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June 25, 2021

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Donna J. Brown, Clerk of the Council
Prince George's County
14741 Governor Oden Bowie Drive, 2nd Floor
Upper Marlboro, MD 20772
clerkofthecouncil@co.pg.md.us

CLERK OF THE COUNCIL
PRINCE GEORGE'S COUNTY MARYLAND

PETITION OF APPEAL TO DISTRICT COUNCIL with Appendix — DSP-20015

Dear Madame Clerk:

The undersigned individuals and organization (Appellants) hereby appeal the Planning Board's approval of DSP-20015 to the District Council pursuant to Sec. 27-290 of the Zoning Ordinance, and request the matter be remanded to the Planning Board for a new hearing, for the following reasons:

1. Appellants are entitled to appeal as Persons of Record in this matter, adjacent property owners aggrieved by the Planning Board's action, virtual attendees at the Planning Board's hearing, and members of Concerned Citizens of Prince George's County District 4 and/or Appellants in Concerned Citizens of Prince George's County, et al. v. Prince George's County Council, et al. now pending at the Court of Special Appeals, which challenges the 2019 Zoning Ordinance text amendment that facilitated DSP-20015.
2. **The Planning Board violated Appellants' Due Process:** Appellants followed the Planning Board's instructions for signing up to testify at the May 6, 2021 virtual hearing on DSP-20015, and were improperly prevented from signing up and testifying or providing written testimony. See Statement of Beverly Simmons Part 1, attached at Appendix A and incorporated herein.
3. **The Planning Board lacked sufficient Evidence to Approve DSP-20015:** Because Appellants were prevented from signing up to testify, they were precluded by the Planning Board from presenting relevant evidence and testimony respecting soil contamination by lead. See Statement of Beverly Simmons Part 2, attached at App. A and incorporated herein; and Statement of Michael Bridges, attached at App. B and incorporated herein.
4. The District Council should remand DSP-20015 to the Planning Board for a new hearing, with instructions to issue all required notices and facilitate the

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presentation of written and oral testimony and evidence by all those who wish to participate.

Respectfully submitted by:

Beverly Simmons

Beverly Simmons
14402 Derby Ridge Road
Bowie MD 20721

Carol Boyer

Carol Boyer
13900 Mt. Oka Court
Bowie MD 20721

Michael M. Bridges

Michael Bridges
3320 Dunwood Crossing Drive
Bowie Md 20721

Kathleen Beres

Kathleen Beres
3120 Church Road
Bowie MD 20721

Miller Einzel

Miller Einzel
3120 Church Road
Bowie MD 20721

Millicent Carroll

Millicent Carroll
13600 Kings Courts
Bowie MD 20721

Milly Hall

Milly Hall
14404 Dunstable Court
Bowie MD 20721

Michael M. Brown Secretary

Concerned Citizens of Prince George's County District 4
9701 Apollo Drive
Largo MD 20774

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 25, 2021 a copy of this Petition of Appeal was sent by regular mail to each of the following:

Sarah Cavitt
Indian Head Highway Area Action Council
P.O. Box 44013
Fort Washington MD 20749

Keith Martin
1124 Marion Avenue
McLean VA 22101

Rachel Leipziger
Dewberry
4601 Forbes Boulevard Suite 300
Lanham MD 20706

Mr. James Eason Jr.
4515 Doctor Beans Legacy Circle
Bowie MD 20720

Robert F. Collier
13600 Kings Isle Court
Bowie MD 20721

Mike Lenhart
Lenhart Traffic Consulting, Inc.
331 Redwood Grove Court
Millersville MD 21108

Henry Wixon
Glenn Dale Citizens' Association, Inc.
P.O. Box 235
Glenn Dale MD 20769

