



June 27, 2024

Middletown Planning & Zoning
Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

Middletown Elementary School
Request for Specimen Tree Modification
NLD #23-041

On behalf of the Frederick County Public Schools, we are writing to request a Specimen Tree Modification(s) to allow removal of the following trees identified on the Forest Stand Delineation for the above-named County construction project:

Requirements for Modification:

Application requirements states that the applicant must:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants
- (4) Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;
- (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
- (6) Verify that the granting of a modification will not adversely affect water quality.

Specimen Tree Modification:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Response: As part of the program, the task is to provide the community with an updated school facility that can accommodate a growing number of students as well as a modernized, safe and healthy environment for young students to learn.



The parking and building shape have been designed to work with the property and then open up to ballfields as the property opens in the rear.

This work will require removal of a total of three (3) specimen trees. The removal of specimen trees are due to the proposed building and parking in relationship to the property. The impacted trees are for those areas associated with grading, parking and stormwater facilities.

If the County is not allowed to impact the trees, the school will not be able to be updated due to the close proximity of specimen trees to the school parking, amenities and stormwater facilities. As such, this would cause an *unwarranted hardship* to the community that it serves.

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

Response: If the County were required to keep all improvements outside the root zones of the specimen trees, the building, safe access drive aisles, parking and ballfield would fail to be rebuilt due to the close proximity of specimen trees.

- (3) Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants;

Response: The school modernization is in conformance with the County's General plan. As such, this is not a *special privilege* to be conferred on the applicant.

- (4) Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;

Response: Frederick County Public Schools has taken no *actions leading to the conditions or circumstances* that are the subject of this modification request.

- (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

Response: The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to this particular need for a modification.

- (6) Verify that the granting of a modification will not adversely affect water quality.

Response: Tree removals have been minimized by compact design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes

limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Frederick County to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

As further basis for its modification request, the applicant can demonstrate that it meets the *Minimum criteria*, which states that a variance must not be granted if granting the request:

Presently there is forest along the edges of the property that will be retained to the greatest extent possible. Additional reforestation is proposed along with an expansive landscape planting plan. Additional canopy planting will serve to create greater ecological quality while establishing further buffering of adjacent land uses (residential).

SpecimenTree Summary 30" +									
Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Critical Root Zone (Sq. Ft.)	Critical Root Zone Impacts	Percent of CRZ Impacted (SF)	Tree Condition	Comments	Status
11	Liquidambar styraciflua	Sweetgum	31	6793	6793	100%	GOOD	IMPACTS FOR GRADING AND BALL FIELD	REMOVE
13	Acer platanoides	Norway Maple	30	6362	6362	100%	FAIR/POOR	IMPACTS FOR STORMWATER MANAGEMENT	REMOVE
14	Liquidambar styraciflua	Sweetgum	30	6362	6362	100%	GOOD	IMPACTS FOR SIDEWALK, GRADING AND PAVED PLAY AREA	REMOVE

Conclusion:

For the above reasons, the applicant respectfully requests that the Planning Board APPROVE its request for tree modification and thereby, GRANTS permission to impact/remove the specimen trees in order to allow the construction of this vital project.

The recommendations in this report are based on tree conditions noted at the time the FSD field work was conducted. Tree condition can be influenced by many environmental factors, such as wind, ice and heavy snow, drought conditions, heavy rainfall, rapid or prolonged freezing temperatures, and insect/disease infestation. Therefore, tree conditions are subject to change without notice.

The site plans and plotting of tree locations were furnished for the purpose of creating a detailed Tree Protection Plan. All information is true and accurate to the best of my knowledge and experience. All conclusions are based on professional opinion and were not influenced by any other party.

Sincerely,



Michael Norton