

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	HOWARD COUNTY
DOUG YEAKEY		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
TO INSTALL SIGNS	*	COMMISSION
AT 3709-3713 OLD COLUMBIA PIKE	*	Case Nos. 19-40 and 19-41
ELLICOTT CITY, MARYLAND		

* * * * *

DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on August 1, 2019 to hear and consider the application of Doug Yeakey (“Applicant”), for a Certificate of Approval to install signs at 3709-3713 Old Columbia Pike, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Eileen Tennor, Allan Shad, Drew Roth, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the August 1, 2019 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

This property is located in the Ellicott City Historic District. The exact date of construction is unknown, but this building shows up on the 1959 Sanborn maps. In HPC-17-56 in August 2017, the Commission heard a similar case for a request for signs on the front of the building. In HPC-17-56, the applicant originally proposed one large 60 square foot sign centered over the main portion of the building and then brought a proposal for two signs at the meeting. At the meeting, the applicant was approved for one 14 square foot sign centered over the front door. The applicant discussed returning for a second sign, a projecting sign, to be hung where Suite 101 is currently located, which is the portion of the building closest to Main Street. The applicant did not return for approval of this sign.

B. Proposed Improvements

The applicant submitted two applications for the installation of signs on the front façade of the building. This report will evaluate both signs, but refer to them as separate application numbers. While the application form references suite numbers, the building is one

open space and is not divided into different retail spaces. In application HPC-19-40, the applicant proposes to install two signs in front of Suite 100, the portion of the building that is recessed back from Old Columbia Pike and fronts the small parking area. In application HPC-19-41, the applicant proposes to install one sign in front of Suite 101, the portion of the building that is closest to Main Street and fronts a sidewalk. Overall the applicant proposes to install three signs on the front façade of the building for the business “E.C. Pops”. The proposed signs will be installed in the following locations and will be the following sizes:

- 1) Sign #1 (Suite 100) is proposed to be located over the front door and be a rectangular sign that is 21 inches high by 96 inches wide, for a total of 14 square feet.
- 2) Sign #2 (Suite 100) is proposed to be located to the right of the front door, over the front window and will be an oval shaped sign that is 34.86 inches high by 53 inches wide, for a total of 12.83 square feet.
- 3) Sign #3 is proposed to be located to the left of the front door (Suite 101) over the front windows and will be a rectangular sign that is 21 inches high by 96 inches wide, for a total of 14 square feet.

All three signs will be flat mounted on the building. Signs #1 and #3 will read “E.C. POPS” on one line. These signs will have a black background with gold lettering. There will be a border that consists of a graphic of a miniature Maryland flag repeated around the perimeter of the sign. The flag will be black, yellow, gold and white. There will also be the graphic of a dog wearing a top hat between the text in the sign name. The dog will be white, the top hat will be black with a graphic of the Maryland flag and four corresponding flag colors (red, gold, white and black), on a gold background. Sign #2 will be a larger image of the dog wearing a top hat with the image of the Maryland flag. Above the oval image of the

dog, will be the text “MARYLAND’S OWN” on two lines. The background will be gold, the text will be black, and the dog will be black and white with a graphic of the Maryland flag on the hat.

C. Staff Report

Chapter 11.A: Signs, General Guidelines

1) Chapter 11.A recommends:

- a. “use simple, legible words and graphics.”*
- b. “keep letters to a minimum and the message brief and to the point.*
- c. “use a minimum number of colors, generally no more than three. Coordinate sign colors with the colors used in the building façade.”*

The text on Signs #1 and #3 comply with the Guidelines and clearly read the name of the business, “E.C. Pops”. However, the graphics on Signs #1 and #3 do not comply with guidelines a and c above. The flag border combined with the dog graphic uses five colors, which do not coordinate with the blue building façade.

Sign #3 uses simple text and graphics, but the message on the sign, “Maryland’s Own,” is unclear since it is not the business name and the sign does not have any relationship to the business name sign in orientation and location.

2) Chapter 11.A recommends:

- a. “use historically appropriate material such as wood or iron for signs and supporting hardware.”*

The signs are proposed to be constructed from PVC and do not comply with the Guideline recommendations. It would be helpful to see a sample of the material to determine if it is distinguishable from wood in dimension and texture, at the specified height.

