

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

3
4
5 OAKLAWN
6 Detailed Site Plan, DSP-16004

7
8 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
15 March 4, 2021

16 VOLUME 1 of 1
17

18
19 BEFORE:

20 ELIZABETH M. HEWLETT, Chair

21 DOROTHY F. BAILEY, Vice-Chair

22 A. SHUANISE WASHINGTON, Commissioner

23 MANUEL R. GERALDO, Commissioner

24 WILLIAM M. DOERNER, Commissioner

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OTHERS PRESENT:

JEREMY HURLBUTT

MARVA JO CAMP

DANIEL AYALA

C O N T E N T S

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Marva Jo Camp	9
Daniel Ayala	11

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P R O C E E D I N G S

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MADAM CHAIR: Let's see if we have everyone, Mr. Hurlbutt. There you are. We see you, present. Ms. Marva Jo Camp? I saw you pass her. Okay. Ms. Camp?

MS. CAMP: I'm here.

MADAM CHAIR: Okay. Thank you. You're, you're, okay, just audio? Okay. Okay. And then we have a citizen exhibit. We have Mr., an aerial photo submitted by Mr. Ayala, Ayala, I think. Someone can correct me. And that's it, and that's Exhibit No. 1, I guess.

Mr. Hurlbutt, you're on. Is he muted? Mr. Hurlbutt, you're, you're muted. You're muted, Mr. Hurlbutt.

MR. HURLBUTT: Thank you.

MADAM CHAIR: There we go.

MR. HURLBUTT: Good morning, Madam Chair --

MADAM CHAIR: Good morning.

MR. HURLBUTT: -- and members of the Planning Board. For the record, I'm Jeremy Hurlbutt and I'm representing the Urban Design Section today. The project before you is Item 5 for Detailed Site Plan DSP-16004, Oaklawn. As mentioned, a neighbor has provided an aerial exhibit and that proposes three single-family detached units and staff is recommending approval of this DSP with conditions.

Next slide. This site is located in southern

1 Prince George's County in Planning Area 76B, in Council
2 District 8.

3 Next slide. More specifically, the subject
4 property is on the east side of Allentown Road approximately
5 400 feet south of the intersection of Allentown Road and
6 Tucker Road.

7 Next slide. The subject property is in the rural
8 residential zone, or RR zone.

9 Next slide. The aerial photo shows the 1.61-acre
10 property, which is surrounded by the single-family detached
11 dwelling units in the rural residential zone as well.

12 Next slide. The site is flat and wooded, and it
13 slopes to the southeast corner of the site.

14 Next slide. The property has frontage on master
15 plan collector Allentown Road, shown here in green.

16 Next slide. The bird's eye view shows the
17 existing house on the property. That is to be raised and
18 those that abut.

19 Next slide. Applicant has submitted this DSP to
20 construct three new single-family detached dwellings on
21 proposed Lots 399, 400 and 401. The existing single-family
22 detached dwelling unit located on Lot 399 is proposed to be
23 raised. Lot 400 and 401 were designed as flag lots on the
24 eastern portion of the property behind Lot 399.

25 The preliminary planning of subdivision 4-06055

1 was accepted on October 17, 2006, which approved two 25-foot
2 wide stem, pipe stem lots, or flag lots, in the southeast
3 corner of the property. Each of these stems will have a 10-
4 foot wide asphalt, paved driveway from Allentown Road, and
5 the houses on Lots 400 and 401 will be angled to face the
6 southwest corner of the property.

7 Council Development 4-2006, flag, states that flag
8 lots may be permitted for Preliminary Plans accepted prior
9 to November 1, 2006, in accordance with subtitle 24 of the
10 Zoning Ordinance.

11 Next slide. The proposed house on Lot 399 will be
12 located in the general location of the existing house that
13 is to be raised and will have the 15-foot-wide driveway in
14 the northwest corner of the property. So, that will provide
15 vehicular access from Allentown Road.

16 A stormwater pipe is shown extending across the
17 southern portion of the properties and in this slide, it is
18 an older iteration, but it will extend across to the two
19 neighboring properties to the south as shown in the previous
20 slide if you go back to the previous slide. And you can see
21 the further extension of the stormwater pipe that has
22 happened.

23 Next slide. The landscape, go back to the
24 landscape slide. I'm sorry. The proposed project is
25 subject to Sections 4.1, residential requirement; and

1 Section 4.6, buffering development from special roadways, as
2 well as the Section 4.9, sustainable landscape requirement
3 of the 2010 Prince George's County Landscape Manual. Staff
4 has found that this DSP provides the required plantings and
5 is in conformance with the requirements.

6 Next slide. The 1.61-acre site contains about .55
7 acres of woodlands and will be required to provide 0.81
8 acres of woodland requirement via fee in lieu.

