

CITY OF TAKOMA PARK TREE COMMISSION

IN THE MATTER OF: *

A Permit Application for the Removal * Case No.: TC 2020-01

of 61 Trees at 7900 Takoma Avenue *

Montgomery College *

Applicant *

* * * * *

DECISION AND ORDER

I. INTRODUCTION

Montgomery College (at times “the College” or “the Applicant”) owns and operates the Takoma Park/Silver Spring Campus (“the Property”), one of the College’s three (3) campuses. As indicated in the name, part of the Property falls within the boundaries of the City of Takoma Park (“the City”) and the remainder falls within the boundaries of Silver Spring. According to the College’s website, the Campus was established in 1950.

On or about February 5, 2019, the College submitted a Tree Removal and Tree Protection Plan to the City’s Public Works Department (“PWD”) seeking a permit for the removal of a number of trees in conjunction with construction of the new Catherine and Isiah Leggett Math and Science Building (“the Project”). The Project is located on the Property on that portion of the campus within the boundaries of the City. The Project involves removal of existing structures and the disruption of other nearby space. As plans for the Project evolved, the College ultimately sought approval for removal of fifty-six (56) regulated trees along with three (3) additional regulated trees which have been

removed by the City, for a total removal of fifty-nine (59) regulated trees.¹ The City's Urban Forest Manager ("UFM") issued a preliminary approval letter on March 26, 2020.² Thereafter, the City received twelve (12) emails appealing the preliminary approval of the Tree Removal Permit ("the Permit").³ After some delay in the appeal process imposed on the Tree Commission as a result of the COVID-19 Emergency, a remote hearing on the appeals was held on August 12, 2020.⁴

For the reasons set forth below, the Tree Commission hereby upholds the issuance of the College's Tree Removal Permit.

¹ As explained more fully below, two (2) additional trees grew into the regulated tree size while the matter has been pending, and have been added to the Permit. An "urban forest tree" is defined as a tree which "[m]easures 24 inches or more in circumference at four and one-half feet above ground level or measures seven and five-eighths inches or more DBH." Takoma Park Municipal Code ("the City Code" or "Code"), Chapter 12.12 "Urban Forest," Section 12.12.020(A). By Ordinance 2020-22, the City Council has amended Title 12, of the City Code, "Trees and Vegetation." The amendments become effective on October 27, 2020 and operate prospectively.

² As of April 15, 2020, the City's former UFM, Mr. Jan Van Zutphen, is no longer in that position. Mr. Van Zutphen did not participate in the hearing.

³ As discussed more fully below, the College objected to the form of most of the appeals at the hearing.

⁴ As a result of the COVID-19 Emergency, the City Council adopted Resolution 2020-12 which suspended all quasi-judicial proceedings pending before the City's Boards, Commissions and Committees. Resolution 2020-12 was effective upon adoption on April 15, 2020. On or about July 29, 2020, noting that Maryland Courts were engaged in a phased in re-opening, the City Council adopted Resolution 2020-18 which modified Resolution 2020-12 to permit the City Manager to phase-in virtual quasi-judicial proceedings as possible while considering a number of factors related to the constraints existing because of the pandemic. The instant hearing proceeded under Resolution 2020-18.

II. STATUS OF THE APPELLANTS.

As noted above, the City received twelve (12) emails from sixteen (16) individuals seeking to appeal preliminary approval of the Permit. Copies of the appeals are attached hereto as Appendix I. Several of the emails appeared to be sent on behalf of more than one individual. The Commission has assumed that the additional individuals named in the emails other than the sender were also seeking to appeal issuance of the Permit. Thus, the individuals seeking to appeal included: 1) Marilyn Abbott; 2) Paul Chrostowski; 3) Colleen Cordes; 4) Francoise Dereeper; 5) Marcie Stickle and George French; 6) Kris Gill and Bill Brady; 7) Ron Murphy and Stephanie Murphy; 8) Alison Raphael; 9) Julie Schmid; 10) Ruth Skafsgaard and Martin Lowery; 11) Elliott Vanskike; and 12) Richard Weill. Of the foregoing list, only Ms. Cordes, Mr. and Ms. Murphy, and Ms. Schmid registered to be virtual participants and participated in the hearing. Ms. Raphael, also registered for and participated in the hearing through a representative, Mr. Mark Holliday.