Chapter 11.B: Signs, Commercial Buildings

3) Chapter 11.B recommends against:

b. *“two signs where one is sufficient to provide an easily visible identification of the business.”*

4) Chapter 11.B states, *“most buildings should not have more signs that uses or occupants. In a few cases a location may call for two signs for a business. When the two sign are on the same building façade, the best combination will often be one flat-mounted or window sign and one projecting sign. Multiple sings need to be coordinated so that the cumulative effect does not clutter or obscure the building façade.”*

5) Chapter 11.B.3 recommends, *“limit the sign are to be in scale with the building. Projecting or hanging signs of four to six square feet are appropriate for many of Ellicott City’s small, attached commercial buildings.”*

The proposal to install three signs on the front of the building does not comply with the Guideline recommendation. However, given that the building entrance is recessed, a second sign on this building may be appropriate. To better comply with the Guidelines, Sign #3 could be a projecting sign, as previously discussed in case HPC-17-56 provided it complies with the recommendations established in Chapter 11.B.3 for projecting signs.

D. Staff Recommendation

Staff recommends the HPC determine how many signs are appropriate for this building and if the design, particularly the border, complies with the Guidelines. Staff recommends the

HPC consider a flat mounted sign in location #1 and a projecting sign that complies with the Guidelines in location #3.

E. Testimony

Mr. Shad swore in Doug Yeakey. Mr. Shad asked if there was anyone in the audience that was in opposition of the case and would like to speak. There was no one in the audience that wished to speak. Mr. Shad asked if Mr. Yeakey had any comments on the staff report. Mr. Yeakey said the border of the sign is the Maryland flag, which he hoped would be appropriate. The total number of colors on the sign, including the logo, are four colors. This is only one more than recommended by the Guidelines.

Mr. Yeakey said the material of the sign would be a PVC pressed material with a vinyl graphic adhered to the sign. Mr. Yeakey said he could use wood if the Commission preferred, the sign would look identically the same, but would be heavier. Mr. Yeakey said only the vinyl graphic would be visible on the sign.

Mr. Yeakey explained his concern with the staff recommendations of using a flat mounted sign and a perpendicular sign as he felt the signs would not be entirely visible to pedestrians. Mr. Yeakey said he is requesting to have a flat mounted sign in Location 3 because he does not think it is feasible to have one flat-mounted and one projecting sign as per the staff recommendations, due to traffic, and customers not being able to locate the building,

Ms. Tennor explained that this property has come before the Commission several times in the past and the Commission is aware of the challenges the building presents for merchants. Ms. Tennor disagreed with the applicant that a perpendicular sign in Location 3 would not serve the applicant. Ms. Tennor said that Location 3 would be parallel to the flow

of traffic down Main Street. Ms. Tennor discussed the challenges of the particular location for merchants but explained why the staff recommendation would benefit the applicant and would be visible for pedestrians.

Ms. Tennor offered suggestions for the size of the flat mounted sign at Location 1 and for a double-sided projecting sign at Location 3. She suggested the flat mounted sign at Location 1 be as wide as the recessed niche below the entrance door, so that the sign relates to the building. She suggested the sign in Location 3 use the same design as the sign shown in Location 2, but have the business name added.

Ms. Zoren said that because the Commission would be potentially approving two signs instead of one, both signs should be closer to 6 or 7 square feet as recommended in the Design Guidelines. Mr. Yeakey explained that the size of the sign in the proposal was determined by using the width of the existing light fixtures on the building, which will shine onto the sign; and that given how far apart the lights are, the sign fit in that area.

Mr. Yeakey and Ms. Tennor discussed the design of the potential projecting sign at Location 3, as Ms. Tennor has suggested using the design of Sign #2, the oval shaped sign. Mr. Yeakey said his company has a design that says “E.C. Pops” “Maryland’s Own” at the top border above the portrait of the dog, Mr. Yeakey explained that he would like to use his design for consistent branding. Ms. Tennor said that would be a good solution.

Ms. Tennor explained that the building has a wide frontage and a smaller sign could get lost in the expanse of the building. Ms. Tennor deferred to the other Commission members for the size of the sign at Location 1. Mr. Yeakey explained that Ms. Tennor’s suggestion for size was similar to the size of the sign for the previous tenant, Linwood Boutique.

Ms. Tennor agreed with the staff recommendations to use one flat mounted sign at Location 1 and one projecting sign at Location 3. Mr. Roth agreed, but did not have a preference for the size of the sign at Location 1. Mr. Roth agreed that it is ok to have a larger sign due to the width of the façade, which would be balanced better with the existing light fixtures. Mr. Shad agreed with two signs for this building, one projecting in Location 3 and the sign at Location 1 to be no larger than the current size of the sign that was there for Linwood Boutique.