9 Next slide. All three houses are to use a common
10 architectural model that will have three, square footage of
11 3,297 square feet, and will be approximately 34 feet in
12 height. The front stoop and garage will be highlighted with
13 gabled roofs on the front elevation above the, those entry
14 points, and the 2-car garage will have windows in the door,
15 and metal, and metal masonry roof above the garage door.
16 Most of the front façade will be brick with a vertical
17 column of, that will separate the main entrance and the
18 garage portion of this elevation.

19 Next slide. The rear façade shows that a brick
20 water table is provided on all four sides of the house, and
21 hardy plank siding, and windows on all elevations.

22 Next slide. The side elevations show that further
23 architectural details, including keystones over the windows,
24 columns at the front porch, and different brick course that
25 will add details to the facades.

1 Next slide. There have been designs the staff
2 recommends the Planning Board adopt the findings of this
3 report and approved Detailed Site Plan DSP-16004, and Type 2
4 Tree Conservation Plan 2CP20402019 for Oaklawn.

5 This is Staff's presentation. Thank you.

6 MADAM CHAIR: Thank you, Mr. Hurlbutt. Let's see
7 if there's any questions of you at this time. Madam Vice
8 Chair? You're muted.

9 MADAM VICE CHAIR: No questions at this time.
10 Thank you.

11 MADAM CHAIR: Okay. Thank you. Commissioner
12 Washington?

13 COMMISSIONER WASHINGTON: No questions.

14 MADAM CHAIR: Commissioner Doerner.

15 COMMISSIONER DOERNER: No questions. Thank you.

16 MADAM CHAIR: Commissioner Geraldo.

17 COMMISSIONER GERALDO: No questions, Madam Chair.

18 MADAM CHAIR: Thank you. And I was, before I go
19 to Ms. Camp, I was remiss in not noting that we did have
20 another speaker signed up. We, I noted his exhibit, but I
21 didn't mention his name; and I want to make sure that Daniel
22 Ayala, I'm probably messing it up, are you on? I see that
23 you're signed in, but I, I just want to make sure you can
24 hear us, and we can hear you. We see your name. I just
25 want to make sure -- excuse me? Okay, Mr., Mr. Ayala, can

1 you unmute yourself? You're unmuted from our end, but you
2 have to do it from your side, too.

3 MR. AYALA: Hello?

4 MADAM CHAIR: Yes, wonderful.

5 MR. AYALA: Can you hear me?

6 MADAM CHAIR: Yes, we can hear you now. So, I
7 just want --

8 MR. AYALA: Okay. Good.

9 MADAM CHAIR: Okay. I'm not calling --

10 MR. AYALA: I have a few things --

11 MADAM CHAIR: Okay. No, no, I'm not calling on
12 you yet. I just wanted to make sure that you were on and
13 that, but that, but I --

14 MR. AYALA: Okay. Yeah, I'm on.

15 MADAM CHAIR: Okay. But I do want to ask you how
16 you pronounce your name, so I don't mess it up.

17 MR. AYALA: Ayala.

18 MADAM CHAIR: Ayala? Okay. Sort of like what I
19 said.

20 MR. AYALA: Yeah.

21 MADAM CHAIR: Okay. Thank you.

22 MR. AYALA: That's right.

23 MADAM CHAIR: Okay. Thank you.

24 MR. AYALA: Uh-huh.

25 THE COURT: So, you will get a chance to speak

1 after Ms. Camp, okay?

2 MR. AYALA: Okay.

3 MADAM CHAIR: Thank you. Ms. Camp.

4 MR. AYALA: Uh-huh.

5 MS. CAMP: Good morning. For the record, Marva Jo
6 Camp representing the Applicant. One, I want to say before
7 I make my few comments because I know you have a heavy
8 agenda, that we are in complete agreement with Staff's
9 report and all conditions thereto. I also wanted to just
10 add a little flavor. This project has been going on since
11 2007. It was originally approved by this Planning Board and
12 been called up by the District Council as it related to a
13 stormwater management plan. It may show in your documents
14 that this area has a significant draining problem, drainage
15 problem that has long affected the residents in this area.
16 The proposed application is the first and only attempt and
17 ability with their approved stormwater management plan to
18 address the stormwater management drainage problem.

19 So, and the other thing that I wanted to mention
20 is that this applicant has worked very extensively with the
21 neighbors around them, including having a community meeting;
22 and also, because of the stormwater management approval
23 having to get an easement from one of their neighbors. So,
24 this has really been a collective effort on the part of this
25 community or those affected, and once this stormwater

1 management plan goes into effect, it will not only benefit
2 this Applicant, but it will also benefit others around this
3 Applicant.

4 I wanted to finally say a special thank you, as I
5 said, it started in 2007. This predates me, predates me
6 even doing zoning; but I wanted to give a special thank you
7 to Mr. Hurlbutt and to your council because they worked very
8 diligently to bring this home and to work with the
9 Applicant, myself and I just wanted to say thank you to them
10 for their efforts and, and their very thoughtful approach to
11 the conditions. And with that, I will open myself up to any
12 questions.

13 MADAM CHAIR: Okay. Thank you, Ms. Camp. Let's
14 see if there are any questions of you at this time. Madam
15 Vice Chair?