As to those Appellants who elected not to participate in the hearing, the City Code provides: “[t]he Commission may dismiss an appeal if the person filing the notice of appeal, or his or her representative, fails to appear at the hearing.” Section 12.12.020(G). Pursuant to Section 12.12.020(G), the Commission hereby dismisses the appeals of Ms. Abbot, Mr. Chrostowski, Ms. Dereeper, Ms. Stickle, Mr. French, Ms. Gill, Mr. Brady, Ms. Skafsgaard, Mr. Lowery, Mr. Vanskike, and Mr. Weil, for failure to appear at the hearing.

Over the course of the hearing, the College’s counsel raised objections to participation by most of the Appellants, noting that with the exception of Ms. Cordes, the

Appellants failed to follow the requirements of the Code as to the content of their respective appeals. *See* Transcript of the Hearing, a copy of which is attached hereto as Appendix II, pages 40-41; 73. Although counsel first cited a section of the Code dealing with tree protection plan permits (referring to “12.[12.]110(B)”), the Commission construes the objections as falling within Section 12.12.020(F)(1) which provides “[a] notice of appeal must be in writing, state the reasons for the appeal, the name, address, and email address of the appellant, and the nature of the interest of the appellant.” Counsel for the College also objected to Mr. Holliday’s appearance for not having noted any appeal whatsoever. App. II, Transcript, pages 55-56.

Although the Commission uses the term “Appellants” and considers the Appellants’ respective arguments on the merits, the Commission will ultimately sustain the College’s objections as to the deficiencies of the appeals by Mr. and Mrs. Murphy, Ms. Schmid and Ms. Raphael/and or Mr. Holliday.⁵ Hereinafter, the term “Appellants” refers only to Ms. Cordes, Mr. and Ms. Murphy, Mr. Holliday on behalf of Ms. Raphael, and Ms. Schmid. For the sake of clarity, Mr. Holliday will be substituted hereinafter for Ms. Raphael for the purpose of discussion of Ms. Raphael’s appeal.

⁵ Appellants arguments are generally similar and the interests of justice warrant consideration of the merits of their appeals as a whole in the first instance. The Commission will address its alternative conclusion that some of the appellants are not properly before the Commission second.

III. ISSUES AND RECOMMENDATIONS RAISED BY THE APPELLANTS.

As noted by the Chair of the Tree Commission at the start of the hearing, the sole issue before the Commission was to determine whether to approve the Permit, disapprove the Permit or approve the Permit with modifications and/or conditions, based on facts in the record before it. App. II, Transcript, p. 4.

In prosecution of their various appeals, the Appellants raised the following issues:

1. That inadequate notice of the number and specifics of trees to be removed impaired the Appellants' right to assess the impact of the Permit on their community; App. II, Transcript, page 42;

2. That the College's application contained inconsistencies and omissions that impaired the City's ability to understand the true impact of the proposed removals (*Id.*, pages 48-49, 50-51, 66-68);

3. That the Project will have an adverse impact on the surrounding environment that could be better mitigated than as envisioned in the Permit; (*Id.*, pages 42, 103-104);

4. That the College did not abide by the City Council's 2018 resolution requiring community consultation (*Id.*, page 57-58, 66-67);

5. That the College's track record on tree care calls into question the College's commitment to proper protection and/or stewardship of the remaining trees on the Property and/or the replacement trees to be planted under the College's replanting plan for the Project (*Id.*, pages 45, 48-49); and,

6. That the unauthorized removal of trees from the Property in February of 2020 by a poorly-supervised contractor working on the Project, which incident resulted in a Stop Work Order, demonstrates a lack of will or capacity on the part of the College to tree protection (*Id.*, pages 74-76).

In her written appeal, Ms. Cordes raised three (3) issues, two of which correspond directly with issues identified above. Ms. Cordes' third issue which was not directly subsumed in the list above, was whether the College had demonstrated that removal of the trees was necessary for completion of the Project.⁶

The Appellants recommended:

1. That the College permit an on-site inspection by the UFM or designee, to address discrepancies, or by an independent third party to evaluate the condition of the trees covered by the Permit application (App. II, Transcript, pages 44, 56, 58-59);

⁶ As the bases for her appeal, Ms. Cordes wrote:

[a] lack of evidence that each tree needs to be cut down for building construction, which is the only reasons cited by the applicant[;]

[t]he impact on the tree canopy in [the neighborhood] especially given the unusual loss of major urban trees in the neighborhood in 2019 and possible further loss in 2020, due to climate stresses, including insect infestations[; and]

[t]he lack of consultation with neighbors, in disregard of the City's Resolution 2018-13 [which provided that] "The Council expects the College to consult and work with the community on stormwater and tree protection and replanting especially as those factors affect water runoff and related impacts on nearby residences."

