



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

ELlicott City Historic District ■ LAWYERS HILL HISTORIC DISTRICT

3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

VOICE 410-313-2350

FAX 410-313-3042

February Minutes

Thursday, February 11, 2021; 6:00 p.m.

A public meeting of the Historic Preservation Commission was held on Thursday, February 11, 2021. Due to the State of Emergency and to adhere to social distancing measures, the meeting was not held at 3430 Court House Drive, Ellicott City, but was conducted as a virtual web meeting/conference call.

Senator Katie Fry Hester, State Delegate Courtney Watson, Ms. Grace Kubofcik, Mr. Nicholas Johnson, Ms. Angela Tersiguel, Mr. Ron Peters, Mr. Joel Hurewitz, Mr. Randy Marriner, Ms. Lisa DeVries, Mr. Donald Reuwer, Mr. Victor Thomas, Ms. Julia Sanger, Ms. Tara Simpson, Mr. Doug Thomas, Ms. Kelly Secret, Mr. Bert Wilson, Ms. Lori Lilly, Mr. Barry Gibson, Ms. Pam Long, Mr. David Carney, Mr. Stephen McKenna, Ms. Gayle Killen and Ms. Liz Walsh were registered to testify on HPC-20-83 per the noon registration deadline on December 3, 2020.

Mr. Roth moved to approve the amended January minutes with a correction to page 16 changing the word exhibit to attachment. Ms. Zoren seconded. The motion was unanimously approved.

Members present: Allan Shad, Chair; Eileen Tennor, Vice-Chair; Drew Roth, Secretary; Bruno Reich; Erica Zoren

Staff present: Beth Burgess, Samantha Holmes, Lewis Taylor, Kaitlyn Harvey

PLANS FOR APPROVAL

Regular Agenda

1. HPC-20-83 – 8049, 8055, 8059, 8061 (Tiber Park) and 8069 Main Street; Vicinity of Maryland Avenue and Main Street; Vicinity of 3711 Maryland Avenue along Patapsco River, Ellicott City – continued from December 3, 2020.

HPC-20-83 – 8049, 8055, 8059, 8061 (Tiber Park) and 8069 Main Street; Vicinity of Maryland Avenue and Main Street; Vicinity of 3711 Maryland Avenue along Patapsco River, Ellicott City – continued from December 3, 2020 and January 14, 2021

Applicant: Robert Z. Hollenbeck, Howard County Department of Public Works

Request: The Applicant, Robert Z. Hollenbeck on behalf of the Howard County Department of Public Works, requests a Certificate of Approval for the demolition of buildings at 8049, 8055, 8059, and 8069 Main Street, the demolition of a bridge at 8061 Main Street (Tiber Park); and alterations in the Vicinity of Maryland Avenue and Main Street, Vicinity of 3711 Maryland Avenue along Patapsco River, Ellicott City for construction of an enhanced floodplain and culvert.

This report is divided into in six sections:

- 1) HPC-20-83a – 8049 Main Street, Ellicott City (Phoenix building)
- 2) HPC-20-83b – 8055 Main Street, Ellicott City (Discoveries building)
- 3) HPC-20-83c – 8059 Main Street, Ellicott City (Easton and Sons/Bean Hollow Building)
- 4) HPC-20-83d – 8061 Main Street, Ellicott City (Tiber Park bridge)
- 5) HPC-20-83e – 8069 Main Street, Ellicott City (Great Panes building)
- 6) HPC-20-83f – Vicinity of Maryland Avenue and Main Street, Vicinity of 3711 Maryland Avenue along Patapsco River, Ellicott City for the construction of expanded terraced floodplain/culvert and associated components.

Background and Site Description: The December 3, 2020 and January 14, 2021 agenda and staff report addendum for case HPC-20-83 are incorporated by reference.

This report will reference various Addendums to the Staff Report. A full list of the Addendums will include:

- Addendum 1 – 8049 Main Street 2020 Updated Historical Information
- Addendum 2 – 8049 Main Street Inventory
- Addendum 3 – 8049 Main Street Photos
- Addendum 4 – 8055 Main Street Historical Information
- Addendum 5 – 8055 Main Street Photos
- Addendum 6 – 8059 Main Street Historical Information
- Addendum 7– 8059 Main Street Photos
- Addendum 8 – 8061 Main Street (Tiber Park bridge) Photos
- Addendum 9 – 8069 Main Street Historical Information
- Addendum 10 – 8069 Main Street Photos
- Addendum 11 – 3711 Maryland Avenue Inventory
- Addendum 12 – Minutes HPC-18-46, September 2018 Meeting
- Addendum 13 – Minutes HPC-19-48, October 2019 Meeting
- Addendum 14 – Minutes HPC-20-74, October 2020 Meeting

These properties are all located in the Ellicott City Historic District. The buildings have the following dates of construction:

- 1) 8049 Main Street (Phoenix) – Brick building circa 1851, frame building circa 1870s.
 - a. Listed as HO-330 in the Howard County Inventory and the Maryland Inventory of Historic Properties.
 - b. Updated 2020 Historical Information in Addendum 1 and Inventory in Addendum 2.
 - c. Photos in Addendum 3.

- 2) 8055 Main Street (Discoveries) – Block building circa 1920s-30s.
 - a. Listed as HO-78-4, Valmas Restaurant, in the Maryland Inventory of Historic Properties
 - b. Additional historical information in Addendum 4.
 - c. Photos in Addendum 5.
- 3) 8059 Main Street (Easton and Sons/Bean Hollow) – Stone and frame building circa 1930s.
 - a. Additional historical information in Addendum 6.
 - b. Photos in Addendum 7.
- 4) 8061 Main Street (Tiber Park bridge) – Previously existing historic building burned down in 1941, was demolished and converted to Tiber Park.
 - a. Photos in Addendum 8.
- 5) 8069 Main Street (Great Panes) – Stone building circa 1841, brick rebuilding potentially circa 1885-1910.
 - a. Listed as HO-78-2, Young-Buzby-Jones Store and Dwelling, in the Maryland Inventory of Historic Properties.
 - b. Additional historical information in Addendum 9
 - c. Photos in Addendum 10.
- 6) 3711 Maryland Avenue (B&O Railroad Station) – Stone building circa 1830.
 - a. Listed on the Howard County Historic Sites Inventory and the Maryland Inventory of Historic Properties as HO-71, Ellicott City B&O Railroad Station, Freight Building and Turntable.
 - b. Individually listed as National Historic Landmark, November 1968.
 - c. Contains a Maryland Historical Trust Easement.
 - d. Inventory form in Addendum 11.