16 MADAM VICE CHAIR: No questions of Ms. Camp.

17 MADAM CHAIR: Commissioner Washington.

18 COMMISSIONER WASHINGTON: No questions for Mrs.
19 Camp.

20 MADAM CHAIR: Okay. Commissioner Doerner?

21 COMMISSIONER DOERNER: No questions. Thank you.

22 MADAM CHAIR: Commissioner Geraldo.

23 COMMISSIONER GERALDO: No questions at this time.

24 MADAM CHAIR: Okay. So, we have another speaker,
25 and Ms. Camp, you'll have the opportunity to wrap up. Mr.

1 Ayala?

2 MR. AYALA: Yes. Is it my time to speak?

3 MADAM CHAIR: It certainly is.

4 MR. AYALA: Okay. There is a terrible drainage
5 problem all over those three proposed houses that are going
6 to be dealt because the grading level is, is at least 15
7 feet from one end to another, and that offers a large
8 draining program. For example, there are nine houses behind
9 me who drain all of their drainage water through my property
10 and it goes through the property in front of me, 8310
11 Allentown Road, and once there is an easement that has been
12 in violation for at least 12 years already. I've been to
13 court once and my lawyer went cuckoo during the session and
14 the judge gave the permission for 8312 to go ahead and do
15 what they wanted on the property without awareness of the
16 easement at all. So, he blocks up all the water through
17 these nine properties.

18 MADAM CHAIR: Okay.

19 MR. AYALA: And all the water is in my backyard --

20 MADAM CHAIR: Okay. I got it.

21 MR. AYALA: -- because of the easement.

22 MADAM CHAIR: Okay.

23 MR. AYALA: Now the three houses that are in line
24 to be built, there is a huge amount of drainage water that
25 goes through those properties. Now all of the houses in,

1 next to Allentown Road have drainage problems inside of
2 their basements. They get water all the time. 8316 got a
3 new basement because of the water damage. 8314, which is
4 next to me, has water problems inside of the house forever.
5 I've been here for 27 years. Twenty-seven years there's
6 been a water problem inside of that house. It's been
7 abandoned --

8 MADAM CHAIR: But --

9 MR. AYALA: -- by the owner for several years
10 because of the water problem.

11 MADAM CHAIR: Okay. But, Mr. Ayala, Mr. --

12 MR. AYALA: There's an incredible water drainage
13 on those three properties.

14 MADAM CHAIR: Mr. Ayala, I have a question.

15 MR. AYALA: Over three properties --

16 MADAM CHAIR: Mr. Ayala, excuse me --

17 MR. AYALA: -- there is a city drainage and --

18 MADAM CHAIR: Mr. Ayala, I have a question for
19 you.

20 MR. AYALA: -- the law says --

21 MADAM CHAIR: I have a question for you.

22 MR. AYALA: Hello?

23 MADAM CHAIR: Can you hear -- I have a question
24 for you.

25 MR. AYALA: Go ahead.

1 MADAM CHAIR: And my question is, first of all,
2 I'd like to know if you have a copy of the Staff Report that
3 was posted online? It's posted a couple weeks in advance.
4 Do you by any chance have that?

5 MR. AYALA: I don't think I do.

6 MADAM CHAIR: It's not essential, but I will take
7 this opportunity to let you know should something else
8 happen in your neighborhood, should you see other
9 development or proposals in your neighborhood, you could
10 always go to our website and download the whole Staff Report
11 that will provide a tremendous bit of analysis. And one of
12 the things in the Staff Report, and I'm going to ask Ms.
13 Camp to address it on behalf of her client, but by law this
14 Applicant for this, for this particular development, for
15 these three single-family detached units, cannot be
16 responsible for the other drainage problems in the
17 neighborhood. I'm sorry, I'm very, very sorry that you're
18 having those problems, and maybe we can talk with the
19 Department of Permitting Inspections and Enforcement about
20 what's happening over there. We would be happy to do that,
21 but this particular landowner and property cannot be
22 responsible for, for pre-existing conditions everywhere.
23 However, I will say your concern is you don't want this
24 exacerbated and we fully appreciate that; but I will tell
25 you in the Staff Report, it acknowledges that this Applicant

1 has to submit what's called a Stormwater Management Concept
2 Plan, and they have, in fact, submitted that; and it was,
3 and they submitted to that same department. It's the County
4 Department of Permitting, Inspections and Enforcement,
5 otherwise known as DPIE, and they did get approval of their
6 Conceptual Stormwater Management Plan in October of 2020,
7 just a few months ago. And, and, and Ms. Camp talk to you
8 about it and what they're doing to address stormwater
9 management issues over there on, on the site of these three
10 homes. I just want to make sure that you know that because
11 if you don't have the Staff Report, you may not be able to
12 see that, okay? And then we --

13 MR. AYALA: Yeah, let me --

14 MADAM CHAIR: Yeah.

15 MR. AYALA: -- let me make an addition --

16 MADAM CHAIR: Sure.

17 MR. AYALA: -- if I could?

18 MADAM CHAIR: You can.

19 MR. AYALA: And that is the property on 8316 --

20 MADAM CHAIR: Can you show, can you --

21 MR. AYALA: -- Allentown Road.

22 MADAM CHAIR: Hold on a second, hold -- can you
23 guide us there, Mr. Flanagan? Is there, is that the best,
24 or Mr. Hurlbutt, is that the best slide for this?

