

Friends of Sligo Creek

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September 22, 2024

Members and Chair

Prince George’s County Planning Board

14741 Governor Oden Bowie Drive

Upper Marlboro, MD 20772

Item: DSP-22001and DDS-23001 McDonald’s Ager Road

Chair Shapiro and Board Members,

I am writing on behalf of the Friends of Sligo Creek, a community-based non-profit organization incorporated in the State of Maryland in 2002. Our mission is to help local residents and communities protect, improve, and appreciate the ecological health of Sligo Creek and its surrounding watershed in Prince George’s and Montgomery Counties. Thank you for your service to Prince George’s County.

We are writing to urge the Planning Board to reject the proposal by McDonald’s to clear a woodland located on the site at 6565 Ager Road by disapproving DSP-22001, AC-23071 and DDS-23001. Sligo Creek runs past the site just 650 feet from the woodland that the applicant proposes to clear-cut (photo below). For a variety of reasons outlined below, we oppose the developer’s proposal to cut down the entire woodland.[[1]](#footnote-1)

**A aerial view of a city

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*Proximity of Sligo Creek to the woodland on the proposed McDonald’s site*

*(Google Maps, Sept. 2024)*

**County Code and Climate Action Plan**

As you know, the Prince George’s County Code explicitly states (Section 25-117) that:

“It is the policy of the Prince George’s County government to **conserve and protect trees**, woodlands, and wildlife habitat by requiring site planning techniques and construction practices that prevent adverse effects on these sensitive environmental features.” It further notes that “the County has established policies and strategies for the **conservation of trees**, tree canopy, woodlands, and wildlife habitat for present and future citizens of Prince George’s County.”

The policy is carefully worded to specifically protect **individual trees** as well as woodlands and wildlife habitat, such that the scattered trees in the west end of the Ager Road site are of equal importance to the more densely wooded areas on the eastern half. The applicant is requesting an exemption to this exemplary policy, which the Board should firmly reject. To do otherwise would go counter to the obvious intent of the policy as enacted by the County’s elected officials.

In addition to that policy in the Code, the County’s Climate Action Plan (pp. 5 and 116)) recommends that the County “enact and enforce ‘No Net Loss’ tree conservation regulation and policy to **maintain and expand street tree canopy** and forest as a land cover.” Further it notes (p. 93), “As the effects of climate change worsen and development pressures increase, maintaining, replacing, and even increasing the number of **trees and tree cover must be prioritized**. Especially within our urban communities, which will struggle with heat island impacts, trees will provide the most cost-effective, long-lasting, and beneficial climate strategy available to reduce carbon and support resilience."

The Planning Board has an opportunity in this case to further the Climate Plan’s recommendations, produced under the authority of the County Executive, by preserving the woodland on the proposed development site.

**Natural Resources Inventory**

Several aspects of the applicant’s application materials need to be corrected, with ensuing updates to the Staff report. Primary among the problems with the application is the Natural Resources Inventory, NRI-026-20202, which must be redone to correct several errors and omissions that misrepresent the nature and importance of the wooded area. The chair of natural history for Friends of Sligo Creek visited the site and reported the following observations:

1. The NRI makes no mention of several very large Willow Oaks, which are some of the most impressive trees in the woodland (DBH 28”). Oaks provide a uniquely high value to wildlife, hosting hundreds more caterpillar species than any other trees. These caterpillars are crucial sustenance for birds, especially during the nesting season. In addition, the trees’ abundant acorns feed a variety of wildlife. Birds nesting along Sligo Creek, on the other side of Rt. 410, almost certainly depend on this woodland for their survival.
2. The inventory inexplicably (and unprofessionally) mis-identifies all of the elm trees on the site. They are listed as Slippery Elms while they are in fact American Elms. These two species are easily distinguished by leaf size and bark (and the former wouldn’t be expected in this area). This obvious inaccuracy casts doubt on the veracity of the entire inventory.
3. The inventory omits a grove of Black Gum (*Nyssa sylvatica*) trees on the east side of the parking lot, as well as a mature Common Persimmon in their midst. The Black Gum (or Black Tupelo) was recently nominated as the official tree of Montgomery County. In making the nomination, the County Executive noted, “The black tupelo is **one of the most requested trees** of the Tree Montgomery program as it is a **large and long-lived shade tree** commonly found across the County. It is **resilient to pests and diseases and popular for pollinators** and most wildlife. Its small cherry-like **fruit are favorites for birds**. The black tupelo’s lustrous dark green leaves change to fluorescent yellow, orange, scarlet and purple each fall.” Apparently, the contractor’s sampling methods allowed their results to overlook important trees in the woodland.

These significant shortcomings in the NRI are more than sufficient to require a complete re-do before the applicant’s proposal can be fully evaluated. As NRI-26-2022 underpins AC-23071, DSP-22001 and DDS-23001, the Board should disapprove AC-23071 and DDS-23001, which would leave it unable to approve DSP-22001 as is.

**Homeless Encampments**

We appreciate the concern on the part of the applicant and the Staff regarding the small homeless encampments in the woodland along the fence line bordering the Green Hill historic site. However, cutting down trees is an inappropriate solution to the widespread problem of homelessness in the Washington, DC area. The entire strip mall on this site is popular for loitering, with numerous men routinely resting on curbs, at store entrances, in parking areas, and next to dumpsters. Cutting trees is not a solution to this serious social problem.

