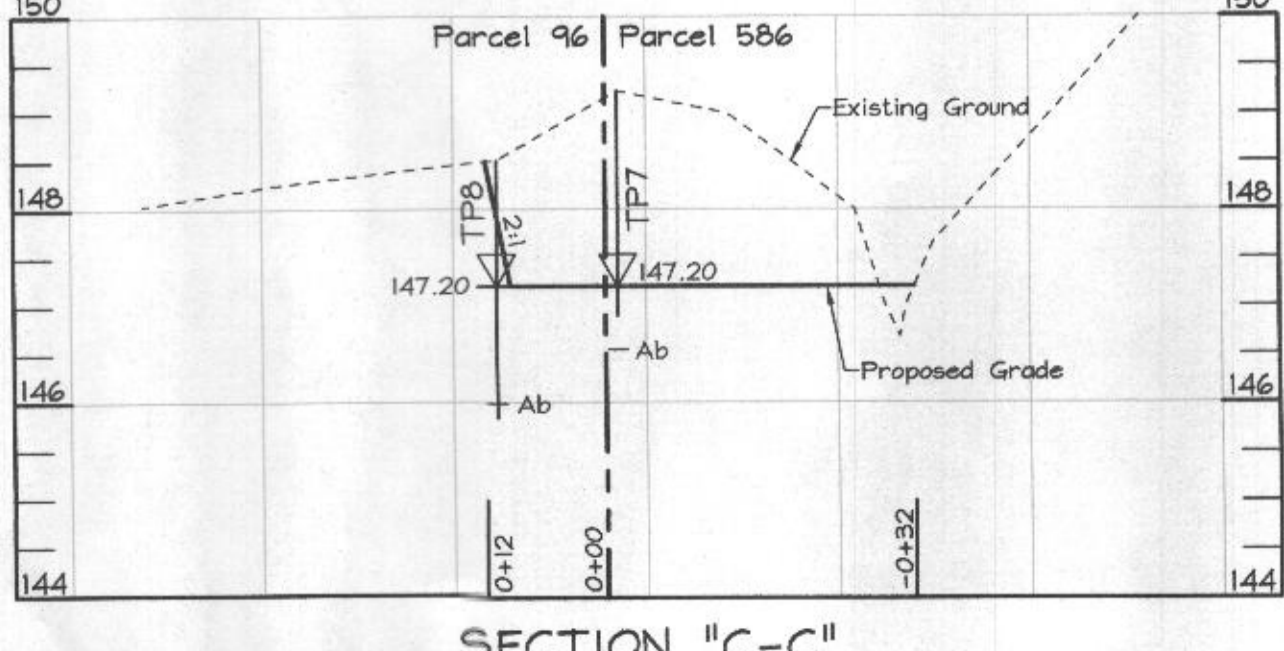
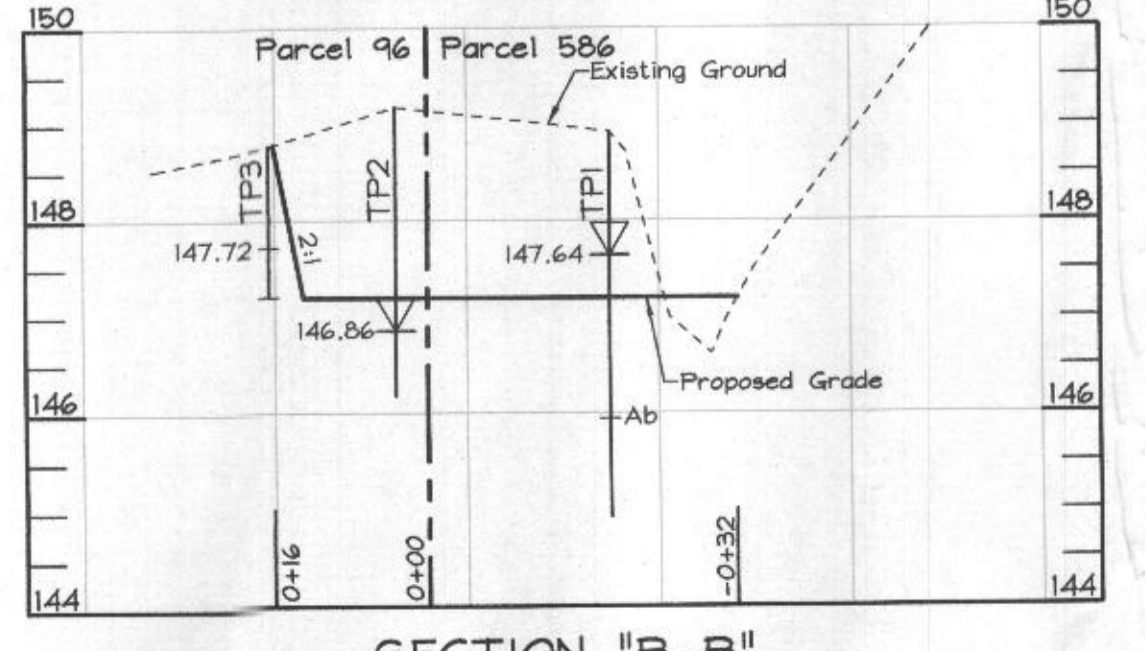
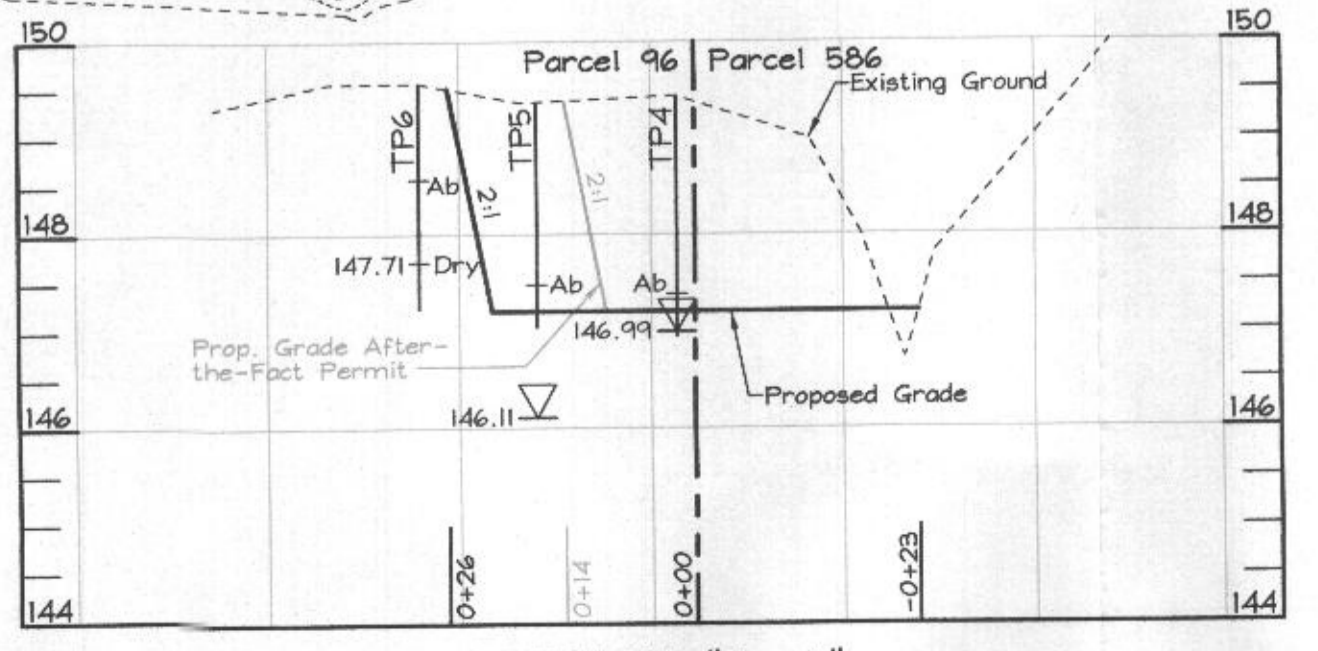
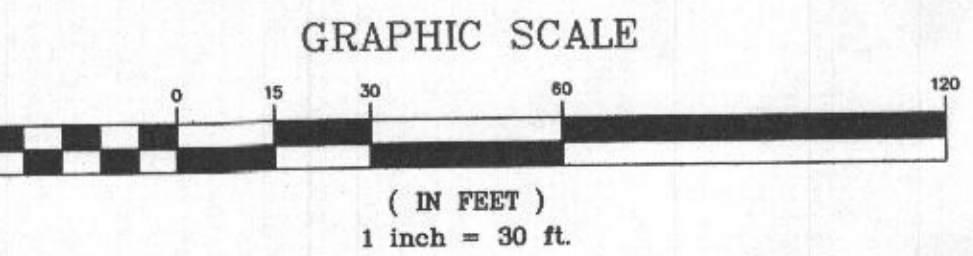
SITE RESTORATION SUMMARY

