



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

March 10, 2022

Mr. John Kasprak
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, MD 20707

RE: WP-22-094 Brighton Dam Dredged Sediment Placement Site

Dear Mr. Kasprak:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments have been addressed and the following additional information is provided.

Copies of the exhibit/plan, supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

Agency: DLD #Copies: 1 copy

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before April 24, 2022***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

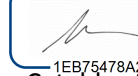
In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Please refer to the Department of Planning and Zoning website for current business processes during this time. Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

Attachments: DLD comments, OCS comments

cc: Research
DLD - Julia Sauer
Real Estate Services
Subra Das, Bengal Engineers LLC

DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

Date: March 10, 2022

Reviewer: Eric Buschman- 410-313-0729- ebuschman@howardcountymd.gov

Re: WP-22-094 Brighton Dam Dredged Sediment Placement Site

Subj: Division Review Comments

The DPZ, Division of Land Development reviewed the Alternative Compliance application referenced above and has the following comments. Please provide the requested information prior to resubmitting the application for review.

- 1) A Pre-Submission Community Meeting is required in accordance with Sections 16.156(a) and 16.128 of the Subdivision & Land Development Regulations. With the resubmission of this application, include a copy of the meeting notice, list of recipients, mailing receipts, meeting minutes and a list of attendees. Be sure to demonstrate compliance with all mailing and posting requirements in Section 16.128.

Two posters will be required for the community meeting. One poster should be placed on Green Bridge Road south of the intersection at Triadelphia Mill Road. The other poster should be placed at the project access point on Green Bridge Road (near WSSC parking area).

- 2) Section 16.1216 should not be included in the application, since the purpose of this section is to describe the forest conservation variance process and criteria. Revise the application and justification to only include Section 16.155(a)(1) and Section 16.1201(v).
- 3) Revise the justification to specifically address the criteria in Sections 16.104 and 16.1216:
 - Justification for Section 16.155(a)(1) needs to demonstrate that unreasonable hardship or practical difficulties may result from strict compliance with the regulations.
 - Justification for Section 16.1201(v) needs to demonstrate that enforcement would result in unwarranted hardship. Increased cost or inconvenience of meeting the requirements does not constitute an unwarranted hardship. The justification needs to specifically address the following 6 criteria per Section 16.1216(c):
 - i. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
 - ii. Describe how enforcement of these regulations would deprive the landowner of rights commonly enjoyed by others in similar areas;
 - iii. Verify that the granting of a variance will not adversely affect water quality;
 - iv. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants;
 - v. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant; and
 - vi. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

- 4) Revise the plan and justification to describe how the Forest Conservation obligation will be addressed in accordance with Section 16.117 and Subtitle 12 of the Howard County Code.
- Include a completed Forest Conservation Worksheet. Use the Limit of Disturbance as the “Net Tract Area” and use the “Institutional” Land Use Category.
 - Submit a Forest Conservation Plan including a Simplified Forest Stand Delineation for the project area. Describe how the project will meet the “reforestation” or “afforestation” requirements as calculated on the Worksheet (onsite forest retention easement, onsite afforestation easement, offsite forest mitigation bank, fee-in-lieu, etc.). Be sure to include notes regarding the presence of rare, threatened or endangered species, specimen trees, State Champion trees, trees 75% of the diameter of a state champion tree, wetlands, streams or their required buffers. The plan must be prepared by a licensed landscape architect, licensed forester or a State DNR Qualified Professional who is also a certified arborist. Be sure the plan shows the current existing conditions (ex treeline, individual trees, etc.).
 - If a fee-in-lieu is proposed, submit a completed Fee-in-Lieu Request Form with the resubmission.

Contact Eric Buschman at 410-313-0729 if you need assistance with the Forest Conservation Worksheet or Forest Conservation Plan requirements.

- 5) Provide more information on the anticipated timeline for the grading, sediment stockpiling and removal, stabilization and seeding/planting, etc. A sequence of construction would be helpful.
- 6) Will the site be returned to its original grades after the sediment is dried and removed? Will the disturbed areas be seeded or planted? Provide stabilization and seeding/planting details on the plan.
- 7) Remove the Planning Board and Dept. of Planning & Zoning signature blocks from the plan exhibit.
- 8) Per the Howard Soil Conservation District, the plan exhibit will need to be assigned a grading plan (GP) number for permitting purposes. The engineer should contact Howard SCD to obtain a number. The exhibit will need to be revised to meet Howard SCD’s criteria for erosion and sediment control plans. The exhibit currently does not include all notes, details and supporting computations required for approval.



ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 3/7/22 Comment Due Date: 3/9/22 DPZ File No: WP-22-094
WSSC Brighton Dam

This request for comments has been distributed to the following Departments.

| | |
|--|---|
| DPZ – Development Engineering Division | DPZ – Resource Conservation Division |
| DPZ – Research Division | Recreation and Parks |
| Department of Fire and Rescue Services | Office of Transportation |
| Department of Inspections, Licenses & Permits | Office of Community Sustainability |
| DPW, Real Estate Services & Directors Office | Soil Conservation District |
| Health Department | State Highway Administration |
| Public School System | |

COMMENTS:

OCS would like additional information. Can more significant vegetation than turf be planted afterwards? Is the super silt fence only thing keeping fines from entering the nearby stream to the north? Is the material just de-watering and then being removed or staying on site?

In general OCS is supportive and understands the public benefits to this project.

Bill Mahoney

3.7.22

Print Name

Date



DPZ Office Use only:
 File No. WP-22-094
 Date Filed 2/23/22

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: WSSC Brighton Dam Dredged Sediment Placement Site

Subdivision Name/Property Identification: SDAT Account Number 375835; Deed Ref 05138/00422

Location of property: 5540 Green Bridge Rd., Dayton, Maryland 21036

Existing Use: WSSC Open Space **Proposed Use:** WSSC Open Space

Tax Map: 33 **Grid:** 18 **Parcel No.:** 33 **Election District:** 7

Zoning District: RR-DEO **Total site area:** 7.85 acres

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

ECP-2-051; The project was previously discussed with DPZ (in Dec 2021) regarding alternative compliance petitions for waivers to net tract and site plan for grading applications. Sediments naturally accumulate near the Dam within the Triadelphia Reservoir and must be periodically removed to ensure the functional quality is maintained. WSSC Water has identified a site for the placement of dredged sediment material. This site is located within WSSC Water property and was previously used for the placement of dredged sediment material.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

| Section Reference No. | Brief Summary of Request |
|---|--|
| 16.1201(v) - Definition of Net Tract area for forest conservation calculations (Waiver Request) | The total area of the parcel is 2,384.05 acres. However, the proposed limit of disturbance (LOD) is only 7.85 acres. The request is to waive the planting obligations due to the proposed development of 7.85 acres. The reasoning of this waiver Petition is that the proposed project is only temporary, located outside the forested area, adding no new impervious area and providing the required water quality treatment, and the entire site area will be stabilized and returned to vegetated conditions after the completion of the project. The disturbed area shall be minimized to only a specific extent necessary for grading and removal of vegetative cover. The project will benefit the public by maintaining the drinking water supply. |
| 2. Section 16.1216 - Variances (Forest Conservation Requirements) | the waiver is requested for the Forest Conservation requirements per this section and subsection 16.104(b). The objective of the project is to promote the health, safety, and general welfare of the public and the residents of the County, which is supported by your code Section 16.101(a)(4)(ii) Legislative intent. The project is in compliance with the criteria listed in subsection 16.1216(c). Please refer to the Statement of Justification for details. |

| Section Reference No. | Brief Summary of Request |
|--|--|
| 16.155 (a) (1) (ii) - Waiver of Site Plan | The proposed project is a maintenance project, which needs to be done as soon as possible to ensure that the functional quality of Triadelphia Reservoir water does not get compromised for the treatment at water filtration plants and providing public drinking water. This is reinforced by the County code: Section 16.101(a)(4)(ii) Legislative intent. The purpose of this Waiver Petition is to allow the alternative compliance plan exhibit to serve as the substitute for a site development plan for the grading permit. All improvements shown on the exhibit shall be constructed per the plan exhibits. |
| | |
| | |

Signature of Property Owner:

John Kasprzak

Date:

02/17/2022

Signature of Petitioner Preparer:

SD

Date:

02/17/2022

Name of Property Owner:

WASHINGTON SUBURBAN
SANITARY COMMISSION

Name of Petition Preparer:

Bengal Engineers LLC

Address:

14501 SWEITZER LANE

Address:

8101 Sandy Spring Rd., Ste. 300

City, State, Zip:

LAUREL, MD, 20707

City, State, Zip:

Laurel, MD, 20707

E-Mail:

John.Kasprak@wsscwater.com

E-Mail:

sdas@BengalEngineers.com

Phone No.:

301-206-8290

Phone No.:

443-320-3044

Contact Person:

John Kasprak, PM

Contact Person:

Subra Das

Owner's Authorization Attached