2. That the College Permit an on-site inspection by the UFM to review the proposed Tree Protection Plan (*Id.*, page 44);

3. That the College be required to post a bond to ensure that it properly carries out its replanting plan and maintains the trees planted under that plan, and/or that the College will replace trees covered by the Tree Protection Plan that do not survive the construction-related disruption (*Id.*, pages 46-47, 53, 61);

4. That the College commit to actions necessary for it to qualify within three (3) years as a Tree Campus Higher Education College, a program administered by the Arbor Day Foundation (*Id.*, pages 45-46).

IV. SUMMARY OF MATERIAL FACTS.

The City construes the College's application as seeking approval for the removal of sixty-one (61) trees as part of the Project. App. II, Transcript, pages 30-31; *see also*, App. III, City Ex. D. That number includes fifty-six (56) trees on the current site plans, three (3) trees previously removed by the City, and two (2) trees that grew from unregulated size to regulated size between the time of the initial application and when the UFM conducted his onsite review. App. II, Transcript, page 31. In December of 2019, the City removed the three (3) trees referenced above, which had been in the City's right-of-way. *Id.*, page 30. Those three (3) trees were described as having been in poor condition. *Id.*

The City was represented by Mr. Keith Pitchford. App. II, Transcript, page 11. Mr. Pitchford has been an arborist for over twenty years. *Id.* He is based in Washington, D.C., and has worked in, and is familiar with, the City. *Id.* There were no objections to Mr. Pitchford's qualifications as an arborist. *See id. generally.*

Mr. Pitchford had not visited the site or conduct a review of the individual trees personally, rather he presented his opinions based on his review of related documents only. App. II, Transcript, pages 63-64. Mr. Pitchford reviewed: a) Mr. Van Zutphen's rating calculations in the form of the preliminary response; b) a spreadsheet summary of the affected regulated trees created by the PWD, which included for comparison the College's arborist's evaluation of the trees; and, c) the College's site plans. *Id.*, page 12. Mr. Pitchford found Mr. Van Zutphen's rating calculations to be correct. *Id.* Mr. Pitchford found that the UFM's and the College's numbers were generally consistent. *Id.* Mr. Pitchford did not find any major errors in the process or the findings on the spreadsheet (a copy of which is attached hereto in Appendix III, Hearing Exhibits, City Exhibit D). *Id.*

The College's principal expert was Mr. Wayne Fuh. Mr. Fuh was identified by the College as an expert in architecture and site design. App. II, Transcript, page 13. Mr. Fuh serves as the project architect for the Project. *Id.*, page 16. There were no objections to Mr. Fuh's qualifications to opine about the Project. *See id. generally.*

Mr. Fuh testified that number of trees destined for removal on the plans (fifty-six (56)) can be reconciled with the City's calculation of sixty-one (61), by considering and adding the three (3) trees already removed by the City, and the two (2) trees that had grown from non-regulated to regulated size over the course of the project. *Id.*, page 31. Mr. Fuh indicated that the College accepted the City's calculation of a requirement for one hundred fifty-two (152) replacement trees. *Id.*, pages 33-34. Mr. Fuh indicated that the College will plant one hundred one (101) replacement trees, and that the balance will be paid in lieu. *Id.* Mr. Fuh testified that all of the replacement trees to be planted are

around the City side of the Property, with most of the trees on the Property and a lesser amount just outside the College's boundary line. *Id.*, pages 101-102.

Mr. Fuh testified that removal of the trees indicated on the plans was necessitated by several circumstances. *Id.*, pages 18-25; All trees to be removed fall into one or more categories for reasons for removal, including: a) trees within the footprint of the building and/or which must be removed to create a basement for the new building; b) trees that must be removed during demolition of the existing buildings and tennis courts; c) trees that are impacted by creation of access to the new building designed to accommodate the requirements under the Americans with Disabilities Act; d) trees that will be impacted by provision of one or more of a number of services to the new building including electrical, water, sewer, gas, telecom infrastructure, and firefighter access. *Id.*, pages 18-25; *see also* App. III, College Exhibit C, pages 23 through 30.

