



## Public Hearing Report

Regarding Tidal Wetlands License Under COMAR 26.24.01.05.H.

Application No.: 16-WL-0525

Date: May 2, 2017

Applicant: Martuscelli &  
Montefusco, Inc.

Time: 6:00 PM

Location: Chesapeake City Town Hall, 605  
Second Street, Chesapeake City,  
Maryland

*This report and its attachments reflects only the statements, comments, and questions made during the public hearing and following comment period. It does not represent any statement of fact by the Department, or a decision to recommend approval or denial of a license to the Board of Public Works.*

1. Hearing Opened: Andrew May, of MDE, serving as Hearing Officer, opens the Hearing at 6:00 PM. Presented overview of hearing purpose, authority and procedures, in accordance with COMAR 26.24.01.05

2. Elected Officials Present

- Frank Vari, Town Councilmember (unannounced, came in after hearing began)

3. Opening Presentation by Applicant

### Presenters

- Bill Burkhardt, Agent

### Main Points

- The roof, which was submitted as part of the plans with the application, is an option. It is not the intent of the Applicant to apply for the roof structure with the Town when obtaining building permits.
- Stated that he was there to answer any questions that the attendees may have.
- The platform will be similar to existing structures and will be located between A & B Docks near the tiki bar
- The platform will be 1,000 square feet and built with pier-type construction techniques (including a vibratory hammer to drive piles) and has been designed for the anticipated weight capacity

4. Questions and Comments: The hearing was well attended (See Attachment A: Interested Parties List) and a number of attendees spoke both for and against the project. Please see "Attachment B: Public Comments & Questions" for a comprehensive list.
5. Hearing Closed
  - Comments are due by 5:00 PM on Tuesday, May 16, 2017; must be post marked by that date or via email
  - The Department may request additional information from the applicant.
  - Hearing is adjourned by Hearing Officer at 7:12 PM.
6. Comments Received During the Hearing's Comment Period: Several written and verbal comments were provided to the Department during the hearing and comment period ending on May 16, 2017. Please see "Attachment B: Comments & Questions" for a comprehensive list.



## Attachment B: Comments & Questions

The following is a list of comments which includes a summary of all comments and questions presented at the hearing and during the comment period ending on May 16, 2017. The Applicant and his agents responded to several of these statements. Their responses have been included where appropriate and are in italics.

### Comment Summary:

In general, the parties attending the hearing and making comment to the Department were against the project.

The primary concerns involved the impacts of physical, chemical, sound, and light pollution on the basin, adjacent wetlands, and wildlife; the poor behavior of patrons to the Chesapeake Inn; concerns over impacts to the Critical Area habitat.

### Project Comments Regarding:

#### 1) Critical Area

- a) Several comments cited concern over a perceived increased of impervious surface through the construction of the proposed covered deck. It was noted that the property is densely developed and consists primarily of hardened, impervious surfaces with little to no plantings, no buffer zone, and no storm water retention on site. Contaminated runoff ends up directly in the basin as the downspouts and parking lot runoff does not pass through any natural filter.
- b) Attendees expressed concern over the removal of trees within the Critical Area, some purportedly without proper approval. Recent mitigation plantings within the Critical Area were attributed to the Department's presence in town for the hearing; it was questioned whether the trees would be removed after the hearing concluded.
- c) Attendees expressed concern over the use of Critical Area habitats for use as parking lots and the associated removal of trees.

#### 2) Increased Traffic/Human Impacts

- a) Attendees frequently cited the presence of physical litter in the form of beer bottles, plastic cups printed with the Inn's name, cigarette butts, and wrist bands; there is concern that an increase in patrons will increase litter.
- b) Concerns over lewd and unsanitary acts in public including urination, defecation, fornication, and vomiting; some of which is done directly into storm drains.
- c) A comment was also received concerning pollution related to boating and a potential increase in the number of boaters visiting the subject property, which may lead to an increased amount of boat-related pollution. In addition, it was related that the required pump-out system doesn't work properly or is not available, which has resulted in the release of black water from boats docked at the marina.

- d) Concern that the southern half of Chesapeake City bears the greatest burden of the activities occurring at the subject property.
- e) Concerns that runoff from the power washing of trash cans and impervious surfaces goes into the basin.
- f) Concern that effluent from the sewer is running off into the basin.

3) Impacts to Wildlife/Habitat

- a) Several comments were received concerning noise and light pollution stemming from live music and constant lighting of the outdoor facility, and the potential impacts to wildlife.
- b) Several comments were made concerning the potential for impacts to sensitive larval fish species (including herring) and their ability to spawn; the lack of SAV/shading from the platform preventing SAV growth; and impacts to the larger food web.
- c) It was noted that the subject property is located adjacent to a culvert leading to Wolfe Creek (a tidally influenced nontidal wetland).
- d) Concern for wildlife, including turkey and deer, which are at risk of being struck by vehicles from increased traffic flow.

4) Construction/Design

- a) Will there be a noise barrier constructed?

*No, just a typical railing*

- b) Concern was expressed over the structural integrity of the existing piers and bulkhead.

5) Other

- a) Several statements were made regarding alleging previous work done on the property without proper permits, which included an allegation of pumping wastewater into the basin during construction of the ball room.

- b) Will the Applicant be serving food?

*Not sure if it expands the seating capacity of the restaurant*

- c) Does the restaurant have the necessary capacity in the existing restrooms?

- d) Citizens don't feel it's fair or right to expand the subject property when the environment is overloaded, and when home owners can't do the same due to SAV.