

September 12, 2006

Mr. Vivian Marsh
Anne Arundel County
Office of Planning & Zoning
Heritage Office Complex
2664 Riva Road
Annapolis, Maryland 21401

Re: Shepherd Property
Tax Account Number: 8000-0160-8600;
Council District & Representative: 7 - Edward R. Reilly;
Tax District: 8; Tax Map/Block/Parcel 71/12/166;
Property Address: 5481 Southern Maryland Boulevard, Lothian, MD 20711;
Project Description: Commercial shopping center project on 30.78 acres;
Site Development Plan No: C06-0055; Grading Permit No: 02012286
Owner: Ashby C. Shepherd, III and Carter C. Shepherd;
Developer: Petrie/Chaney Wayson's Corner, LLC;
Contact Name: Terry Richardson, Petrie-Ross Ventures, LLC (410) 573-2900.

Dear Mr. Marsh:

In addition to the concerns we discussed in our letter of 8-15-2006 (addressed to Mr. Joseph Rutter), enclosed are some additional substantive concerns and questions (*in italics*) for your review. They are based on items in the County's official file that were reviewed by Jeff Shenot, President of the Board of Directors for the Friends of Jug Bay.

The development site, at the junction of Southern Maryland Boulevard (highway frontage road on north side of Route 4) and Sands Road, is within an area included in the Anne Arundel County Greenways Master Plan (2002). The Greenways cover about 27% of AA county land area. The development site is within the Patuxent River Greenway, at its eastern boundary. While the Greenways Master Plan in no way precludes development within the Greenway, it does indicate natural areas that Anne Arundel County identified for preserving as open space along the Patuxent River.

The Target proposal would clear over 20 (about 25) acres of mature forest to build a mall with a larger-than-average big box chain store as its anchor. Based on data extrapolated from the tree stand delineation report prepared by the developer's consultant and included in the filing, the existing forest at the site has more than 8,500 trees, with an average diameter at breast height of about 13-14 inches, and an average canopy cover percent of 95%. According to the developer's application on file, sheet 82 identifies that all but 3.09 acres would be cleared, with the forest planned to be conserved only in the area immediately adjacent to Galloway Creek. *What specifically if anything is proposed for*

mitigating the loss of forest? We were told the applicant will be required to comply with the County and State codes (regulations), but apparently there is no specific plan. We see that certain specimen trees which were delineated are proposed to be saved in the area that is proposed for clear cutting, and applaud this effort. And certain planting specs for site landscaping are available in the drawings, but this has to do with physical requirements of planting. What we want to know is *what are the biological and ecological aspects being considered for the loss of forest?*

The clearing of this mature forest is a tremendous loss of natural filtering capacity (not to mention the ability to buffer traffic noise and filter pollution from vehicle emissions). This egregious inconsistency with the Greenways Plan is an assault on the rural character of Wayson's Corner, not to mention the nearby Patuxent River (Jug Bay Wetland Sanctuary is across the road). As a result of the proposal's design, impacts would occur to the water quality and quantity in the Galloway Creek, since its channel within the forest on the property would receive less surface water input from runoff that drains through the forest, and also because the outfall from the on-site stormwater management facility would likely be a warmer input and have less dissolved oxygen than what is currently contributed to the watershed from the undeveloped site.

On August 30, 2006 we were told by Anne Arundel County Planning and Zoning staff that the proposal is consistent the Small Area Plan for South County (SAPSC). However, the SAPSC (effective zoning date 4-11-2002), in the Economic Development (section VI.C.) states:

“Goal: Commercial development and home-based businesses should be compatible in scale, location and design for the rural and historic character of South County. Therefore:

(item 5) Recognize that strip malls, national franchises and up-zoning are inconsistent with the rural character of South County.”

A national franchise is what is proposed as the primary business for this mall, and it is incompatible and inconsistent with the SAPSC and the rural character of Wayson's Corner. No offense is meant to Target, since any of these types of business (national chain stores) are inconsistent here, and will only create huge traffic, noise, light pollution at night, and aesthetic (visual) impacts.

The SWM Facility design (100-year event) includes descriptions and specs for an underground detention basin that will receive the outfall from the pond, but it does not indicate how any excess beyond its designed capacity will be handled. According to the design specifications in the application, the pond would have a top elevation that is 2.0 feet above its designed high water capacity (DHW). The notes say there is no emergency spillway needed since there is 2.0 feet of freeboard provided above the DHW. *If the design capacity was exceeded where*

would water in excess of the DHW drain to? Since 1996 there have been at least 3 times in my memory when a “100-year frequency” event occurred here (all tropical storm-related; 1996, 2003 and 2005), and it raises the question of the adequacy of data being used for stormwater design.

The plan shows the pond’s normal pool elevation would be 7.81 feet below the DHW, I think with a surface area of 1.35 acres (not clear if that is at normal pool or DHW), with a storage at DHW of 13.51 acre-feet, and a discharge of 13.8 cubic feet per second (CFS) at DHW. *How would this volume of flow compare to the expected flow for the receiving waterbody (Galloway Creek; south of property and off-site), and what impacts do the developer or the County expect it would have?* From what I could find in the official record, there is no mention of this impact, but it would certainly increase scouring and the other impacts that’s were described in our letter of 8-15-2006 (addressed to Mr Joseph Rutter, submitted to the developer at the public meeting by Al Tucker).

There is a proposed 5 feet safety bench for the pond, and a 10 feet aquatic bench. The pond is designed to have specific clay material that will be used to create the bottom and it will be contoured and compacted, so that water does not infiltrate and it gets treated by the design system. But this would impact the normal volume of water that is infiltrated during a precipitation event, which is contributed to the groundwater table, and in turn provides water through subsurface aquifers to supply the nearby wetlands and first order streams (i.e., JBWS and tributaries to Galloway Creek and Patuxent River). This is especially important during times of infrequent rain when these environments depend on groundwater contribution to sustain the habitat. *Therefore, how, if at all, would this type of material allow for any infiltration? What types of submerged and/or emergent aquatic vegetation, if any (besides nuisance algae), would be able to survive in this designed type of substrate? Would there be any effort to control unwanted nuisance wildlife that would invariably be attracted to the pond (such as resident Canada geese that do not migrate, and are a severe management problem for the federal, state, and local governments trying to manage natural resources and public open spaces)?*

The lighting plans contain all sorts of electrical specifications and notes on installation, but there is no mention of type of bulbs and whether the light would be directed directionally or radially. It is highly preferable that light be directed downward only, and to use light bulbs that are designed to minimize light pollution, reduce adverse impacts to the environment, and reduce energy consumption. *Will the County consider asking the applicant to provide environmentally friendly lighting that minimizes the impacts we describe here?*

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

Respectfully and sincerely,

Jeff Shenot, President
On behalf of the Friends of Jug Bay

cc: Mr. Robert Miller, Land Use Officer
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