Dewberry
4601 Forbes Boulevard Suite 300
Lanham MD 20706

Adam Blough
Dewberry
4601 Forbes Boulevard Suite 300
Lanham MD 20706

Tamla Kirkland
12807 Greenes Promise Court
Bowie MD 20720

Mr. Adam Levi
14406 Dunstable Court
Bowie MD 20721

Mr. Jarrett G. Carter
16302 Eastham Court
Bowie MD 20716

Mr. James Riley
13607 Kings Isle Court
Bowie MD 20721

Mrs. Syreeta Moody
13603 Kings Isle Court
Bowie MD 20721

Mrs. Sherry Kay Warr
4300 Long Field Court
Bowie MD 20720

Mr. Samuel J. Smith Jr.
13914 Resin Court
Bowie MD 20720

Marlene Terrell
5204 Princetons Delight Drive
Bowie MD 20720

Mr. Carlos A. Yibirin
507 Jeanwood Court

Kim Modenhäuser Lindquist
3900 Church Road
Bowie MD 20721

Mr. Charles Rones
14406 Derby Ridge Road
Bowie MD 20721

Mr. Louis Tinsley
14400 Derby Ridge Road
Bowie MD 20721

Mrs. Sylvia Bass
14404 Derby Ridge Road
Bowie MD 20721

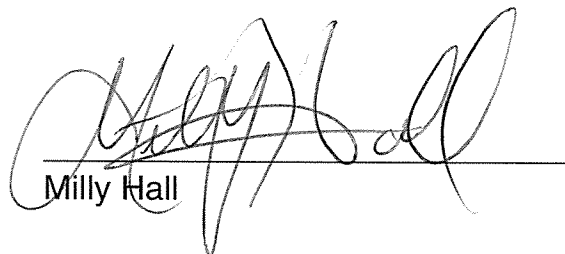
Mr. Albert R. Gillespie
4817 V. Street Northwest
Washington DC 20007

Mr. Ade Adebisi
14603 Dolphin Way
Bowie MD 20721

Mr. Frank Stevens
City of Bowie
15901 Excalibur Road
Bowie MD 20716

Mr. Brent White Jr.
14407 Derby Ridge Road
Bowie MD 20722

Gary Erlich
Hush Acoustics, LLC
9109 Coronado Terrace
Fairfax VA 22031



Milly Hall

APPENDIX A: Statement of Beverly Simmons - DSP-20015

Part One

On or about April 7, 2021 a public hearing sign was placed at 3900 Church Road, Bowie, MD 20721. The sign was from the County Administration Building, Upper Marlboro, MD. It's application information was DSP-20015. The sign gave information regarding an upcoming hearing on May 6, 2021 for Freeway Airport.

On April 7, 2021 at 12:33 p.m., I called the number listed on the sign (301) 699-2255 and spoke to a male representative. He advised the upcoming hearing will be the deciding factor for Freeway Airport. I then ask, "how can I sign up to speak at this hearing?" The representative told me this hearing will not have any speakers and no one can sign up to speak. I can provide documentary proof that I called the number listed on the sign and spoke to a person for at least 3 minutes.

After speaking to the male representative, I forwarded the information he gave me to my Homeowner's Associate (HOA) and management company at Fairview Manor.

After sending to my HOA, I went online to make sure I could not register to speak regardless of what the male representative advised. I only did this because of known mistakes in the past. But, this one seemed a little more aggressive, therefore I pressed to make sure no one can speak. However when I went online, there was no place to sign up to speak, no tab, no link or no information regarding this hearing. However, I kept checking to make sure it did not show up at the last minute. But, no link was available.

I wanted to send in advance a letter of opposition, but did not see a link allowing this right or opportunity. As the time drew closer to the hearing, I found out I had a medical procedure on this same day, May 6, 2021 and knew I could not attend this hearing, even if we could not speak. I gave heads up to several people who also attempted to sign up. I let them know I will not be able to listen to this hearing, but please continue to make sure a person cannot speak for I have been trying for many days. This information given to me by the signage clerk, just felt wrong.

I am aware others did keep trying to check in to speak from April 7 - May 6, 2021, to no avail.

I am willing to testify that this statement is true and accurate to the best of my ability and knowledge.

Part Two

On March 10, 9:00 a.m., four (4) individuals, including myself met with MDE representative, Mr. Mark Mank. We met in a neutral location at the front gate of Fairview Manor which is directly across the street from Freeway Airport. This community will also be the most affected by this community and desire that all be done in decency and order. I witnessed Mr. Innsel giving Mr. Mark Mank a map with direct locations of where lead gasoline fuel had been dumped for many years. Mr. Einsel had a plane at this airport and is a firm witness of these events. But, on this day, I witnessed Mr. Mark Mank's assistant walk away from the conversation Mr. Einsel was having with Mr. Mark Mank. At this time, I thought it to be strange that he walked away, but I thought he was going to his car to get something to help identify locations needing digging. But, when I looked up, Mr. Mark Mank's assistant had walked far enough not to hear the conversation or information given to Mark Mank and he was not doing anything, but standing far away. He was just standing by his car which was about three cars back. I really thought that was peculiar. But, I knew Mr. Mark Mank received the information and knew where to dig for the lead in the soil. Now, if Mr. Mark Mank did not perform this test himself, there is no way his assistant knew exactly where to dig for lead because Mr. Einsel pointed at a map inside drawn circles for Mr. Mank to follow. But, Mr. Einsel showed Mr. Mank where the lead has been dumped for years and years. The question at hand, did the soil samples that were collected come from the correct locations of where the fuel dumping had taken place?

