

1 THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF
2 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

3
4
5 FAIRWOOD SQUARE
6 Detailed Site Plan, DSP-22028

7
8 P A R T I A L T R A N S C R I P T
9 O F

10 P R O C E E D I N G S

11
12 COUNTY ADMINISTRATION BUILDING

13 Upper Marlboro, Maryland

14 March 23, 2023

15 VOLUME 1 of 1

16
17 BEFORE:

18 PETER A. SHAPIRO, Chair

19 DOROTHY F. BAILEY, Vice Chair

20 A. SHAUNISE WASHINGTON, Commissioner

21 MANUEL R. GERALDO, Commissioner

22 WILLIAM M. DOERNER, Commissioner

23 OTHERS PRESENT:

24 ANDREW SHELLY, Staff, Urban Design Section

25 MATTHEW C. TEDESCO, Attorney for Applicant

P R O C E E D I N G S

(Beginning of designation)

MR. CHAIR: The next item on our agenda is Item 6. This is DSP-22028, Fairwood Square. We have Mr. Shelly, who will give the staff presentation. And Mr. Tedesco is representing the applicants.

And how are we proceeding on this, Mr. Shelly?

MR. SHELLY: Good morning, Mr. Chair. There has been a preliminary matter brought by a member of the public that should be considered prior to the hearing, which is a motion for continuance, based on an error on the Planning Board's website. Staff recommends a one-week continuance for DSP-22028, Fairwood Square, in lieu of a hearing. Thank you.

Mr. CHAIR: Thank you. I do have some question or comment about that, but let's turn to Mr. Tedesco for your, hopefully, concurrence with this. But if you could introduce yourself and let us know where you are.

MR. TEDESCO: Thank you. Good morning, Mr. Chairman and members of the Planning Board. Good to be with you this morning. We're aware of the request. We have no objection and would support staff's recommendation for a one-week continuance.

MR. CHAIR: Thank you, Mr. Tedesco.

And Commissioners, I think, out of an abundance of

1 caution and for the fairness of the public, I think that it
2 makes sense. Mistakes happen and let's just be -- make sure
3 that we bend over backwards to make sure that there's
4 adequate community -- opportunity for community
5 participation. So I'm in support of this one-week
6 continuance. I have no problem with that at all. Any
7 questions for staff or for the applicant?

8 Mr. Warner, anything you want to add?

9 MR. WARNER: No, Chairman. No -- no additional
10 comments.

11 MR. CHAIR: Okay. And Mr. Hunt, fine with you?

12 MR. HUNT: Mr. Chairman, we're fine on this end.

13 MR. CHAIR: Okay. Great. So then --

14 MR. BRIDGES: Mr. Chairman --

15 MR. CHAIR: Yeah. Commissioner Doerner.

16 MR. BRIDGES: -- (indiscernible) from the
17 public -- I'm sorry. This is Mike Bridges.

18 MR. CHAIR: Oh, Mr. Bridges? I'm sorry. We do
19 have folks signed up to speak but the folks who were signed
20 up to speak, that would be if we actually were hearing the
21 case. So this is a preliminary matter just to consider
22 whether we're even going to hear the case. On that
23 preliminary matter, we don't take public comment because the
24 public comment is related to the actual content of the case,
25 not the preliminary matter.

1 MR. BRIDGES: So how would one --

2 MR. CHAIR: So we are going to --

3 MS. OLIVER: I'm sorry, can I chime in? So I'm
4 the actual person who submitted the request for postponement
5 and identified the issue. And I would like an
6 opportunity --

7 MR. CHAIR: Hold on one second. Hold on one
8 second just for a point of order. Anyone who's speaking, if
9 you could first of all identify yourself for the record.
10 And if you're able to come on camera, come on camera. And I
11 do not want to have any discussion around the content of the
12 case, if we go that route. That's only if we're actually
13 hearing the case. We have a whole swearing in process and
14 things like that. But if you want to take a brief minute
15 just to talk about this preliminary matter, I will certainly
16 allow that for a quick minute.