The Staff invokes the principles of Crime Prevention through Environmental Design (CPTED), noting that the County’s Landscape Manual recommends “avoiding the use of screening elements that create blind spots or hiding areas that can be used for illegal activities.” However, as the photos below demonstrate, the current state of the woodland provides ample sightlines in all sections.

A forest with trees and leaves

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*Above: Existing sightlines in the east woodland (Sept. 2024)*

A group of trees in a grassy area

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*Above: Existing sightlines in the west woodland (Sept. 2024)*

A forest with many trees

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*Above: Existing sightlines in the center woodland*

*(homeless encampment at rear, center/right) (Sept. 2024)*

It will add nothing to these sightlines (and cause unnecessary harm) to cut down mature trees that are 50 feet tall and whose **lowest branches are more than ten feet above ground level**. These would include numerous oaks, sycamores, maples, black gums, and persimmon on the site. For younger trees, such as the American elms and box elders, the applicant should cut their low hanging branches to create a line of vision from the parking lot to the property’s north boundary. For most parts of the site, **adequate lines of vision are already in place**.

It is noteworthy that the property owner did not previously ask for approval to remove all of the trees in the buffer, given their assertion that encampments have been such a problem for ten years. With this fact in mind, the timing of this request **casts doubt on its justification**.

We, therefore, oppose the staff’s decision to agree that “clearing the eastern yard of the property and providing a mix of gravel, crushed stone, grass, and small shrubs as a landscape design will better address the safety concern toward creating a crime-free environment around the shopping center.”

The County’s Climate Action Plan reiterates the larger point when it states:

“As the effects of climate change worsen and development pressures increase, maintaining, replacing, and even increasing the number of trees and tree cover must be prioritized. **Especially within our urban communities**, which will struggle with heat island impacts, trees will provide the most cost-effective, long-lasting, and beneficial climate strategy available to reduce carbon and support resilience.”

“Bold and decisive leadership may be the single most important ingredient in a successful climate response . . . Leaders at every level of County government – the County Executive, County Council Members, other elected and appointed officials – must **integrate climate considerations into all aspects of local decision-making**.”

**Stormwater**

Trees are invaluable tools in battling stormwater runoff in urban areas such as this site is located in. The U.S. Environmental Protection Agency (Stormwater Trees Technical Manual, 2016):

“**Mature trees provide significant stormwater quantity and rate control benefits** through soil storage, interception, and evapotranspiration . . . Interception and evapotranspiration also decrease runoff volume with larger trees providing exponentially more benefit than smaller trees. Trees have the ability to reduce stormwater that would normally flow directly into a city’s storm sewer system. In addition, trees improve water quality by filtering pollutants, reduce effective impervious area, [and] promote infiltration to the groundwater table.”

The site is already highly impervious, creating a significant stormwater load for Sligo Creek, a mere 650 feet away. The applicant proposes to remove all the existing trees and replace them with landscaping that will have much lower water retention and filtering capability. The result will be to exacerbate stormwater and water quality issues no matter how many stormwater installations are used in place of the woodland. Even a well-designed rain garden or underground detention vault is not the equivalent of a forest or forested patch. Further, a rain garden has none of the secondary benefits of a forest.

**Staff Report**

We commend the Planning Department’s staff report for recommending disapproval of the applicant’s request for Alternative Compliance (AC-23071), wherein they propose to clear all trees and use offsite woodlands to meet the tree conservation requirement. We ask that the Planning Board disapprove AC-23071 and DDS-23001 which asks for a departure from Buffering Incompatible Uses. The Staff report does not recommend disapproval of DDS-22001 but notes several issues with the applicant’s proposed alternative landscaping design that indicate it should indeed be disapproved. As their report states,

“The Committee does not find the applicant’s proposal to be equally effective in fulfilling the intent and purposes of Section 4.7 of the Landscape Manual, to provide a visual and physical separation between the two incompatible uses. Therefore, the Committee concludes that the proposed alternative design solution fails to meet the approval criteria.”

“The applicant should also consider retaining some of the existing trees within the landscape buffer, in line with recommendations made by the Historic Preservation Commission (HPC), at their meeting held on March 19, 2024.” (p 12)

We concur with the first statement above and would go further than the second statement, asking that the applicant **retain all trees while identifying opportunities to add additional trees to account for the prior clearing violation**.

At the same time, we disagree with the Report’s statement that the isolated nature of the woodland is a reason to make it expendable. Birds can fly to and from the woodland from considerable distances for foraging purposes. Two forests in Northwest Branch Park are well within the range of Blue Jays, who fly more than a mile to store and retrieve acorns. Birds nesting along Sligo Creek, 650feet away, almost certainly rely on this woodland for their sustenance.

With all these persuasive factors in mind, we urge the Planning Board to **reject the applicant’s request to clear cut this woodland** and, instead preserve the trees in order to alleviate the heat-island effect, capture carbon dioxide, control stormwater, provide natural beauty, support birds and other wildlife, and follow the Count’s policy under 25-117 and the laudable goals of the County’s Climate Action Plan. Specifically, please **disapprove AC-23071 and DDS-23001**, and require resubmission of a **correct and updated NRI**, decisions that would effectively render DSP-22001 un-approvable.

Sincerely,

Elaine Lamirande

President

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1. Documents related to the proposal are inconsistent in describing the woodland as 2.04 acres in some places and 1.04 acres in others. Apparently, this discrepancy reflects the size of the woodland (2.04 acres) prior to an earlier clearing violation with the remaining portion at 1.04 acres. The applicant’s TCP is asking for retroactive approval of the prior clearing violation and separately for permission to remove the remaining trees. [↑](#footnote-ref-1)