



# 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

April 9, 2021

Baltimore Gas & Electric Co.  
1699 Leadenhall Street  
Baltimore, MD 21230  
Attn: Kevin Hedge

RE: WP-21-096 AWS Emerson Conduit Project

Dear Mr. Hedge:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On April 9, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Sections 16.155(a)(1)(i) and 16.115(c)** of the Subdivision and Land Development Regulations to waive the site development plan process and disturb 100-year floodplain to lay two 34kV electric cables through Baltimore Gas and Electric Company property to provide a reliable power supply to the adjoining proposed Amazon Web Services Data Center.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.155(a)(1)(i) and 16.115(c) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the items you were required to address, pursuant to Section 16.104(a)(1):

Section 16.155(a)(1)(i):

1. **Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.**

Amazon Web Services (AWS) is constructing a data center adjacent to the BGE right-of-way. In order to provide reliable power supply to the proposed facility, AWS has asked BGE to install two 34kV electric cables from Stephens Road through the BGE right-of-way to the AWS site, via horizontal directional drilling. Ground level improvements include splice boxes and three permanent access roads. Requiring a site development plan for the minor improvements within the BGE right-of-way would unreasonably delay the operation and completion of the AWS data center since the Alternative Compliance exhibit is sufficient for a project this minor in scale and scope and it will contain the necessary information to adequately review the project. The additional time and resources associated with site development plan review would create an unreasonable hardship and would not benefit the plan design. Approval of the alternative compliance promotes efficiency of the plan review process as the alternative compliance drawings include all relevant information need for this project's minor improvements.

Section 16.115(c):

1. **Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;**

The BGE right-of-way contains four nontidal wetlands, one perennial stream, two intermittent streams and 100-year floodplain. An existing access drive for the BGE overhead transmission line runs along the northern property line the entire length of the parcel. The proposed underground electric cables will be installed by horizontal

directional drilling along the southern property line and will bisect the parcel to connect to the AWS data center. Splice boxes will be spaced approximately 700 feet apart along the duct banks. To provide access and maintenance to the splice boxes, three permanent access roads will be installed in the right-of-way and connect to the existing access road. The location of the splice boxes and access roads were intentionally located outside of the wetlands, streams and their buffers. However, disturbance to the 100-year floodplain is unavoidable in one of the four splice box areas and access roads, and will result in 3,945 SF of permanent floodplain disturbance. Strict conformance with the requirements will deprive the applicant the ability to construct the utility improvement within the utility right-of-way, which is essential for the data center use.

**2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations;**

Hammond Branch perennial stream enters the BGE right-of-way from the south and flows in a northeast direction along the parcel's frontage on Stephens Road. Approximately 800 feet west of Hammond Branch, an unnamed intermittent stream enters the parcel from the north and flows in a southwest direction towards its confluence with Hammond Branch just south of the parcel. The 100-year floodplain associated with these two systems encompasses most of the parcel from Stephens Road inward a ¼ mile. Horizontal directional drilling methods have been selected to minimize impacts to the environmental resources to the greatest extent practical since most of the work will be subsurface. However, the extent of the 100-year floodplain creates practical difficulty in constructing utility lines through the parcel, which results in an unreasonable hardship for the applicant.

**3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;**

Approval of this alternative compliance would not confer the applicant a special privilege that would be denied to other applicants. The disturbance to the 100-year floodplain is necessary for construction of a utility. This is not a special privilege that would be denied to other applicants.

**4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**

Neither the permanent or temporary impacts will be detrimental to the public health, safety or welfare and will not be injurious to other properties. The only permanent structures proposed are the splice boxes, which will not affect the 100-year water surface elevation. A Hydrologic and Hydraulic Report concludes no net increase in flood elevations, and downstream properties will not be affected by the construction of this project. All disturbance shall be returned to its natural condition to the greatest extent possible and vegetation removal shall be limited to the minimum amount necessary to accomplish the goals of the project. Horizontal directional drilling has been selected to minimize impacts to environmental resources since most of the work is subsurface. All Maryland Department of the Environment required erosion and sediment controls shall be in place as specified on the design plans.

Approval of this Alternative Compliance is subject to the following conditions:


1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan. No disturbance is permitted beyond the 1.01-acre limit of disturbance as shown on the alternative compliance exhibit, unless it can be sufficiently demonstrated by the applicant to be justified. No disturbance to the streams, wetlands or their buffers are permitted.

2. Permanent improvements in the 100-year floodplain is limited to the access drive and splice boxes. All other temporarily disturbed areas must be stabilized after construction.
3. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbances within the floodplain. Reference the applicable MDE or USACE permit numbers on the grading permit.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Julia Sauer at (410) 313-2350 or email at [jsauer@howardcountymd.gov](mailto:jsauer@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
1EB75478A22B49A...

Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/js

cc: Research  
DED  
DLD - Julia Sauer  
Carissa Reh – Century Engineering (creh@centuryeng.com)



**Howard County Maryland**  
**Department of Planning and Zoning**  
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

<b>DPZ Office Use only:</b> File No. Date Filed
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**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:**

**Subdivision Name/Property Identification:**

**Location of property:**

**Existing Use:**

**Proposed Use:**

**Tax Map:**

**Grid:**

**Parcel No:**

**Election District:**

**Zoning District:**

**Total site area:**

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:

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

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16.115(c)(2)	Restricts clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain. The purpose of the waiver petition is to allow for the installation of cellular confinement access road to access the proposed splice boxes without disturbing adjacent sensitive areas.

Signature of Property Owner: Kevin Hedge Date: 2/25/21

Signature of Petitioner Preparer: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Property Owner: Baltimore Gas & Electric Co. Name of Petition Preparer: Century Engineering, Inc.

Address: 1699 Leadenhall St. Address: 10710 Gilroy Road

City, State, Zip: Baltimore, MD 21230 City, State, Zip: Hunt Valley, MD 21031

E-Mail: kevin.hedge@bge.com E-Mail: creh@centuryeng.com

Phone No.: (667) 313-1126 Phone No.: (443) 589-2400 ex. 1213

Contact Person: Kevin Hedge Contact Person: Carissa Reh

Owner's Authorization Attached