



# 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

February 24, 2022

Mr. Robert Linz  
Acting Bureau Chief of Capital Projects, Park Planning and Construction  
Howard County Recreation and Parks  
7120 Oakland Mills Road  
Columbia, MD 21046

RE:WP-22-077 Centennial Park Stream Stabilization Pavilion H

Dear Mr. Linz:

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.

**For AC to Section 16.116**

On February 17, 2022 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations to temporarily impact streams, stream buffer, steep slopes and flood plain area as part of the County's efforts to stabilize 100 linear feet of stream bank of an unnamed tributary to Little Patuxent River at Woodland Road and the Centennial Park East entrance drive in Ellicott City. Please see the attached Final Decision Action Report for more information.

**For AC to Section 16.1216**

On February 17, 2022 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1201(v)** of the Subdivision and Land Development Regulations to allow the LOD to be used as the Net Track Area and allow the forest conservation regulations to be applied to the portions of property that are physically impacted by this work. Please see the attached Final Decision Action Report for more information.

**For AC to Sections 16.155(a)(1)(i) and 16.115(c)(2)**

On February 17, 2022 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 **Section 16.155(a)(1)(i) and Section 16.115(c)(2)** of the Subdivision and Land Development Regulations to temporarily impact streams, stream buffer, steep slopes and flood plain area as part of the County's efforts to stabilize 100 linear feet of stream bank of an unnamed tributary to Little Patuxent River at Woodland Road and the Centennial Park East entrance drive in Ellicott City.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1)(i) would result in an unreasonable hardship or practical difficulty. This

determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

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

Strict compliance with the regulations would require the applicant to submit a formal Site Development Plan for the proposed project. This would result in an unreasonable hardship since the alternative compliance plan exhibit contains all necessary information for permitting and construction. The scope of the project area is limited to the stream channel and floodplain. No new structures, facilities or roads are proposed that would require extensive review. The project does not change land use, add impervious surface or change the floodplain extent. Approval of the alternative compliance promotes efficiency of the plan review process as the alternative compliance drawings include all relevant information needed for this project's urgently needed stream channel stabilization.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c)(2) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

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

The County's Capital Project intends to stabilize the stream bank along an unnamed tributary to Little Patuxent River at 4770 Woodland Road. In order to complete the work temporary impacts to existing floodplain, stream and stream buffer will occur. The work is proposed to stabilize an actively eroding stream bank that threatens the stability of an existing public parking lot. The project will stabilize approximately 100 linear feet of stream bank. Soil lifts will be installed on top of the walls and live stakes will be planted behind the imbricated walls to help stabilize the topsoil. Strict conformance with the requirements would not allow the County to protect public property from further damage.

**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;**

The location of the existing parking lot and current erosion in the stream bank requires work including grading clearing excavating, filling and altering drainage in the floodplain. In order to repair the current condition, impacts within the stream and stream buffer are required. Upon completion of the work, all impacted areas will be restored to a more stable condition.

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

Emergency repair of an eroding streambank would not be considered a special privilege.

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

The project is needed to protect the existing public parking area and the stream bank from further erosion. Further erosion threatens the stability of an existing public parking area. The public's safety will benefit from the project.

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 for development. No disturbance is permitted beyond the 0.10-acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. No Specimen Trees are to be removed with approval of this Alternative Compliance application.

3. The applicant shall obtain all required authorizations and permits from the Department of Inspections, Licenses and Permits, Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, wetlands, streams and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on the alternative compliance plan exhibit and any County permits.

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 Donna Despres at (410) 313-3429 or email at [ddepres@howardcountymd.gov](mailto:ddepres@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/DD

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Marian Honecny- DNR  
Ecotone, Inc.



# 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

## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF PUBLIC WORKS  
DEPARTMENT OF RECREATION AND PARKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-22-077 Centennial Park Stream Stabilization**  
*Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.*

**Applicant:** Howard County Department of Recreation and Parks

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations. The purpose is to temporarily impact streams, stream buffer, steep slopes and flood plain area as part of the County's efforts to stabilize 100 linear feet of stream bank of an unnamed tributary to Little Patuxent River at Woodland Road and the Centennial Park East entrance drive in Ellicott City. Howard County Recreation and Parks has engaged Ecotone Ecological Restoration to stabilize an actively eroding stream bank that threatens the stability of the existing parking lot. The project will stabilize approximately 100 linear feet of stream bank. Stone toe will be installed to reduce channel incision and bank erosion. Soil lifts will be installed on top of walls and live stakes will be planted behind the imbricated walls to help stabilize the topsoil. Also, an undercut tree located in the project area will be stabilized with a root pack to protect against further erosion. All disturbed areas will be stabilized with seed and straw and replanted. The Directors deliberated the application in a meeting on February 17, 2022.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

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

The County's Capital Project intends to stabilize the stream bank along an unnamed tributary to Little Patuxent River at 4770 Woodland Road. In order to complete the work temporary impacts to existing floodplain, stream and stream buffer will occur. The work is proposed to stabilize an actively eroding stream bank that threatens the stability of an existing public parking lot. The project will stabilize approximately 100 linear feet of stream bank. Soil lifts will be installed on top of the walls and live stakes will be planted behind the imbricated walls to help stabilize the topsoil. Strict conformance with the requirements would protect public property from further damage.