The application provides a brief history of Ellicott City flooding and explains:

“Throughout its history, Main Street and the Ellicott City Historic District have seen at least 15 significant flood events dating back to the 1700’s. Most recently, the community has seen two major flash floods within the last four years. The most recent flash flood events have been referred to as “top-down” flood events, whereas storm water runs from adjacent topography through the Main Street area. “Top-down” flooding has occurred in Ellicott City throughout history. These flood events cause significant damage, as the flood waters travel at a high velocity, collecting anything in its path.”

Scope of Work: The Department of Public Works is requesting a Certificate of Approval for demolition and other work related to the planned construction of the Maryland Avenue Culvert Project, to expand the Tiber River channel and install an underground culvert in the vicinity of Main Street and Maryland Avenue to increase capacity for stormwater flow to the Patapsco River.

The application is for demolition and subsequent construction. The Applicant requests approval to demolish four buildings and a bridge located at:

- 1) 8049 Main Street, Ellicott City (HPC-20-83a) – Phoenix building
- 2) 8055 Main Street, Ellicott City (HPC-20-83b) – Discoveries building
- 3) 8059 Main Street, Ellicott City (HPC-20-83c) – Easton and Son/Bean Hollow building
- 4) 8061 Main Street, Ellicott City (HPC-20-83d) – Tiber Park bridge
- 5) 8069 Main Street, Ellicott City (HPC-20-83e) – Great Panes building

The Applicant also requests approval for the construction of the expanded terraced floodplain/culvert and associated components after the buildings are removed (HPC-20-83f), to include:

- 6) Construct the expanded terraced floodplain/culvert. The expanded terraced floodplain/culvert will utilize the stone from the existing stream walls and stone salvaged from the building demolition. The weir wall will be constructed using salvaged stone from Ellicott City. The imbricated stone spillway will also be constructed with stone.
- 7) Install black metal fencing and black metal bollards along the expanded terraced floodplain/culvert.

The application contains the following information:

“In order to facilitate the conveyance of water from the existing stream channel into the new culvert, modifications to the stream channel walls and conveyance network are required, referred to as the Terraced Floodplain. These modifications, along with the construction of the culvert, necessitate the removal of four buildings. The removal of these four buildings will have a significant positive impact on Lower Main Street. The remaining buildings along Main Street will realize a significant impact in reduction of the risk of damage from flash floods. However, the viewshed and streetscape at Lower Main Street will be altered from the way that most living currently have experienced it. The decision to pursue demolition of these buildings was not reached lightly. It is only through analysis of many projects and multiple plan iterations that the request to remove these buildings is made.”

A Certificate of Approval for any future streetscape work that is not part of Items 6 and 7 above will be required separate from this application.

The application provides background information on the lower Main Street plan from the previous administration, which proposed the demolition of ten buildings along lower Main Street. The HPC provided Advisory Comments on this proposal in September 2018 in case HPC-18-46, found in Addendum 12.

The application also explains that when County Executive Ball took office in late 2018, he announced the “EC Safe and Sound Plan” and by May 2019 selected the Option 3G7.0 to proceed with. This plan includes the preservation of six buildings previously proposed for demolition, the creation of the North Tunnel (not part of this application), the demolition of four buildings and the Maryland Avenue Culvert project. The application also contains information explaining how the flood mitigation projects work together to mitigate flash flooding. The application states that the Maryland Avenue Culvert project will provide significant additional storm water conveyance from the Tiber/Hudson Branch to the Patapsco River, while mitigating a significant constriction to flow. On October 3, 2019 the Applicant received Advisory Comments on the EC Safe and Sound Plan in case HPC-19-48. The minutes from this case are incorporated by reference and found in Addendum 13.

On October 1, 2020, the Applicant received Advisory Comments on the Maryland Avenue Culvert Project and the demolition of the four lower Main Buildings at 8049, 8055, 8059 and 8069 Main Street in case HPC-20-74. The minutes from this case are incorporated by reference and found in Addendum 14.

The application states that the Maryland Avenue Culvert project will provide significant additional storm water conveyance from the Tiber/Hudson Branch to the Patapsco River, while mitigating a significant constriction to flow. The application contains the following explanation:

“The Maryland Avenue Culvert project works by increasing the conveyance capacity for storm water from the existing stream channel network out to the Patapsco River. Currently, the capacity for storm water to drain from Main Street is limited by the capacity of the *Oliver Culvert*, which parallels Main Street adjacent to its crossing underneath the railroad bridge. The new culvert will consist of a reinforced concrete box culvert that will extend from the

approximate location of 8049 Main Street, below grade under Maryland Avenue, below the turn table adjacent to the B&O Railroad Station and CSX Rail line, and out to the Patapsco River.”

The application also addresses how impacts to the B&O Station and Turntable will be monitored:

“To avoid impact to the B&O, turn table, or rail line, the section of culvert under this area will be constructed using a ‘jack and bore’ construction technique. This is a process in which a jacking pit will be excavated in Maryland Avenue, and the concrete structure will be hydraulically jacked from the pit, below grade, out towards the river. To ensure the B&O, turn table, and rail line are not impacted by this construction process, the design team has gathered subterranean data and prescribed a series of engineering controls, including sensors, which will be monitored in real time throughout the project.”

