

IN THE MATTER OF THE APPLICATION	*	BEFORE THE
OF AVINASH DEWANI, HOWARD		
COUNTY DEPARTMENT OF PUBLIC WORKS	*	HOWARD COUNTY
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
FOR EXTERIOR ALTERATIONS		
AT 3614 COURT HOUSE DRIVE,	*	COMMISSION
3534 CHURCH ROAD, AND		
3655 CHURCH ROAD	*	Case No. 18-32
ELLCOTT 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 July 11, 2018 to hear and consider the application of Avinash Dewani, Howard County Department of Public Works (“Applicant”), for a Certificate of Approval for exterior alterations at 3614 Court House Drive, 3534 Church Road, and 3655 Church Road, Ellicott City, Maryland (the “Subject Properties”). 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 June 7 and July 11, 2018 Commission meetings; (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 Properties

These properties are located in the Ellicott City Historic District. While there are historic and modern buildings on these properties, the application deals with site alterations that do not involve the buildings. The Department of Public Works, Real Estate Services Division, is in the process of acquiring easements for the privately-owned parcels that are in the project area.

B. Proposed Improvements

The application is for the stabilization of a slope that contains trees and a historic stone wall along Court House Drive. At this section of the roadway there is a stream and culvert that runs under the road. The application explains, "the existing natural stone headwall at the outfall of the pipe has experienced significant cracking and is severely damaged. The downstream embankment slope has erosion in several places. Runoff has resulted in damage to the existing gabion basket supporting the road edge at the top of the roadway embankment, and the cracks have developed in the roadway."

The Applicant proposes the following:

- 1) Replace the existing asphalt curb and damaged curb opening with a concrete curb.
- 2) Bury the existing stone wall and add fill to create a more stable slope.
- 3) Install two combination inlets and a storm drain to capture roadway runoff from Court House Drive and convey the runoff to the suitable outfall close to the stream, to reduce the flow on the road embankment.
- 4) Replace the damaged portion of the existing 36" RCP storm drain pipe and extend and line with concrete.
- 5) Regrade the outfall and stabilize to reduce the flow of velocity from the pipe.
- 6) Remove 11 trees that are 12 inches or greater DBH, including one 30.5-inch tulip poplar specimen tree. The specimen tree is located along the southwest edge of the limit of disturbance adjacent to the proposed grading, which will affect more than 33% of the critical root zone.

Staff inquired if a structural analysis of the wall was done and the consultant replied, "We did not do any structural analysis of the wall. The degree of damage the wall has already sustained, and the variability of wall materials and their overall integrity would make it very difficult to accurately analyze the structure; doing so would likely require a test hole, which could further compromise the slope and wall stability and roadway safety. We also needed to lessen the steepness of the roadway embankment slope to make it stable and we could not do that with the existing wall."

Eleven trees are identified for removal due to their location within the project area, but there is no information on the health of the trees. The trees to be removed are identified on the site plan and include:

Tree ID #	DBH (Diameter at Breast Height)	Common Name of Tree
22	13 inches	Boxelder
23	13 inches	Black Locust
25	24.5 inches	Tulip Poplar
26	14.5 inches	Boxelder
29	30.5 inches	Tulip Poplar (specimen)
30	16.5 inches	Tulip Poplar
31	19 inches	Tulip Poplar
41	20.9 inches	Green Ash
42	12.5 inches	Beech
43	12.5 inches	Tulip Poplar
52	16 inches	Red Maple

C. Staff Report

The application does not comply with the recommendations in the Ellicott City Historic District Design Guidelines. Chapter 9 explains, “Ellicott City’s natural setting is essential to its character...Ellicott City’s buildings and streets were fitted into the steep hillsides without major changes to the natural land forms. Retaining walls or the outer walls of buildings have been used to terrace the land to create the narrow, level areas needed for buildings, roads, gardens and other improvements.” Chapter 9 recommends, “retain

landscaping patterns that reflect the historic development of the property” and “preserve historic features, such as retaining walls, freestanding walls, fences...and steps. When possible, reuse the historic building material to repair or restore these structures.” The stone wall is most likely a historic landscaping element and the burial of the wall would not comply with the Guidelines.

Chapter 9.B recommends against, “the removal of live mature trees, unless it is necessary due to disease or to prevent damage to historic structures.” There is cracking evident in the stone wall, however there are also trees growing into the wall, which are contributing to the damage. The trees should have been removed and should not have grown to this size. The removal of these trees would comply with the Guidelines as they are damaging a historic structure. The wall should be repaired, and repointed and weep holes installed as need to allow for proper drainage.

An alternate plan for stabilization of the slope that does not bury the historic stone wall and minimizes removal of trees should be identified. There was no evidence submitted within the application that shows the cracking of the stone wall is due to the anything other than trees growing into the wall and lack of proper drainage.

The Applicant has asked the consultant to look into three possible solutions: 1) Constructing a wall between the roadway and existing wall, 2) constructing a new wall and reusing the existing stone and 3) any other solutions that would save the historic stone wall. The Applicant is still waiting to hear from the consultant at the time this staff report was written, so Staff does not have any new information to present to the Commission.

