

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: June 12, 2018

DPZ File No. WP-18-136

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: Attached

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: Dorsey's Ridge

ENCLOSED FOR YOUR = Signature Approval [] Review & Comments [x] Files []

THE ENCLOSED = Original [] Pre-Packaged Plan Set [x]

Table with 2 columns: Plans, # of Plans. Lists items like Sketch Plan, Prel Equiv Sketch Plan, Preliminary Plan, etc.

Table with 2 columns: Supplemental Documents. Lists items like Wetlands Report, Soils/Topo Map/Drain Area Map, FSD/FCP/Worksheet and Application, etc.

Applications

Table with 2 columns: Applications, # of Plans. Lists items like Alternative Compliance Application, Planning Board Application, ASDP/CSDP Application, etc.

WAS: [x] Received [] Tentatively Approved [] Recorded
[] Received and Revised [] Approved On June 12, 2018

COMMENTS: _____ 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: JS

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 6/12/18 DPZ File Number WP-18-136

I. Site Description

Subdivision Name/Property Identification: Dorsey's Ridge

Location of property: 3952, 3956, & 3960 Cooks Lane
 (Street Address and/or Road Name)

Residential & Commercial Greenhouse/Warehouse
 (Existing Use)

Residential
 (Proposed Use)

24
 (Tax Map No.)

18
 (Grid/Block No.)

260
 (Parcel No.)

Second
 (Election District)

CEF-R
 (Zoning District)

10.90 acres
 (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.)

S-17-006; ECP-17-034; ZB1106M; F-09-074; F-05-129; F-89-158; P-89-40; S-89-14; WP-17-084; WP-18-038

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.

<u>Section Reference No.</u>	<u>Summary of Regulation</u>
1. <u>16.1205(a)(7)</u>	<u>Forest Retention Priorities - Retention of Specimen Trees</u>
2. <u>16.144(g)</u>	<u>Submission of Preliminary Plan</u>
3. _____	_____
4. _____	_____
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:	<input checked="" type="checkbox"/> Information Provided	<input checked="" type="checkbox"/> Information Not Provided, Justification Attached
	<input type="checkbox"/> Not Applicable	

- 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

- N/A 10. 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.
- N/A 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).
- N/A 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 February 9, 2017 with _____ [date] _____, if applicable.
Val Lazdins, Kent Sheubrooks, and Chad Edmondson
 [DPZ, Director, DLD Division Chief or other SRC representatives]

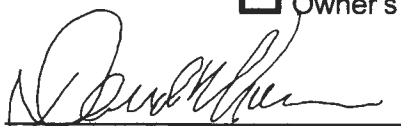
VI. **Fees**

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**

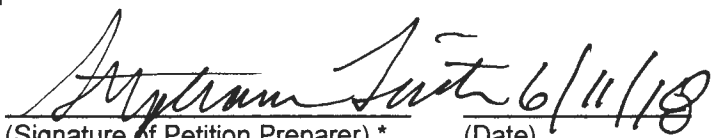
I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to provide an alternative compliance request of the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information 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 of Property Owner)
(Fee Simple Owner Only)

6/11/18
(Date)



(Signature of Petition Preparer) *

6/11/18
(Date)

Dorsey's Ridge LLC

(Name of Property Owner)

308 Magothy Road

(Address)

Severna Park, Maryland 21146

(City, State, Zip Code)

E-Mail dwoessner@bohlereng.com

410-461-0837

(Telephone)

(Fax)

Contact Person:

Dave Woessner

Fisher, Collins & Carter, Inc.

(Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer)

10272 Baltimore National Pike

Address)

Ellicott City, Maryland 21042

(City, State, Zip Code)

E-Mail stephanie@fcc-eng.com

410-461-2855

(Telephone)

410-750 -3784

(Fax)

Contact Person:

Stephanie Tuite

Howard County Department of Planning and Zoning
Division of Land Development

INITIAL SUBMISSION
ALTERNATIVE COMPLIANCE WORKSHEET
(For DPZ Use Only)

Project Name Dorsey's Ridge 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 _____

Dorsey's Ridge
Alternative Compliance Justification

On behalf of our client, Dorsey's Ridge LLC, developer of the property at 3952, 3956, & 3960 Cooks Lane, Ellicott City, Maryland, 21043, we are requesting alternative compliance to the following Section of the Howard County Subdivision and Land Development Regulations (Regulations):

Section 16.144(g) Submission of Preliminary Plan.