Slide 16 from Attachment A in the Applicant’s submission shows the existing stream channel with the location of the proposed culvert:

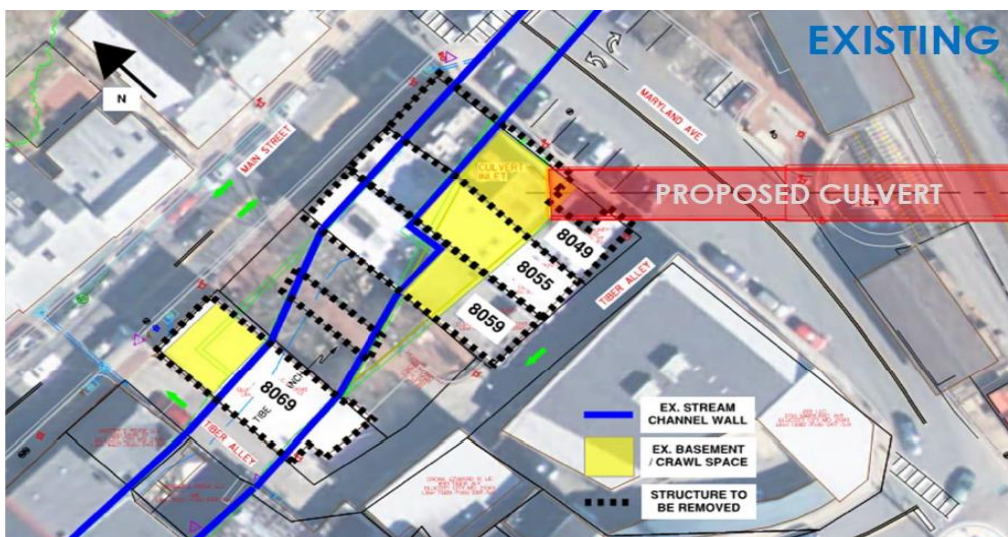


Figure 12 - Existing conditions and proposed culvert.

Slide 17 below from Attachment A in the Applicant’s submission shows the proposed stream channel with the proposed culvert and new terraced floodplain/new stream channel. The Applicant seeks approval for the construction of the expanded terraced floodplain/culvert/new stream channel as outlined in Items 6 and 7.

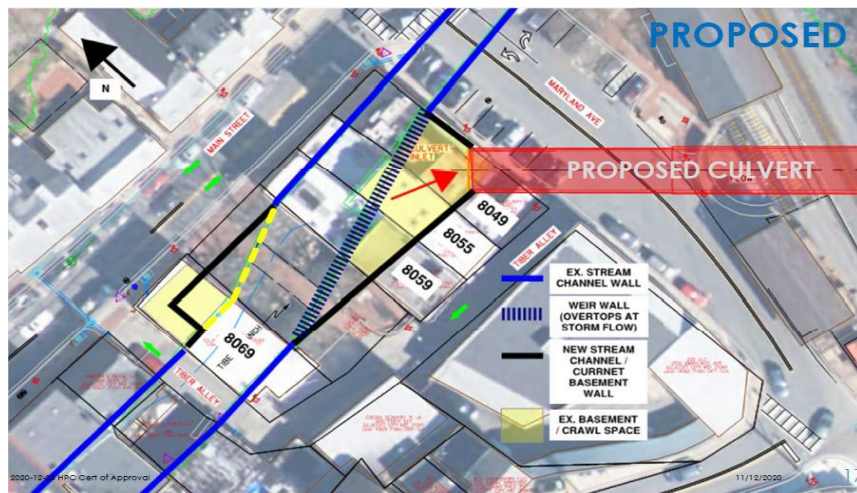


Figure 13 - Proposed terraced floodplain/culvert/expanded stream channel.

HPC Review Criteria and Recommendations:

The following Guidelines, Code provisions, and Rules of Procedure references below are excerpts, and are included for the Commission’s consideration in reviewing the application. Please refer to the actual documents for the full text.

Ellicott City Historic District Design Guidelines; Chapter 12: Demolition and Relocation

- 1) *Chapter 12 states, “Demolition and relocation of any structure requires a Certificate of Approval from the Historic Preservation Commission. This requirement applies to structures such as retaining walls, sheds and garages as well as houses. Historic buildings are irreplaceable resources. Because their demolition will have a permanent detrimental effect on the historic district, the Commission will consider approving demolition only after all possible alternatives to preserve the structure are exhausted.”*
- 2) *Chapter 12 states, “For any demolition or relocation, the treatment of the site after the 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).”*

Rules of Procedure, Section 300, Demolition and Relocation of Structures in Historic Districts; General

Section 300 states, “Demolition or relocation of any structure in an historic district requires a Certificate of Approval. The Certificate of Approval must include a plan for treatment of the site after the structure is removed. The Certificate of Approval must also include the new location for a relocated building if the location is within an historic district in Howard County.”

Section 300 of the Commission’s Rules of Procedure provide information on the process for reviewing applications for demolitions in the historic district. The entire section is relevant to this Advisory application, and is incorporated by reference, rather than copying and pasting three pages of procedures. Please refer to the Rules of Procedure for full text.

Rules of Procedure, Section 301, Demolition and Relocation of Structures in Historic Districts; Contents of Application

Section 301 of the Rules of Procedure outlines the process and information needed in an application for demolition. Section 301 explains that documentary evidence must be submitted to support the demolition request and outlines the information that should be provided in an application. The Rules of

Procedure also state that before the Commission acts on an application for demolition, they shall determine whether the building is a Structure of Unusual Importance, which is defined by Section 302.

**Rules of Procedure, Section 302, Demolition and Relocation of Structures in Historic Districts;
Classification of Structure**

Section 302 states, "Before acting on an application for demolition or relocation, the Commission shall determine whether the structure is a Structure of Unusual Importance."

- A. *Structures of Unusual Importance are structures deemed by the Commission to be of unusual importance to the Nation, State or County, whose loss would cause great damage to the character and integrity of the historic district.*
- B. *Determination that a structure is a Structure of Unusual Importance shall be based on criteria in its adopted guidelines, the testimony of expert witnesses or other documentary evidence presented to the Commission.*

If the Commission determines the structure is a Structure of Unusual Importance, the process to be followed is described in Section 303 of the Rules, *Demolition of Structures of Unusual Importance*.

**Rules of Procedure, Section 303, Demolition and Relocation of Structures in Historic Districts;
Demolition of Structures of Unusual Importance [EXCERPT]**

...