Mr. Fuh acknowledged that twelve (12) of the subject trees had already been removed in February of 2020 by a subcontractor. *Id.*, page 30. As a result, a stop work order issued as to external work, and the order was still in effect at the time of the hearing according to the College's counsel, Soo Lee-Cho, Esquire. *Id.*, page 70. The project director for Barton Mallo, testified that the premature removal of the trees mentioned above occurred by mistake when a subcontractor was in the process of removing asbestos panels from on the existing building slated for demolition. *Id.*, page 80.

The College recently hired Carol Tree Service and Mr. Steve Mays for the purpose of overseeing tree preservation measures going forward. *Id.*, page 71. The College had retained A. Morton Thomas Co. ("AMT"), in pertinent part, to assist with formulation of

the Tree Protection Plan; and, AMT continues to be involved in the Project. *Id.*, page 93. Ms. Lee-Cho stated that the College envisioned that Mr. Mays would prepare long-term maintenance plans for both the existing trees impacted by the Project as well the replacement trees added as part of the Project. *Id.*, pages 93-94.

Mr. Holliday pointed out that the condition ratings by the UFM indicated that only 15% of the subject trees were in good condition and 82% had been rated as in fair or poor condition. Ms. Schmid testified that the Permit called for a substantially higher number of trees (sixty-one (61)) than had been indicated by the College in a charette held in September of 2019, when the College estimated that forty (40) trees would be removed and that seventy (70) replacement trees would be planted. *Id.*, pages 58, 66. Ms. Cordes pointed out that the trees already removed by the subcontractor had been removed prior to being rated by the UFM. *Id.*, page 82.

Ms. Susan Madden, the College's Chief Government Relations Officer, stated that staff members for the College were in the process of obtaining certification as arborists and that the College had existing contractual arborists. *Id.* pages 86-87. Ms. Madden attributed the condition of the existing trees to poor planting practices and stated that part of the current Project plan was to avoid those prior errors. *Id.*, page 87. Ms. Madden stated that the Smith Group was hired in part because of its expertise in environmental planning, and that the College had retained appropriate arborists through AMT and the landscape contractor. *Id.*, page 89. Ultimately, Ms. Madden testified that the Campus trees would be maintained appropriately going forward. *Id.*

In response to a question from Ms. Cordes, Mr. Pitchford testified that in the event there was a discrepancy between the College's stated reason for removal and the UFM's notation about the basis for removal, that the discrepancy could be resolved by an onsite visit. *Id.*, page 74. Ms. Lee-Cho characterized Mr. Fuh's testimony regarding differing reasons for removal as noting that in those instances, there was more than one reason for removal, and therefore there was no actual discrepancy. *Id.*, page 76.

Mr. Holliday pointed out, using the College's own charette numbers, that there would be a substantial loss in the canopy based on a reduction in the total caliper of the trees following removal and replacement. *Id.*, pages 103-104. Ms. Lee-Cho stated that the College was electing to use a larger diameter for ninety-six (96) of the one hundred one (101) replacement trees than required by the City. *Id.*, pages 105-106.

V. ANALYSIS AND FINDINGS.

Preliminarily, the Commission finds that the College met the requirements of the Code to post information concerning proposed removal of trees under its Permit application, and that the community had access to this information. Whether the College's public outreach efforts complied with Resolution 2018-13 is not within the Tree Commission's area of authority.

The condition of existing trees on College property, the College's description of its tree maintenance practices up to now, and the incident that led to the Stop Work Order, all suggest that the College needs to give more attention to tree care, and to continue doing so even after the construction period and the Tree Protection Plan implementation have concluded. The Commission welcomed the College's assurance that it sees this

Project as an opportunity to improve its tree maintenance practices. The Commission accepts the College's representation that the College will plant the trees it says it will plant and the Commission accepts the testimony that the College is engaged in, and committed to, improving its tree care practices.

The Commission concludes no bond is merited in light of the Applicant's replanting plan.