Stream restoration projects in the County are commonly approved on both private property and public property. Approval does not confer special privileges that other similar projects enjoy. Denial would deprive the applicant of the same rights to maintain safe stream channels that other enjoy.

**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;**

The location of the erosion in the stream bank requires work including grading clearing excavating, filling and altering drainage in the floodplain. Upon completion of the work, all impacted areas will be restored to a more stable condition.

**3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;** Emergency repair of an eroding streambank would not be considered a special privilege.

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

The project is needed to protect the stream bank from further erosion which threatens the stability of an existing public parking area. The proposed work is intended to increase the public's safety while using the existing parking lot.

**5. Disturbance is returned to its natural condition to the greatest extent possible:**

The disturbed area will be replanted after construction with native grasses, trees and shrubs. Additional trees will be added to the surrounding area to further improve the aesthetics of the area and to provide additional stabilization and prevent further erosion.

**6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat; and**

The project is self-mitigating as the repair will improve water quality by eliminating a source of excess sediment and nutrients that are entering the waterway now. Stream habitat is improved by the planting of additional trees.

**7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.**

The project is undergoing County erosion and sediment control review and MDE review. All necessary measures were taken to reduce or eliminate impacts to the wetland, buffer, stream and floodplain by minimizing the size of the LOD to the area necessary for construction. Existing forested areas will be protected and undisturbed outside the LOD. All necessary measures are provided to minimize impacts to the environment.

**Directors Action:** Approval of alternative compliance of 16.116(a)(2)(iii) is subject to the following conditions:

- 1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 0.10-acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.*

2. *No Specimen Trees are to be removed with approval of this Alternative Compliance application.*
3. *The applicant shall obtain all required authorizations and permits from the Department of Inspections, Licenses and Permits, Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, wetlands, streams and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on the alternative compliance plan exhibit and any County permits.*

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Thomas Meunier*

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Thomas Meunier, Director  
Department of Public Works

DocuSigned by:

*Joshua Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1201(v)** of the Forest Conservation Regulations. The purpose is to allow the LOD to be used as the Net Track Area and allow the forest conservation regulations to be applied to the portions of property that are physically impacted by this work. The Directors deliberated the application in a meeting on February 17, 2022.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

**1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;**

The entire parcel is 54.26 acres in size whereas the proposed work is within an LOD of 0.1 acers and there is no permanent clearing or development proposed. Requiring the entire parcel to be included as the net tract area would represent an unwarranted hardship for temporary disturbance necessary for an emergency repair of an eroding stream bank.

**2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas;**

Permitting the LOD to be used as the Net Track Area allows the forest conservation regulations to be applied to the portions of property that are physically impacted by this work. Similar projects to repair existing conditions have used the LOD as the net tract area when impacts are temporary, necessary and the work returns the project area to an improved natural condition. Approval does not confer special privileges that other similar projects enjoy.

**3. Verify that the granting of a variance will not adversely affect water quality;**

The project is self-mitigating as the repair will improve water quality by eliminating a source of excess sediment and nutrients that are entering the waterway now. Stream habitat is improved by the planting of additional trees.

**4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants;**

Granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants. Emergency repair of an eroding streambank would not be considered a special privilege.

**5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;**

There is no evidence the condition is a result of actions by the County.

**6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property; and**

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

**7. Provide any other information appropriate to support the request.**

No specimen trees are located within the project area. All disturbed areas will be replanted with native species. No increase in impervious surface is proposed as part of the project. The approval of the alternative compliance will not nullify the intent of the regulations as the intent of the alternative compliance request is to allow the forest conservation regulations to be applied to the portions of property that are physically impacted by this work.

