

Countywide Planning Division
Environmental Planning Section
301-952-3650

February 28, 2006

MEMORANDUM

TO: Whitney Chellis, Planner Coordinator, Subdivision Section
VIA: Cecilia Lammers, Supervisor, Environmental Planning Section
FROM: Katina Shoulars, Senior Planner, Environmental Planning Section
SUBJECT: **Smith Home Farm; Preliminary Plan 4-05080 and TCPI/38/05-01**

The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-05080, stamped as received by the Environmental Planning Section on February 9, 2006, and the revised Type I Tree Conservation Plan, TCPI/38/05-01, stamped as received on February 22, 2006. At this time, information critical to the review of the application has not been received. There are four outstanding issues that must be addressed prior to a recommendation of approval from the Environmental Planning Section.

Staff recommends DISAPPROVAL of 4-05080 and TCPI/38/05-01.

1. A Letter of Justification is required for all proposed impacts to the regulated environmental areas of a site. A complete list of requested impacts is necessary for the Planning Board to make a determination with regard to Section 24-130(b)(5) which states that the regulated areas of the site must be preserved "...to the fullest extent possible."

At the Subdivision Review Committee meeting on November 4, 2005, the applicant was informed that a Letter of Justification was not received with the application package and that one is required no less than 30 days prior to any Planning Board hearing date. A Letter of Justification was received on January 26, 2006. It only addressed the road crossings and did not address the necessary impacts for stormwater management outfalls, sanitary sewer installations or the proposed impacts for stream restoration projects.

A revised Letter of Justification was requested and has not yet been received. The original letter, dated January 25, 2006, was resubmitted without the required additions on February 24, 2006. The new submission was not revised from the original submission. The applicant has been informed of this deficiency multiple times in writing (on November 4, 2005 at the Subdivision Review Committee) and in person (at a meeting regarding the CDP conditions on February 14, 2006 and a meeting on February 27, 2006 at the Maryland Department of the Environment).

2. The second outstanding issue is the submission of a Type I Tree Conservation Plan that meets the minimum requirements of the Woodland Conservation Ordinance. Over the course of the review of this application, several TCPI plans have been submitted. The plans contained calculation errors that resulted in the placement of negative numbers in the worksheet, showed areas of woodland conservation wholly within the boundaries of proposed lots, showed lot layouts that were different from the preliminary plan under review, and were often not signed by a qualified professional as required. The most recent TCPI submitted does not show the proposed impacts for the stormwater management outfalls and the plans have not been revised to fully address the conditions of the approved CDP.
3. One of the most important conditions of the CDP has not been addressed. The condition regarding showing the limits of the regulated environmental areas (the "PMA") correctly has not been addressed. The preliminary plan shows a secondary PMA line near the intersection of proposed Road J and proposed Melwood Road on sheet 3. There are also other areas on the preliminary plan and TCPI where the PMA is shown incorrectly. These areas include the portion of the PMA on proposed Parcel 56 on Sheet 3, Parcel C on Sheet 4, Parcel 23 on Sheet 8, Parcel 81 on Sheet 9, and the area north of Parcel 24 on Sheet 7. The plan also shows a secondary PMA line on sheets 2, 3, and 5 of the preliminary plan.
4. Condition 4.f. requires the submission of information related to stream restoration projects for which density increments were approved with the CDP. None of the required information relating to this condition has been submitted to date.

If you have any questions please contact me at 301-952-3653 or via e-mail at katina.shoulars@ppd.mncppc.org.

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