

# The Capital

## South County

### South county Target plan delayed

#### Opponents question stormwater extension

By E.B. FURGURSON III, Staff Writer

Developers of a controversial Target shopping center in Waysons Corner have been granted a 60-day delay to resubmit parts of the plan, primarily to change the stormwater management design.

But opponents of the project have appealed that extension to the county on procedural grounds.

Attorneys for the Lothian Civic Association filed the appeal challenging the manner in which the extension was granted. No date has been set before the Board of Appeals.

The developer has proposed building a Target store, followed by more retail outlets, restaurants and a bank, on a wooded 27-acres in sleepy Waysons Corner - a crossroads community and former tobacco market center now dominated by mobile home dwellings and a bingo hall.

Some residents opposed the plan, pointing to traffic and environmental woes associated with such a "big-box" complex. They turned out some 450 people at a raucous public meeting in August to make their point.

The impact of stormwater running off the project's nearly 500,000 square feet of rooftops and parking lots into part of the Jug Bay Wetlands Sanctuary has been one of the major concerns raised by residents, state, and federal officials.

To address the environmental concern, developer Petrie Ross Ventures said it is changing its stormwater plan from a common holding pond to innovative bio-retention techniques to reduce runoff. The firm asked for the extra time to do that re-engineering.

"It's ironic. Here we are trying to do the right thing ... and this vocal minority is trying to stop us," said Terry Richardson of Petrie Ross. "It seems like an obstructionist maneuver which we, and Anne Arundel County, will defend."

Attorney Clayton Mitchell of Hoon and Associates in Chestertown, acting on behalf of the Lothian Civic Association - a recently formed organization that grew out of concern about the Target plan - said the appeal is meant to guarantee that the letter of the law is followed.

"The Anne Arundel County planning and zoning code has ... a set of rules, procedures meant to protect both the interest of the public and the interest of developers," he said.

"Those rules need to be followed. But if they are not, it is the responsibility of the public to file appeals such as this to make sure everyone is afforded due process and the requirements ... are followed."

As for the developer needing the extension to address the association's environmental concerns, Mr. Mitchell said, "That is all well and good, but you have to operate under the rules you have, not the rules you wish you had."

The extension gives Petrie Ross Ventures until Jan. 13 to come up with new plans to deal with several changes requested by county planners, most notably stormwater management, perhaps in response to concerns about Jug Bay. What effect the appeal will have is unclear.

### **Jug Bay worries**

The environmental issue was one of the first raised by those fighting the project and others who want to make sure any impact, including traffic and changes to the community, are minimized.

The Friends of Jug Bay, the Maryland Department of Natural Resources and, more recently, federal agencies have expressed concern that the runoff would have a detrimental effect on the sanctuary, which also is part of a protected federal research area.

They think water laden with debris and chemicals from parking lots will affect plants and animals in the creek, adjoining wetlands and eventually the Patuxent River downstream. They all have pointed to legal agreements the county has entered into that require it to protect the sanctuary.

For instance, a confirmatory deed and declaration of covenants struck in March was intended to preserve, protect and "prevent activities that might damage, compromise or interfere with the Sanctuary's ecological diversity."

Noting that, they wrote to the county Department of Recreation and Parks to get the agency to urge planners to consider those responsibilities when the project is under review.

Friends of Jug Bay, a volunteer organization that runs programs at the preserve, met with acting recreation and parks Director Franklin Chaney, who agreed to contact Planning and Zoning with those concerns, including changing a notation that his department had approved the project.

A staff member did just that but outgoing planning and zoning chief Joe Rutter issued a curt memorandum in response. He said in the memo that the Target plan did not "require review for recreational issues" and should not have been forwarded to Mr. Chaney's department in the first place.

### **Angry residents**

That incensed those who had asked that Jug Bay's sensitive ecosystem be given more consideration.

"The Friends work hard at this, and avail themselves of the chance to (stand up) for Jug Bay, and they are treated as meddlers," Patuxent Riverkeeper Fred Tutman said.

Michael Quinlan, a board member of the Friends of Jug Bay who met with Mr. Chaney, said the only response he got was third-hand.

"I really felt it was disrespectful," he said. "Here we have got several millions of dollars of state and county money spent to acquire the property, and county funds paying staff to manage and operate the park .... Conservation is kind of a no-brainer."

George Perry, interim president of the Lothian Civic Association, said his group and others must monitor the process "to make sure the developer is doing things by the numbers. It is up to the community to keep an eye on it."

He said Petrie Ross had tried to skirt public meeting rules and submitted what he called an inadequate plan, as evidenced by the changes required in stormwater and traffic plans.

### **County stands firm**

But the county begs to differ, saying Mr. Rutter's memo was merely a clarification.

"While the Office of Planning and Zoning is sensitive to the concerns of (the Department of Recreation and Parks) with respect to the adjacent Jug Bay Wetlands Sanctuary, there is no basis under law to place special regulations on private property," spokesman Pam Jordan said.

"While not required under the law, we continue to encourage the developer and engineer to explore design alternatives that would include bio-retention of stormwater on-site," she said.

"The development must demonstrate that the stormwater will not create a problem downstream."

Bio-retention directs stormwater to areas that collect and vertically filter water back into the environment through vegetation and an engineered drainage system, instead of holding it in a pond that settles material then sends it downstream.

The pond method is susceptible to failure and dumping heavy loads of water downstream in a big rainstorm. Newer methods like bio-retention can potentially slow that flow and clean pollutants from the water before it's introduced into the ecosystem.

The Friends of Jug Bay are hopeful that the new design will prevent damage to Galloway Creek if the project is built.

Mr. Richardson thinks it should.

"We are doing this of our own accord," he said, "going above and beyond what the ordinance requires. That is why we asked for the extension."

The new plans will be submitted early next year, unless the appeal steers this process in another direction.

There will also be a new administration handling the process. County Executive John R. Leopold took the oath of office on Monday, and Mr. Rutter's last day was Dec. 1.

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