As a result of this investigation, it was determined that 2,940 Sq. Ft. of palustrine forested nontidal wetland was disturbed on the adjacent Crossroads Rock LLC property and 1,930 Sq. Ft. of palustrine wetland was disturbed on the 7461 Montevideo Road LLC property.

Restoration efforts for nontidal wetland areas will involve removal of and offsite disposal of all recent fill material placed over wetlands, and the replanting of 1 in. caliper trees and containerized shrubs. In addition, the 24 in. HDPE will be removed and the channel restored to a stable profile and cross section, seeded and protected with a suitable ECT.

All proposed restoration efforts will be proposed under a Howard County approved site development plan and offsite restoration efforts undertaken with the approval of the current landowner.

OWNER/DEVELOPER
7461 Montevideo Road, LLC
7461 Montevideo Road
c/o Ivis Tapanes
2842 Stuart Drive
Falls Church, VA 22042
Tel: 703-538-0912



ENVIRONMENTAL RESTORATION PLAN
7461 MONTEVIDEO RD
TAX MAP 43 GRID 16 PARCEL 96
HOWARD COUNTY, MARYLAND

FSH Associates
Engineers Planners Surveyors
6339 Howard Lane, Elkridge, MD 21075
Tel: 410-567-5200 Fax: 410-798-1562
E-mail: info@fsh.net

DESIGN BY: SLH
DRAWN BY: CRH2
CHECKED BY: ZYF
SCALE: PLAN: 1" = 30'
DATE: 4-6-18
W.O. No.: 4059
SHEET No.: 1 OF 1

Drawing file: M:\059 PALENCIA\DWG\059_PALENCIA_ENVIRO-RESTORATION_PLAN_BASE.DWG Plotted by: Charis Hopton on 03/09/2018