



Lothian Civic
Association

5689 Greenock Road
Lothian, MD 20711

August 10, 2006

VIA CERTIFIED U.S. MAIL

Joe Rutter
Planning and Zoning Officer
2664 Riva Road
Annapolis, MD 21401

Re: C2006-0055 Centre at Wayson's Corner; Ashby Shepherd, 7/07/06
Septic permit #T02035744; Grading permit #G02012286

Dear Mr. Rutter:

We are writing to you regarding the above-referenced application for grading, septic, and site development approvals sought by Mr. Shepherd, filed on his behalf by Petrie Chaney Wayson's Corner, LLC. We intend to file detailed technical and legal comments regarding several aspects of this project on or before Monday, August 28, 2006. Accordingly, we request that you do not make any findings on this project until you have had an opportunity to fully consider our comments. Given that Planning and Zoning will be considering public comment it will receive following the re-noticed Petrie Chaney August 15 public meeting, our request that Planning and Zoning not take any action until at least two weeks after that meeting is timely and reasonable.

Our review of the filed applications has raised significant concerns among our membership, which includes citizens of Wayson's Corner living adjacent to the proposed development. We are concerned about the impact of the additional 1.7 million trips a year that will be generated by the shopping center, the project's environmental impact, and the fact that the project runs directly counter to what was envisioned for Wayson's Corner in the Small Area Plan, adopted by the County Council in 2001.

We have retained the services of two expert consultants who will be reviewing and analyzing the permit applications. The first, Smart Mobility, Inc., a traffic engineering firm, will review the traffic study prepared by The Traffic Group and submitted to the County. We have identified several concerns raised by the filed traffic study that we believe may lead to failing intersections. For example, the Traffic Group's

analysis failed to consider the on-ramp/off-ramp intersections at (i) Route 4 and 258 and (ii) Route 4 and Southern Maryland Blvd./408, which have blind curves and would become even more dangerous with the traffic added by the proposed shopping center. Both of these on-ramp/off-ramp intersections also involve either uncontrolled opposing left turns or uncontrolled left turns across high-speed traffic. In addition, the Traffic Group applied a reduction factor to so-called “pass-by” trips from Route 4, skewing trip generation numbers downward. Because Route 4 is not adjacent to the site, treating trips on that road as pass-by trips appears to be improper. We have requested that Smart Mobility consider these concerns, among others, in their analysis.

We have also retained the services of an environmental engineering firm, Carpenter Environmental Associates, Inc., which will be reviewing, among other things, the storm water management analysis and proposed system and the on-site wastewater treatment system. We have concerns about the proposed stormwater management system, particularly the modifications requested by the developer, such as the request to allow for nearly vertical interior walls on the stormwater management ponds. Not only would these pose a danger to the public, particularly children, but the developer stated that providing the standard side slopes would greatly impact the project’s developing area and would “render the project economically unfeasible.” As you know, an application for modification may be denied if requested “solely because compliance would add significantly to development costs or if requested solely for the convenience of the developer, such as when the land is not usable because of error or poor assumptions on the part of the developer.” Anne Arundel County Code Sec. 17-2-108(b). The developer’s second modification request raises serious questions about why pond infiltration rates exceed rates set by the 2000 Maryland Department of Environment’s Stormwater Design Manual. We also note that these modification requests are waivers of the quantitative stormwater management minimum control requirements, which do not appear to be approvable. However, if Sec. 16-3-302 applies, the County will have to hold a public meeting before granting the waiver requests. Sec. 16-3-303. Finally, we are concerned about the adequacy of the proposed wastewater treatment systems, the threat to Galloway Creek from stormwater runoff and wastewater infiltration, and the impact of the project on the site’s wetlands.

Given the scope of the project and the fact that the applicants themselves have described traffic conditions on the edge of failing and stormwater issues that can only be addressed by waiver, this is clearly a project that requires careful review by your staff. We anticipate that the professional analysis that we intend to provide will assist materially in that review. Accordingly, we do not anticipate that our request that you withhold any final action until after August 28, 2006, will cause any delay in the review process. Moreover, consideration of all relevant issues before permit issuance will ultimately render the process more efficient and timely by avoiding unnecessary appeal procedures that could result from an incomplete evaluation of the project at this stage.

Thank you for your consideration of this request. We ask that you advise us in writing at your earliest opportunity of your intended review schedule.

Sincerely,

Andrew Gaeta
Acting President, Lothian Civic Association

Thomas Wallace

cc: Kendl P. Philbrick
Secretary, Maryland Department of Environment

Robert L. Flanagan
Secretary, Maryland DOT State Highway Administration

Edward R. Reilly, District 7
Chairman, Anne Arundel County Council