Ms. Holmes asked Mr. Yeakey if he knew the dimensions or thickness of the signs. Mr. Yeakey said the sign thickness was approximately $\frac{3}{4}$ of an inch thick. Ms. Tennor suggested the edge of the sign be finished and be black in color. Mr. Yeakey said the finish on the sign face would be vinyl to the edge of the sign and the material itself will be black on the edge.

Ms. Tennor asked if the size and style of the bracket for the projecting sign could be submitted to staff for approval. Ms. Burgess confirmed staff could approve the bracket for the sign and said the bracket should be mounted into the mortar joints instead of the brick.

Mr. Yeakey asked for clarification on the size of Sign 1, and if the Commission would approve the size of what was being proposed or matching the size of the sign of the Linwood Boutique sign which was wider. Mr. Shad and Mr. Roth said the applicant's proposal aligned with the light fixtures. Mr. Yeakey said he would prefer to keep the sign the same dimensions as proposed, because if the sign became wider the lights would make the edges of the sign dark.

Mr. Yeakey said the names are all contained in one rectangle with the ellipse below it. Ms. Zoren said she would prefer the sign be approved through the Minor Alterations process

so that the Commission could see the updated sign design and dimensions. Mr. Yeakey said on page 3 of the agenda, the window on the very far left-hand side of the building covered in the temporary cling, depicted what he would present as the design for the sign at Location 3. Mr. Yeakey said the sign says, "Maryland's Own" above "E.C. Pops". Ms. Burgess noted "Maryland's Own" is a much smaller font size than "E.C. Pops" Mr. Yeakey said that was correct. Ms. Tennor clarified the background on the banner was white as opposed to the orange in the previous request.

Ms. Zoren said the Commission needed to discuss the multi-colors of the sign. Ms. Tennor and Mr. Roth stated they did not object to the colors used in the proposal. Ms. Zoren wanted to address why there were more colors in the proposal than the Guidelines recommend. Ms. Tennor said without the border the sign is three colors and with the addition of the border it is emulating the state flag.

Ms. Holmes asked for the Commission to review the materials for the sign. Ms. Holmes asked the applicant if the interior material of the sign could be touched. Ms. Holmes she said wondered if it was similar to the material the Commission approved the previous month for Umi Sushi and reminded the Commission that their motion had a stipulation in the approval in case the materials did not weather the same as comparable materials. Ms. Holmes said that due to the thickness of the Umi Sushi sign, like the current proposed sign, it had similarities to wood once hung. Ms. Tennor asked what the material for the projecting sign would be. Mr. Yeakey said he needed to meet with the sign company to see what material could be used for the projecting sign. Ms. Tennor said the projecting sign needed to have a black edge and Mr. Yeakey agreed.

The Commission discussed what options for the sign (material, bracket, etc.) should be included in the motion and if it was possible for both signs to use the same material. The Commission discussed the approval of the signs through the Minor Alteration process.

F. Motion

Ms. Tennor moved to approve:

- Two signs for this new business in this location, one above the entrance door that is sized as shown in the application and the layout in the application, flat mounted to the wall above the door.
- A second sign within the constraints of the size limitations for the Historic District, which is 6 square feet, to be projecting at Location 3. The size would be a double-faced that reads “E.C. Pops, Maryland’s Own,” in a single rectangle above the ellipse shaped sign with the dog and would be suspended from a bracket perpendicular to the wall in Location 3. The sign and the bracket should be submitted to staff for review and to be posted for a Minor Alteration so that the Commission can review the final layout for that second sign in Location 3.
- That no sign will occur in Location 2.
- Approve the colors as presented and the materials subject to verification for the Minor Alteration.

Mr. Roth seconded. The motion was unanimously approved.

Conclusions Of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 11 sets forth the relevant recommendations for Signs, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant proposed installing three signs for his business located at the corner of Old Columbia Pike and Main Street, but subsequently amended his applications to request two signs. The two signs will be a double-sided projecting sign, of no more than six feet square, located to the left of the front door (Suite 101) over the front windows, and a flat mounted sign located over the front door as depicted in the application, 21 inches high by 96 inches wide, for a total of 14 square feet. Given the architecture of the building at the Subject Property and its location at an intersection, two signs, of the scale approved here, are appropriate for this setting. Additionally, the text and colors of the signs comport with the Guidelines. The text and graphic are simple. Although there will be a Maryland flag border on the signs, they will primarily be black and gold, with a white graphic. As depicted, the Maryland flag border will not unduly detract from the simplicity of the signs or inappropriately contribute to visual clutter in the District.

