

## Silvast, Zackary

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**From:** Silvast, Zackary  
**Sent:** Wednesday, November 15, 2023 2:07 PM  
**To:** 'Luke Groom'  
**Cc:** Paul Cavanaugh  
**Subject:** regarding 11079 Gaither Farm Road (Gaither Farm - Lot 15)

To Whom It May Concern,

I have the following revision comments for this OSDS plan before we can approve. Please see down below.

1. **We cannot have trench inverts lower than 4' please correct.**
2. **Correct trench detail based on 4' inverts (if that is decided) & also provide better labeling of trench detail.**
3. **Something is not right about the top of septic tank elevation and invert in. Seems too low.**
4. **I checked all the math for trench calculations and that looked good.**

We look forward to your corrections and resubmittal. Thank you.

- ZS

**Zack Silvast (LEHS)**

*Plan Review Supervisor - Water & Sewer Division*

*410-313-1777*

Environmental Health Bureau  
Howard County Health Department



## Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

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[www.hchealth.org](http://www.hchealth.org)

Facebook: [www.facebook.com/hocohealth](https://www.facebook.com/hocohealth)


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

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### MEMORANDUM

TO: Jill Manion  
Division of Land Development

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

DATE: January 16, 2020

RE: WP-20-066 Gaither Farm

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

1. The proposed sewage disposal area shown on the exhibit does not match the approved sewage disposal area on the plat.
2. A perc certification must be submitted and approved by the Health Department prior to any potential Health approval of a plat or building permit

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 1/6/20 DPZ File Number W-20-066

**I. Site Description**

Subdivision Name/Property Identification: Gaither Farm - Lot 15  
 Location of property: 11079 Ellicott City, Md 21042  
 (Street Address and/or Road Name)

Residential - SFD (Existing Use)	Residential - SFD (Proposed Use)
29 (Tax Map No.)	10 (Grid/Block No.)
RC-DEO (Zoning District)	4.25 Ac+/- (Total Site Area)
	1 (Parcel No.)
	Third (Election District)

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.)  
 P-86-010, F86-061, Plat #6611

**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. 16.120(b)(4)	(iii) Not being encumbered by environmentally sensitive features: (b) For a lot or buildable preservation parcel of ten acres or greater
2.	in size, floodplains, wetlands, streams, their buffers, and forest
3.	conservation easements for afforestation, reforestation, or
4.	retention may be located on the lot or parcel if the building
5.	is no closer than 35 feet from these environmental features
	provided that a deck may project ten feet beyond the building
	envelope;

### 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>	Information Provided	<u>X</u>	Information Not Provided,
	<u>NA</u>	Not Applicable		Justification Attached

- / \_\_\_ 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).
- N/A 14. Submit 2 sets of photographs for all existing on-site structures.
- / 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.
- N/A 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 \_\_\_\_\_ with \_\_\_\_\_ [date] \_\_\_\_\_, 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 \*

*Douglas Brunner*

(Signature of Property Owner)  
(Fee Simple Owner Only)

1/3/20  
(Date)

*Frank Manalansan II*

(Signature of Petition Preparer) \*

1/3/20  
(Date)

Douglas Brunner

(Name of Property Owner)

Fisher, Collins and Carter Inc.

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

1200 Stueart St. Unit 1511

(Address)

10272 Baltimore National Pike

Address)

Baltimore MD 21030

(City, State, Zip Code)

Ellicott City, MD 20142

(City, State, Zip Code)

E-Mail dougbrunner24@gmail.com

E-Mail partners@fcc-eng.com

410-963-1678

(Telephone)

(Fax)

410-461-2855

(Telephone)

(Fax)

Contact Person: Douglas Brunner

Contact Person: Frank Manalansan II, L.S.

**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 \_\_\_\_\_  
 \_\_\_\_\_

**Gaither Farm Lot 15**  
**Alternative Compliance Justification**

On behalf of our client, Douglas Brunner, owner of the property known as 11079 Gaither Farm Road located in Ellicott City, Maryland, we are requesting Alternative Compliance from the following Section of the Howard County Subdivision and Land Development Regulations (Regulations):

**Section 16.120(b)(4) Usable design. Residential lots shall be designed to be usable in terms of:**  
**(iii) Not being encumbered by environmentally sensitive features:**

(b) For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope;

The property where approval of this Alternative Compliance Application is being requested is also known as lot 15 of the Gaither Farm Subdivision (Gaither Farm F-86-061) and is zoned RC-DEO. This lot, which was created in 1986, is 4.25 acres in size and adjacent to Non-buildable Preservation Parcels encumbered by a forest conservation easement on the Riverwood subdivision (F-04-082). Stream buffers associated with a stream located within the adjoining forest conservation easement exist along the northern boundary of this property. The proposed forest conservation easement has been placed to further extend the larger forest conservation easement on the adjoining subdivision and to include the stream buffers understood to be priority planting areas. In addition, placement of this forest conservation easement will work in concert with the placement of an area of non-rooftop disconnection area. Although credit is not being taken, a sheet flow to buffer scenario is created, further enhancing stormwater management. The required Declaration of Covenants for the non-rooftop disconnection area will add a regulated buffering area to the proposed forest conservation easement.

With the benefit of the on-lot forest conservation easement, this lot will have approximately 1.7 acres of protected forest complimenting the remaining 2.55 acres of land. Although a portion of this land will have SWM underground, well and septic fields, it should be expected to be viewed by the owner as open field. The remaining area of the property, excluding setbacks and a Specimen tree will leave ample area for any future improvements (additions, pool, decks, etc.) that may be pursued by the homeowner. As this lot has no future subdivision potential, there is no incentive to encroach into or remove any forest conservation easements.

Our firm reasonably asserts that allowing the property owner to retain forest for Forest Conservation Act (FCA) credit encourages the owner to minimize their site footprint as it provides a direct economic incentive. However, not allowing retention credit to be gained onsite will ultimately result in greater negative resource impact. If the forest is not permitted to be retained for FCA credit it will have to be considered cleared and a reforestation obligation will be generated. In this scenario, there is no benefit for the property owner to minimize forest clearing and this would encourage greater direct forest clearing than is currently proposed. If the property owner is required to pay for reforestation for all of the forest on the property, the owner may clear more onsite forest to gain more usable land to increase the lot value to offset the cost of FCA compliance. This is counter to the goals of the FCA which is designed to encourage retention by providing retention credit and the calculation of a break-even point.