

# Public Informational Hearing - Elm Street Development/Bethany Glen (2023-06-05 19:00 GMT- 4) - Transcript

## Attendees

+1 301-\*\*\*-\*\*15, +1 410-\*\*\*-\*\*62, Amanda Sigillito -MDE-, Carolyn Weibel, CM, Debra Correia -MDE-, Eric Magdar, Eric McWilliams, Jason Van Kirk, Jason Van Kirk's Presentation, Matthew Pohlhaus, Michael Thompson, Patti Sapp, Paula Stonesifer -MDE-, Sean McKewen -MDE-, snemir SN, William Seiger -MDE-, William Seiger -MDE-'s Presentation

## Transcript

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**Amanda Sigillito -MDE-:** [It's] 7 pm. I've gone ahead and started the recording and we'll get started with the hearing now. Good evening. I would like to welcome everyone to the Maryland Department of the Environment's public information hearing for the Nontidal Wetlands of Waterways application. Number. 22-NT-3046/202260325 submitted by Elm Street Development. My name is Amanda Sigillito and I am Chief of the Nontidal Wetlands Division at the Maryland Department of the Environment. I will be the presiding official for this evening's public information hearing. Also in attendance with me from the Department are: Sean McKewen, Western Region Chief of the Nontidal Wetlands Division, Paula Stonesifer Project Manager of the Western Region of the Nontidal Wetlands Division, William Seiger, Chief of the Waterway Construction Division and Debra Correia, project manager of the Waterway Construction Division. I would like to thank everyone for taking the time to participate in the public comment process.

**Amanda Sigillito -MDE-:** It is the responsibility of my office to evaluate applications that propose impacts to nontidal wetlands and waterways. The Department's authority is found in Subtitles 5 and 9 of the Environment Article. Each application received through our regulatory program has specific and unique issues and impacts that must be considered in relationship to weighing the potential benefits and detriments of the project. The Department is neither a proponent nor opponent of any project.

The logistics for this evening's hearing are as follows. I will make a few opening remarks about the purpose of the public information and briefly list the proposed impacts. I will then call on Elm Street Development, or their representative, for the applicant's statement regarding their project. After these required presentations, the Department will facilitate public statements by first calling on any elected officials or their representatives to make a statement. I will then call on those of you who wish to speak. It is not necessary to read a statement to make it part of the official record. Written comments will also be accepted as will any oral statement. In fact, for accuracy, if you have a letter to read into the record, I suggest you also provide us with a copy of the letter via email or regular mail. We do not permit cross-examination of the speakers during their presentation, but you may pose questions as part of your statement for our consideration in our permit evaluation. Please note that we will not be responding to

questions or comments posed this evening. This venue is for the Department to hear and record your public comments.

**Amanda Sigillito -MDE-:** The public informational hearing is being recorded and the recording will be used to facilitate the final permit decision.

At this time I would like to acknowledge any elected officials who may be present here this evening. If you are an elected official or representing an elected official, please raise your hand now to be recognized - raise your virtual hand.

**Amanda Sigillito -MDE-:** I don't see any hands. So we will keep going.

**Amanda Sigillito -MDE-:** The Department is conducting this evening's public informational hearing pursuant to Subsection 5-204 of the Environment Article and Code of Maryland, Regulations 26.23.02.02 and 26.17.04.13. The purpose of this public informational hearing is for the applicant to present an analysis of impacts that may be associated with the proposed activity. I would like to emphasize that the purpose of this public informational hearing is to consider the application pending before the Department. There may be a number of additional concerns related to issues that are beyond the scope of and I would like to have this hearing remain focused on the proposed project.