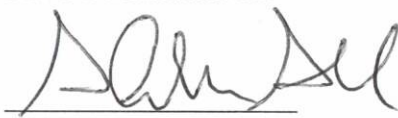
The Commission approves the location and size of the two signs, and the design of the sign over the door as submitted. The hanging sign must be submitted for Minor Alterations approval, in accord with the Commission's recommendations and Applicant's agreement, that it read "E.C. Pops, Maryland's Own," in a single rectangle above the ellipse shaped sign with the dog and be suspended from an appropriate bracket perpendicular to the wall in Location 3.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 4 to 0, it is this 5 day of September, 2019, **ORDERED**, that the Applicant's request to install signs at the Subject Property, is **APPROVED, as amended and conditioned herein.**

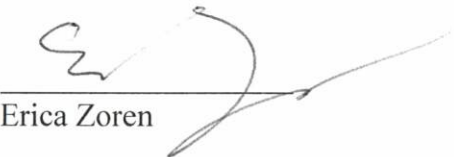
**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**


Allan Shad, Chair

ABSENT
Bruno Reich



Drew Roth


Eileen Tennor


Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW


Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
MARK DELUCA, HOWARD COUNTY	*	HOWARD COUNTY
DEPARTMENT OF PUBLIC WORKS		
	*	HISTORIC PRESERVATION
FOR A CERTIFICATE OF APPROVAL		
FOR EXTERIOR ALTERATIONS	*	COMMISSION
AT ELLICOTT MILLS CULVERT		
ELLICOTT CITY, MARYLAND	*	Case No. 19-42

* * * * *

DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on August 1, 2019 to hear and consider the application of Mark Deluca of the Howard County Department of Public Works (“Applicant”), for a Certificate of Approval for exterior alterations and new construction at Ellicott Mills Drive Culvert, in the vicinities of 8444 Main Street, 8394 Main Street and 8390 Main Street, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Eileen Tennor, Allan Shad, Drew Roth, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the August 1, 2019 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. A representative for the Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

This property is located in the Ellicott City Historic District and does not currently contain any historic structures. The stone courthouse that previously existed in the vicinity of this site was destroyed in the May 2018 flood and the log cabin was moved to the rear of Parking Lot F in order to keep the structure safe as a result of the damage done to the surrounding site. On July 11, 2018 the applicant received Advisory Comments for repairs needed at this location where the pipe under Ellicott Mills Drive failed and the roadway was destroyed.

B. Proposed Improvements

The applicant seeks approval for:

- 1) Proposed stone veneer treatment of all exposed surfaces on the concrete box culvert.
- 2) Installation of black metal fencing and black railing for staircase.
- 3) Installation of pathway on the east side of Ellicott Mills Drive from Parking Lot F to Main Street.

- 4) Retroactive construction of concrete staircase from parking lot to pathway.
- 5) Paving of sidewalk along Ellicott Mills Drive.

Exposed concrete headwalls and endwalls and all exposed concrete surfaces will be treated with a cut stone veneer similar in size and style to the material used to restore the walls at Court Avenue and the stream walls by Ellicott Mills Brewery. There will not be a formal capstone, but rather the stone veneer will be applied. The concrete walls were constructed with a Hohmann and Barnard 305-dovetail slot for the proposed stone veneer. The slots were spaced 16 inches on center.

The fence will be located along the top of the culvert, as shown in the elevations in the application. The fence will be located along the stream walls and will also be located along the slope adjacent to part of the new pathway, as shown in the site plan. The fence will be a black metal fence, with the “O” detail. The fence will be 3 feet high, with 2 ½ inch square posts and 1-inch square pickets.

The pathway will connect Parking Lot F to Main Street. The pathway will be 8 feet wide and be constructed in asphalt. The pathway is intended to be temporary to provide access from the parking lot to Main Street until the master plan proposes a permanent solution and plan for the area. The steps are constructed out of concrete and lead from the parking lot to the pathway. A new black metal stair railing will be installed at the steps.

The sidewalks along both sides of Ellicott Mills Drive will be paved with concrete. Prior to the flood, the sidewalks were partially brick and then transitioned to concrete just before the driveway to 3880-3884 Ellicott Mills Drive and the location of the old Courthouse. Some brick remains in this vicinity, but has sunken due to the flood. The sidewalks will be 5 feet wide, which are wider than those previously existing. The existing brick sidewalks along

Main Street will remain in place and will only transition to concrete at the point of curve approaching the Ellicott Mills intersection.

