

From: [Shanna Fricklas](#)
To: [Clerk of the Council](#)
Cc: sustainhyattsville@gmail.com; [Adeyemo, Akinjide O.](#)
Subject: DSP 21001 -- Shanna Fricklas Written Comments
Date: Monday, March 4, 2024 4:13:45 PM
Attachments: [DSP 21001 Shanna Fricklas Comments 3.4.24.pdf](#)

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

To Whom It May Concern at the District Council --

Please accept the attached letter submission to be put into the record associated with DSP 21001.

Thank you for your time and consideration of my thoughts on this matter.

Best,

Shanna E. Fricklas, Esq.
5008 40th Pl
Hyattsville, MD
Concerned Resident

March 4, 2024

Donna Brown
Clerk of the County Council
Prince George's County

Item: DSP 21001 – Magruder Pointe-Suffrage Point South

Requested Actions: Deny Detailed Site Plan – DSP 21001

Dear Ms. Brown,

Please confirm receipt of this letter, and please ensure that it is included in the official record for Detailed Site Plan 21001.

My name is Shanna Fricklas. I reside at 5008 40th Place in Hyattsville, four doors down from the lower parcel. My backyard abuts Driskell Park and is adjacent to the Trumbule Trail Bog. I am a petitioner in an active case before the Circuit Court, where local residents and Sustainable Hyattsville are challenging the previous Council's October 2022 approval of 12.3 townhouses per acre. While I am not here in this capacity, I am also a lawyer employed by a federal permitting resource agency.

I purchased my home in May 2021, the same month that Werrlein tore into both parcels despite not even applying for state-federal stormwater or a floodplain-wetland permit. In my 2-plus years as a resident, I've gathered that the City of Hyattsville and many of my neighbors opposes this project, that this development undermines the public interest, and that Werrlein has shown little regard for the environment and the community. For these reasons, I respectfully ask the District Council to reverse the Planning Board and deny DSP 21001.

I am deeply concerned about the impacts that building this project in the floodplain adjacent to my home, my neighbors' homes, and local community parks. According to long-time Hyattsville residents, before Werrlein tore up the upper parcel in 2019, Gallatin Street rarely flooded, and when it did, it was with clear stormwater which drained very quickly. Werrlein has flooded Gallatin Street with sediment-laden stormwater repeatedly in the past few years, sometimes forcing the City to close the street, disrupting people's travels, and limiting access to my property.

I am gravely worried that it is only a matter of time before we see the flooding threaten our homes. This is especially true, as there is clear evidence that climate change is accelerating and rendering agency floodplain delineations and stormwater plans obsolete. We're already seeing the damaging impacts from this project on the bog, the stream, and the park.

I urge you to also take into account Werrlein's deplorable track record of violations going back more the three and half years. The Maryland Department of the Environment first inspected on June 2, 2021, after Sustainable Hyattsville alerted MDE to the fact that Werrlein appeared to be working on the site and in the floodplain without the required state-federal environmental permits. MDE confirmed that Werrlein was operating without the required permits and was otherwise violating the Clean Water Act and the Maryland Environment Article.

DPIE began inspecting the site for stormwater compliance only after Sustainable Hyattsville engaged MDE and MDE confirmed that Werrlein was violating the law in multiple ways. Since June 9, 2021, DPIE has inspected the site and has found Werrlein to be out of compliance, failing, or in violation dozens of times. Yet, DPIE has on record only issued two findings of violation, on July 5, 2022 and on October 3, 2022, and apparently has issued only minor fines of just \$250 to \$1000 for certain violations. This is clearly no real deterrent to a developer likely to make hundreds of dollars per house or townhouse, and possibly multi-millions overall. The handful of DPIE inspection reports referenced here are verifiable in the case record.