B. If the Commission determines the structure is a Structure of Unusual Importance, the following applies:

- 1. *The Commission may deny the application unless:*
 - a. *The structure is a deterrent to a major improvement program which will be of substantial benefit to the County; or*
 - b. *Retention of the structure would cause undue financial hardship to the owner; or*
 - c. *Retention of the structure would not be in the interest of a majority of the persons in the community.*
- 2. *The burden of proof is on the applicant to establish that one of the conditions cited in Rule 303.B.1 applies.*
- 3. *If the applicant relies on Rule 303.B.1.b in order to meet the burden of establishing the need for demolition, the applicant must present documentary evidence of the cost of maintaining or relocating the structure, the estimated cost of the demolition, the estimated cost of restoring or stabilizing the building, all other financial information on which the applicant relies to establish financial hardship, and, if the applicant relies on evidence of the lack of structural integrity of the structure, a report on the structural integrity prepared by an engineer licensed in the State of Maryland, based on the engineer's in person observations of the interior and exterior of the structure.*
 - a. *Costs that are estimated must be supported by written estimates by persons qualified to provide such estimates and in sufficient detail to permit the Commission to verify the reasonableness of the estimate.*
 - b. *The Commission may find that retention of the structure would cause the*

applicant financial hardship if it determines that the building has been demolished by neglect or natural disaster and there is no feasible way to restore the building short of rebuilding.

If the Commission determines the structure is not of Unusual Importance, the process to be followed is described in Section 304 of the Rules of Procedure, under *Demolition of Other Structures*. Section 304.A states that if the Commission determines the structure is not a Structure of Unusual Importance, they shall vote to approve or deny the application based on the standards in Section 16.607 of the Howard County Code and its adopted Guidelines. An excerpt from Section 16.607 is provided below.

Section 16.607 – Standards for Review.

(a) Elements for Consideration. In reviewing an application for a certificate of approval, the Commission shall give consideration to:

- (1) The historic, architectural, or archeological value or significance of the structure and its relationship to 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.*
- (4) Whether the requested action is necessary to protect against threats to public safety.*
- (5) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.*

Section 16.608 of the County Code contains information on Structures of Unusual Importance. An excerpt is provided below.

Section 16.608(d), Structures of Unusual Importance

- (a) Structure of Unusual Importance. In the case of an application for alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure the preservation of which the Commission deems of unusual importance to the County, State or nation, the Commission shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure.*
- (b) Deny Application. Unless the Commission is satisfied that proposed construction, alteration, or reconstruction will not materially impair the historic value of the structure, the Commission shall deny the application.*
- (c) Negotiation. If an application is submitted for alteration, moving or demolition of a structure that the Commission deems of unusual importance and no economically feasible plan can be formulated, the Commission shall have 90 days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the building.*
- (d) Special Circumstances. The Commission may approve the proposed alteration, moving or demolition of a structure of unusual importance despite the fact that the changes come within the provisions of subsections (a) through (c) of this section, if:*
 - (1) The structure is a deterrent to a major improvement program which will be of substantial benefit to the County;*
 - (2) Retention of the structure would be a threat to public safety;*
 - (3) Retention of the structure would cause undue financial hardship to the owner; or*
 - (4) Retention of the structure would not be in the interest of a majority of the persons in the community.*

The following Chapter 9 Guidelines are relevant to the proposal to construct the expanded stream channel/culvert.

Chapter 9.A: Landscape and Site Elements; Topography and Water Courses

1) Chapter 9.A recommends:

- a. *“Preserve the relationship of historic buildings to their sites.”*
- b. *“Minimize grading by siting new structure and other improvements to make use of the land’s natural contours. When necessary, use appropriately designed retaining walls or building walls to create the minimum level area needed for a new use in accordance with historic development patterns.”*
- c. *“Maintain and reinforce natural landscape elements, such as rock outcroppings, water courses and tree lines. Make views of natural elements, especially the Patapsco River and its tributaries, available to the public where possible. Provide walkways, sitting areas and casual spots in parks, plazas, and other areas open to the public.”*

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

1) Chapter 9.D recommends:

- a. *“Identify and retain site features that are important to the historic character of a site.”*
- b. *“Preserve historic features, such as retaining walls, freestanding walls, fences, terraces, walkways, driveways and steps. When possible, reuse the historic building materials to repair or restore these structures.”*
- c. *“Construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.”*
- d. *“Install open fencing, generally not more than five feet high, of wood or dark metal.”*
- e. *“Construct new terraces or patios visible from a public way from brick, stone or concrete pavers designed to look like indigenous stone.”*

2) Chapter 9.D recommends against:

- a. *“New driveways, parking areas, walkways, terraces or other features that substantially alter the setting of a historic building.”*
- b. *“Poured concrete or concrete block walls in locations visible from a public way or neighboring property.”*

Staff Recommendation to the HPC:

Staff recommends the HPC determine the following:

- 1) For HPC-20-83a, Staff recommends the HPC determine if the structure located at 8049 Main Street is of Unusual Importance.
 - a. If the Commission determines that the structure is not a Structure of Unusual Importance, it shall vote to approve or deny the application based on the standards set forth in §16.607 of the Howard County Code and its adopted Guidelines.
 - b. If the Commission determines that the structure is a Structure of Unusual Importance, it should follow the procedure laid out in Rule 303.B in the Commission’s Rules of Procedures and determine whether proposed demolition and new construction comply with the Guidelines and s §16.607 and §16.608 of the County Code.
 - c. If the Commission approves the application for demolition, Staff recommends the HPC confirm if the list of materials proposed to be salvaged is acceptable.
- 2) For HPC-20-83b, Staff recommends the HPC determine if the structure located at 8055 Main Street is of Unusual Importance.

