



Lothian Civic  
Association

5689 Greenock Road  
Lothian, MD 20711

August 25, 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:

By letter dated August 10, 2006, the Lothian Civic Association and twenty-two individual members living next to the proposed development requested that Planning and Zoning not complete its review until we had had an opportunity to provide initial technical analyses to you regarding the proposed mall at Wayson's Corner. By your letter of August 16, 2006, you agreed that no action would be taken until we had furnished you with the preliminary findings of our technical experts.<sup>1</sup> We thank you for that consideration, and we attach the promised information to this letter. We request that our August 10, 2006, letter, as well as this letter and its attachments be placed in the official public file for this project.

At the August 15, 2006, public meeting held by the developer, the Lothian Civic Association placed into the record of that meeting its written opposition 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.

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<sup>1</sup> In light of our correspondence, we are somewhat surprised to note that the Department of Inspections and Permits' automated permit status system indicates that environmental review has been completed and approved for the grading permit.

The two expert consultants whom we retained to provide preliminary technical analysis have confirmed that the proposed development poses serious safety and environmental problems. The first, Lucy Gibson of Smart Mobility, Inc., a traffic engineering firm, reviewed and critiqued the traffic study prepared by The Traffic Group and submitted to the County. The second, Dr. Bruce Bell of Carpenter Environmental Associates, Inc., reviewed and provided comment on the proposed stormwater management design. We have enclosed their analyses with this letter.

Although our concerns are not limited to traffic and stormwater management, we wanted to gather technical input and provide comment to you as soon as possible. As we stated in our August 10, 2006 letter, we continue to have concerns about the adequacy of the wastewater treatment systems, the threat to Galloway Creek and the Patuxent River from stormwater runoff and wastewater infiltration, and the impact of the project on the site's wetlands.

### Traffic Issues

It is clear from an analysis of the Traffic Group study that many serious traffic problems are raised by the proposed development. As more fully described in the enclosed analysis by Smart Mobility, the Traffic Group's failure to study three arterial intersections (Mount Zion--Route 408/Route 4; Greenock Road and 408; and the West Bay Front Road--258/Route 4 interchange), the proposed signal at the Route 4 exit ramp at the Mobile station, and the improper treatment of pass-by trips require that Petrie Chaney perform a new traffic study. In addition, a new study will have to fully consider the many safety issues posed by increased traffic, such as the Route 4 on-ramp/off-ramp intersections, which involve either uncontrolled opposing left turns or uncontrolled left turns across high-speed traffic, and the proposed multiple entrances to the site from Route 794, which will result in driver confusion and potential accidents.

We also note that, as pointed out by our traffic expert, in order for another traffic analysis to be undertaken, the County will have to develop road ratings for the roads in the impact area. See Anne Arundel County Code Sec. 17-5-401 (a)(2). As the traffic study stands now, many of the roads have a level of service rating of "D", requiring that the road facilities in the area have an adequacy rating of not less than 70. Currently the roads do not have a rating, and will have to be rated by the County in order for a new study to be properly undertaken. In addition, we expect that some of the borderline LOS ratings as expressed in the current study will decline further once improperly deducted pass-by trips are added and routed through the appropriate intersections, additional intersections are studied, use of the short northbound Route 4 exit ramp is disallowed, and the cumulative impacts of those study revisions are calculated.

We also note that many of the traffic issues that we raised and that are highlighted in the enclosed analysis by Smart Mobility were also raised by Greg Welker, the state engineer who reviews Anne Arundel County projects, during a meeting with Delegate Bob Costa on August 15, 2006. It is our understanding that the State Highway Administration has since rejected the developer's traffic study.

## Stormwater Management and Design

We conclude from our review of the stormwater management design that the developer appears to lack adequate area onsite to build an adequate stormwater detention facility. Indeed, as noted in the enclosed report from Carpenter Environmental Associates, the stormwater management pond does not appear to show adequate storage. More alarmingly, no emergency spillway has been provided, and it is unclear where the spillway could be placed onsite in the proposed site plan. Moreover, as noted in our August 10, 2006, letter, the developer's requested "modification" to allow for vertical stormwater management pond sides also underscores that the developer is forced to build a pond with steeper walls than is acceptable because of inadequate space. The developer stated that standard slopes would "render the project economically unfeasible," which, as we pointed out in our August 10, 2006 letter, is not an adequate reason to approve the modification request. Anne Arundel County Code Sec. 17-2-108(b). In any event, this request for a "modification" appears in fact to be a request for a waiver, which, if available at all in this area of the County, requires a technical justification that has not been provided. A public hearing is also required.

The proposed stormwater management plan also fails to meet the criteria for the 2000 Maryland Stormwater Design Manual because the developer has assumed the adequacy of the pond for future development. Details about the future site layout, such as catch basin layout, pipe slopes, parking lot slopes, and building placement will impact needed pond volume. These details have not been provided, so there is no way to determine whether the proposed pond, the current adequacy of which we question, will be adequate with future onsite development. Inasmuch as the stormwater management analysis by its own terms is submitted in support of a grading permit for the entire site, these shortcomings clearly preclude approval.

These problems, in addition to the others listed in the enclosed report, show that the proposed stormwater management system is wholly inadequate, does not meet engineering design standards, and will result, in a minimum, in uncontrolled releases of untreated stormwater to Galloway Creek. Under these circumstances, the proposed stormwater management system will not meet predevelopment discharge levels.

For the reasons articulated above and described more fully in the enclosed analyses, the pending permit applications fall far short of meeting Anne Arundel County Code requirements and should be stayed until such time as the developer can satisfactorily address the problems. Because of the inadequacy of the applications as filed, we request that the developer be required to re-notice a public meeting if and when the developer represents that all problems have been corrected. If such a meeting is not ordered, we request a meeting with the developer and Planning and Zoning as soon as possible.

Thank you for your consideration. We look forward to your response.

Sincerely,

Andrew Gaeta  
Acting President, Lothian Civic Association

Thomas Wallace  
On behalf of 22 original signatories

Enclosures

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