25 MR. AYALA: Me?

1 MADAM CHAIR: Hold on a second. We want to follow
2 you, Mr. Ayala, while you're speaking. We want to, when
3 you're talking about specific --

4 MR. AYALA: Right.

5 MADAM CHAIR: -- properties, we want to follow you
6 and see exactly where they are. Okay. Mr. Hurlbutt --

7 MR. AYALA: Okay.

8 MADAM CHAIR: -- can you guide Mr. Flanagan, or
9 can you do, can you, or you can use your screen.

10 MR. HURLBUTT: Right here?

11 MADAM CHAIR: Yes. Yes?

12 MR. AYALA: Yes. Yes.

13 MR. HURLBUTT: I wanted to see if, if we could
14 point out Mr. Ayala's property as well?

15 THE COURT: Okay. That's fine. Okay.

16 MR. HURLBUTT: Just to the north of the subject
17 property, it's the flag that, you know, you come down just
18 north, one property north.

19 MADAM CHAIR: One north?

20 MR. HURLBUTT: That's, it's north. Come south
21 because --

22 MADAM CHAIR: You know, and you're saying north
23 and south.

24 MR. HURLBUTT: One, one property north of the
25 subject property, which is outlined in red.

1 MADAM CHAIR: That one?

2 MR. HURLBUTT: It's a flag, it's a flag lot, so --

3 MADAM CHAIR: Can you see it, Mr. Hurlbutt? Can
4 you see where, you can see where he is, or can you find a
5 better --

6 MR. HURLBUTT: Right there.

7 MADAM CHAIR: Okay.

8 MR. HURLBUTT: Right there.

9 MADAM CHAIR: Okay. Okay. The flag lot, okay.
10 So, and that is the property that he's referring to right
11 now that's -- is that it, Mr. Ayala? Can you see?

12 MR. AYALA: I am, I am trying to -- is that a
13 house? Is that a house?

14 MADAM CHAIR: There's a house there, so there's a
15 structure there at least, yeah. Mr. Hurlbutt, is that the
16 best slide in the PowerPoint?

17 MR. HURLBUTT: I believe so.

18 MADAM CHAIR: Okay. You know what, I have it
19 here.

20 MR. HURLBUTT: There's one other bird's eye,
21 maybe give a closer view, but I believe Mr. Ayala is talking
22 about --

23 MADAM CHAIR: Yeah, there we go. That's better.
24 Okay. So, that --

25 MR. AYALA: Yeah, that's better.

1 MADAM CHAIR: Okay.

2 MR. AYALA: Much better.

3 MADAM CHAIR: And so, that's the house that you're
4 talking about now, right? And then can you guide Mr.
5 Flanagan here who is working that cursor, can you guide him
6 to where your house is?

7 MR. AYALA: Can I, can I guide him?

8 MADAM CHAIR: Can you tell him where to move the
9 cursor?

10 MR. AYALA: Oh, move the cursor down to the, right
11 there, right there.

12 MADAM CHAIR: Okay. So, that's yours? Right
13 there, that's your --

14 MR. AYALA: No, you had it a few minutes ago.

15 MADAM VICE CHAIR: Further down.

16 MR. AYALA: To the red line, next to the red line.

17 MADAM CHAIR: Next to the red -- that one right
18 there?

19 MR. AYALA: That one right there.

20 MADAM CHAIR: Yeah.

21 MR. AYALA: No, no, the next one up, up, the next
22 red line --

23 MADAM CHAIR: Also --

24 MR. AYALA: The other side --

25 MADAM CHAIR: The other side of the red line?

1 MR. AYALA: -- the other side.

2 MADAM CHAIR: Okay.

3 MR. AYALA: The other side.

4 MADAM CHAIR: On the top part?

5 MR. AYALA: Move, move it right there, right
6 there. Hold it. Put it on the red line. Okay. That's the
7 man's property that you see the house in front.

8 MADAM CHAIR: Yeah, I saw that, but we also asked
9 where your property is.

10 MR. AYALA: That's where my, next to where my
11 property is, yeah; but the red line there and down just a
12 little bit right there, yeah, right there in front of that -
13 -

14 MADAM CHAIR: That's your property?

15 MR. AYALA: That right there. No. That's the,
16 the man next to Allentown Road --

17 MADAM CHAIR: But where --

18 MR. AYALA: -- that's where he lives.

19 MADAM CHAIR: Okay.

20 MR. AYALA: Anyway, it's got the water --

21 MADAM CHAIR: No, no, no, no, no, no, Mr. Ayala,
22 there are, our Board is asking where you live.

23 MR. AYALA: Let me leave the arrow right there.
24 What I want to say is that he has, his property blocked off
25 completely, so where all of the water from the upper level

1 properties drain on his property, through his property, to
2 the city sewage drain which is down on the other side of the
3 church.

