

**Montgomery College, Case No.: TC 2020-01 (7900 Takoma Avenue) (August 12, 2020)**

In Case No. TC 2020-01, Montgomery College (at times “the College” or “the Applicant”) sought a permit for the removal of a number of trees in conjunction with construction of the Catherine and Isiah Leggett Math and Science Building (“the Project”). The Project involved removal of existing structures and the disruption of other nearby space. The College was represented by Ms. Soo Lee-Cho.

Specifically, the College sought approval for removal of fifty-six (56) regulated trees along with three (3) additional regulated trees which were removed by the City, for a total removal of fifty-nine (59) regulated trees.

After the City’s Urban Forest Manager (“UFM”) issued a preliminary approval letter, the City received twelve (12) emails appealing the preliminary approval of the Tree Removal Permit (“the Permit”).

At hearing, the College’s principal expert, Mr. Wayne Fuh, admitted that the Applicant prematurely removed twelve (12) of the subject trees. As a result, the City issued a stop work order which was still in effect at the time of the hearing. The Project director testified that the premature removal of the trees occurred by mistake when a subcontractor was in the process of removing asbestos panels from on the existing building slated for demolition.

The College also testified that in addition to replacing the removed threes, it would plant forty (40) additional trees, ninety-six (96) of which would be of a larger diameter than required.

After review, the Commission ultimately approved the College’s Tree Removal Permit Application. But, in its decision, the Commission specifically highlighted the College’s sworn testimony it would plant the aforementioned trees.

***Burger Properties, LLC, Case No.: TC 2020-02 (430, 432 and 434 Ethan Allen Avenue)***  
**(December 15, 2020)**

In Case No. TC 2020-02 (“*Burger Properties*”), the Applicant Marcello Nucci c/o Burger Properties, LLC (“Burger Properties” or “Applicant”) sought to remove 21 trees, 14 of which were regulated, from the properties known as 430, 432 and 434 Ethan Allen Avenue (collectively, “the Property”). Burger Properties was represented by Ms. Soo Lee-Cho.

The adjacent neighbors, Appellants Sydney Katz of 427 Boyd Avenue; Lesley Hunter and Emanuel Wagner of 429 Boyd Avenue; and Lael Parish and Danny Katz of 501 Lincoln Avenue (collectively “the Appellants”) filed a timely appeal.

At hearing, the Appellants raised significant concerns regarding, among other things, storm water issues on their properties that would be further exacerbated by removal of the trees in question. The Appellants also testified that the Applicant failed to communicate with or perform any outreach to adjacent neighbors who would be impacted by the project and tree removal.

In response, the Applicant testified that it would continue to work with both the City *and the Appellants* to implement a plan that results in improvement of runoff control by the installation of stormwater management measures. The Applicant further testified under oath that it would initiate a process for stormwater management and that it would engage with the neighbors on that plan.

The Commission affirmed the approval of the Protection Plan and conditionally affirmed approval of the Removal Permit. The Commission also recognized in its decision that the Applicant, in accordance with its sworn testimony, must continue to incorporate stormwater measures into its development of the Property in collaboration with neighbors, including the Appellants.