**Directors Action:** Approval of alternative compliance of Section 16.1201(v) is subject to the following conditions:

- 1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 0.10-acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.*
- 2. No Specimen Trees are to be removed with approval of this Alternative Compliance application.*
- 3. The applicant shall obtain all required authorizations and permits from the Department of Inspections, Licenses and Permits, Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, wetlands, streams and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on the alternative compliance plan exhibit and any County permits.*

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

*(Recused)*

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Raul Delerme, Director  
Department of Recreation and Parks

DocuSigned by:

*Joshua Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
OCS, Joshua Feldmark  
DRP, Raul Delerme  
DPW, Thomas Meunier

**Certificate Of Completion**

Envelope Id: 56B98D87475E42C88C15318119EE32EF	Status: Completed
Subject: Please DocuSign: WP-22-077 Centennial Park Stream Stabilization apprltr.docx, WP-22-077 Centenn...	
Source Envelope:	
Document Pages: 8	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Disabled	Envelope Originator:
Envelopeld Stamping: Disabled	Anthony Cataldo
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	Ellicott City, MD 21043
	acataldo@howardcountymd.gov
	IP Address: 167.102.191.18

**Record Tracking**

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**Signer Events**

Anthony Cataldo  
acataldo@howardcountymd.gov  
Division Chief  
Howard County Government  
Security Level: Email, Account Authentication (None)

**Signature**

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 Freeform Signing

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**In Person Signer Events**

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**Editor Delivery Events**

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**Timestamp**

**Agent Delivery Events**

**Status**

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**Intermediary Delivery Events**

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**Timestamp**

**Carbon Copy Events**

**Status**

**Timestamp**

**Witness Events**

**Signature**

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**Notary Events**

**Signature**

**Timestamp**

**Envelope Summary Events**

**Status**

**Timestamps**

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Completed	Security Checked	2/24/2022 2:53:02 PM

**Payment Events**

**Status**

**Timestamps**



**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:**

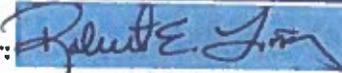
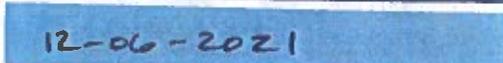
**Total site area:**

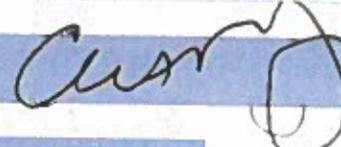
Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

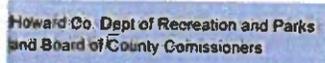
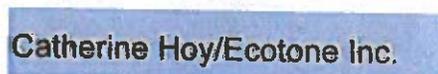
In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

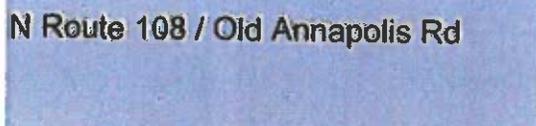
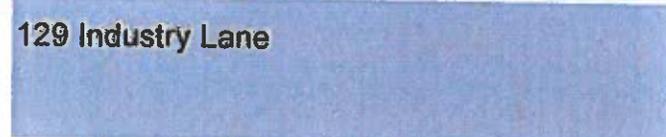
Section Reference No.	Brief Summary of Request

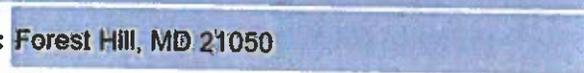
Section Reference No.	Brief Summary of Request
Sec. 16.116 (c)	<p>Protection of wetlands, streams, and steep slopes</p> <p>The proposed stream bank stabilization will temporarily impact existing stream, stream buffer, and steep slopes. The project will focus on enhancing streams, and steep banks. Therefore, grading, clearing, excavating, filling, and altering drainage will need to occur within these areas for the project to be complete. The limit of disturbance has been minimized where possible to protect areas not being enhanced from the temporary impacts associated with this project. The project will be restored to a more stable environment and replanted with native species after construction.</p>
Sec. 16.1201 (n)	<p>Forest Conservation, net tract area</p> <p>The application aims to allow the LOD to serve as the net tract area for forest conservation calculations. Per the Forest Conservation regulations (Subtitle 12) the entirety of all parcels impacted by the proposed work are to be used to define the net tract area for forest conservation calculations. The LOD is only 0.10 acres as opposed to the total parcel acreage of 54.26 acres. The Forest Conservation Worksheet has been completed to calculate planting requirements and is included with this submittal. As this is a county funded repair project, limiting the LOD will provide the County with the most cost-effective repair strategy.</p>

Signature of Property Owner:  Date:  12-06-2021

Signature of Petitioner Preparer:  Date:  1/5/2022

Name of Property Owner:  Howard Co. Dept of Recreation and Parks and Board of County Commissioners Name of Petition Preparer:  Catherine Hoy/Ecotone Inc.

Address:  N Route 108 / Old Annapolis Rd Address:  129 Industry Lane

City, State, Zip:  Ellicott City, MD 21042/21043 City, State, Zip:  Forest Hill, MD 21050

E-Mail:  E-Mail:  choy@ecotoneinc.com

Phone No.:  Phone No.:  410-420-2600 x. 104

Contact Person:  Bob Linz Contact Person:  Catherine Hoy

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request