

## Council rejects Brandywine rubble fill again

Residents say landfill for construction materials would clog roads and disturb nearby property

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Staff Writer

Permission to create a rubble fill in Brandywine has again been denied by the Prince George's County District Council, the latest move in a fight that has dragged on for more than five years.

The council elaborated in its latest decision on the negative impact that the rubble fill—which would be located north of the intersection of Routes 381 and 382—would have on roads and adjacent properties, including historic St. Thomas Church and Camp Schmidt.

Virginia Stallings, acting president of the Greater Baden-Aquasco Citizen's Association (GBACA), said that the Council embodied the objections of local residents in its decision.

“We're happy that the Council agreed with us,” she said. “We've been five years fighting this thing, and we believe that it is an asset to this community to have this case denied.”

The County Council acts as the District Council on zoning matters.

The council stressed that dump trucks coming in and out of the proposed site's entrance on Route 381 would create traffic hazards, especially for the school buses that pick up children along the thoroughfare.

They also argued that the noise and visual impact of the fill would compromise the rural and historic character upon which St. Thomas' Church and Camp Schmidt depend.

Rubble fills accept discarded construction materials, such as wood, concrete, brick and asphalt. The applicant, Brandywine Sand and Gravel, originally hoped to build rubble mounds 100 feet high.

St. Thomas' Church—one of only four meeting-style churches left in the county—is in the county's register of Historic Sites and Districts. Camp Schmidt is the county's only outdoor education facility for public school students.

The council cited these problems in its September 2001 denial of the application for a special zoning exception to build the fill. Brandywine Sand and Gravel appealed the decision to the Prince George's County Circuit Court, which ruled in November 2002 that the council had not provided enough evidence for its decision. The county in turn appealed to the Maryland Court of Special Appeals, which sent the case back to the council for a decision with more detailed findings.

We have put a lot of effort into this case, and we felt we had several grounds for denial,” Stallings said of the drawn-out battle.

She founded the GBACA to combat the rubble fill and said that the group has spent more than \$180,000 fighting it so far. “Of course, it’s been back and forth, and we were worried [that it might be approved], but our case was strong enough.”

G. Macy Nelson, the lawyer for the council, said that Brandywine Sand and Gravel can appeal the case, but he believes the council’s decision will stand.

“They have the right to appeal it,” he said, “but I’m confident that [the council’s decision] will stand. I’m convinced that if there is an appeal by the rubble fill, the council’s denial will be proven to be adequate.”

Both Brandywine Sand and Gravel and their lawyer declined to comment on the decision.

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