17 MR. WARNER: Excuse me, Mr. Chairman. David
18 Warner.

19 MR. CHAIR: Yes, Mr. Warner.

20 MR. WARNER: Just a clarification for the record.
21 David Warner, principal counsel. The request for
22 continuance that you're considering was brought by Ms.
23 Oliver. Mr. Bridges sent something in after the deadline
24 requesting the continuance, but it's actually Ms. Oliver's
25 request. And so if there's any discussion, it should be

1 limited to Ms. Oliver.

2 MR. CHAIR: Okay. Thanks for that, Mr. Warner.

3 And respectfully, Mr. Bridges, we want to abide by
4 our rules. I imagine you're quite aligned with Ms. Oliver
5 about this, but we will just allow Ms. Oliver to speak on
6 this matter.

7 MR. BRIDGES: There was some --

8 MR. CHAIR: Ms. Oliver, go ahead.

9 MR. BRIDGES: I'm sorry. Just one other point of
10 information. The -- one of the main mistakes that was
11 brought up was brought up to me, personally, in the email
12 after the close of the public record. So that's why I
13 wanted to speak. The continuance is being relied -- being
14 relied on to the change in the acceptance date. And how
15 could I bring that forward prior to the close of the public
16 hearing if that information became right after? I mean, it
17 was 4:40 last night --

18 MR. WARNER: Mr. Chairman --

19 MR. BRIDGES: -- which should allow -- which
20 should allow me to speak.

21 MR. CHAIR: Hold the thought, Mr. Bridges. Thank
22 you.

23 Mr. Warner.

24 MR. WARNER: Again, this is David Warner,
25 principal counsel. Mr. Bridges is referring to a different

1 argument that he's making regarding the acceptance date of
2 this application. That's not why the continuance request is
3 being made. The continuance request is being made because
4 of a -- the section on one of our web pages that had the
5 incorrect date. And that's what Ms. Oliver pointed out in
6 her request for continuance. That's the only issue involved
7 in this continuance and that's what she can speak to.

8 MR. CHAIR: Thank you. So Mr. Bridges, again,
9 respectfully, we are going to hold this discussion to just
10 that one issue, which is the only issue before us. And that
11 is an issue that was brought to us by Ms. Oliver. I hear
12 you that you have other concerns, but that's not what we're
13 going to be talking about at this moment today. Okay?

14 MR. BRIDGES: Oh, can -- can I ask one question?
15 And I know you'll be finished with me, but just one other
16 question.

17 MR. CHAIR: Yes, sir.

18 MR. BRIDGES: And so it sounds like --

19 MR. CHAIR: Yes, sir. Go ahead.

20 MR. BRIDGES: -- the reason why you have narrowed
21 this discussion to Ms. Oliver's request for a postponement
22 is because she got it before 12 o'clock. The multiple items
23 that I raised for justifying a postponement are different
24 from Ms. Oliver's and they are based on information that
25 came to light after 12 o'clock Tuesday. So I don't

1 understand why you're narrowing it to just hers when the
2 information that is the basis for these other items deserves
3 being handled.

4 MR. CHAIR: I hear you. And we're -- what is
5 before us is Ms. Oliver's request for the continuance and
6 that's what we're going to take on. Practically speaking --
7 and I don't want to prejudge a vote before it happens -- I
8 think we are just about to continue this for a week, which
9 means that practically the affect will be the same. There
10 will likely be a continuance and then when you have the
11 opportunity to speak next week, you can find your way to
12 bring some of these items into it.

13 MR. BRIDGES: Okay.

14 MR. CHAIR: So --

15 MR. BRIDGES: For the record, I -- I -- I just
16 wanted to state on the record that I was requesting more
17 than just a week. And I think Ms. Oliver was too, and we
18 should be able to discuss that for the record.