The Commission finds that the City conducted on-site visits in the course of the permit application process, and in the ongoing Tree Protection Plan process. The Commission finds that further on-site visits are not warranted.

A. FINDINGS.

As to the sole question before the Tree Commission of whether the Permit should issue, the Tree Commission is tasked with applying nine (9) factors set forth in Section 12.12.120(B) of the Code, where those factors are pertinent in light of the facts in the record. There is a rebuttable presumption that the decision of the City Manager with respect to a permit application is correct. 12.12.110(D). The Commission's findings are as follows:

- 1. The extent to which tree clearing is necessary to achieve proposed development or land use, and, when appropriate, the potential ameliorating effects of any tree protection plan that has been submitted or approved.**

The Commission finds that the removal of the trees is necessary for the reasons set forth by Mr. Fuh in his testimony as to the location of the new building, the requirement for services to the building, and in the limit of disturbance necessary for the construction procedures related to both demolition and construction. As to the ameliorating effects of

any Tree Protection Plan, the Commission has made issuance of the instant Permit conditional on the approval of the College's Tree Protection Plan. The factor of necessity weighs strongly in favor of issuance of the Permit.

2. The number and type of replacement trees and, if appropriate, any reforestation plan proposed as mitigation for the tree or trees to be removed.

In addition to the payment in lieu added to the City's Tree Planting Fund comparable to fifty-one (51) trees, the Commission finds that the total number of replacement trees actually to be planted exceeds the number of trees removed by forty (40) trees. The Commission finds that the replacement trees will be planted on or near the Campus within the boundaries of the City. The Commission accepts the College's representation that of the replacement trees planted, ninety-six (96) will be of a larger diameter than required.

Several of the Appellants pointed out that the record supports the conclusion that a high percentage of the presently existing trees appear to be in only fair or poor condition. The Commission accepts the testimony by the College that the College has retained the Smith Group and ATM, in part, for those firms' respective expertise in this area, and retained Carol Tree Service to facilitate installation of, and development of a maintenance plan for the replacement trees. The Commission accepts the testimony that the College is engaged in training staff as arborists. Finally, and significantly, the Commission accepts the testimony of Ms. Madden that the College will be engaged in proper maintenance of the trees on the Campus going forward.

This factor weighs in favor of issuance of the Permit. The Commission strongly urges the College to follow through on its representations as to its intentions to engage in best practices for management of the replacement trees and the existing trees on the Campus.

3. Any hardship which the applicant will suffer from a modification or rejection of the Permit application.

Although there was no direct evidence of hardship on the College if the Permit is rejected, such hardship is implicit in the circumstances of the application. By its nature, the Project involves a substantial and significant undertaking by the College which could only occur at great expense and consumption of resources, a significant amount of which has already occurred in the planning and preliminary implementation of the project. Moreover, several of the Appellants articulated their general support for the mission of the College notwithstanding their views on the instant issue of trees to be removed.

This factor weighs strongly in favor of issuance of the Permit.

4. The desirability of preserving any tree by reason of its age, size, or outstanding quality.

Inconsistencies concerning tree size and condition of trees between information provided by the College in the Permit application and data recorded by the City in processing the Permit application can be explained by tree growth and/or normal variation in measurement. The Appellants did not indicate any tree or aspect of the Permit application for which the inconsistencies would have been material to the City's permitting decision. The Commission finds this factor is neutral, particularly in light of its findings: 1) that removal of the designated trees is necessary; and, 2) the extent of

significant hardship on the Applicant in the event the Permit is denied. Additionally, there was no evidence presented that any particular tree satisfied the criteria set forth in factor number 4 in favor of denial of the Permit.

5. The extent to which the area would be subject to environmental degradation due to removal of the tree or trees.

Unquestionably there will be a negative impact in the short term by removal of the trees and this factor weighs in favor of denial of the Permit. Nevertheless, given the number of replacement trees to be planted and the College's representation that it is engaged in significant efforts to maintain both existing trees and replacement trees, the Commission finds this factor is outweighed by the necessity for removal, the reforestation plan, the condition of this decision on issuance of a valid tree protection permit, and the College's stated intention to engage in sound practices of future maintenance of the trees on the campus.

There is no requirement for the Applicant to include information about the impact of proposed removals on the surrounding environment. This is a matter for consideration by the City in its permitting decision, and the City did take it into account. The Appellants provided no evidence of specific environmental hazards arising from the proposed tree removals that could be mitigated by modification of the provisional Permit.

