



October 10, 2022

Environmental Planning
Maryland-National Capital Park & Planning Commission
County Administration Building
Upper Marlboro, Maryland 20772

RE: DSP-22023
NRI-033-05-01
Removal of Specimen Trees
Greenbelt Square
7010 Greenbelt Road, Greenbelt, MD
CV # 20201034

Site Description:

The subject property is located along the northern side of Greenbelt Road within the municipal boundaries of the City of Greenbelt. It is located approximately 150 feet of the intersection of Greenbelt Road and Lakecrest Drive.

Proposed Use:

The applicant proposes to develop the property with four, age restricted, multifamily buildings. Three of the buildings containing 24 units and one building containing 23 units and a community space. This application includes a request for approval of variance to Sec. 25-122(b)(1)(G) Removal of Specimen, Champion, or Historic Trees of Subtitle 25, Division 2 of the Woodland and Wildlife Habitat Conservation Ordinance. The proposed redevelopment of this property would require the three (3) specimen trees on site to be removed. As discussed below, as the result of special features of the site, as well as other circumstances, unwarranted hardship would result to the applicant if the trees are not removed.

Existing Regulated Features On-Site:

Apart from the three (3) specimen trees, there are no environmentally sensitive features located on or in the vicinity of the site. The site however is sparsely forested, having been the site of a previous development which included a large, unusually shaped, building, housing a nursing home, an access driveway and parking to support the use. The existing tree stand, which includes the three specimen trees, grew around the footprint of the prior building. The FSD indicates that the tree stand is a low priority for preservation.

Proposed Impacts and Justification:

Impact #1 is the proposed removal of specimen tree one (1) (ST-1). ST-1 is a Red Maple (*Acer Rubrum*) with a Diameter at Breast Height (DBH) of 30.5 inches. At the time of recording it was listed as having a 'poor' condition. In addition to being in poor condition, the construction of one of the apartment buildings would affect about 50% of the tree's critical root zone.

Impact #2 is the proposed removal of specimen tree two (2) (ST-2). ST-2 is a Pin Oak (*Quercus palustris*) with a DBH of 47.5 inches. At the time of recording it was listed as having a 'Fair' condition. Due to the natural topography the location for the stormwater

management facility is on the southwest area of the property, where ST2 is located.

Impact #3 is the proposed removal of specimen tree three (3) (ST-3). ST-3 is a Red Maple (*Acer Rubrum*) with a DBH of 33 inches. At the time of recording it was listed as having a 'poor' condition. Although ST3 could be retained, it's poor condition would be a hazard to the proposed development.

(a) Describe the special conditions peculiar to the property which would cause unwarranted hardship:

Response: The property was previously the site of a large nursing home. The current owner, at the request of the City razed the structure; however, the original parking lot, driveways, curb and gutter and sidewalks still remain. The removal of the building did not alter the topography and any redevelopment will require grading to accommodate a new use. In addition, the topography of the site falls approximately 35' from the southeaster boundary, where the current access to the property is, and the northwest corner. No alternate access is possible, Greenbelt Road is an arterial road and the surrounding parking lots and driveways are privately owned. The grading required to redevelop the site results in the removal of the three specimen trees. Without the ability to remove the remnants of the prior use and regrade the property, the project cannot proceed, which would cause unwarranted hardship.

(b) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas:

Response: If other properties were subject to the same site constraints, the same considerations would be provided during the review of the requested modification. Requiring the retention of trees in fair to poor condition which grew around a uniquely shaped building does not allow the owner the right commonly enjoyed by others to design a site based upon a comprehensive analysis of the entire property. Protection measures to preserve these trees would not allow proper development of the property. The applicant is proposing numerous mitigation plantings, with native vegetation for the loss of the trees as well as other forested land on the property.

(c) Describe how granting the variance will not confer on the applicant a special privilege that would be denied to other applicants:

Response: The applicant in this case is not seeking a special privilege. Rather, the applicant is merely attempting to redevelop property in accordance with the underlying zone. Use of the property should not be dictated by where a building constructed 50 years ago was situated, allowing trees to grow around it. With residential plantings, and forest conservation requirements, the applicant is already mitigating for the loss of the specimen trees. The applicant is not being given any special treatment by being allowed variance to remove this tree.

(d) Describe how the variance is not based on conditions or circumstances which are the result of actions by the applicant:

Response: The decision to remove these trees came through careful site analysis. All being in poor or fair condition would most likely not survive the disturbance from the grading required to develop the site. The previous development of the site, and the remnants of that development, combined with the change in elevation within the property, not a result of actions by the applicant.

(e) Verify that the variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property:

Response: The decision to remove these trees is not related to a condition on a neighboring parcel.

(f) Verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance:

Response: The prior development, and the parking areas constructed in association with it, were built without water quality controls. The removal of the three specimen trees will not lead to a decline in water quality. The site will be graded in a way that eliminates or minimizes any erosion, and the specimen trees will be replaced down the line with newly planted trees.

Conclusion:

The requested impacts are necessary for development of the property. The proposed site plan has been carefully designed to balance the redevelopment of the property with the existing site condition as well as the protection of future residents. Approval of the requested variations will allow for quality development of the site that will not negatively impact any of the surrounding properties.

For all of the reasons set forth above, the Applicant respectfully requests approval of the three impacts.

Sincerely,
CV, Inc.

Silvia D. Silverman, AICP
Director Planning & Environment