- a. If the Commission determines that the structure is not a Structure of Unusual Importance, it shall vote to approve or deny the application based on the standards set forth in §16.607 of the Howard County Code and its adopted Guidelines.
 - b. If the Commission determines that the structure is a Structure of Unusual Importance, it should follow the procedure laid out in Rule 303.B in the Commission's Rules of Procedures and determine whether proposed demolition and new construction comply with the Guidelines and §16.607 and §16.608 of the County Code.
 - c. If the Commission approves the application for demolition, Staff recommends the HPC confirm if the list of materials proposed to be salvaged is acceptable.
- 3) For HPC-20-83c, Staff recommends the HPC determine if the structure located at 8059 Main Street is of Unusual Importance.
 - a. If the Commission determines that the structure is not a Structure of Unusual Importance, it shall vote to approve or deny the application based on the standards set forth in §16.607 of the Howard County Code and its adopted Guidelines.
 - b. If the Commission determines that the structure is a Structure of Unusual Importance, it should follow the procedure laid out in Rule 303.B in the Commission's Rules of Procedures and determine whether proposed demolition and new construction comply with the Guidelines and §16.607 and §16.608 of the County Code.
 - c. If the Commission approves the application for demolition, Staff recommends the HPC confirm if the list of materials proposed to be salvaged is acceptable.
- 4) HPC-20-83d, Staff recommends the HPC determine if the Tiber Park bridge structure located at 8061 Main Street is of Unusual Importance.
 - a. If the Commission determines that the structure is not a Structure of Unusual Importance, it shall vote to approve or deny the application based on the standards set forth in §16.607 of the Howard County Code and its adopted Guidelines.
 - b. If the Commission determines that the structure is a Structure of Unusual Importance, it should follow the procedure laid out in Rule 303.B in the Commission's Rules of Procedures and determine whether proposed demolition and new construction comply with the Guidelines and §16.607 and §16.608 of the County Code.
 - c. If the Commission approves the application for demolition, Staff recommends the HPC indicate if there are any elements within the bridge and park that should be salvaged.
- 5) HPC-20-83e, Staff recommends the HPC determine if the structure located at 8069 Main Street is of Unusual Importance.
 - a. If the Commission determines that the structure is not a Structure of Unusual Importance, it shall vote to approve or deny the application based on the standards set forth in §16.607 of the Howard County Code and its adopted Guidelines.
 - b. If the Commission determines that the structure is a Structure of Unusual Importance, it should follow the procedure laid out in Rule 303.B in the Commission's Rules of Procedures and determine whether proposed demolition and new construction comply with the Guidelines and §16.607 and §16.608 of the County Code.
 - c. If the Commission approves the application for demolition, Staff recommends the HPC confirm if the list of materials proposed to be salvaged is acceptable.
- 6) For HPC-20-83f, the construction of expanded terraced floodplain/culvert and associated components:
 - a. Staff recommends the Commission determine if there is sufficient detail to approve at this time, and whether or not the application complies with the Guidelines and §16.607

approve, deny or continue accordingly. Staff recommends that the Commission determine whether the proposed demolition and new construction comply with the Guidelines and §16.607 and §16.608 of the County Code.

Testimony:

Protestants Testimony

Mr. Shad swore in Tara Simpson, a protestant to the case. Ms. Simpson explained that she objected to the case because she thought more information was needed for the Commission to make their decisions. Her concern is what will remain when the buildings are gone and she said that without a final plan, the town will not recover and will not be revitalized. Ms. Simpson explained she was in opposition to the timeline, due to the lack of final streetscape design plan, lack of impact studies on surrounding structures, and no approvals from CSX or the United States Army Corps of Engineers. Ms. Simpson asked that the Commission wait to make their decision until they can make a fully informed one once all the data is in.

Ms. Goldmeier asked Ms. Simpson several questions about the demolitions and timelines, and whether Ms. Simpson was aware of the various approvals needed for the demolition, such as from the Army Corps and other County permits. Ms. Simpson said she was aware, but said this meeting was the only meeting about certificates for demolitions.

Mr. Shad swore in Stephen McKenna, a protestant to the case. Mr. McKenna clarified that he was testifying on behalf of Preservation Howard County. Mr. McKenna explained that Preservation Howard County supports the Safe and Sound Plan, but did not want the Commission to grant the demolition approval. He stated that the buildings proposed for demolition were of unusual importance and that there were not enough alternatives reviewed for the Commission to make an informed decision on mitigation in place of the buildings. Mr. McKenna said the request for the demolition put the cart before the horse.

Mr. McKenna moved to have the Preservation Howard County letter, Exhibit 9 – verbally amended to reflect that Mr. Shad was not involved -entered into evidence. Ms. Goldmeier did not object. Mr. Shad accepted it into evidence.

Ms. Goldmeier asked Mr. McKenna a series of follow up questions, such as if there were other Structures of Unusual Importance on Main Street and if another flood could devastate those structures. Mr. McKenna said there were other Structures of Unusual Importance on Main Street and he did not know if another flood would devastate structures with all the mitigation projects going on.

Ms. Goldmeier asked Mr. McKenna if there was anything in the Code provision about Structures of Unusual Importance that would require the applicants to provide a final culvert rendering. Mr. McKenna said he has an issue with what was not being provided.

Mr. Shad swore in Gayle Killen, a protestant to the case. Ms. Killen is a resident of Historic Main Street and spoke about the lack of evidence presented by the applicants for the demolition of the buildings on Lower Main Street. Ms. Killen explained there are other ways to complete the Federal Section 106 process, such as a programmatic agreement which is an alternative agreement that can fast track the process. Ms. Killen was fearful that this is the process the County is taking. Ms. Killen said there is enough information to model an array of storm events, but the County has only done modeling for the 100-year and 2016 storms. Ms. Killen cautioned there is a greater consequence of the modeling being wrong and a greater importance to look at all alternative flood mitigation options. Ms. Killen asked the

Commission to require an independent third-party peer review of the County's modeling and flood mitigation plan and said that each measure should be modeled separately. Ms. Killen's Exhibit 1 was entered into evidence. Ms. Goldmeier did not object. Mr. Shad accepted it into evidence.

Ms. Goldmeier asked Ms. Killen a series of questions relating to the testimony about the Section 106 process.

Ms. Goldmeier offered the first seven pages of Attachment P and all of Attachment Q into evidence. Attachment P shows illustrations of the site, discussed at the last meeting and Attachment Q shows photos of the existing stream walls, as requested by Mr. Reich. Mr. Hurewitz did not object with the understanding that he wanted to address them in cross. Mr. Shad accepted the documents into evidence.