6. The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or trees are located.

This factor weighs in favor of denial of the Permit. However, the Commission finds that the analysis resolving factor number 5 applies here as well. The Commission believes that the temporary negative impact on the adjacent properties and surrounding

neighborhood will be offset by the replacement trees and the College's commitment to maintenance going forward.

7. The general health and condition of the tree or trees.

Similar to its analysis of factor number 4, the Commission finds that this factor is neutralized by the Commission's findings on factors 1, 2, and 3. Additionally, as noted by the Appellants, a significant number of the trees were rated by the UFM as being in only fair or poor condition.

8. The desirability of the tree species as a permanent part of the City's urban forest.

Similar to its analysis of factor number 4, the Commission finds that this factor is neutralized by the Commission's findings on factors 1, 2, and 3. Additionally, there was no evidence set forth on this matter which would weigh in favor of denial of the permit.

9. The placement of the tree or trees in relation to utilities, structures and the use of the property.

Beyond the necessity of removal for development of the Project, the Commission finds that the existing relationship to utilities and structures has no bearing on these appeals. In light of the necessity of removal of the trees for the Project, given the number of replacement trees, and the College's commitment to proper maintenance, the "use" factor weighs in favor of approval of the Permit. This is so because the reforestation plan should ultimately result in more and healthier trees on the Property.

VI. CONCLUSION AND DECISION.

The Commission finds that factors numbers 1 and 3 weigh strongly in favor of issuance of the Permit. The Commission concludes that factors numbers 2 and 9 weighs in favor of the issuance of the Permit. The Commission concludes that factors 4, 7, and 8

are neutral under the circumstances and in light of an absence of evidence as to any one of these particular factors. The Commission concludes that factors numbers 5 and 6 weigh in favor of denial of the Permit. The Commission also concludes that factors numbers 5 and 6 are heavily outweighed by factors numbers 1, 2 and 3, particularly in light of the circumstance that the negative effects should be ameliorated over time as the replacement trees come into their own.

After having a considered the Appellants arguments and concluded that the permit should be approved on the merits (denying the appeals), the Commission also concludes that there are technical deficiencies in the following individuals' appeals: Ms. Raphael, Mr. and Mrs. Murphy, and Ms. Schmid. Thus, even if the Commission had granted these individuals' appeals on the merits, which it did not for the reasons stated *supra*, it would be compelled to dismiss their appeals as being procedurally deficient. So the record is clear, the Commission concludes, in the alternative, that following individuals appeals are dismissed: Ron and Stephanie Murphy, Alison Raphael, and Julie Schmid.

The Commission is aware that the College's Tree Protection Plan Permit, No. 090120-1, issued as of September 1, 2020, thereby satisfying that specific condition as it relates to this Decision and Order. *See* Appendix IV, Tree Protection Permit.

VII. ORDER.

UPON CONSIDERATION of the foregoing, it is this 10th day of September 2020, by the City of Takoma Park Tree Commission, hereby

ORDERED, that the appeals by Appellants Collee Cordes, Ron and Stephanie Murphy, Alison Raphael and Julie Schmid are **DENIED**; and,

ORDERED, that the Tree Removal Permit Application filed by Montgomery College for the removal of sixty-one (61) regulated trees at 7600 Takoma Avenue is **APPROVED**; and,

It is further **ORDERED** that the appeals of Ron and Stephanie Murphy, Alison Raphael, and Julie Schmid are hereby **DENIED** on the additional and alternative grounds of procedural deficiencies.

For the Tree Commission:

Bruce Levine / M.R. / w/permission
Bruce Levine, Commission Chair

John Barnwell / M.R. / w/permission
John Barnwell, Commissioner

Nancy Cohen / M.R. / w/permission
Nancy Cohen, Commissioner

Carol Hotten / M.R. / w/permission
Carol Hotten, Commissioner

NOTICE OF APPEAL RIGHTS

Section 12.12.110(L) of the Takoma Park Code provides that a person who was a party to the proceedings before the Tree Commission and who is aggrieved by the decision may seek judicial review of the decision by filing a petition for judicial review in accordance with Title 7, Chapter 200, Judicial Review of Administrative Agency Decisions, of the Maryland Rules of Procedure.