If the sketch plan is approved or approved with modifications, the developer shall submit to the Department of Planning and Zoning a preliminary plan.

This Alternative Compliance is again being requested due to the fact that the May 1, 2018 deadline under WP-18-038 has lapsed and we are seeking to reactivate the previous approval. This reactivation is requested for the following reasons:

Final Plans were uploaded plans into PDox under F-18-068 and a Correction Request was received on March 15, 2018. At that time, a Preliminary Water and Sewer Plan was requested before the Final Subdivision Plans would be accepted for review. It was assumed that the Alternative Compliance under WP-18-038 included the Preliminary Water and Sewer and not just Preliminary Subdivision Plan. On March 19, 2018, Preliminary Water and Sewer Plans were submitted. Preliminary Water & Sewer comments were received on May 3, 2018. Based on the Preliminary Water and Sewer comments, Final Plans were revised, and the revised Final Plan upload was completed on June 1, 2018. At the time, it was not realized that the deadline set by the WP-18-038 Alternative Compliance had passed on May 1, 2018. An actual deadline date was not within the letter, only a reference to submission of the final plans within 6 months, which did not make it more obvious. This request is being made since an attempt was made to submit the plans well before the deadline, but as stated, it was not realized that the Preliminary Water and Sewer Plan was still required, and comments were not received till after the May 1st deadline had passed. Also, this plan will reduce existing runoff by 17 percent for the 100-year storm, and therefore will provide additional protection downstream. Advancing this plan to allow Final Construction Plans to be submitted will allow the flood protection to be built sooner. **Please see previous justification for the Alternative Compliance below:**

As stated under WP-18-038, Dorsey's Ridge is a subdivision of fifty-six (56) buildable lots located at the end of Cooks Lane, a local road. Environmental Concept Plans (ECP-17-034) have been approved on July 20, 2017 and Sketch Plan (S-17-006) originals received signature approval on June 7, 2017 which granted housing allocations. Project did fail the schools test at that time, but does have 5 units by right even though the 52 granted unit allocations that will be on hold until passing school test. There are 55 single family attached units proposed along with two apartments in the historic Pue-Fulton House on Lot 56.

Justification for alternative compliance to **Section 16.144(g)** is as follows:

- a. **“Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.”**

By granting alternative compliance to submission of a Preliminary Plan and allowing this project to proceed to the Final Plan stage, DPZ will have more

Dorsey's Ridge Alternative Compliance Justification (continued)

detailed information with which to evaluate the proposed subdivision design and details or make a more complete and comprehensive assessment of the development proposal. The Environmental Concept Plan and Sketch Plans that have been approved provided a high level of detail for grading as well as stormwater management design. Essentially a preliminary plan level of review was conducted with the detailed design provided at these prior plan stages.

b. “Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.”

As mentioned above, alternative compliance to allow the project to proceed to Final Plan and skip the Preliminary Plan stage will not require submission of more detailed information with which to evaluate the proposed subdivision design details nor will a more complete or comprehensive assessment of the development proposal be required than that provided with a final plan review. Since the public roads proposed were submitted in preliminary form with the sketch plan, no significant redesign of the lots and roadways will result from additional reviews, the regulations will not be served to a greater extent by requiring submission of a preliminary plan.

c. “Substantiate that approval of the alternative compliance will not be detrimental to the public interests.”