19 MR. CHAIR: Okay. Thank you.

20 All right. Ms. Oliver, you want to take it away?

21 MS. OLIVER: Yes. Thank you for giving me the
22 opportunity to speak. I do want to address the -- I -- I'm
23 appreciative of the recognition of the error and your
24 willingness to issue a continuance. But as I stated in my
25 letter and my testimony today, I'm saying that a week is not

1 sufficient. I did request 45 days because many residents,
2 due to this inaccurate form and inaccurate data, dates that
3 were put in the form, it caused a lot of overwhelming
4 confusion and miscommunication. And I don't think a week is
5 going to resolve that issue. Proper notice needs to be
6 given at least 30 days or more to the public. And in light
7 of this really outrageous and you know, error, it should
8 be -- the continuance should be much longer than a week.
9 Thank you.

10 MR. CHAIR: Thank you, Ms. Oliver.

11 There's nobody else who we're going to have speak
12 on this but Ms. Oliver. So let me just say, and this is
13 just my thought, Commissioners, I'm fine with a week
14 continuance. There's been ample notice for this case.
15 There was a mistake made by staff by setting the deadline a
16 week too early. But that didn't make any -- all the notice
17 that was given in advance. So out of an abundance of
18 caution and with respect to the community to make sure that
19 we are allowing for adequate public participation, I think
20 the week continuance is more than adequate. So that's where
21 I'm at.

22 And Commissioners, I'm not sure where you are at,
23 but I would look for a motion and we'll see where it goes.

24 COMMISSIONER DOERNER: So before any motions are
25 made, I think we need to just procedurally also get the

1 applicant to waive his rights on the action on the date,
2 because the action on the date is the 28th of this month.
3 Continuing it a week would put it actually slightly past
4 that. So we probably need to also get that in writing --

5 MR. CHAIR: Uh-huh.

6 COMMISSIONER DOERNER: -- as well, from Mr.
7 Tedesco.

8 MR. CHAIR: And thank you for that. That is the
9 assumption that we're making.

10 But Mr. Hunt or Mr. Warner, what's the appropriate
11 approach to take with this?

12 MR. HUNT: Mr. Chairman, for the record -- oh,
13 yeah. For the record, James Hunt. Yeah, we would have to
14 request Mr. Tedesco would indicate that on the record, just
15 as Commissioner Doerner was saying, which I believe he is
16 prepared to do so. Yeah. No, I see he's signed on there.

17 MR. CHAIR: Okay. Thank you, Commissioner
18 Doerner.

19 Mr. Tedesco.

20 MR. TEDESCO: Yeah. Thank you, Mr. Chairman, and
21 thank you, Commissioner Doerner. For the record, the
22 applicant, pursuant to the zoning ordinance, would agree to
23 extend the action period to accommodate a hearing on March
24 30th.

25 MR. CHAIR: So to what specific date?

1 MR. TEDESCO: We would extend to March 30th --
2 well, I'll say this. We'll extend to April 15th to
3 accommodate a hearing on March 30th and a resolution before
4 April 15th.

5 MR. CHAIR: Mr. Hunt, does that work for staff?

6 MR. HUNT: Yes, Mr. Chair. We agree.

7 MR. CHAIR: Thank you, Mr. Tedesco.

8 So -- and Mr. Warner, do we include that in the
9 motion?

10 MR. WARNER: No, Mr. Chairman. The motion should
11 just be to continue the case for one week to March 30th.
12 Give it a date certain.

13 And just for further information for the Planning
14 Board, to the extent they need it, all required notices by
15 law were given to all individuals. Everyone entitled to
16 know the date of this hearing has been given the date of
17 this hearing. The only thing that they might have been
18 confused about is the date to sign up and give testimony.
19 So this is giving them an opportunity to make sure that they
20 can sign up to give testimony. But everybody was given the
21 required notice as to the date of this hearing. So they're
22 all aware that it's occurring today and that's why one week
23 is certainly sufficient to meet any irregularities with the
24 website.