Mr. Shad swore in Joel Hurewitz, a protestant to the case. Mr. Hurewitz referenced a previous advisory case from the staff report addendum, when the Commission provided advice on the proposed demolition of the buildings and summarized the Commission's comments. Mr. Hurewitz summarized his previous comments on each of the four buildings, from those meeting minutes. Mr. Hurewitz presented Hurewitz Exhibit 6, which was his written testimony written back in November/December, and said he would point out some modifications based on what the Applicant has presented. He summarized his written testimony for the Commission. Mr. Hurewitz discussed his concern for the B&O Station with debris. Mr. Hurewitz referenced Exhibit 6, Figure 150 from the Master Plan, and discussed a deck structure shown in the location of 8049 Main Street. Mr. Hurewitz moved Exhibit 6 into evidence. There were no objections and Mr. Shad accepted it into evidence.

Mr. Hurewitz discussed sections 16.607 and 16.608 of the County Code, pertaining to the Commission, as well as the Commission's Rules of Procedures. Mr. Hurewitz referenced the pictures of 8049 Main Street from the Applicant's Attachment Q and discussed structural components of the building and relocation of the building.

Mr. Hurewitz stated that in preparation for this hearing, he submitted a number of public information requests to the County. Mr. Hurewitz presented his Exhibit 11, a PIA response from Howard County. He explained the contents of the letter regarding his PIA request and stated the County had no documents responsive to his one request because the County had not looked into salvaging 8049 Main Street. Mr. Hurewitz asked to submit Exhibit 11 into evidence. There were no objections and Exhibit 11 was admitted.

Mr. Hurewitz presented his Exhibit 10, which was another PIA response from Howard County, regarding the area of Main Street by the Tiber Wall as the CSX viaduct and the jersey barrier on the Patapsco Bridge. Mr. Hurewitz asked to move Exhibit 10 into evidence. There were no objections and Exhibit 10 was admitted.

Mr. Hurewitz presented his Exhibit 8, which contained Figures 8, 9 and 11 from the November 2020 HPC Agenda for case HPC-20-79. Mr. Hurewitz discussed Figure 8, a 2011 Google Streetview image of the Tiber wall near the CSX viaduct. Mr. Hurewitz asked to move Exhibit 8 into evidence. There were no objections and Exhibit 8 was admitted.

Mr. Hurewitz presented his Exhibit 4, two photos from the internet showing flooding from the 2018 event taken from the Patapsco Bridge. Mr. Hurewitz discussed the Tiber wall near the CSX viaduct, the Jersey wall along the Patapsco River bridge, the contour of the bridge and the water levels. Mr. Hurewitz asked to admit Exhibit 4. There were no objections and it was admitted into evidence. Mr. Hurewitz

discussed the Patapsco bridge, jersey wall barriers and the Tiber wall, and his concerns with them pertaining to flooding.

Mr. Hurewitz presented his Exhibit 5, two photos from Google Streetview of the Patapsco Bridge. He said he was trying to illustrate how the bridge has a curve/arch to it and retains water. There were no objections and Exhibit 5 was admitted into evidence.

Mr. Hurewitz presented his Exhibit 3, an image showing contours of the Patapsco River Bridge and B&O area from County GIS mapping. There were no objections and Exhibit 3 was admitted into evidence.

Mr. Hurewitz presented his Exhibit 2, the Water Street Bridge grate in Upper Marlboro, Maryland from Google Streetview. This illustrates what a bridge grate could look like as used elsewhere in Maryland. There were no objections and Exhibit 2 was admitted into evidence.

Mr. Hurewitz presented his Exhibit 12, which was a PIA response from Howard County related to the testimony at the previous meeting where the County announced that analysis was done based on his PIA request. There were no objections and Exhibit 12 was admitted into evidence.

Mr. Hurewitz presented his Exhibit 13, which shows new modeling done based on Mr. Hurewitz's inquiry about maintaining the corner portion of 8049 Main Street (3.G.7.0 with portion of 8049 Main Street remaining). This was received from his PIA request and was attached to Exhibit 12. There were no objections and Exhibit 13 was admitted into evidence.

Mr. Hurewitz presented his Exhibit 7, a photo found online from Cairo, IL near the Mississippi River that appears to be a similar bridge to Ellicott City with a railroad bridge, but also containing a flood wall. Mr. Hurewitz discussed the 1868 Ellicott City flood and Patapsco flood events. There were no objections and Exhibit 7 was admitted into evidence.

Ms. Goldmeier asked Mr. Hurewitz a series of questions, regarding the building demolitions and the Phoenix (8049 Main Street). Mr. Hurewitz discussed the various components on the lower Main Street buildings that he found significant. He said he would like to preserve the gable portion of the Phoenix as well. Ms. Goldmeier asked questions regarding the retention of the corner portion of 8049 Main Street and flooding. Ms. Goldmeier asked why Mr. Hurewitz said the County's did not take into account topography and whether he had a degree in engineering and hydrology.

Mr. Roth referenced Hurewitz Exhibit 4, the photo of the 2018 flood by the Tiber wall and Patapsco Bridge. Mr. Roth asked how high the water level was relative to the peak water level. Mr. Hurewitz said the water topped over the Jersey barrier and his point was not to show the peak but the fact that the water in the Tiber and Patapsco is lower than Main Street because water is overtopping the viaduct. Mr. Roth discussed the water levels and that it was unknown how high the water was at peak. The Commission had no other questions or comments for Mr. Hurewitz.

Mr. Shad swore in Ms. Liz Walsh, a protestant to the case. Ms. Walsh is the Councilperson for District 1, which includes Historic Ellicott City and is also a resident of the Historic District. Ms. Walsh said that, while the proposal is a better version than the former plan, it does not mean it is a good request. Ms. Walsh reminded the Commission they can only grant demolition when all other alternatives to preserve the structures have been exhausted, as part of County law. Ms. Walsh suggested the Commission request additional analysis such as widening and deepening the channel and a sediment plan DPW was supposed to finalize at the beginning of the year. Ms. Walsh spoke of façade preservation, which has not been fully analyzed, and providing more storage upstream on the New Cut. Ms. Walsh noted the United

States Army Corps also recommended alternatives that have not been done by DPW. Ms. Walsh wanted more information about other alternatives and suggested that the Commission wait until there have been concrete commitments from CSX before demolition approvals occur.