D. Staff Recommendation

Staff recommends an alternate scheme for the stabilization of the slope be considered rather than burying the wall. Staff recommends approval of the concrete curbing and the removal of trees that are growing into the stone wall and slope between the wall and Court House Drive, which includes trees 30 and 31.

E. Testimony

The Commission heard from the Applicant at its June 7, 2018 meeting, and the minutes of that meeting are incorporated here by reference.

At the July 11, 2018, hearing, Mr. Shad swore in Avinash Dewani from DPW and Andy McLean from McCormick Taylor. Mr. Dewani corrected a budget estimate that he made at the June meeting regarding the cost of the project. He explained that the project will cost \$500,000 rather than \$1,000,000. He explained that since the June meeting, he asked the consultants to look at more options to preserve the wall and fix the slope.

Mr. Dewani said they determined that it was not feasible to construct another wall between the roadway and existing historic wall. Another scenario that was looked into was to see if the wall could be moved further up.

Mr. Dewani said the concept drawing submitted to the Commission for approval is to bury the existing wall, extend the pipe and construct a new concrete wall to be faced in stone, where the pipe ends. This will make the slope flatter than it currently is. The new wall will be designed to look similar to the existing wall.

The Commission had a few questions on the proposal and the rendering. Ms. Burgess explained that Mr. Dewani was proposing to bury the existing historic wall, lessen the pitch of the slope, construct a concrete wall with veneer stone facing, extend the pipe through it and

then plant grass on top. Mr. Dewani said that was correct. Ms. Holmes asked if the same trees from June were still proposed to be removed. Mr. Dewani said that was correct.

Mr. Roth commented that a 30-inch Tulip Poplar will be removed. Mr. Taylor asked Mr. Dewani if trees were going to be planted. Mr. Dewani said they would be planting some trees to compensate for those they are removing, but he did not have an exact number. Ms. Holmes asked what type of trees would be planted. Mr. McLean said they would plant native trees. Mr. Roth and the Commission discussed the loss of the 30-inch Tulip Poplar. Ms. Burgess explained that Tulip Poplars are pioneer trees, which are fast growing. She said the trees is old, but most likely not historic. Mr. Taylor inquired about the life expectancy. Ms. Burgess said she did not know, but said a Tulip Poplar is not a slow grower like an oak tree. Mr. Dewani said they tried to save the trees, but the roadway is failing, and this is a public safety project. Mr. Taylor noted that the Applicant can work with Staff on selecting new trees.

Ms. Holmes asked if any other public meetings are required for this project. Mr. Dewani said that no other meetings were required.

Ms. Holmes asked if they will be matching the stone in color and size. Mr. Dewani said they would. Ms. Burgess explained that the stone that Mr. DeLuca has been using for projects is more appropriate than the stone in Lot E, which is randomly placed versus stacked, as the historic wall here is stacked stone.

F. Motion

Mr. Roth moved to Approve the application as submitted. Ms. Zoren seconded. Three voted in favor, Mr. Shad opposed. The motion was 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, 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 proposes work necessary to support a public roadway. Specifically, the Applicant proposes to bury a historic stonewall to create a less steep slope adjacent to the roadway. The Applicant also propose to replace an existing damaged asphalt curb with a concrete curb, install certain stormwater management infrastructure, and remove certain trees so that the proposed work may be completed.

In general, the proposed work is not in accord with Guideline recommendations, which explain, “Ellicott City’s natural setting is essential to its character...Ellicott City’s buildings and streets were fitted into the steep hillsides without major changes to the natural land forms. Retaining walls or the outer walls of buildings have been used to terrace the land to create the narrow, level areas needed for buildings, roads, gardens and other improvements.” The Guidelines recommend, “retain landscaping patterns that reflect the historic development of the property” and “preserve historic features, such as retaining walls, freestanding walls, fences...and steps. When possible, reuse the historic building material to repair or restore these structures.” Burying the historic stone wall is not in keeping with these recommendations. However, the testimony by Mr. Dewani of the Department of Public Works (“DPW”) was that the work was necessary to protect public safety because of the failing roadway. The proposed work will involve the construction of a new wall with stone to resemble the existing wall, which will not be destroyed, but only buried and thus preserved, though unseen.

Similarly, Mr. Dewani testified that they worked to save the trees, but were unable to do so because of the scope of the proposed work. Thus, although the Guidelines recommend against, “the removal of live mature trees, unless it is necessary due to disease or to prevent damage to historic structures,” the removal of the trees here is unavoidable. Moreover, the

evidence showed that even the one specimen tree was of a fast-growing species, and DPW intends to plant new trees.

The remaining work involving the curb and the stormwater infrastructure is not readily visible from the public way and will not detract from the historic setting.

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 is necessary to protect public safety and due to the construction of a new stone wall will not unduly impair the historic and architectural value of the surrounding area. The application is therefore acceptable under standards applicable to the Ellicott City Historic District.