4 MADAM CHAIR: Okay.

5 MR. AYALA: Now he's got that all blocked up,
6 which makes the development above that blockage all flooded.

7 MADAM CHAIR: Okay.

8 MR. AYALA: All of the houses there are flooded
9 because of 8316 Allentown Road. He's got it blocked. Now
10 there's a law that says that you cannot aggravate the
11 original passage of water drainage from one property to
12 another is against law, but this guy has blocked it up --

13 MADAM CHAIR: Okay.

14 MR. AYALA: -- so that there is no drainage and
15 the properties in front, which will be this man's three
16 houses, will have enormous amount of water drainage on his
17 property because this guy has got it blocked up, and there
18 isn't free passage to the city drainage.

19 MADAM CHAIR: Okay. So, let me ask you this
20 question. Thank you for that. Are you here representing
21 yourself?

22 MR. AYALA: Yes.

23 MADAM CHAIR: Okay. So, where is your property?
24 That's the question we keep asking and we haven't gotten an
25 answer to that yet.

1 MR. AYALA: I, I thought he pointed out. It's, I
2 wish I could move the arrow myself.

3 THE COURT: Okay. We, you talked -- okay, because
4 you talked about someone else's property --

5 MR. HURLBUTT: This is Jeremy Hurlbutt --

6 MADAM CHAIR: Mr. Hurlbutt, please step in.

7 MR. HURLBUTT: The flag that we pointed out
8 originally --

9 MADAM CHAIR: Uh-huh.

10 MR. HURLBUTT: -- in the north of the property is
11 Mr. Ayala's property.

12 MADAM CHAIR: Okay. So, we, we, I thought he was
13 saying that was someone else's property.

14 MR. AYALA: It's right there.

15 THE COURT: Okay. That's your property? Got it.
16 Okay. Now we're clear. Okay. Thank you. Okay.

17 MS. AYALA: Yeah.

18 MADAM CHAIR: Okay.

19 MR. AYALA: That's it.

20 MADAM CHAIR: Okay. All right.

21 MR. AYALA: So, the water is all blocked up on my
22 property and in tremendous raining storms, the water goes
23 just like as an ocean right through the property that he
24 intends to build on.

25 MADAM CHAIR: Okay. But --

1 MR. AYALA: It's incredibly --

2 MADAM CHAIR: Okay.

3 MR. AYALA: -- high.

4 MADAM CHAIR: Mr. Ayala, I need to ask, we're
5 trying to follow you and we're, and we're there now, but I,
6 I need, so the, the property in question for, that Ms.
7 Camp's client is, is, the property in question is, is
8 outlined in red, correct? Ms. Camp? So --

9 MS. CAMP: Yes.

10 MADAM CHAIR: So, so, so --

11 MS. CAMP: And I can, a little bit of --

12 MADAM CHAIR: Yeah, and if that is --

13 MR. AYALA: -- clear --

14 MADAM CHAIR: Yeah. So, so, if there, if there is
15 a problem as Mr. Ayala is saying, you, pursuant to your
16 stormwater management plan, will be addressing some of that.
17 And I would like to, Ms. Camp, can you address what you will
18 be doing so that Mr. Ayala can hear that?

19 MS. CAMP: Yes. Yes, and so I want to reiterate
20 what I had said previously. This drainage problem has been
21 a problem for this community for, for at least two to three
22 decades, and the, Mr. Ayala is actually upstream to the
23 applicant.

24 MADAM CHAIR: Right.

25 MS. CAMP: And what has happened in the one most

1 affected is the property that he referenced, the Boyette
2 (phonetic sp.) property that gets all of, all of the water -
3 -

4 MADAM CHAIR: Right.

5 MS. CAMP: -- that occurs because of drainage
6 issues.

7 MADAM CHAIR: The sloping? Yeah.

8 MS. CAMP: It is the, it is that, that family who
9 gave the easement in order to facilitate the stormwater
10 management concept. So, what will happen through the
11 stormwater management that will be implemented is it will
12 start to drain that, that, that water; and as a result of
13 being able to drain, you won't start to see the back-up that
14 keeps going up, up, up, including to Mr. Ayala's property.
15 So, it will not only benefit the applicant, but it will
16 benefit the, the Boyettes, who are, who are given the
17 easement and Mr. Ayala because what's happening is the water
18 is backing up and going to other properties. It is the only
19 resolution or solution that has been offered to help this
20 community; so, in fact, the building of these three, along
21 with the stormwater management plan, is going to end up
22 helping the entire community, not just the applicant.

