

Testimony on Council Bill 80

BT

Bruce Taylor <btaylor@taylorservice.com>

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Attached and below please find written testimony on CB80.

Written Testimony of Bruce Taylor for CB 80
November 18, 2016

Dear Council Members,

Council Bill 80 has an excellent objective of attempting to reduce flooding in Ellicott City, but unfortunately it will not achieve this goal and is likely to make things worse. The facts are that development according to existing standards, even with waivers, provides for better water standards for runoff than having no development on the same property: water quality leaving a property is improved and controlled and in most instances water volume is also better controlled. Allowing for alternative compliances or waivers will not necessarily increase storm water runoff. Disallowing all alternative compliances and waivers can have a negative impact and may actually lead to unintended negative consequences including more runoff under certain conditions.

Furthermore, State regulations require state review and approval before changing county practices as noted in COMAR* in regard to storm water management "...a county shall submit any proposed amendments to the administration for approval." One of the likely reasons for this is that changes in one county may affect other counties, particularly those downstream.

As an owner of property both above and in Historic Ellicott City, I am acutely aware of the challenges involved. The hilly terrain is an essential part of the natural beauty of our area, but it also requires some flexibility to be able to enjoy its use in an environmentally sensitive manner. If we were to say no waivers should exist, we should bulldoze almost all of the Historic District, and compensate the property owners for the loss. Clearly that is not acceptable or the goal of CB80, but it is one of the implications of this proposed legislation.

In regard to Taylor Village developments in particular, and which have been ongoing for over 30 years, and are planned to continue to grow for another 15-25 years, some existing areas require minor waivers to accommodate desired features.

In particular, our engineers anticipate a need for minor variances, waivers and alternative compliances in order to achieve the following important desired features (among others):

- A road from the development directly to New Cut Road for public safety.
- Expanded storm water management for 100 year storm retention on site.
- A sewer outfall to direct sewerage to the New Cut Pump Station instead of through Ellicott City.

If CB 80 is passed without amendments to accommodate these types of needs for plans which have been in development for years, according to the established regulations, there could be a variety of unintended consequences for the Taylor Highlands section of Taylor Village:

- No direct access to New Cut Road, increasing traffic on Village Crest, Hillsborough, Taylor Way and perhaps Callalilly.
 - i. There would be only two access roads for regular use and public safety instead of three for a community of potentially 1200 residents.
- Access if at all to New Cut would be by using a steeper, twisting and much more limited sight distance service drive off of New Cut as exists today. Emergency services generally cannot use this 40 degree private drive with their vehicles.
- Storm water containment areas could not be further increased to hold larger volumes where some steep slope use may be needed.
- Sewerage would need to be directed to the College Avenue main which flows to Historic Ellicott City and existing flows to that line would not get diverted as currently planned. Public works and the town already experience problems with this line now.
- This could represent a taking or condemnation of lands with a cost to the county since these areas would otherwise be developed

As a result of these concerns we believe if the bill is to proceed at all, it should be amended to accommodate applications for exemptions to the no waiver / no alternative compliances for:

- Development plans proposed to the county within the last 24 months.
- Plans which demonstrate no increased storm water flows to the watershed
- Plans which demonstrate reduced storm water flows to the watershed

And amendments are needed to allow for:

- Areas incorrectly shown on the map as draining to Historic Ellicott City that do not
- A sunset provision to accommodate new data after the planned 9 months of additional study

Furthermore, the current system allows DPZ to approve those waivers and alternative compliances it deems appropriate and necessary. I do not believe this needs to be changed, as I am not aware of instances where the decisions of DPZ have contributed to flooding or had a negative impact on the environment or community.

Thanks for your consideration of these important issues,

Bruce T. Taylor, M.D.
Office: 410-465-3674



**Historic
Ellicott
Properties,
Inc.**

**Taylor
Service
Company**

4100 College Avenue
Ellicott City, MD.
21043-5506

Bruce T. Taylor, MD

President

**Direct
410/465-3674**

btaylor@taylorservice.com

410/465-3500

Fax: 410/461-7074

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Bruce T. Taylor, M.D.

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President

*COMAR 26.11.02.03 A (2) (a) and 26.11.01.04 A