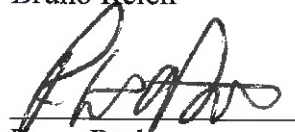
ORDER AND CERTIFICATE OF APPROVAL


Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 3 to 0, it is this 4 day of October, 2018, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Properties, is **APPROVED**.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**

OPPOSED
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		
RAUL DELERME, HOWARD COUNTY	*	HOWARD COUNTY
RECREATION AND PARKS		
	*	HISTORIC PRESERVATION
FOR A CERTIFICATE OF APPROVAL		
TO RELOCATE THOMAS ISAAC LOG	*	COMMISSION
CABIN FROM 8394 MAIN STREET		
ELLICOTT CITY, MARYLAND	*	Case No. 18-39

* * * * *

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 July 11, 2018 to hear and consider the application of Raul Delerme, on behalf of Howard County Recreation and Parks (“Applicant”), for a Certificate of Approval to relocate the structure at 8394 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 July 11, 2018 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 and is listed on the Historic Sites Inventory as HO-64. The Thomas Isaac Log Cabin, according to the Historic Sites Inventory form, may date to the 1780s. The log cabin was originally located on Merryman Street and was dismantled in 1980 and stored by Recreation and Parks, until it was rebuilt in its current location in 1988.

B. Proposed Improvements

The May 27, 2018, flood resulted in a collapse of Ellicott Mills Drive, and the subsequent damage has compromised the structural integrity of the log cabin.

There is also a culvert, approximately 5-6 feet in diameter, that runs under part of the log cabin. This presents additional concerns as work needs to be done directly under and around the structure. As a result, the Applicant proposes to relocate the log cabin in order to preserve the structure. A new permanent location and plan for relocation of the structure is in

the process of being identified. The application explains that the building will likely be moved in one piece, instead of being dismantled.

The log cabin is also under an MHT Easement and Recreation and Parks will coordinate the easement review through MHT.

C. Staff Report

Chapter 12 of the Guidelines states, “relocation will detract from the integrity of a historic structure and its site and requires strong justification. If relocation is approved, the building should be moved to a similar setting, preferably within the historic district.” The current location of the log cabin along Main Street is not the original location as the cabin was first moved from Merryman Street. The existing setting, while aesthetically pleasing, is also not representative of the original setting. Ideally, a new permanent location will be a similarly designed public space, but given the emergency nature of the request to move the structure, this information is not yet known.

Chapter 12 of the Guidelines explains, “for any demolition or relocation, the treatment of the site after removal of the structure and the new location and site design for a relocated building (if the location is within the historic district) must also be approved by the Commission.” Once a permanent location for the log cabin is determined, a new application will need to be submitted for approval, however in the interim, moving the log cabin to a temporary location is acceptable given the circumstances.

D. Staff Recommendation

Staff recommends HPC approve moving the log cabin from its current location to a temporary location as needed, until a permanent location within the Ellicott City Historic District can be identified.

E. Testimony

Mr. Shad swore in Raul Delerme and Caitlin Chamberlain. Mr. Delerme explained that the May 27 flood blew out the road and left the cabin sitting on the edge of the eroded area. He said they are still debating if they need to move the log cabin or not, but that if they have to move it, the move will need to happen quickly. Recreation and Parks is working with DPW to see if the pipes that run under the cabin can be moved away from it, in order to preserve the current location of the cabin. Mr. Delerme said they will know within the next week or two if the cabin needs to be moved. He explained that they have reached out to contractors and have received proposals for the relocation, so they are ready to move it if needed. If it is determined that the cabin needs to be moved, it would be temporarily moved to Parking Lot F or Parking Lot G until a permanent home can be determined. Mr. Delerme said the upper part of Lot F is ideal because they own the Bernard Fort house adjacent to it.

Ms. Tennor asked if the consultants think the cabin can be moved intact and Mr. Delerme replied that they could move it intact, which is the plan. Mr. Roth asked if the same foundation will be used and Mr. Delerme replied that they would like to use it if possible. Mr. Roth asked if the foundation dates to the current placement of the building on Main Street. Mr. Delerme said that was correct, the foundation is not historic and was constructed when the building was moved from Merryman Street to Main Street. Mr. Roth said that it seemed reasonable to move the building if it is needed. Mr. Delerme said they expect DPW to make a decision on moving the pipes within the next few weeks. Mr. Delerme said they would return to the Commission for approval of the final placement of the cabin, if it is moved temporarily.

F. Motion

Mr. Roth moved to approve the application per the Staff recommendation. 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;
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- (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:

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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 12 sets forth the relevant recommendations for Demolition and Relocation, 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 proposes to remove a historic building from its current location because it is endangered due to the catastrophic flooding that occurred on May 27, 2018. Although the Guidelines generally disfavor removal of structures, this one is not in its original location. More importantly, the preservation of the structure is of paramount importance and the removal of the structure is necessary to preserve it, and to make major repairs to public infrastructure adjacent to and underneath the structure, which was destroyed during the May 27 flood. The Applicant proposes to return the structure to an appropriate location within the District at an appropriate time and will return to the Commission for approval of the new location.

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 unduly impair the historic and architectural value of the surrounding area. The application is in accord with the 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 4 day of October, 2018, **ORDERED**, that the Applicant's request for a Certificate of Approval to relocate the structure at the Subject Property, is **APPROVED**.

**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.