Approval of this alternative compliance will not be detrimental to the public interests because the lots will be developed in accordance with current zoning Regulations and the proposed roads and alleys will conform to the intersection and safety criterion set forth in the Howard County Design Manual, Volume III “Roads and Bridges”. Please note that the standard Tee Turn-around has been provided in accordance with Howard County Detail R-5.05 and the required 10-foot setback to a public water & utility easement has also been provided.

d. “Confirm that approval of the alternative compliance will not nullify the intent of the Regulations.”

Approval of this alternative compliance request will not nullify the intent of the Regulations because the new subdivision plans and plat will be in compliance with all other current Subdivision and Land Development and Zoning Regulations not already granted alternative compliance under this or prior requests.

Dorsey's Ridge Alternative Compliance Justification (continued)

WO #15000-3001

Dorsey's Ridge
Alternative Compliance Justification

On behalf of our client, Dorsey's Ridge, LLC, owner of the property known as Dorsey's Ridge at 3952, 3956, & 3960 Cooks Lane, Ellicott City, Maryland, 210346 we are requesting alternative compliance to the following Section of the Howard County Subdivision and Land Development Regulations (Regulations):

Section 16.1205(a)(7) Forest Retention Priorities.

(a) **On-site Forest Retention:** The following vegetation and specific areas are considered priority for on-site retention and protection in the County. Subdivision, site development and grading shall leave this vegetation and specific area in an undisturbed condition unless demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered or that forest planting in an alternate location would have greater environmental benefit:

- (7) State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger.

Dorsey's Ridge is a subdivision of fifty-six (56) buildable lots located at the end of Cooks Lane, a local road. There are sixteen (16) specimen trees on-site, two (2) of which were approved to be removed under WP-17-084, and one (1) is now proposed to be removed. See locations shown on Alternative Compliance Exhibit.

Specimen Tree Descriptions are as follows:

Key	Species, Size (dBH)	Comments	Status
1	Red Oak, 38"		To Remain
2	Red Oak, 35"		To Remain
3	Tulip Poplar., 34"		To Remain
4	Black Oak, .35"	Fair, Limb dieback noted	To Remain
5	American Beech, 30"		To Remain
6	Black Walnut, 34"		To Remain
7	Tulip Poplar, 35"	Twin stems above breast height	To Remain
*8	Tulip Poplar, 34"		To Be Removed
9	Black Oak, 35"		To Remain
10	White Oak, 31"		Approved To Be Removed
11	Tulip Poplar, 52"	Fair, limb dieback and heavy vine cover	Approved To Be Removed
12	American Beech, 34"		To Remain
13	White Oak, 49.5"		To Remain
14	White Oak, 41"	Fair, heavily trimmed	To Remain
15	White Oak, 36"		To Remain
16	White Oak, 49"		To Remain

Specimen Trees #10 and #11 were approved to be removed under WP-17-084. Specimen Tree #8 is proposed to be removed for construction of the proposed pond to treat the 100 year storm. The

Dorsey's Ridge Alternative Compliance Justification (continued)

existing specimen trees are spread throughout the site and #8 is near the bottom of the on-site slopes (15% or greater) in the area in close proximity to the BGE right of way.

Justification for Alternative Compliance to Section 16.1205 Forest Retention Priorities is as follows:

a. “Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.”

As stated above, there are sixteen (16) specimen trees on-site. The one (1) specimen tree is proposed to be removed due to the location of several specimen trees on the forested hillside above the river. This Tulip Poplar is located in close proximity to the property line with the BGE right of way and also in close proximity to the proposed storm drain system conveying stormwater to the pond. Please refer to tree location which has been highlighted on Alternative Compliance Exhibit.