At the May 6 hearing, Mr. Robert Antonetti stated the lead test was requested from citizens in the community, but they did not show the actual test. They only showed a letter from Mr. Mark Mank that no great amount of lead was found. He did not share the before and after locations of the lead digging sights. This quick view also did not give names of who performed the test. It just said several MDE workers. This is important because if Mr. Mark Mank was not at the scene when samples were being dug, the locations could have been missed again. The test results should be available for all to see. Instead, Mr. Antonetti only showed a brief letter and not the actual map of lead findings with missing marks of where it was suggested to dig for leaded soil. This is an issue! The higher level of lead was found near one of many locations Mr. Einsel pointed out. However, the other areas shown on the map, were not in the area Mr. Einsel suggested for MDE to dig. Instead, they concentrated on the walking trails and sidewalks. But, people's lives are at stake! This information needs to be on the record in the event lead is found in the soil and children are affected many years from now. The hearing chair did not show Mr. Mark Mank's map or the lead results on the record. But, the reply from Mr. Antonetti was accepted as enough for this important and vital subject. Then, the video kept going in and out right when Mr. Antonetti would refer to any

comments regarding the lead. Funny, the internet did not go out for other parts of the hearing. Although I viewed the hearing video days later, I can see in the replay video the inconsistency and plain disregard for important matters (like lead in the soil, integrity and transparency of the test). This case is important for the safety of children and pregnant women living in these new homes. I believe it is more important than a walking path.

For the record, Concerned Citizens requested the test completed on March 10, 9:00 a.m., and this information needs to be addressed. Mr. Antonetti continues to not give full information, just as he did in the November 2020 hearing. He advised Fairview Manor saw the site plan, when in fact, we did not see their site plan. I called him out on the record stating this is a lie and he had to address the board. He admitted he had not shown our community the site plan, but they gave him a pass anyway. I am not understanding how people can blatantly ignore development rules. The hearing chair advised he needs to get this done, but they still approve the next step. Our community is 94% in opposition of this development. I thought this was wrong as well and this is why I called the lie out during the hearing. This must be stopped our children will be affected by these developers' will to build regardless on the aftermath affects of children and pregnant women living in these new homes.

I think this is fraud and corruption at the highest level. There are so many people trying to get this land developed no matter the cost of human lives or parties in opposition. I request a remand of this case to allow the community to be heard.

Thank you,

Beverly Simmons

APPENDIX B: Statement of Michael Bridges - DSP-20015

We concerned citizens had scrutinized the ESA Phase I study and subsequent subsurface studies and found numerous flaws primarily centered around failure to actually test for lead in the areas most likely to be contaminated. On March 30, 2021 after having been contacted by Concerned Citizens, MDE sent out a team to conduct additional soil sampling and lead testing at Freeway Airport. Our Concerned Citizens spoke extensively with the MDE primary point of contact about where to take the samples and even provided him a map.

MDE issued a summary letter report indicating where the samples were taken and that none of the lead results exceeded the State standard of 200 mg/kg. This report was used by the applicant's lawyer during the 5/6/2021 DSP-20015 hearing to again argue that Freeway Airport had a clean bill of health with regards to lead soil contamination.

Although no samples were above the 200 mg/kg threshold, one sample registered 175.1 mg/kg or 88% of the threshold. There were a number of adjacent sample locations ranging from 30-80% of the threshold. Given these sample locations are all clustered downhill from the fuel pump and there were a number of sites suggested in this area that were not tested, we believe it is in the public safety that these areas be more thoroughly tested to ensure there are no lead levels higher than the threshold. We also recommend sub surface testing be done in this area and more surface testing be performed.

We were prevented from addressing these issues at the public hearing as we were not allowed to sign up to speak.

This is a public safety issue and the Planning Board is mandated to ensure that land is safe for the proposed land use before it approves an application. We believe the areas most likely to have soil lead contamination due to pre-flight operations involving leaded aviation fuel were not adequately tested. The Planning Board erred when it relied on certain evidence related to soil lead contamination entered into the record by the applicant. I request under Sec. 27-290 that the District Council remand the Detailed Site Plan to the Planning Board to take additional testimony.

Michael M. Bridges