



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

June 27, 2024

Sanjay Kulkarni
3430 Court House Drive
Ellicott City, MD 21043
Email: skulkarni@howardcountymd.gov

RE: WP-24-075 Deep Run Wastewater Treatment Plant Demolition
Capital Project W-8603

Dear Sunjay:

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.

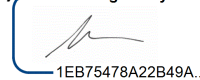
On June 26, 2024, and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations to disturb 3,210 sf of wetland buffer. Please see the attached Final Decision Action Report for more information.

On June 26, 2024, 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 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove one specimen tree on the site. Please see the attached Final Decision Action Report for more information.

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 Justin Schleicher at (410) 313-2350 or email at jschleicher@howardcountymd.gov.

Sincerely, DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JS

cc: Research
DLD - Julia Sauer
Real Estate Services
DNR – fca.dnr@maryland.gov (if waiver to forest conservation sections)
Rebecca Lane



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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

RE: **WP-24-075, Deep Run Wastewater Treatment Plant Demolition, Capital Project W-8603**
Request for an alternative compliance to Sections 16.116(a)(1) and Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Sanjay Kulkarni
3430 Court House Drive
Ellicott City, MD 21043

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning 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)(1)** of the Subdivision and Land Development Regulations. The purpose is to allow the County to demolish all existing facilities onsite to meet the current County and EPA regulations. The Deep Run Wastewater Treatment Plant was abandoned over 35 years ago and has since become heavily overgrown with invasive vines and scrub trees. The applicant proposes to remove all structures, paving, fencing and restore the ground to match the existing grades. The demolition will result in 3,210 sf of wetland buffer disturbance to complete the demolition of the site. The Directors deliberated the application in a meeting on June 26, 2024.

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 proposed project is to remove all existing manmade structures, paving and fencing on the site and return the area to the natural grade. Since the site has been abandoned, the treatment plant area has become severely overrun with invasive plants and the structures have degraded and have become unsafe. The site was constructed as an interim treatment plant and portions of the fence and structures are within the wetland buffers. Allowing the applicant to remove the invasive species and manmade structures will ultimately protect the native species onsite and will improve the onsite conditions. Strict compliance with the requirements would prohibit the County from removing the dilapidated structures and would promote the continuous unsafe condition of the property.

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 site is very flat and in a low-lying area, mostly surrounded by open water/wetlands making 98% of the site encumbered by environmentally sensitive area. There is no way to remove the existing structures, paving or fence without impacting portions of the wetland buffer. The applicant has proposed the smallest possible LOD for the removal of the structures on the property. Strict adherence to the regulations would require the applicant to leave portions of the structures remaining on the site, creating more of a public safety hazard and environmental concern.

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

Approval of the request will not grant a special privilege to the applicant that would be denied to others as the goal of the project is to restore the site to its natural state.

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

The project is not detrimental to the public health; safety or welfare, or injurious to other properties as the goal of the project is to remove all manmade structures, paving and fencing. The structures onsite have been severely vandalized and have been determined to be unsafe. Many of the buildings contain asbestos within them, the water storage tanks do not have safety ladders and the fence contains razor wire around the top. Allowing the structures to be removed from the site would be beneficial to the public health and safety.

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

The goal of the project is to remove the manmade structures, paving and invasive species and return the site to its natural condition.

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

The project aims to improve water quality and improve habitat by eliminating the existing improvements onsite and pollution runoff from the degrading structures. Erosion and sediment control fencing will be utilized to minimize impacts to water quality and fish, wildlife and vegetative habitat. Removal of the invasive species will improve the vegetative habitats onsite. Per the Maryland Department of Natural Resources, there are no threatened or endangered species within the project area.

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 demolition plans are utilizing the smallest LOD possible to remove all the improvements on the site to allow the most amount of native vegetative area to remain intact. The fence removal is shown as a separate 10' wide LOD to allow a small piece of machinery room to remove the fence from the perimeter. Once the improvements are removed, the site will be a grass field and will drastically improve the environmental features onsite.

Directors Action: Approval of alternative compliance of Section 16.116(a)(3) is subject to the following conditions:

1. A redline to SDP-79-112 must be submitted and approved showing the removal of all manmade structures, paving, and fencing.
2. The encroachment is limited to the LOD as shown on the alternative compliance exhibit. Once the proposed project is completed, the LOD shall be restored to its previous condition through stabilization.
3. All encroachment and grading within the floodplain must be designed to have no net loss of floodplain storage volume.
4. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.
5. Compliance with all applicable County and State Regulations and obtaining all necessary permits are required before initiation of the stream restoration project.

DocuSigned by:

Lynda Eisenberg

Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

(Recused)

Yosef Kebede, Director
Department of Public Works

DocuSigned by:

Timothy Lattimer

Timothy Lattimer, 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 1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove one specimen tree for the demolition of the existing wastewater treatment plant. The Directors deliberated the application in a meeting on June 26, 2024.