This subdivision being located within the Tiber Run Watershed within Ellicott City, 100 year stormwater management is required. The tree is proposed to be removed in lieu of disturbances to the stream buffer and floodplain. It is felt this is justified for the following reasons:

1. The subdivision plans approved through the zoning process and the Sketch Plan both anticipated the need for a 100 year facility to be located approximately in the proposed location.
2. The tree removal avoids impacts to steep slopes over 20,000 sq.ft., floodplain, wetlands, streams and stream & wetland buffers.
3. The proposed facility has been designed to over management by 17%. This over-management of the 100-year storm event will reduce impacts normally associated with these storm events, resulting in what we feel is mitigation of the disturbance which results in removal of the specimen tree.
4. Being that the proposed development is located at the top of a slope that is mostly between 10% and 25% slopes with some 25% or greater slopes, the outfall from the facility is to be located on slopes less than 10% slope requires our outfall to extend into this area.
5. Since there is a high steep slope, the facility is best located at the bottom of the slope to reduce the potential for the dam of the pond to slip, which would likely happen if it were placed higher on the slope, therefore it has been placed at the bottom of the hill.
6. The existing county sewer easement lies between the proposed pond and the existing stream which is proposed for access to the pond.

Should the Regulations be strictly enforced, it would create a hardship and practical difficulty for the developer should this tree remain, especially since the tree's removal is proposed in lieu of other environmental disturbances.

b. “Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.”

The intent of these Forest Retention Priorities is that large good quality native trees be a priority to be retained but gives leeway for them to be removed. In the case of this site, thirteen of the sixteen existing specimen trees will remain along with 1.69 acres of forest which is proposed to be retained in a public forest conservation easement. Also, as stated above, this tree's removal is in lieu of other environmental disturbances.

Dorsey's Ridge Alternative Compliance Justification (continued)

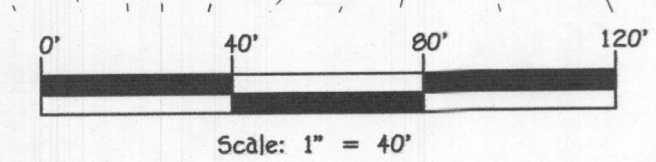
c. “Substantiate that approval of the alternative compliance will not be detrimental to the public interests.”

Sixteen (16) specimen trees exist on this site, thirteen (13) of which will remain. The tree proposed to be removed is internal to the site among the existing forest so is not individually visible to the neighboring properties due to the other existing site trees which are proposed to remain and be placed in easement. The forest conservation easement will be used in part to meet the site's forest conservation requirements. For these reasons mentioned above, it would not be detrimental to the public interest to remove this additional tree. Alternative Compliance Exhibit has been provided to aide in the review of this Alternative Compliance. By making reasonable effort to retain other site forest and trees as well as the thirteen (13) other specimen trees, it is felt the removal of this specimen tree on-site will be mitigated. As such, approval of this alternative compliance should not be seen as detrimental to the public interests.

d. “Confirm that approval of the alternative compliance will not nullify the intent of the Regulations.”

The removal of the referenced Specimen Tree on this site is particular to the development on this property which is limited by its site conditions, so it should not be seen as a nullification of the intent of the Regulations.

W.O. 15000-3001



FISHER, COLLINS & CARTER, INC.
 CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
 CENTENNIAL SQUARE OFFICE PARK - 10272 BALTIMORE NATIONAL PIKE
 ELLICOTT CITY, MARYLAND 21114
 (410) 461-2995

OWNER/DEVELOPER
 DORSEY'S RIDGE, LLC
 C/O DAVE WOESSNER
 308 MAGOTHY ROAD
 SEVERNA PARK, MD 21146
 410-461-0837

ALTERNATIVE COMPLIANCE EXHIBIT
DORSEY'S RIDGE
 LOTS 1 THRU 56 AND
 OPEN SPACE LOTS 57 THRU 59
 A RESUBDIVISION OF "WILHIDE PROPERTY, LOT 1, 2 & 3", PLAT No. 10442
 ECP-17-034, ZB1106M, S-09-14, P-09-40, F-09-150, F-05-129,
 WP-17-004, S-17-006 & WP-18-030
 ZONED: CEF
 TAX MAP NO.: 24 GRID NO.: 10 PARCEL NO.: 260 LOTS: 1 thru 3
 SECOND ELECTION DISTRICT HOWARD COUNTY, MARYLAND
 SCALE: AS SHOWN DATE: JUNE, 2010
 SHEET 1 OF 1