Ms. Goldmeier had no questions for Ms. Walsh.

Mr. Roth asked Ms. Walsh if she had any material or data on deepening the channel and asked how much additional flow could be realized by deepening. Ms. Walsh said she did not have the information but it was in the report produced by United States Army Corps of Engineers and part of the presentation to the public on the County's Safe and Sound website. Ms. Walsh said she heard the sediment study referenced in DPW's analysis during the Section 106 consulting parties meeting, but requested it and it was not yet available.

Mr. Reich referenced discussion of alternatives in the application and said the County has presented the Commission with a list of other plans the County has gone through and analyzed and their determination that the chosen plan is the only viable one. Mr. Reich asked if it was her contention that the County hasn't studied the situation enough. Ms. Walsh agreed.

Mr. Reich asked what her recommendation was on how much information is necessary; at what point would she find the Commission had enough information to make a decision. Ms. Walsh discussed the Army Corps report that identified two concrete alternatives and suggested the Commission watch what happens in the Section 106 process. The Commission had no other questions for Ms. Walsh.

Cross Examination on Attachment P & Q

Mr. Shad swore in Robert Hollenbeck from Howard County's Department of Public Works.

Mr. Hurewitz asked Mr. Hollenbeck when the photographs for Attachment Q were taken. Mr. Hollenbeck said the photos were generated from scans that were done of the stream channel at the end of 2019 and the beginning of 2020. Mr. Hurewitz asked questions related to his PIA request.

Mr. Hurewitz said he asked about the beams at 8049 Main Street previously. Mr. Hollenbeck summarized their previous discussion. Mr. Hurewitz asked about the illustration of the dining tables on the sidewalk next to the park area and asked if this was anticipated. Mr. Taylor asked Mr. Hollenbeck if there are any elements of the illustrations other than the fencing and bollards being proposed by the County for approval by the Commission in this case. Mr. Hollenbeck said the stone wall treatment depicted in the stream channel was proposed in the application, but said the tables, chairs and umbrellas depicted are not part of the application and they are not requesting approval for it. Mr. Hurewitz thinks the location of the bollards should be reconsidered in the event of any future outdoor dining because prior County guidance indicated bollards should be placed near the curb.

Mr. Hurewitz asked Mr. Hollenbeck about Attachment Q, which Mr. Hurewitz said depicts all the different stone on the channel walls. Mr. Hollenbeck said they were going to replicate the stone patterns that are currently within the stream channel on reconstructed portions of the wall where they are coplanar with their current location and Attachment Q contains imagery of those stone patterns. Mr. Hurewitz asked questions about the stone basement walls. Mr. Hollenbeck said they will use stone from the stream channel walls to recreate stream channel walls. Mr. Hollenbeck referenced Image 2, from Attachment Q, which depicts the south wall of 8049 Main Street. He explained the image is from the stream channel side of the south wall and said the opposite side of the south wall is the basement of 8049 Main Street. Mr. Hurewitz asked if there would be interpretation to explain why the wall differs in

the various location. Mr. Hollenbeck said they have noted the final streetscape plan will include interpretation or kiosks that will explain the relationship that these buildings previously had to the site.

Commission Questions

Ms. Tennor said was trying to visualize what the area would look like with the buildings gone and the large channel area opened up. She said she had overestimated the size of the large area, and that it would be about 1/3 of a football field. She said this includes proposed asphalt paving which is temporary paving to stabilize the area and asked Mr. Hollenbeck if she was correct. Mr. Hollenbeck said she was correct.

Ms. Tennor asked about the timeframe for the channel widening and building removal. Mr. Hollenbeck said Attachment A included milestones and how DPW envisioned the process playing out with Section 106 and construction of the culvert. Ms. Tennor said Ms. Walsh estimated the construction of the Maryland Avenue culvert would take about a year and asked if Mr. Hollenbeck agreed. Mr. Hollenbeck said DPW is working to minimize the effect the construction of the culvert would have on traffic and business, he cannot say how long traffic would be affected, but the project overall could take about a year.

Ms. Tennor said the Guidelines state that unless the Commission is satisfied that the proposed construction, alteration or reconstruction will not materially impair the historic value of the structure, the Commission shall deny the application. She expressed her concern for the lack of detail for what will occur at street level. She asked about the necessity of this part of the project as affected by the timing of the North Tunnel coming after the destruction of the bottom of Main Street. She asked if the timing were different, whether the construction of the North Tunnel would allow reconsideration of the project at the bottom of Main Street. Mr. Hollenbeck provided background information of the North Tunnel, explaining that it will collect storm water from the Ellicott Mills Culvert and discharge to the Patapsco River. He explained that the two mitigation projects have different goals and explained the North Tunnel will not preclude the need for the culvert as it only can capture all of the water that is west of Ellicott Mills Drive.

Mr. Reich asked about the current status of the Section 106 and CSX reviews and approvals. Mr. Hollenbeck explained they have received preliminary comments from CSX. He said that process is on-going. Mr. Hollenbeck stated the County would not move forward with the demolition and culvert construction process without having an agreement with CSX. Mr. Hollenbeck provided updates on the Section 106 process and said they had the consulting parties meeting and that the next step was for the County to respond to consulting party comments and provide a draft programmatic agreement to Army Corps for review.

Mr. Reich asked about the alternatives Ms. Walsh spoke about from the Army Corps. Mr. Hollenbeck said the Corps peer review said they evaluated a number of alternatives and the plan proposed before the Commission is sound. There were 60 alternatives and the Army Corps may have proposed one or two additional alternatives. Mr. Reich asked if the process had been documented that was used to make decisions about filtering down to the option before the Commission. Mr. Hollenbeck explained the goal and process that was followed. He said the goal was to reduce street level flooding to less than 3 feet on average on Main Street and reduce flood velocities to 5 feet or less. He explained that was beneficial to public safety that is the threshold needed to implement nonstructural flood proofing techniques for the remaining buildings on Main Street. Mr. Reich said there were 55 combinations that were rejected and asked if the County had a flow chart to show how they got to their decision. Mr. Hollenbeck said there was a spreadsheet that identifies the various scenarios and modeling of how 3G7.0 was determined.