23 MADAM CHAIR: Okay.

24 MR. AYALA: Well, well, the problem is, is that
25 there's 11 houses behind me whose drainage water goes

1 through my property and down to two other properties below
2 me. There's a -- the --

3 MADAM CHAIR: When you say below you --

4 MR. AYALA: -- the water keeps --

5 MADAM CHAIR: -- below you where?

6 MR. AYALA: -- descends, descends --

7 MADAM CHAIR: Below --

8 MR. AYALA: -- very rapidly.

9 MADAM CHAIR: Below you towards the street or
10 below you towards the street or below you through this
11 property in question?

12 MR. AYALA: Through this property in question.

13 MADAM CHAIR: Okay. But with the stormwater
14 management improvements that they are making there, that
15 will help. I can't, I can't say that that will address
16 every drainage problem throughout, but it will, it will
17 address, as Ms. Camp indicated, the property below that you
18 reference and your own property; and --

19 MR. AYALA: Do you have disagreeable property
20 owners and the neighbor who will not allow drain water to go
21 through their property from where he's going to develop.
22 It's an enormous amount of water that will go through that,
23 that 8316 property and he blocks it up. He's got it blocked
24 up, and I've had, I've had a commissioner go over there and
25 he gave way to that guy to block it up. He said there's no

1 law. There is a law in the books that says you cannot block
2 anything to the, the main sewage area.

3 MADAM CHAIR: Okay. Let me ask this question.
4 Let me ask this question. Mr. Ayala, when an application is
5 filed, you see the signs posted. Clearly, you saw
6 something, or you received a letter, or somehow you had
7 notice to sign up when this hearing, and we thank you for
8 doing that because we want to hear from citizens. What I,
9 what I don't know is if you saw the sign, there's contact
10 information, or if you got a letter as an adjoining property
11 owner, there is contact information on the letter and I
12 didn't, I don't know if you ever had the opportunity to
13 have, to sit down to reach out to the applicant for
14 conversation on this.

15 MR. AYALA: She held a few meetings --

16 MADAM CHAIR: Okay.

17 MR. AYALA: -- and I attended those meetings --

18 MADAM CHAIR: Okay.

19 MR. AYALA: -- and explaining my feelings to --

20 MADAM CHAIR: Okay.

21 MR. AYALA: -- him.

22 MADAM CHAIR: Okay.

23 MS. CAMP: And I did want to add, Madam Chair, we
24 not only have the signs, but the applicant reached out by
25 phone --

1 MADAM CHAIR: Okay.

2 MS. CAMP: -- by, in person, and left a note
3 trying to have any conversations. They did that with every
4 neighbor, which is what we had to do in order to get the
5 easement, for example, but I think that this applicant did
6 above and beyond what would have been required because of
7 their great concern for their neighbors, including Mr.
8 Ayala.

9 MADAM CHAIR: Okay. Thank you.

10 MR. AYALA: Yeah. Yeah.

11 MADAM CHAIR: So, Mr. Ayala --

12 MR. AYALA: So --

13 MADAM CHAIR: -- here's my question. So, they
14 have an approved stormwater management plan from, from the
15 County Department of Permitting Inspections and Enforcement.
16 That plan will help the, the, the, the, the drainage
17 situation there. I can't say it will fix everything. We
18 can't make those kind of promises; and, and, and that is not
19 in our (indiscernible); that's in the Department of, you
20 know, DPIE'S department; but so, I'm trying to find out are
21 you coming before us because you're frustrated about the
22 drainage problem in general, which may be; or are you --

23 MR. AYALA: In general, that's right.

24 MADAM CHAIR: And are you --

25 MR. AYALA: In general.

1 MADAM CHAIR: Okay. Okay, that's part one. And
2 I, and I can see that, and I can, and we can understand why.
3 The second part is, are you opposed to this particular
4 application, which should improve the situation a little
5 bit.

6 MR. AYALA: The way it, it, the way that it's
7 designed at the moment, I am, it's, it's a poor design.
8 What my suggestion is is to build the homes that the, well,
9 you would have to eliminate one home. You could only build
10 two homes. Right now, on Allentown Road, there's an old,
11 they own this old house there. They could tear that down
12 and put another house up right next to it, two houses only
13 because everything else is tremendous water flow. There
14 isn't that much water flow in the two houses next to
15 Allentown Road.

16 MADAM CHAIR: Okay.

17 MR. AYALA: You're going to have big drainage
18 problems anything below the houses on Allentown Road, huge,
19 huge amount --

20 MADAM CHAIR: Okay.

21 MR. AYALA: -- of water that drains through there.

22 MADAM CHAIR: Okay. So, is that it? Okay?

23 MR. AYALA: So, yeah, that's my suggestion, build
24 two houses right on Allentown Road and forget the third
25 house.

1 MADAM CHAIR: Okay. All right.

2 MR. AYALA: Because the way it is right now,
3 they're building houses down there right on the main
4 drainage avenue.

5 MADAM CHAIR: All right. Thank you, Mr. Ayala.

6 MR. AYALA: All right.

7 MADAM CHAIR: And we appreciate your testimony;
8 and whatever happens here today, I am going to ask Ms. Camp
9 to reach out to you also to make, ensure that he has the
10 Staff Report; and, and also a copy of the approved
11 stormwater management concept plan, okay, Ms. Camp?