**Amanda Sigillito -MDE-:** This public informational hearing is for Nontidal Wetlands Application No. 22-NT-3046/202260325 submitted by Elm Street Development. The project includes the construction of roads and utilities associated with a new residential development, Bethany Glen. The project will permanently impact 4,847 square feet of forested nontidal wetland, 2,165 square feet of 25-foot nontidal wetland buffer, 166 linear feet of stream and 5,863 square feet of 100-year nontidal floodplain. The project will temporarily impact 2,054 square feet of forested nontidal wetland, 3,280 square feet of 25-foot nontidal wetland buffer, 217 linear feet of stream and 8,507 square feet of 100-year nontidal floodplain. The project is proposed on Plumtree Branch (Use IV). Mitigation will be provided by purchasing mitigation credits at the Patuxent Mitigation Bank at a ratio of 2:1 for the permanent impacts to forested nontidal wetland. The project is located at 9891 Old Frederick Road, Ellicott City in Howard County. I will now ask the applicant to provide a brief presentation of their proposed project. Please begin by giving us your name.

**Jason Van Kirk:** Hi, my name is Jason Van Kirk. I am with Elm Street Development.

**Jason Van Kirk:** Let me have a moment and pull up the presentation.

**Jason Van Kirk:** Can everybody see the screen presentation on the screen?

**Amanda Sigillito -MDE-:** Yes.

**Jason Van Kirk:** Okay, thank you. As you mentioned, this is a residential development of a 68-acre site located in Ellicott City, bisected by I-70. We are proposing 154 age-restricted housing units for the property. There are five locations of impact that are shown on the south side of I-70 by the red boxes that are encapsulating the areas that we will dive into now.

**Jason Van Kirk:** The first location of impact is on internal road A. It is a combination of a temporary and permanent wetland impact and a permanent wetland buffer impact. The impact consists of a culvert, roadway, a water line and a sewer line.

**Jason Van Kirk:** The next location farther down the internal road is a temporary and permanent floodplain impact. The impact is a roadway and a culvert,

**Jason Van Kirk:** And a water line.

**Jason Van Kirk:** The next location is south on Internal Road B. It consists of a temporary floodplain impact, a permanent floodplain impact, a temporary and permanent waters of the state impact. The construction that occurs is a culvert with the construction of a roadway, a water line and a sewer line.

**Jason Van Kirk:** The next impact is in the stream channel and has a temporary Waters of the State impact and a temporary floodplain impact and this is for a sewer line connection point to the existing sewer line that is in that channel.

**Jason Van Kirk:** And the last impact is a temporary Waters of the State impact and a temporary floodplain impact area. That is also for a sewer line to connect to the existing sewer line that is in the channel. And lastly, this is a location map of the site with cross hatching and the arrow pointing to the site showing the bisection of I-70 and the location south of 99 east of Bethany Lane. That is the conclusion of my presentation.

**Amanda Sigillito -MDE-:** All right. Thank you Mr. Van Kirk.

**Amanda Sigillito -MDE-:** I will now ask any elected officials or their representatives who may be present if they would like to make any comments. I know I asked earlier if there were any elected officials or their representatives, but just to double check if there are any elected officials or their representatives present here this evening. I don't see any hands raised.

**Amanda Sigillito -MDE-:** So, now, I will call on those of you who would like to make a statement. Please raise your virtual hand and leave it raised until we call on you. When we call your name, we will unmute you and you may begin to speak. Please start by clearly stating your name and any interest which you may be representing. Speakers representing a group or an organization are allotted 5 minutes and individuals are allotted three minutes for their remarks. You don't have to make a statement tonight. There will be an opportunity to either mail in or email in comments after this hearing

**Amanda Sigillito -MDE-:** But if you would like to make a statement, please raise your virtual hand.

**Amanda Sigillito -MDE-:** Two have called in and because you can't raise your hands I will call on you and see if you want to make a comment. The first number ends in 15.

**Amanda Sigillito -MDE-:** If you want to unmute yourself.

**Amanda Sigillito -MDE-:** Okay, the next number ends in 62.

+1 410-\*\*\*-\*\*62: Hi.

**Amanda Sigillito -MDE-:** Hello, did you want to make a comment tonight?

+1 410-\*\*\*-\*\*62: This is Lisa Soto. I just want to know that I was here and I was listening to this presentation. Thank you.

**Amanda Sigillito -MDE-:** Okay. Thank you.

+1 410-\*\*\*-\*\*\*62: I have no comment.

**Amanda Sigillito -MDE-:** All right. Thank you. All right. Anyone who's joining us via their computer if you'd like to make a comment, go ahead raise your hand and we'll call on you.

