

**Moses, Leonard D.**

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**From:** Anne Ambler <anambler@gmail.com>  
**Sent:** Monday, September 28, 2020 10:14 PM  
**To:** Clerk of the Council  
**Subject:** Magruder Pointe DSP 18005: Request to Postpone Oral Arguments

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Ms. Donna Brown  
Clerk of the County and District Council  
County Administration Building  
Upper Marlboro, Maryland 20772

Item: Magruder Pointe DSP 18005

Request to Postpone Oral Arguments Due to Inadequate Public Notice and Radically Different Instructions

Dear Ms. Brown,

Late this afternoon, I received by USPS notice that the District Council plans to hear oral arguments on Magruder Pointe Detailed Site Plan 18005 (DSP 18005) on October 5, 2020. The timing and content of that notice present serious due process issues, and I respectfully request that the District Council postpone this hearing from October 5 and provide adequate notice to all Persons of Records to protect their rights and ability to comment on the DSP 18005.

Although the hearing notice is dated September 18, it was post-marked September 26, and it arrived only today about 5 p.m., likely after business hours, less than five business days prior to hearing. But the notice states:

“Any document required to be filed in accordance with oral argument procedures shall be submitted no later than five (5) business days before the scheduled oral argument hearing.”

This language differs from the corresponding language in the notice for the September 14 hearing, which stated:

“Written testimony, comments or requests to speak by Persons of Record will be accepted in electronic format and should be submitted electronically by email to: clerkofthecouncil@ [co.pg.md.us](mailto:clerkofthecouncil@co.pg.md.us) or faxed to (301) 952-5178 no later than 3:00 p.m. on September 13, 2020.

There are several issues here. First, the two notices lay out two radically different deadlines for filing written comments. Second, the notice for the October 5 hearing arrived less than five business days prior to the hearing date, giving me--and likely other recipients-- very little notice of the new hearing date and no serviceable notice of the new filing deadline. Third, the new notice gives no instructions on how Persons of Record should file their written comments. Fourth, the new notice gives no indication that the Case File was radically expanded immediately prior to the original hearing date.

Given the procedural errors that affected the original hearing, I believe that the public interest, as well as the Council's, is best served by again postponing this hearing and providing adequate public notice with consistent, complete instructions. I specifically request that the District Council postpone the hearing to a date affording all Persons of Record at least 30 days' notice of the new hearing date and the relevant rules for participating in the hearing and filing written comments. Please remember that most of us Persons of Record are volunteers, including working parents dealing with the challenges presented by the pandemic.

Please confirm receipt of this letter, and please inform me as soon as possible what actions the Council plans to take to resolve these issues.

Thank you for considering my request and for your service to the community.

Sincerely,  
Anne Ambler, President



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Silver Spring, MD 20902