12 MS. CAMP: Yes, Madam Chair.

13 MADAM CHAIR: Okay. Should I --

14 MR. AYALA: Anyway, we, we went through this
15 before and, and it was not improved before. What was it, 10
16 years ago --

17 MADAM CHAIR: (Indiscernible.)

18 MR. AYALA: -- that we went through this same
19 thing, and that was, the plan was rejected.

20 MS. CAMP: I just wanted to maybe correct that a
21 little bit. It was approved by the Planning Board. It was
22 called up by the District Council, and I think, and that's
23 why it's been going on for such a long time; but I will say
24 because the stormwater management issue was such a major
25 issue that Mr. Ayala referenced today, extra attention with,

1 with the County has been taken to ensure that we had a
2 stellar stormwater management concept, concept plan, and
3 extra effort had been made with all of the neighbors.
4 Again, Mr. Ayala is upstream. The people most affected are
5 downstream and wanted to make sure that nothing in these
6 three lots would have any effect on the neighbors and, in
7 fact, improved the drain issues that they had.

8 MADAM CHAIR: Okay.

9 MS. CAMP: And so, we are very happy that we put
10 the extra time on the stormwater management concept plan.

11 MADAM CHAIR: Okay.

12 MR. AYALA: I'm not, I'm not upstream. I'm right
13 in the middle of it. There are 11 houses around me --

14 MADAM CHAIR: Okay.

15 MR. AYALA: -- above me that go through my
16 property --

17 MADAM CHAIR: Mr. --

18 MR. AYALA: -- and will descend on his property.

19 MADAM CHAIR: Okay, Mr. Ayala, let me just say
20 this because we have, we have lots of other cases, too; so,
21 everyone gets their opportunity to speak, but we're not
22 going to, we can't go back and forth, and back and forth.
23 So, I'm, I'm, I was under the impression you had concluded.

24 MR. AYALA: Well, you were incorrect. That's why
25 I had to correct you.

1 MADAM CHAIR: Okay. Okay. All right. So, all
2 right, fine; but, okay, so we're -- you had concluded your
3 testimony and in accordance with our rules of procedure, the
4 applicant goes last with their summation; but I don't, I
5 don't, I do not make motions. I do vote, but I do not make
6 motions and I don't know where this is going to go; but in
7 the, in the event that it, it is approved, I, I have
8 elicited a commitment from Ms. Camp on behalf of her client,
9 the applicant, to continue to work with and to continue to
10 provide the information, the Staff Report, and actually Mr.
11 Hurlbutt can help, too; but, Ms. Camp, you have to get that
12 stormwater management concept approval to him as well; and,
13 and, and, okay? What you --

14 MS. CAMP: Yes. Yes.

15 MADAM CHAIR: Okay.

16 MS. CAMP: The Applicant is listening, and they
17 know the commitment that I'm making and are in agreement.

18 MADAM CHAIR: Okay. Thank you. Ms. Camp, do you
19 have anything else to add in summation?

20 MS. CAMP: Only thank you for the opportunity to
21 improve the property through the development of these three
22 -- the drainage problem through the development of these
23 three homes.

24 MADAM CHAIR: Okay.

25 MS. CAMP: Thank you.

1 MADAM CHAIR: Thank you. Let me see --

2 COMMISSIONER GERALDO: Madam Chair, I have, I had
3 a question for Mr. Ayala.

4 MADAM CHAIR: I'm trying to, what I'm trying to
5 get to is, is I was getting ready to ask that because I vote
6 in sequence, so I was going to ask the Board if they have
7 any questions of anyone, starting with Madam Vice Chair.

8 MADAM VICE CHAIR: No questions, Madam Chair.

9 MADAM CHAIR: Okay. Thank you. Commissioner
10 Washington?

11 COMMISSIONER WASHINGTON: No questions. Thank
12 you.

13 MADAM CHAIR: Commissioner Doerner?

14 COMMISSIONER DOERNER: No questions.

15 MADAM CHAIR: Okay. And now, Commissioner
16 Geraldo, you're on.

17 COMMISSIONER GERALDO: Mr. Ayala, I have one
18 question for you. What do you mean that the person south of
19 the red line is blocking the water?

20 MR. AYALA: Say that again please.

21 COMMISSIONER GERALDO: What do you mean when you
22 say the house that is south of the red box is blocking the
23 water? You said that the person blocked something.

24 MR. AYALA: Oh, yeah, yeah, he, there is an
25 easement in question who blocks the water because, because

1 the water is supposed to drain through his property, which
2 is 8310 Allentown Road; and the water drainage goes through
3 his property legally through an easement; but he's got it
4 all blocked up and the water remains at my house because
5 he's got all the property, his property blocked up, so where
6 it goes on my, on my, my territory, and it goes through the
7 territory in question also. It will go tremendously because
8 he's got it all blocked up on 8310.

