

To: clerkofthecouncil@co.pg.md.us
Subject: DSP-20002 name: Giac Son Buddhist Temple

November 2, 2023



Dear Clerk of the Court, Ms. Donna Brown,

I am a 40-plus year resident of Prince George's County, a longtime advocate for the environment and the integrity of the county's planning process (including having been an active member of Prince George's County's planning process Commission 2000), president ex officio of my civic association, and a party of record for the Giac Son Buddhist Temple case. I am interested in this case in part because three close friends who live within a few hundred feet of this temple site are having their quality of life (and presumably their property values) severely diminished by the myriad illegal activities of people from the temple, which I have since learned is making the quality of life for the nearer neighbors nearly intolerable. However, I am also highly involved because as a long-time advocate that the county should uphold its laws to protect its citizens' quality of life, I am very concerned about the terrible precedent that an unwarranted approval of the Giac Son application would set for the County, codifying a lack of concern for citizens' rights.

The Planning Board has been presented with testimony that for years, the temple leaders have made a mockery of our County's laws intended to preserve the quality of life for the residents, ignoring if not flaunting them (indeed, openly telling the neighbors that their actions are to try to drive them to move out), including:

- very many days since 2015, for hours on end, extremely loud broadcasting (over 10,000 times permissible intensity);
- illegally grading their land to remove vast numbers of tree and bushes (as verified on p 14/26 of DSP-20002 Planning Board Resolution), critically also removing a long, decades-old, stormwater management berm -- despite instructions that: *"Grading will be performed to minimize environmental impacts and disruption to the existing topography"* (p 12/26 of that document) -- causing new devastating flooding of the neighbors' houses; and continuing with more clearing despite *"multiple woodland clearing violations"* p 16/26 of DSP-20002 Planning Board Resolution);
- illegally cutting trees from the neighbor's land and using that land as if their own, including erecting a large prayer statue there; and condoning the temple attendees' trespassing on the neighbor's property, while intimidating her;
- cooking food in an unpermitted outdoor kitchen, with the run-off flowing onto the neighbor's property, and illegally selling this food and dumping the wastes onto the neighbor's property;
- large tour buses of the attendees illegally parking on Snowden Road and essentially blocking its use; and more..

Despite the neighbor's vast numbers of complaints to 311/DPIE/the police/etc -- which have often caused DPIE to investigate the neighbors' properties and charge them for some minor violation -- the egregious infractions by the temple continued. Quite understandably, the neighbors have gotten worn down and disillusioned. I am highly concerned that approving this over-built building plan and illegal tree removal, especially without addressing all the illegal aspects of how the temple handles their events, will codify the temple's actions as being blessed by the Planning Board and District Council, setting a dangerous precedent for the entire county.

Thus, as an aggrieved person who attended the Planning Board's September 7, 2023 hearing, I am herewith filing an appeal of the Planning Board's October 3, 2023 approval of DSP-20002 Giac Son Buddhist Temple's requested detailed site plan (DSP) and requested variance to remove two specimen trees (re-issued October 16).

My appeal is based on the Planning Board's decision having been made in error, as described below. This appeal is submitted to complement the appeal being filed by Macy Nelson, Esq., on behalf of the aggrieved nearby neighbors constituting the South Laurel Civic Association (SLCA) -- a group of very nice, diverse, open-minded, and welcoming individuals. [Indeed, two of these neighboring families have Buddhist origins and retain strong Buddhist ties, especially the Buddhist philosophy that trees are living things worthy of recognition and protection.] The members of the SLCA initially embraced the idea of a Buddhist temple at their entranceway, but the temple has flagrantly disregarded the neighbor's well-being.

Specifically, I am appealing these apparent errors:

- 1- The property boundaries shown on the mapping provided in the Planning Board's DSP-20002 documents (e.g, p 33/439 of the DSP-20002 Technical Staff Report; screenshot appended) appear substantially in error, enough to affect the percent impervious calculation, as well as to potentially set off legal fight on land ownerships with the neighbors to the east. That mapping has added an aqua line to represent the property boundary, onto a map from PGAtlas, where thin black lines (undefined in the DSP mapping) are stated to represent the county's official best interpretation of the property boundaries. Consider the temple's property identified as P.28, where the aqua and black lines basically coincide along the boundary with property (1 on the northwest), but differ by about 15 ft along the boundary with P.29 and P.30 (see appended map). Although the black line "looks" to be within the parking lot of the church of property P.29 (11711 Laurel-Bowie Rd) and over half-way across the barn of property P.30 (11709 Laurel-Bowie Rd), an outside surveyor hired by the citizens reinforced those property lines of PGAtlas. And when sized using GoogleMaps, the aqua line in the DSP implies a smaller square footage for P.28 than recorded in SDAT, which agrees with the thin black line from PGAtlas. Thus, it appears that the mapping used in the DSP is substantially in error and hence that temple's P.28 property has

considerably more impervious surface (from the many parking spaces in the area used and maintained by the church of P.29, ~960 sq ft, and from the barn used on P.30, ~840 sq ft) than the DSP acknowledges. This property boundary mess should be resolved before construction is approved for the temple property.

2- The temple's engineer assesses the impervious surface to be the *"proposed building footprint (7,209 sq ft), parking/vehicular access area (21,171 sq ft) and praying platform (1,755 sq ft) totals 46% of the lot coverage, which is below the maximum lot coverage of the 50% permitted in the R-R Zone"* (p 408-409/439 of the DSP-20002 Technical Staff Report). However, measurement of the building plan shows the roof line to be ~9380 sq ft, so an unaccounted for 2180 sq ft (= 3%). In addition, point 1 above shows an additional ~1800 sq ft of impervious surface (=2.5%) not previously recognized as on the temple's property. Also, in addition to the proposed new building of 7,209 sq ft roof area, the engineer's listing "forgot" the existing building and surrounding concrete walkways which are seen to be ~3400 sq ft (adding ~5% impervious). The temple's landscaping plan also shows an additional ~400 ft of site-internal sidewalks/ramps/stairways not mentioned in the above accounting (~2.2%). Their list of impervious surface also neglected the mandatory 5" wide sidewalk all along Laurel-Bowie Rd and Snowden Rd (~550 feet, making an additional ~2,750 square feet of impervious (=3.8%). Additionally, the Planning Board mandated two additional parking spaces (~350 sq ft), plus whatever additional driveway space is needed to access them (?). Further the temple stated that they are moving the existing 15' Buddha onto their property and will put an large number (15?) of additional statues there, making undetermined additional impervious, surely over 200 sq ft total (>0.3%). These effects total to make their plan well over 63% impervious, while the county is clear that 50% is the maximal permitted. So the plan will need to go back to the drawing board.

3- The Planning Board's approval appears to be for a smaller building than shown in the submitted plans: Approval (p 3/26 of DSP-20002 Planning Board Resolution) is for a new building of 4,625-square-foot total gross floor area, which for a single-story building is defined as "the total area of a building enclosed by the building's outer walls". The temple's architectural drawings (p 101/439 of the DSP-20002 Technical Staff Report) show the new building has ~68' x ~80' = ~5450 square feet of enclosed area. Thus, all the exterior walls would need to be 2.75 feet thick to give a 4,625-square-foot total gross floor area -- much thicker than any normal wall. This needs to be resolved before any approval.

4- Already by May 16, 2023, the temple acknowledged that they were trespassing onto Teresa Washington's land (property 1, 9807 Snowden Rd; see map on p 33/439 of the DSP-20002 Technical Staff Report, appended) by stating on the map on p 34/439 of that document "Ex[isting] gravel parking encroachment to be removed from lot 1". However, this was not acknowledged by the temple to the residents, who only months later appreciated the boundary incursion, and reported at the September 8 meeting the ~3500 sq ft of the Washington's land on which the temple cut down trees, graveled and erected their 15' tall Buddha statue (p 437/439 of the of the DSP-20002 Technical Staff Report). At that hearing, the temple's lawyer promised the Planning Board to expeditiously have that statue removed and the land returned. Yet now, over 7 weeks later, the statue remains there and the congregation continues to worship there. The planning Board should have made returning the land to its previous condition and refunding the value of the cut trees a precondition for approval; and similarly for the ~3500 sq ft of land along the entire south west boundary of the Washington property that the temple has appropriated (p 438/439 of the DSP-20002 Technical Staff Report).