Mr. Roth explained he is working from the framework that Mr. Hollenbeck laid out, to establish no other alternatives exist as the Maryland Avenue culvert provides for 2000 cubic feet per second based on the conditions of the 2016 flood. He summarized that the Maryland Avenue Culvert is critical to getting Main Street safe and if the culvert is not put in, or an alternative conveyance method or reduction of 2000 cubic feet per second provided, then the public safety issue has not been resolved. Mr. Roth said the alternatives can be quantified to be valid alternatives if they meet the 2000 cubic feet per second to match the culvert mitigation. Mr. Roth said Ms. Walsh's testimony offered alternatives could be deepening or expanding the channel or providing storage ponds on New Cut. Mr. Roth asked if DPW had any data on how much conveyance could be increased by deepening, expanding or widening the channel.

Mr. Hollenbeck addressed the sediment study referenced and explained the amount of sediment varies from almost nothing to 3 feet deep, but the section that is 3 feet deep is only under the Maryland Avenue bridge. He said the sediment is only between 1 and 2 feet in the remainder of the channel. Mr. Roth asked if the channel could be widened or deepened to get 2000 cubic feet per second without building another culvert. Mr. Hollenbeck said the elevation is very flat by the Tiber channel and the Patapsco in the existing location. Mr. Roth said it does not seem that 2000 cubic feet per second is possible through channel deepening, expansion or sediment clearing.

Mr. Roth asked if there were other retention projects on New Cut that did not make it into the Safe and Sound Plan. Mr. Hollenbeck referenced the storage project on New Cut that was conceptually discussed by the Army Corps. He said it would include a large dam at the intersection of New Cut and College Avenue and close New Cut to traffic and dam the New Cut upstream of that. He said the County did not think that was viable and would have precluded New Cut Road from ever being reopened. Mr. Roth asked how much that would have assisted conveyance. Mr. Hollenbeck did not know the exact answer as the Army Corps did not run number. Mr. Hollenbeck explained it would have been a 60-foot-high dam that they didn't think would be approved by the Maryland Department of the Environment, and did not run numbers. Mr. Roth said the natural stream banks are a historic element, so there is a downside to building a 60-foot-high dam. Mr. Reich asked Mr. Hollenbeck additional questions about the 60-foot dam and the North Tunnel. Mr. Hollenbeck explained the concerns if the dam structure failed and the water came rushing down to Main Street.

Ms. Zoren asked what happened to the Lot D expansion that was originally proposed. Mr. Hollenbeck said the Lot D project was originally intended to slow the conveyance of water, but once the North Tunnel project was included, the water that would have been captured by Lot D would instead be directed into the tunnel, so the project was not needed anymore. Ms. Zoren asked if the County has explored any structural underground stormwater vaults, such as under the Lot D parking lot or elsewhere in the area. Mr. Hollenbeck said there were a number looked at in the West End, but the amount of storage needed is equivalent to an 80-story building placed on Lot F. He explained the amount of underground storage needed to reduce water levels and velocity is so large there is nowhere to put it.

Mr. Shad asked if there was any better sense of timelines for completion of the Section 106 and CSX processes. Mr. Hollenbeck explained the remaining steps in Section 106 process and said it could be completed in the range of 3 months. Mr. Hollenbeck said that for CSX, that agreement is a work in progress and the County has received comments from them and DPW is working on responses to send back. The CSX agreement is out of the County's control and DPW will have to provide final engineering designs to resolve CSX comments.

Mr. Shad asked about the status of the streetscape design. Mr. Hollenbeck said that DPW has allocated funding to the final streetscape designs and there will be an internal meeting next week to brainstorm public engagement. The design process will start with the selection of a consultant over the summer and fall. Mr. Shad said it would be about 6 months at the earliest and Mr. Hollenbeck agreed.

Closing Arguments

Mr. Hollenbeck provided a background on the 2016 and 2018 floods. He said this past year has included 14 flash flood watches and 2 flash flood warnings. He explained that Ellicott Mills was founded in this area to utilize the water for power. He said the County cannot ignore the increased weather or uniqueness of Ellicott City, which makes it susceptible to flash flooding. Mr. Hollenbeck said the development of the open space will be driven by the Ellicott City Watershed Master Plan and the Ellicott City Design Guidelines. He asked the Commission to allow the buildings of unusual importance to be removed as it will be a substantial benefit to the County as there has been an economic impact in the past due to the flash flooding. He said the retention of the four structures is a threat to public safety in the event of a comparable or worse storm event. This application is a preservation project to preserve the long-term viability of Ellicott City.

Mr. McKenna said the application before the Commission was premature and was putting the cart in front of the horse. He said the Section 106 and CSX status are non-answer answers, and that the County can only tell the Commission it is a work in progress. He explained the national historic preservation community is watching and the community that elected Ms. Walsh is watching. Mr. McKenna said they would like to rebut the line of argument that nothing in the code requires the Commission to wait until the Section 106 process is over. He explained that just as the Code does not require the Commission to wait, it does not prohibit the Commission from waiting until these processes are concluded and a better inventory of information is before the Commission. He said the loss of the buildings would cause great damage to the character and integrity of the historic district.

Mr. Hurewitz discussed the amount of possible sediment in the Patapsco, the removal of which he found would lower the level of the Tiber. He echoed Mr. McKenna's sentiment about the application being premature as there are things that have not been considered. Mr. Hurewitz referenced sections of the Guidelines regarding demolitions. He said he is trying to preserve a portion of the Phoenix building. He referenced the Commission's Rules of Procedures and relocating the structure and alternatives to demolition. Mr. Hurewitz stated the County has not given any thought to keeping a portion of 8049 Main Street or relocating it. Mr. Hurewitz reviewed parts of the Code with the Commission.

The hearing was continued to March 11, 2021 at 7:00 pm.

Mr. Shad moved to adjourn the meeting at 11:25 pm. Mr. Roth seconded. The motion was unanimously approved.

*Chapter and page references are from the Ellicott City or Lawyers Hill Historic District Design Guidelines.

Allan Shad, Chair

Samantha Holmes, Preservation Planner

Beth Burgess, Executive Secretary

Kaitlyn Harvey, Recording Secretary