9 COMMISSIONER GERALDO: How did you --

10 MR. AYALA: And I've taken him, I've taken him to
11 court on this, but I have taken him to court on this and it
12 went on for a year; and my lawyer, young lawyer, got all, he
13 started to stutter because he got all tired up with a year
14 after going through all this minutes together and I lost the
15 easement priority. So, I don't have an easement anymore. I
16 got to take him back to court, so with this water thing on
17 his property.

18 COMMISSIONER GERALDO: Okay. I, my question to
19 you, Mr. Ayala, is I'm trying to figure out when you say
20 that it's all blocked up, how did he block it up? Are you
21 just saying his house blocks it up?

22 MR. AYALA: He is a construction --

23 COMMISSIONER GERALDO: -- or did he put up
24 something?

25 MR. AYALA: He is a construction worker. He

1 blocked tons of dirt and spread it on top of the whole
2 easement area because -- and he did it three or four times
3 because every time he put dirt on there, it started draining
4 normally again because he didn't put enough; but now he has
5 put enough. He put, four or five different times he brought
6 dirt in there to block that easement where it is, is blocked
7 right now; but I have to take him back to court in order to
8 get --

9 COMMISSIONER GERALDO: Well, you might want to --

10 MR. AYALA: -- permission for the easement.

11 COMMISSIONER GERALDO: If that's creating the, if
12 that's creating the problem, you might want to call up DPIE.

13 MR. AYALA: Call who?

14 COMMISSIONER GERALDO: Department of Permit
15 Inspection, DPIE, Department of Inspections, Permits and
16 Enforcement. If he's blocking, designing his property in
17 such a way, or putting the extra, they may be interested in
18 that because that can affect the stormwater management
19 that's being put in with this project.

20 MR. AYALA: How do I get in touch with them?

21 COMMISSIONER GERALDO: We, we, listen, Mr. Ayala,
22 we can get that information to you; and, Ms. Camp, we're
23 going to add that to you; and, Mr. Hurlbutt, you can do the
24 same, okay; because this is the agency I, I, I keep
25 referencing. They approve the stormwater management concept

1 plans. They are a Prince George's County Agency, and not
2 only do they approve stormwater management plans, but they
3 are the people who cite you when there are any kind of
4 violations. So, so that is what Commissioner Geraldo is
5 suggesting and we can get you that information, okay?

6 MR. AYALA: Yeah.

7 MADAM CHAIR: Thank you.

8 MR. AYALA: Okay. We'll see.

9 MADAM CHAIR: Okay. Okay. Thank you. Okay.

10 MR. AYALA: Okay.

11 MADAM CHAIR: So, so none of the Board members
12 have any other questions at this time. I'm going to
13 entertain a motion.

14 COMMISSIONER WASHINGTON: Madam Chair, I move that
15 we adopt the findings of Staff and approve DSP-16004, and
16 TCP2-040-2019, along with the associated conditions as
17 outlined in Staff's Report.

18 MADAM VICE CHAIR: Second.

19 MADAM CHAIR: Okay. We have a motion and a
20 second, Commissioner Washington's motion, seconded by Madam
21 Vice Chair. I don't know if there's any additional
22 discussion, except for the fact that Ms. Camp has stated on
23 the record that she will continue to work with Mr. Ayala and
24 provide the information needed, and both Mr. Hurlbutt and
25 Mr. Camp, Ms. Camp will provide information on how to reach

1 out to, to DPIE to notify them of any perceived violations.

2 And, Mr. Hunt, did you have something you wanted to add?

3 You came on screen, so I --

4 MR. HUNT: Oh, no, no, Madam Chair, I didn't.

5 That was it.

6 THE COURT: Okay. Thank you. All right. I'm

7 going to call for the vote. Was there any additional

8 discussion?

9 (No affirmative response.)

10 THE COURT: Okay. Madam Vice Chair?

11 MADAM VICE CHAIR: Vote aye.

12 MADAM CHAIR: Commissioner Washington?

13 COMMISSIONER WASHINGTON: I'll vote aye.

14 MADAM CHAIR: Commissioner Doerner?

15 COMMISSIONER DOERNER: Aye.

16 MADAM CHAIR: And Commissioner Geraldo?

17 COMMISSIONER GERALDO: I vote aye. I want to

18 thank Ms. Camp and Mr. Hurlbutt to follow up with the, with

19 Mr. Ayala to see if, in fact, there is a problem there that

20 can be rectified through DPIE.

21 THE COURT: Thank you. Okay. The ayes have it,

22 5-0. Thank you so very much.

23 MS. CAMP: Thank you --

24 MADAM CHAIR: Okay.

25 MS. CAMP: -- Commissioner.

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MADAM CHAIR: Okay. So, the --
(Whereupon, the proceedings were concluded.)

DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Planning Board in the matter of:

Oaklawn

Detailed Site Plan, DSP-16004

By: 

Date: May 17, 2021

Tracy Hahn, Transcriber