C. Staff Report

Chapter 10: Parking Lots, Public Streets and Street Furniture

- 1) *Chapter 10 states, "Design of public improvements is constrained by government budgets, other laws and regulations, public safety and other factors. In a few cases, when a county agency must do work in order to provide a necessary service or to comply with the law, and the work can be done only in a particular way (there are no other options), there may be no issues that the Historic [Preservation] Commission can decide."*

For the construction of the concrete box culvert and headwalls and endwalls, there were specific regulations that specified how the structure must be built in order to handle stormwater, which required permits from Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers. This construction qualifies as one of the few instances when the work can only be done in a particular way and there are no issues for the HPC to decide. However, the stone veneer surface treatment of the concrete box culvert, and other site design items, such as railings and pathways, do require HPC approval.

Chapter 9.D: Landscape and Site Elements; Walls, Fences, Terraces, Walkways and Driveways

- 2) *Chapter 9.D states, "whenever possible, the materials used should be those used historically in the particularly area of the district, especially for features that will be readily visible from a public way."*

- 3) *Chapter 9.D recommends, “Construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.”*

The proposed stone veneer walls, to be similar to those used on the reconstructed walls by Court Avenue/Ellicott Mills Brewery, comply with the Guideline recommendations. The use of a veneer stone will allow the stream channels to look like stone construction, as they were historically built in Ellicott City. The stone will also be similar to that used recently, creating a uniform use of a material for stream walls.

The construction of poured concrete steps complies with the Guidelines, as the material is compatible with the setting and with any nearby historic structures. The use of concrete also allows for a safe and even rise over run for the steps.

The use of concrete for the sidewalks at Ellicott Mills Drive complies with the Guideline recommendations. This roadway is not historic and dates to the late 1960s and the sidewalks would not have been originally constructed in brick.

- 4) *Chapter 9.D recommends, “install open fencing, generally not more than five feet high, of wood or dark metal.”*

The use of the proposed black aluminum fencing and railing complies with Chapter 9 recommendations as referenced above in bullets #2, 3 and 4. The fencing will match other fencing used on County property throughout the district and is also a black metal that is open and not more than five feet high.

D. Staff Recommendation

Staff recommends the HPC approve the application as submitted.

E. Testimony

Mr. Shad asked if anyone in the audience was in opposition to the case that would like to speak. There was no one in the audience that wished to speak. Mr. Shad swore in the applicant, Mark DeLuca, the Deputy Director of Public Works. Mr. DeLuca showed a PowerPoint to the Commission to illustrate the progression of the work for the culvert. Mr. DeLuca explained that he came before the Commission in July 2018 after the 2018 flood with preliminary drawings for the culvert. Mr. DeLuca explained how DPW handled the construction at Ellicott Mills Drive, by treating it as a design build. Mr. DeLuca explained the goal had been to reopen the street as quickly as possible since access points into the historic district were limited with the road closed.

Mr. DeLuca explained that the work done for Ellicott Mills Drive and the culvert was a FEMA reimbursable job where the designer was only a few steps ahead of the construction throughout the entire process. Mr. DeLuca explained the reason for the culvert failure and some background on the repair/reconstruction of the new culvert. Mr. DeLuca said that DPW worked with the Army Corps of Engineers and Maryland Department of Environment through different phases of work on the culvert.

Mr. DeLuca described the color code for the site improvements map submitted. Mr. DeLuca said DPW would continue the fencing from Court Avenue to the culvert and around to the corner of The Wine Bin. He said the downstream side of the culvert will have fencing. Mr. DeLuca explained that DPW will be using the same stone from the Court Avenue culvert/bridge, that was also used to restore the wall at Ellicott Mills Brewery culvert. He said the size of the stone will be larger to resemble the wall at the Brewery. Mr. DeLuca said the upstream wall culvert will have an orifice that makes the opening of the culvert the equivalent of a 9-foot diameter pipe until DPW can remove the orifice.

Mr. DeLuca discussed the plan elements that are part of the application. Mr. DeLuca said the pathway, shown in green on the drawing will be redone by the master plan. He explained that the log cabin currently stored on Parking Lot F will be moved to its original location, which will require re-grading of the site. The pathway shown in green will be an accessible way for people to get from Parking Lot F to Main Street until a more permanent solution is determined through the master plan process. Ms. Tennor asked if there would be two ways for pedestrians to get from the parking lot to Main Street, by using the pathway or the stairs. Mr. DeLuca confirmed Ms. Tennor was correct.

Mr. DeLuca described some of the future work still needed to take place on the channel and explained that eventually the channel will feed into the north tunnel proposed by the EC Safe and Sound flood mitigation plan.

Mr. DeLuca said that DPW is asking for the brick sidewalk to be replaced with concrete. Mr. DeLuca said this area in question is very vulnerable and explained that the culvert could still overtop due to a flood and wash out brick pavers. Mr. DeLuca said concrete sidewalks were being requested due to this concern. Mr. Roth discussed the Guideline recommendations to use brick for sidewalks and said that the previous month the Commission approved replacing asphalt portions of sidewalk that had previously been brick, with concrete, because there was testimony that until the flood water mitigations were in effect the area could experience sheer stress from flooding that brick could not handle. Mr. Roth said that area was on the other side of the street from this current application. Mr. Roth asked if Mr. DeLuca was making a similar argument that the subject area is likely to experience sheer stress, as the other side of the street did. Mr. DeLuca said until the flood mitigation upstream is completed the culvert would still take the brunt of the any flooding that could occur and cause flooding on

the street. Mr. DeLuca said the new culvert will not function well until there are mitigation elements downstream put in place. Mr. Roth said he did not understand how elements from downstream could affect the sheer stress that is experienced on the sidewalk by the culvert upstream. Mr. DeLuca said there is a possibility that the water could overtop the street and DPW is playing it safe by requesting concrete sidewalks. Mr. DeLuca said when all flood mitigation efforts are in place, brick could replace the concrete sidewalks.

Ms. Tennor and Mr. DeLuca discussed if DPW considered keeping the portion of brick that survived the flood. Mr. DeLuca said it was considered, but explained that all corners of the sidewalk need to be repaired because there are trip hazards on the right side and it was easier to take the concrete sidewalks down past the ADA ramp. Mr. DeLuca explained that there is no sidewalk on the west side of Ellicott Mills Drive because of the construction to fix the culvert. He said there is still a brick sidewalk on the east corner. He said the brick on the east side needs to be pulled up and reset if the brick was going to stay.

Ms. Tennor and Mr. DeLuca discussed the stone facing size for the stone veneer. Mr. DeLuca explained that DPW would be using stones similar in size to the stones at the Ellicott Mills Brewery culvert wall. Ms. Tennor asked for DPW to make an effort to select a reasonable stone color. Mr. DeLuca said that was DPW's intention and explained that the color of the stone will soften with age.

Ms. Tennor asked if the fencing shown on the plan was all the same height. Mr. DeLuca said the fencing on top of the culvert will be the same height, but the fencing on the ground will be the same height as the standard fencing that DPW uses in Ellicott City.

Mr. Roth asked what Mr. DeLuca was specifically seeking approval for. Mr. DeLuca said all the elements on the drawing that are part of the application; the fencing, the type of

fencing, the location of the fencing, the asphalt pathway, the concrete stairs with the black railing, the sidewalk to be concrete to the limits shown, and the stone veneer.

Mr. Shad asked how the new sidewalk on the east side of Ellicott Mills will tie into the existing sidewalk. Mr. DeLuca said the sidewalks will meet but there is going to be a shift in the sidewalk, because the sidewalk will be widened and shift closer to the curb and there will no longer be a grass strip. This is similar to the existing sidewalk on the west side of Ellicott Mills, which never had a grass strip. Mr. DeLuca explained the reason for the sidewalk shift is due to a sewer or water line that should have a 20-foot easement.

Mr. DeLuca explained some of the other work that needs to be done to clean up the area, such as creating a transition from imbricated wall to the WPA culvert from the 1930s, which has been kept in place. Mr. DeLuca said that DPW wants to preserve the concrete ledge and is proposing to add riprap, so the imbricated wall will blend into the culvert. A six-foot black iron fence will continue from the existing imbricated wall and come around to the culvert.

Public Testimony

Mr. Shad swore in Mr. Joel Hurewitz to testify on behalf of the application. Mr. Hurewitz said he thought it looked nice. Mr. Hurewitz explained that he found more history on the brick sidewalks from several newspaper articles, including:

- A September 1990 Baltimore Sun article that quotes Alice Ann Wetzel the County's Historic Preservation Planner as stating that the "brick paver sidewalks and crosswalk do not have any historic significance because the town's streets were originally made of cobblestone, wood and some granite blocks."

- A September 19, 1990 Baltimore Sun by Russ Mullaly titled “Let’s Hope the Brick Sidewalk Plan isn’t Set in Concrete” and this article also notes the original sidewalk materials were cobblestone, wood and granite.
- A 1901 article explaining that sidewalk and lighting projects were taking place in Ellicott City. Mr. Hurewitz theorized that prior to 1901 there were no sidewalks on some of the side streets.
- A third Baltimore Sun article from 1922, stating that Main Street was a mess and one of the worse pieces of roadway in Maryland. The article explains that as a National Highway, Ellicott City worked with the State Road Commission to remove the cobblestones.
- Mr. Hurewitz showed a picture of Ellicott City from 1920 that shows granite curbing, Belgium block and the trolley line.