25 MR. CHAIR: Thank you.

1 MR. SUHAR: Mr. Chair, if I may -- if I may
2 interject. I was not given notice of this and I am a party
3 of record.

4 MR. CHAIR: I'm sorry?

5 MR. SUHAR: This is Sean Suhar.

6 MR. CHAIR: Mr. Suhar, we're under discussion with
7 just commissioners, but thank you. So hold --

8 MR. SUHAR: Okay. Thank you.

9 MR. CHAIR: -- hold back, okay? Thank you very
10 much, sir.

11 So Commissioners, again, what's before us is a
12 continuance to March 30th for this hearing. It's a one-week
13 continuance. And the applicant -- we've heard from the
14 applicant that he is waiving the deadline, so -- for the
15 action deadline until April 15th. So I'll look for a motion
16 on the one-week continuance.

17 COMMISSIONER WASHINGTON: Move to approve, Mr.
18 Chairman, of continuance for one week to March 30, 2023.

19 VICE-CHAIR BAILEY: Second.

20 COMMISSIONER DOERNER: Second.

21 MR. CHAIR: We got a motion by Commissioner
22 Washington and a second by Vice-Chair Bailey. Any
23 discussion on the motion? I'll call the roll.

24 Commissioner Washington?

25 COMMISSIONER WASHINGTON: Vote aye.

1 MR. CHAIR: Vice Chair Bailey?

2 MADAM VICE CHAIR BAILEY: Vote aye.

3 MR. CHAIR: Commissioner Doerner?

4 COMMISSIONER DOERNER: Vote aye.

5 MR. CHAIR: Commissioner Geraldo?

6 COMMISSIONER GERALDO: I vote aye.

7 MR. CHAIR: I vote aye, as well. The ayes have it
8 5-0.

9 And Mr. Suhar and Ms. Oliver and Mr. Bridges, and
10 others who may be listening, again, this will be taken up in
11 one week. As I concur with our principal counsel, Mr.
12 Warner, where all the adequate notifications were given and
13 all the opportunities for input, and there was an error
14 related to the deadline. Something happened and that's why
15 we're correcting this and extending it a week.

16 So thank you, everybody, for your participation.
17 And I'm sure that we will see you all next week when we take
18 this hearing up.

19 MS. OLIVER: Can I ask a question? How will the
20 new date be known -- how will residents be notified of this
21 new date?

22 MR. CHAIR: Mr. Hunt, can you help with that?

23 MR. HUNT: Mr. Chairman, from today's hearing
24 that, of course, was on the record here. In addition, I
25 believe -- I'll have to confirm with staff, but I believe a

1 notice is mailed out today to those parties of record, as
2 well, to let them know. But I'll confirm that and -- but to
3 answer Ms. Oliver's question, I will get back to her to
4 confirm that. But typically, that's -- from my
5 understanding, what typically happens, we send a mailing out
6 to the parties of record to let them know that the -- of the
7 request -- of the continuance that's taking place.

8 MR. CHAIR: And if we can -- if there's a way to
9 go one step further and assist with some kind of email
10 communication, as well, so we can -- in fairness, we can get
11 this out as promptly as possible. And again, the mistake
12 was limited to the one -- this one piece around when folks
13 could sign up. But let's just bend over backwards and make
14 sure folks know about this hearing in a week, okay?

15 MS. OLIVER: That would be very --

16 MR. HUNT: Excellent. We'll send a message out.
17 We'll send an email -- I'm sorry. We'll send an email out
18 to all parties of record, if we have an email on file for
19 them, and to let them know.

20 MR. CHAIR: Okay. I hope that's helpful, Ms.
21 Oliver.

22 MS. OLIVER: Thank you.

23 (End of designation.)

24 **(Whereupon, the proceedings were concluded.)**

25

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22028 FAIRWOOD SQUARE

Detailed Site Plan, DSP-22028



By: _____ Date: May 21, 2023

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