Even after these fines, Werrlein continued dumping sediment pollution into the stormwater system, the Trumbule Trail Bog and Tributary, and the Northwest Branch. Along with other Sustainable Hyattsville volunteers, I have documented a number of these violations with photos and videos clearly demonstrating sediment-filled water draining very slowly all the way to the Anacostia River – not to mention their "stormwater management" stopgap measure of piling coarse gravel and wood in front of storm drains is clearly only making the problem worse.

While we understand many agencies face resource constraints and while we want to believe that most agency staff want to do the right thing, many of us in the community wonder why DPIE has failed to take effective action, shut Werrlein down, or revoke the few permits Werrlein does have. This should certainly make the District Council question whether one can rely on DPIE's due diligence. Werrlein has essentially been allowed to profit by polluting while Maryland agencies that exist for the sake of protecting our environment are turning the other way as the real estate developer continues to evade standard permitting requirements.

I want to be able to count on the County to protect my property, my family's safety, our parks and community, and the environment. For that reason, DPIE, M-NCPPC, and the Council should not only be keeping the developer to the standard that all others are held to with respect to permitting, but also taking climate change into account and using the most recent data and best models available. Unfortunately, Werrlein, DPIE, and the Planning Board have routinely ignored climate change, and any decision based on their flawed plans and approvals may imperil local homes, our parks, and our streams.

I work for the Federal Energy Regulatory Commission, a permitting agency that regulates natural gas and other energy projects. We are required to consider emissions, ground impacts, climate science, and previous good standing in our reviews and I know the state of Maryland has similar standards. In a relatively recent decision, the US Fourth Circuit Court found in *Sierra Club v. West Virginia Department of Environmental Protection (DEP)* that a state environmental agency had acted arbitrarily and capriciously when it approved a critical permit for a pipeline based on an assumption that corporation with a history of chronic violations would go forth and sin no more. This is essentially what DPIE and the Planning Board have done here. Werrlein's consistent and persistent violations should inherently prevent them from being provided additional opportunities to build on this site. I do not trust that they will approach the construction with fastidiousness to environmental laws, or even requisite district and city standards, and especially not acting with the necessary sensitivity that building in a floodplain demands.

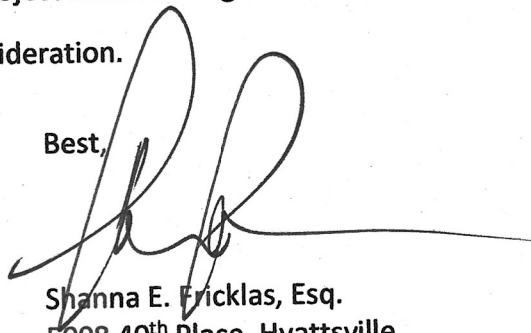
I'm recently married, and my husband and I are excited to raise our family here in Hyattsville and bring our future children to explore Trumbule Trail and Driskell Park. I share the view of many of my neighbors that our diverse and growing community of young families would have been much better served by a walkable new elementary school or civic center on the upper parcel instead of million-dollar homes and \$800,000 townhouses. I would be thrilled to see the city buy back this lower parcel, as I know they are contemplating, and either add it to the park or create a space that brings together our growing community.

DPIE, the Planning Board, and the Council have an affirmative responsibility to protect families, homes, parks, and the environment, including our tributaries and wetlands. The egregious level to which Werrlein has been evasive of legal requirements, failing to even meet the minimum permitting standards, should be an insult to the daily work of the District Council uphold common observance of Maryland law. They still do not have the proper stormwater & floodplain permit which the Council has proposed as a condition for approval and by this fact alone the project should be prevented from proceeding.

As a District Council it is on you to not ignore these serious issues. I am in opposition to this project for the sake of my home, my family, and our PG County community, and hope you are similarly motivated to prevent this project from moving forward.

Thank you for your time and consideration.

Best,

A handwritten signature in black ink, appearing to read 'Shanna E. Fricklas', with a long horizontal line extending to the right.

Shanna E. Fricklas, Esq.
5008 40th Place, Hyattsville
917.756.8483