Mr. Hurewitz showed more pictures of historic Ellicott City with what he believed were Belgium block sidewalks and wood plank sidewalks or dirt. Mr. Hurewitz said there does not appear to be any historic brick. Mr. Hurewitz summarized that there was no historic significance to the Ellicott Mills intersection. Mr. Hurewitz discussed his findings on thermoplastic and stamped concrete used around the County as an alternative option to this intersection to help continue the uniform look of brick throughout the Historic. He said the whole point of using brick in 1990 was to give the town a nice look for commercial reasons.

Mr. DeLuca provided some additional clarification on how all of the flood mitigation projects work together. He explained that generally for the top down floods, the way to mitigate floods would be to store the water in the upper reaches of the Hudson Watershed to reduce the cubic feet that would flow. By storing it, DPW could change when the water is

released and control the time of concentration, taking the peak out of severe acute rain events. Mr. DeLuca said it was not possible to store all the water. He said that all of the upstream culverts were not adequately sized, so the small culverts allowed the volume of water to rise and jump into the street. He explained how the street becomes a conduit for high velocity flooding. Mr. DeLuca provided an overview of some of the upstream culverts that did not function properly. Mr. DeLuca said the culvert at Ellicott Mills Drive is vulnerable until those upstream culvert projects are complete.

Mr. Roth said the culvert failed and the whole road washed away, but he noted the brick sidewalks were still intact in the photos. Mr. Roth said at the previous meeting (for HPC-19-34), the areas replaced in concrete clearly washed away from the flood. Mr. DeLuca explained that once the pipe failed, the channel became the path of least resistance, and took water traveling down the West End into the channel and parking lot. Mr. DeLuca explained the downstream side flooded out Lot F and continued behind The Wine Bin to Court Avenue and came back out on to Main Street, which was the only reason the sidewalk Mr. Roth referred to stayed intact. Mr. DeLuca explained that Main Street underwent a catastrophic failure which left the sidewalks intact, and if Main Street failed and the Ellicott Mills culvert does not fail, the water will stay on the street and the brick will be subject to the same kind of stresses as the other brick sidewalks along Main Street. Mr. DeLuca said this concrete sidewalk was proposed out of caution. Mr. DeLuca reiterated that the catastrophic failure of the culvert saved the sidewalk because it gave a place for the water to go and explained that places downstream were hit a lot harder due to the way the culvert failed at Ellicott Mills Drive. Mr. DeLuca reiterated that the new culvert was built to be larger than the previous pipe, but has an orifice on the front of it to make it hydraulically equal to a 9-foot diameter pipe to

match the previously existing pipe. Mr. DeLuca said that DPW has to put in all the flood mitigation in downstream before the orifice can be removed and all the water can go through the larger sized culvert. Mr. DeLuca presented modeling that showed three flooding analyses. He discussed a comparison model of the maximum flood depth from the July 2016 flood at Ellicott Mills Drive and showed various depths of water and high velocities that overtopped the channel and flooded Lot F. He showed when the new culvert is fully opened, flooding will not occur outside the channel. Mr. DeLuca explained two other modeling scenarios.

Mr. Roth and Mr. DeLuca discussed the reconstruction of the culvert and the condition of the sidewalks after the 2016 flood. Mr. Roth explained that he did not find there was solid defensible data proving the sidewalks were at risk. Mr. DeLuca pointed out that every storm in Ellicott City has been different. Mr. DeLuca said the storms have variability and how the brick will perform under the different circumstances will vary. Mr. Roth asked why that argument had not been made at the July meeting when discussing replacing the sidewalks with concrete on the north side of Main Street. Mr. DeLuca said the sidewalk on the north side of the street was not in a zone that was affected by high velocity waters, but this area was. Mr. Roth asked to see velocity diagrams, which were not in the presentation.

Mr. DeLuca explained that DPW wants to be conservative in the replacement of the sidewalks with concrete because it is the safer material to use as there is no way to judge the risk at the proposed location. Mr. Roth said without providing a consistent technical definition of risk, the Commission agreed to replace brick with concrete where the brick obviously washed away in HPC-19-34 the previous month. Mr. Roth said the evidence that suggests the brick survived the 2016 storm. Mr. Roth said the burden is on DPW to provide actual data that

there is a risk here due to the sheer stress of the velocities of the water to replace brick sidewalk with concrete.