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 total acreage of the impacted parcel is 6.00± acres. The proposed limit of disturbance is 1.80 acres. There are eight (8) specimen trees located onsite. Of those, one (1) is proposed to be removed. Specimen tree #1 is a 31" Scarlet Oak in poor condition with a large broken stem and cavity. The tree is located along the fence being

removed and near the excavation area and service road. Due to the tree's location, there would be no way for the fence to be removed in entirety if the tree remains. Outside of the fence is open water so the only way to bring equipment in is from the service road. The critical root zone will also be greatly impacted by the excavation and removal of the surrounding manmade structures onsite. For the contractor's safety, the applicant is requesting to remove the hazardous tree.

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

This project is unique in that the proposal is to remove all manmade improvements from the site and return the site to its natural state. The applicant has proposed the smallest LOD possible to remove all the structures, paving and fencing from the site. Due to the location of ST-1, there is no way to avoid the removal of the tree to allow for the site to be returned to its natural state.

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

There is no evidence that the granting of a variance will adversely affect water quality. The proposal will reduce the impervious area onsite and remove the invasive species. During demolition, silt fence will be utilized along the edge of the LOD and after completion, the site will be seeded and mulched.

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

HCDPW has an obligation to maintain DPW owned property and performance of this function is not considered a special privilege. Approval of the request will not grant the applicant a special privilege since the capital project is designed to remove an abandoned wastewater treatment plant and return the site to its natural state. Due to the location of ST-1, the tree must be removed in order to complete the project. Therefore, no special privileges will be conferred.

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

The site has been abandoned for 35+ years and has not been maintained since. HCDPW has now opted to remove the unsafe structures from the site and restore the area as a grass field. This will allow for a much easier area to maintain. ST-1 was likely left in place when the treatment plant was constructed in 1978. The tree has since matured but due to the invasive species now present, the tree is now in poor condition.

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. The site is completely isolated and surround by open water/wetland.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The removal of the one specimen trees (ST-1, 31" Scarlet Oak) is hereby permitted, as shown on the Alternative Compliance Plan Exhibit.

- The removal of the one specimen trees is permitted and requires the planting of two native shade trees onsite. The trees shall be a minimum of 3" DBH and shall be shown on the redline revision to SDP-79-112.

DocuSigned by:

Lynda Eisenberg

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Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

DocuSigned by:

Nicholas Mooneyhan

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Nicholas Mooneyhan, Director
Department of Recreation and Parks

DocuSigned by:

Timothy Lattimer

AEB60003A8F04A0

Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DRP
DPW



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

(410) 313-2350

DPZ Office Use only:
 File No. **WP-24-075**
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Deep Run WWTP Demolition

Subdivision Name/Property Identification:

Location of property: End of Church Ave, Elkridge

Existing Use: Wastewater Treatment Plant **Proposed Use:** Preparation for end of use

Tax Map: 38 **Grid:** 10 **Parcel No:** 359-366 **Election District:** 1

Zoning District: R-12 **Total site area:** 6.00 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:

Concept Site Plan with SCD Office, 95% Design Plans with UDD

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
4.2.1 of Forest Conservation Manual 16.1205(a)(3)	Existing abandoned WWTP is to be demolished. Specimen Tree #1 is in poor condition and grown against the fence, which is required to be removed. During fence removal, the tree will likely fall as it is in poor condition and rotting. The site is to have all existing manmade materials removed and the disturbed area is to be seeded. The site will be environmentally improved when the concrete and buildings are removed and turned into grasses.
16.116 of Subdivision & Land Development Regulations 16.116(a)(1)	Existing abandoned WWTP is to be demolished. The site has open swamp on 3 sides with state classified non-tidal wetlands and 25 ft wetland buffer that demolition work will need to be done in. The majority of the impacts are to remove the existing 8ft chainlink fence and posts. SCD comment is requesting silt fence be installed along the fence removal areas so there will be some minor excavation work.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: DocuSigned by:
Sanjay Kulkarni
AD9A9911352048F... Date: 1/31/2024

Signature of Petitioner Preparer: *Rebecca Lane-Istvan* Date: 1/31/2024

Name of Property Owner: *Howard County DPW* Name of Petition Preparer: Rebecca Lane-Istvan

Address: *3430 Courthouse Drive* Address: 10461 Mill Circle Road, Suite 300

City, State, Zip: *Ellicott City, MD 21043* City, State, Zip: Owings Mills, MD 21117

E-Mail: *skulkarni@howard* E-Mail: *rlane@dewberry.com*

Phone No.: *4103136122* Phone No.: 4102651420

Contact Person: *Sanjay Kulkarni* Contact Person: Rebecca Lane-Istvan

Owner's Authorization Attached