**Amanda Sigillito -MDE-:** All right, Eric Magdar.

**Eric Magdar:** Good evening, and thank you for having this and appreciate the time. I live in the neighborhood, I back up to Plumtree Branch and I'm very familiar with the area that's going to be developed and what is immediately downstream of that and what that branch feeds. My comments that I'd like to just make are that first, the mitigation credits that are being purchased are not in the same watershed as this. And so that will not have any actual benefit, beneficial impact to the local watershed or the downstream areas that those wetlands inherently protect so having the credits be purchased as a mitigation effect in a different watershed completely is not, I don't think appropriate.

**Eric Magdar:** I'd also mentioned that per the plans, where the impacts are being made are impervious surfaces that are crossing the wetlands. Undoubtedly stormwater designs will likely focus the drainage of those roadways to the nearest water bearing or water receiving entities, whatever. And so you're basically taking impervious surfaces, you're adding a high intensity storm event. You're basically focusing all of that water into what flows to Plumtree Branch which does make its way down to Ellicott City.

**Eric Magdar:** So by exacerbating an already sensitive issue or by mitigating, or by impacting as well in search exacerbating an already sensitive issue. This water feeds directly down to Old Ellicott City. The amount of money that Howard County has invested to mitigate the flood effects of local development is astounding, it's appreciated. It's important. But small developments like this, that directly impact the ability for natural water, natural wetlands to protect downstream entities, directly being impacted by the project. And there's nothing being done to mitigate the effects of this new development as a whole, which adds significantly to impervious surfaces to an area that has none. so,

**Eric Magdar:** The money being spent on flood mitigation is essentially going to waste if you allow this project to occur, or in theory and that's all I have. Thank you for your time.

**Amanda Sigillito -MDE-:** Thank you.

**Amanda Sigillito -MDE-:** Would anyone else like to make a comment?

**Amanda Sigillito -MDE-:** All right, I don't see any hands. So, I will go ahead and...

**Paula Stonesifer -MDE-:** Amanda...

**Amanda Sigillito -MDE-:** I'm sorry.

**Paula Stonesifer -MDE-:** Amanda can I ask everyone if they're not already on the interested person's list if they could email me with their information so I can add them?

**Amanda Sigillito -MDE-:** That's Paula Stonesifer the project manager.

**Amanda Sigillito -MDE-:** If you're at the hearing tonight and you're not on the interested persons list. If you are on the interested persons list, you would have received a letter in the mail about tonight's hearing.

If you didn't receive a letter please contact Paula. And Bill, if you can share your screen again with the slide that has Paula's contact information.

00:15:00

**Amanda Sigillito -MDE-** So, if you would, please email your contact information to Paula.stonesifer@maryland.gov. And for those of you who are calling and can't see the screen that's P-A-U-L-A-S-T-O-N-E-S-I-F-E-R at maryland.gov. And I just noticed Paula that I miss spelled your name on the screen but it's spelled Sto-n-e-s-i-f-e-r.

**Amanda Sigillito -MDE-** So, one last call, does anyone want to make a comment tonight?

**Amanda Sigillito -MDE-** The hearing record will remain open for two weeks or until 5 PM on Tuesday, June 20, 2023. The public comments received during the public comment period will become part of the project file and will be considered by the Department when rendering a decision on this application. Unless extenuating circumstances justify an extension of time, the Department is obligated to issue, modify or deny the permit within 45 days of the public informational hearing, which is Thursday, July 20, 2023. The Department's decision and accompanying information will be sent to the interested persons list, as well as the applicant. The Department's decision will be a final agency determination; there will be no further opportunity for administrative review. Any person with standing, who is either the applicant or who participated in the public participation process through the submission of written or oral comments may petition for judicial review in the Circuit Court in Howard County. The petition for judicial review must be filed within 30 days of the publication of the permit decision.

On behalf of the Maryland Department of the Environment, your interest in this project and attendance at this evening's hearing is appreciated.

**Amanda Sigillito -MDE-** This hearing is now adjourned.

Meeting ended after 00:17:55 🙌