Mr. Roth said that the Guidelines were implemented through a process agreed upon by the Commission and say that concrete sidewalks should be replaced with brick. Mr. Roth said that Mr. DeLuca had not made the case that in this particular location the brick is at risk for washing away as it did not wash away in the 2016 flood. Mr. Roth said he was fine with the rest of the application.

Mr. Shad said he agreed with Mr. Roth regarding the sidewalk material, and would prefer to see brick remain or replace in-kind for as long as possible. Ms. Tennor agreed with Mr. Roth, she understood Mr. DeLuca's objective and reasoning, but noted that whatever material will be used will most likely be temporary for that period of time and replacing brick with brick is not an unreasonable objective. Ms. Zoren asked if Mr. DeLuca would provide the Commission with numbers and information on sheer stress and velocity for future applications so the Commission can evaluate the proposals based on the provided data.

Mr. Roth suggested Mr. DeLuca treat the sidewalks aspect of the application as advisory comments and bring more data to the Commission the following month. Mr. Shad asked if Mr. DeLuca would treat the sidewalk portion of the application as advisory comments. Mr. DeLuca said he would like to do that.

F. Motion

Mr. Roth moved to approve:

- 1) The proposed fence and railing, brick sidewalk and asphalt path as shown in the Box Culvert Improvements diagram.

- 2) The stone facing on the culvert as described in the application and concrete staircase as shown on the Culvert Phase Plan and Profile Diagram.

Ms. Tennor seconded. The motion was unanimously approved.

Conclusions Of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 9 sets forth the relevant recommendations for Landscape and Site Elements; Walls, Fences, Terraces, Walkways and Driveways and Chapter 11 sets forth relevant recommendations for Parking Lots, Public Streets and Street Furniture, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant seeks approval for the construction of major public infrastructure required by the destruction of Ellicott Mills Road, where it meets Main Street. During the Flood of 2018, the roadway and adjacent sidewalks were washed away due to significant overtopping and undermining on the upstream side of the previous culvert running under Ellicott Mills Road. Unfortunately, the same waters washed away the original Howard County Courthouse, a small stone structure that stood with a historic log cabin, which has been saved, in the open space on Main Street next to the Wine Bin. Howard County has since repaired the roadway and built a large new culvert after discovering that the old culvert was damaged beyond repair.

The need for robust stormwater management infrastructure in the Historic District is evident in the two Great Floods of 2016 and 2018. Nature did not seek a Certificate of Approval before she wrought her forces on the Subject Property, which will never return to its previous appearance. The Flood drastically changed the topography of the area, which lies over the Tiber River. Accordingly, the new culvert, designed under the authority of the U.S. Army Corps of Engineers and the Maryland Department of the Environment in a manner that allows part of the blown open channel to remain open, will hopefully manage future flows to

impede the destructive effects of flood water on the District, the core of which lies immediately downstream from the Subject Property.

The reconstruction of the Road and the design and construction of stormwater management infrastructure are largely beyond the purview of the Commission, which is tasked with considering exterior alterations to the appearance of property in the District. Here, the Applicants seek approval for the visible elements of new construction at the Subject Property. As with other recent stream wall construction in the District, the Applicant proposes to use a stone veneer on the exposed parts of the concrete culvert and headwall to be compatible with the iconic stone construction of the District. The Applicant also seeks to install a black iron railing, which is historically appropriate in design and material and consistent with other fencing in the District. Finally, the Applicant seeks approval to restore pedestrian access from Parking lot F to Main Street, in a manner similar to that which existed before the Flood, by constructing concrete stairs and an asphalt pathway. The proposed work is in accord with Guideline recommendations to use historic materials in a way that is compatible with historic structures in the District. Concrete is not a historic material but in the context of a pedestrian pathway off a parking lot - in an area not immediately near historic structures - it is appropriate. Likewise, asphalt is not a historic material, but its temporary use to provide pedestrian access while the Ellicott City Master Plan is developed, which will address the future use of the Subject Property, is allowed by the Guidelines. Although the Applicant originally sought approval for the use of concrete sidewalks on Ellicott Mills Road where previous brick sidewalks were washed away, that proposed work was withdrawn for the time being.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application, as amended, complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 4 to 0, it is this 5 day of September, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations and new construction at the Subject Property, is **APPROVED, as amended**.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**


Allan Shad, Chair

ABSENT
Bruno Reich

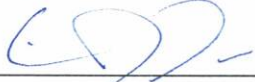

Drew Roth


Eileen Tennor


Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW


Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.