5- The Planning Board had also received reports of massive repeating stormwater flooding of the Hitafter's property and house (9815 Snowden Rd; p 115-122/439 of the DSP-20002 Technical Staff Report) -- flooding that caused over \$55,000 damage to that house, over \$40,000 damage to the Washington's house and its foundation (9807 Snowden Rd) -- something that never happened before the temple illegally remove all those trees/bushes and a decades-old ~200-foot-long stormwater berm. The Planning Board should make reimbursing for those damages a precondition of plan approval.

6- It seems most inappropriate (and questionably permissible) -- likely an error -- to approve plans that have the majority of their newly planted trees (submitted plan sheet L-1.1) to be within 1' (maybe some 2') of an absolutely critical stormwater ditch (submitted plans sheet 4); also to have the majority of the trees within 1' of the property boundary (same sheets) -- for how can they then install the required fence still on their property and expect it to last as the trees grow over time?

7- Removal of the two Specimen trees should not have been granted: The *"two specimen trees requested for removal"* (p 15/26 of DSP-20002 Planning Board Resolution) were in fact already illegally chopped down months before -- on Earth Day, even! -- making a mockery of their approval for future clearing. That illegal clearing of specimen trees is something the temple should be fined for, not upheld with approval. Furthermore, the Planning Board's reasons for granting approval to destroy these specimen trees includes incorrectly claiming that *"more than half of these trees' critical root zones are already impacted"*, while images on Pictometry of PGAtlas clearly show was not the case when the trees were still standing. And arguing that the trees should be take down because they are in the way of intended constructions makes a mockery of any tree-save efforts, since construction can be planned to overlap with any tree.

8- Instructing to mitigate the removal of two 200-year-old oak trees, diameters 38" and 36", using two new trees of only 3" diameter (p. 15 and 24/26 of DSP-20002 Planning Board Resolution) is an insult to the environment, especially as the value of trees in helping mitigate climate change is now accepted.

9- A technical question: with parcels p27 and p28 being listed on SDAT as completely separate, are they allowed to be combined to calculate the alleged 50% impervious, or must each parcel be under 50%?

10- Alleging that "The development conforms with the purposes of the R-R Zone" makes a mockery of the "purpose of the RR zone [being:] ... (C) To encourage the preservation of trees and open spaces; and (D) To prevent soil erosion and stream valley flooding." (both on p 7/26 of DSP-20002 Planning Board Resolution).

Between these and the other errors, I submit that this application is "not ready for prime time" and should be denied. But should it, now or a revised version in the future, be accepted for development, we STRONGLY request as a pre-condition that the temple be required to stringently abide by their promises and by the laws of the County. This includes the County's noise regulations (maximum at property line of 65 dB day, 55 dB night; to date, dB measurements taken at many events show over 10,000 times that intensity of sound); their promises in this application, e.g., "*The applicant informed staff that...full occupancy will only occur five times in a single year. The applicant stated that during these events, which are listed in Site Note 22, the parking provided will be able to support all members of the temple and will not require any additional off-site parking*", p 10/26 of DSP-20002 Planning Board Resolution); in the lighting, "*limiting any glare onto adjacent properties [to] not exceed 0.5-foot candles*" (p 11/26 of DSP-20002 Planning Board Resolution). Also, because the Planning Board increased the height of the Buddha statue from 15' to 28' (indeed likely taller, because it is to be sitting on a raised platform – or might the District Council agree to limit it to 28 feet about ground level?), the neighbors request that the intended 6' privacy fence be increased significantly. Also, installing only "*two evergreen trees*" as instructed by the planning board (p 13/26 of DSP-20002 Planning Board Resolution) is clearly insufficient; more trees that already are tall when planted are needed there. Further, the fence should be of a high-quality sound-baffling material. Finally, since the Planning board is requiring retribution for the excess acres the temple illegally cleared of their own land, that should also be extended to apply to the trees of the Washington's land which they illegally removed.

The version of this appeal being emailed to the Clerk of the Court will include a Certificate of Service, attesting that the appeal was mailed to all the parties of record.

Finally, since there is much relevant material that has come to light after the initial Planning Board hearing (over 1/3 year ago), and thus could not be introduced at the later hearings and is forbidden to introduce here, I am respectfully requesting a remand to the Planning Board to address this information.

Thank you for your consideration,

Sincerely,
Barbara Sollner-Webb
(17200 Melbourne Dr, Laurel, MD 20707)

BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED

