



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-116

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Upper Marlboro, Maryland 20772
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File No. 4-16008

RESOLUTION

WHEREAS, Galilee Baptist Church is the owner of a 49.97-acre parcel of land known as Parcel 78 (41.45 acres) and Parcel 76 (8.52 acres), said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Residential-Agricultural (R-A); and

WHEREAS, on June 13, 2016, Galilee Baptist Church filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16008 for Galilee Baptist Church was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 29, 2016, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on September 29, 2016, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type I Tree Conservation Plan TCP1-003-2016, and further APPROVED Preliminary Plan of Subdivision 4-16008, including a Variation from Section 24-121(a)(3) for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS) the plan shall be revised as follows:
 - a. Update General Note 21 to include the conceptual stormwater management plan number and approval date.
 - b. Update General Note 27 to reference companion Type I Tree Conservation Plan TCP1-003-2016.
 - c. Revise Sheets 1 and 3 to reflect the portion of C-606 that will be improved and dedicated to public use and the connection to the southern portion of the parking compound in accordance with Applicant's Exhibit A.

- d. Dimension Woodyard Road (MD 223) demonstrating a 120-foot-wide right-of-way.
 - e. Combine the two parcels into one overall parcel on the PPS and TCP1.
2. The applicant and the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along the property's entire street frontage of Woodyard Road (MD 223) and C-606, unless modified by the operating agency at the time of issuance of street construction permits.
 3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along all public rights-of-way.
 4. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.
 5. Total development within the subject property shall be limited to uses which generate no more than 887 peak-hour trips on Sundays, and 31 AM and PM weekday peak-hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein shall require a new determination of adequacy of transportation facilities.
 6. **Woodyard Road (MD 223) and Marlboro Pike:** Prior to issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the County's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. On the southbound MD 223 approach, construct an additional southbound left-turn lane;
 - b. Also on the southbound MD 223 approach, construct a free right-turn lane.
 7. At the time of final plat, the applicant shall dedicate to public use:
 - a. Frontage along Woodyard Road (MD 223) consistent with right-of-way shown on the preliminary plan of subdivision;
 - b. Approximately 400 feet of the proposed C-606 master plan alignment, and construct the roadway at a minimum to provide access from the site within that dedicated right-of-way.
 8. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant and the applicant's heirs, successors, and/or assignees shall submit two copies of an approved stormwater management concept plan signed by the Prince George's County Department of Permitting, Inspections and Enforcement, and two copies of the concept approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the PPS and Type 1 tree conservation plan (TCP1). Any required stormwater management facilities shall be

shown on the TCP1. The stormwater conveyance system for Impact Area 2 shall be designed utilizing environmental site design to the maximum extent practicable, such as a step pool conveyance system, with concurrence from the Maryland-National Capital Park and Planning Commission.

9. Prior to signature approval of the preliminary plan of subdivision (PPS), the PPS and type 1 tree conservation plan shall be revised to show the 20-foot-wide scenic and historic road landscape buffer, exclusive of the public utility easement, and the required right-of-way dedication for Woodyard Road (MD 223), in accordance with the 2010 *Prince George's County Landscape Manual*.
10. Prior to issuance of any permits, if the applicant and the applicant's heirs, successors, and/or assignees file a request for alternative compliance from the 20-foot-wide scenic/historic road landscaped buffer along Woodyard Road (MD 223) (Section 4.6 of the 2010 *Prince George's County Landscape Manual*), a viewshed study shall be submitted. Alternative compliance, if approved, shall ensure that the alternative landscape design will conserve and enhance the special roadway with regard to the natural and/or cultural features of the surrounding area.
11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
12. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Revise the plan and worksheet to include the 3.03 acres of land as part of the net tract area, and revise the subsequent calculations.
 - b. Revise the TCP1 to eliminate woodland preservation where no woodland exist and revise the worksheet as necessary.
 - c. Revise the legend to show the symbol for the wetlands and associated buffer.
 - d. Show the existing tree line to 100 feet beyond the property line on all sides.
 - e. Provide a note under the Specimen Tree Table stating how the specimen trees were located.

- f. Provide a letter from the Maryland Department of Natural Resources, Wildlife and Heritage Division, regarding the presence of rare, threatened, and endangered species.
 - g. Show the location of all existing and proposed water and sewer easements and provide symbols in the legend.
 - h. Show the required building restriction lines from all boundaries and the floodplain.
 - i. Complete General Note 7 to include that the property is "(formerly the Developing Tier) and is zoned R-A."
 - j. Revise General Note 11 to provide the conceptual stormwater management plan number.
 - k. Revise the legend to provide the "%" symbol for the "Steep Slopes 15% & Greater."
 - l. Add the owner's awareness certificate for all affected private property owners.
 - m. Add "TCP1-003-2016" to the TCP1 approval block.
 - n. Add a Woodland Conservation Summary Table in accordance with Part A, Section 6.2, of the Environmental Technical Manual.
 - o. Have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions.
13. The following note shall be placed on the final plat of subdivision:
- "Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-003-2016), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission."
14. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this property, pursuant to Section 25-122(d)(1)(B) of the Prince George's County Code, all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement shall be indicated on the TCP2. The following note shall be placed on the TCP2:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber ____ folio ____.
Revisions to this TCP2 may require a revision to the recorded easement.”

15. At the time of permit review, a lighting plan shall be submitted. The lighting plan shall demonstrate the reduction of sky glow through the use of full cut-off optics. Lighting shall be directed away from the adjacent on-site and off-site natural areas and residential areas.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George’s County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 100, Grids A-4 and B-4 and is known as Parcels 78 (41.45 acres), and 76 (8.52 acres). The property is located in the Residential-Agricultural (R-A) Zone and has a gross tract area of 49.97 acres. Sensitive environmental features exist on the property associated with a stream system that runs along the southern and eastern boundary of the site. The property has a large amount of street frontage ($\pm$ 1,171 sq. ft.) along Woodyard Road (MD 223) which abuts the property to the west, and frontage on a proposed, but unconstructed, master plan collector road (C-606) which extends east through the property from MD 223.

Parcel 78 (Parcel 1) is improved with a 2,750-square-foot barn that is to be razed, while Parcel 76 (Parcel 2) is currently undeveloped. Both properties are acreage parcels that have never been the subject of a prior preliminary plan of subdivision (PPS) application. The PPS proposes to resubdivide these parcels (Parcels 78 and 76) into Parcel 1. The applicant is proposing the development of a 73,673-square-foot church or similar place of worship on Parcel 1. In accordance with Section 27-441(b)(3) of the Zoning Ordinance, a church or similar place of worship located on a property that exceeds two acres in size in the R-A Zone is permitted by right without the further requirement that a detailed site plan be approved.

Master plan roadway C-606, is proposed through the southern portion of the site. The right-of-way for a majority of the proposed master plan roadway has already been obtained off-site on adjacent properties within the Windsong Subdivision abutting to the east of the subject property. The master plan designates C-606 as a two-lane collector with an 80-foot-wide ultimate right-of-way width that would ultimately connect South Osborne Road with MD 223.

The applicant has agreed to dedicate 400 linear feet of the 80-foot-wide master plan roadway and construct it to the extent that it would then connect to the southern access drive of the church’s parking compound. A reservation request for C-606 was sent to the Prince George’s County Department of Public Works and Transportation (DPW&T) and the Prince George’s County

Department of Permitting, Inspections and Enforcement (DPIE) for the remaining portion of the master plan roadway. However, no response was received from the operating agency prior to the scheduled hearing date. As a result, staff did not recommend that the Planning Board place the remainder of C-606 into reservation.

The applicant is proposing a driveway entrance along MD 223 directly across from Welshire Drive in the Windsor Park neighborhood. MD 223 is a designated arterial roadway, and direct access to a road of arterial or higher classification requires the Planning Board's approval of a variation from Section 24-121(a)(3) of the Zoning Ordinance. The driveway entrance from C-606 will provide a southern connection to the parking compound while the direct access point along MD 223 will provide a northern connection. A limited access point to MD 223 (right-in, right-out only, as determined appropriate by the Maryland State Highway Administration (SHA)) is recommended along the northern portion of the property, as it will improve circulation within the parking compound and distribute traffic more evenly along MD 223 during church functions.

The current Type 1 tree conservation plan (TCP1) demonstrates a proposed parking compound along the northern portion of the property that would impact 18,289 square feet of primary management area (PMA) associated with a wetland. The impact was not supported, however, the applicant has determined that they will have adequate parking to support the church without this portion of the parking lot and will remove the overflow parking within the PMA.

The applicant originally proposed two parcels. Due to the limited amount of dedication for C-606, proposed Parcel 2 would not have frontage on a public street and, therefore, would be land locked. Therefore, the two parcels will be combined into one parcel prior to signature approval of the PPS and TCP1.

3. **Setting**—The property is located along the east side of Woodyard Road (MD 223) at its intersection with Welshire Road.

The site is bounded to the north by undeveloped land currently used for agricultural purposes in the Mixed Use Transportation-Oriented (M-X-T) Zones; to the south by detached single-family dwellings in the Residential-Agriculture (R-A) Zone; to the east by vacant, M-NCPPC-owned property in the R-A Zone; and by the MD 223 right-of-way to the west. Beyond MD 223 to the west are detached single-family dwellings in the Rural Residential (R-R) Zone.

4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	R-A	R-A
Use(s)	Barn (to be razed)	Institutional
Acreage	49.97	49.97
Gross Floor Area	2,750 sq. ft.	73,673 sq. ft.
Parcels	2	1
Outlots	0	0
Dwelling Units:		
Detached	0	0
Variance	N/A	N/A
Variation	No	Yes 24-121(a)(3)

Pursuant to Section 24-113 of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on July 1, 2016. The requested variation to Section 24-121(a)(3) for direct access to a roadway of arterial classification for the proposed driveway entrance on Woodyard Road (MD 223) was heard at the SDRC meeting on July 15, 2016 as required by Section 24-113(b) of the Subdivision Regulations.

5. **Illegal Subdivision**—Parcel 76 was legally created in accordance with Section 24-107(c)(3) of the Subdivision Regulations by inter-family transfer and was therefore limited for use as a detached single-family dwelling. Although no development is proposed on that portion of the property (Parcel 76), by including it in the subject PPS, it will no longer be subject to this restriction.

Parcel 78 was formally part of a larger parent parcel (Parcel 6). Parcel 78 was created by an illegal division of Parcel 6. The division between Parcels 6 and 76 (Parcel 2) could have occurred through a lot-line adjustment resulting in the geographical limit reflected in this PPS. Therefore, the Planning Board's approval of this application will not perpetuate the illegal division of land, but is a corrective action initiated by the applicant through this PPS.

6. **Environmental**—The Planning Board reviewed the PPS submitted for Galilee Baptist Church (4-16008) and the Type 1 Tree Conservation Plan (TCP1-003-2016), stamped as received on June 13, 2016, with a revision received on August 5, 2016.

Background

The Planning Board previously reviewed the area in this application in conjunction with the following application: The Natural Resources Inventory, NRI-104-2016, approved on May 17, 2016.

Proposed Activity

The current application is for an institutional facility with associated parking and infrastructure.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and technical manual.

Site Description

The 49.97-acre site is located on the east side of Woodyard Road (MD 223), approximately 3,000 feet south of its intersection with Pennsylvania Avenue (MD 4). Based on available information, the site contains streams, wetlands, steep slopes of 15 percent and greater, and 100-year floodplain. The site is in the Charles Branch watershed of the Patuxent River basin. The predominant soils found to occur, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include the Dodon complexes. Based on available information, Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes. Woodyard Road is classified as a scenic and historic road. According to the 2005 *Approved Countywide Green Infrastructure Plan*, all three network features (regulated areas, evaluation areas and network gaps) are present on the site. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Master Plan Conformance—Prince Georges Plan 2035

The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Subregion 6 Master Plan

The Master Plan for this area is the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*. In the approved master plan and sectional map amendment, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

Approximately 50 percent of the site is within the Green Infrastructure Network and contains regulated, evaluation, and network gap areas. The regulated areas are associated with the stream system which runs along the southern and eastern boundary of the site. The evaluation area is located on the eastern half and south eastern portion of the site and is primarily wooded. The network gap area is centrally located on the property and is a combination of woodland and open field. The TCP1 proposes to preserve the majority of all three areas with the exception of an

impact for a stormwater outfall structure in the network gap area; however, the approved stormwater concept has not been submitted.

In addition to the outfall, a master plan right-of-way is shown along the southern boundary of Parcel 78 (Parcel 1). The future development of this right-of-way would result in impacts to the regulated area, specifically to the primary management area, where a stream crossing would be necessary.

These impacts are necessary for the development of the site and planned circulation and will be further evaluated to minimize as needed.

Based on the minimization of disturbance inside the Green Infrastructure Network, this proposal meets the intent of protecting critical resources.

Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.

This development proposal is to construct an institutional facility with parking and infrastructure. The site does not currently have a Stormwater Management Concept approval letter. The TCPI does not show how this site will meet environmental site design to the maximum extent practicable (ESD to the MEP). Approval of the concept plan is needed for review of conformance with Policy 2.

Policy 4: Protect, restore and enhance the Chesapeake Bay Critical Area.

The subject property is not located in the Chesapeake Bay Critical Area.

Policy 6: Increase awareness regarding air quality and greenhouse gas (GHG) emissions and the unique role that the Developing and Rural Tiers in Subregion 6 have to play in this effort.

Air Quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 7: Encourage the use of green building techniques and community design that reduce resource and energy consumption.

The development applications for the subject property should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible.

Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

The site has existing adjacent residential uses to the south of this property as well as to the west of Woodyard Road. The on-site natural areas to be preserved and the adjacent off-site areas should be protected from light intrusion.

At the time of permit review, a lighting plan shall be submitted. The lighting plan shall demonstrate the reduction of sky glow through the use of full cut-off optics. Lighting shall be directed away from the adjacent on-site and off-site natural areas and residential areas.

Policy 9: Reduce adverse noise impacts to meet acceptable state noise standards.

The project proposes to construct an institutional facility with associated parking and stormwater management facilities. No residential uses are proposed. A noise analysis and mitigation are not required at this time.

2005 Approved Countywide Green Infrastructure Plan

Approximately 50 percent of the site is within the Green Infrastructure Network and contains regulated, evaluation, and network gap areas. The regulated areas are associated with the stream system which runs along the southern and eastern boundary of the site.

The Evaluation area is located on the eastern half and south eastern portion of the site and is primarily wooded. The network gap area is centrally located on the property and is a combination of woodland and open field.

To find conformance with the Green Infrastructure Plan, the Planning Board must find that the TCPI plan adequately addresses the following policies, applicable to the current project:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

Note that the 2002 General Plan has been superseded by *Plan Prince George's 2035 Approved General Plan*.

The TCP1 proposes to preserve the majority of all three areas with the exception of an impact for a stormwater outfall structure in the network gap area; however, the approved stormwater concept has not been submitted.

In addition to the outfall, a master plan right-of-way is shown along the southern boundary of the property. The future development of this right-of-way would result in impacts to the regulated area, specifically to the Primary Management Area, where a stream crossing would be necessary.

A statement of justification has been received for the proposed impacts to wetlands, wetland buffer, and stream buffer, all within the PMA.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

The current project does not have an approved stormwater concept plan. A stormwater concept plan must be approved under the current stormwater regulations, requiring ESD to the MEP.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The current General Plan, Plan Prince George's 2035, designates the site within ESA 2 (formerly the Developing Tier). The revised plan proposes to preserve 22.94 acres of existing woodland, which includes most of the network. The woodland conservation worksheet shows 3.03 acres of "previously dedicated land" deducted from the total tract area, resulting in a reduced net tract area. The plan shows 0.4351 acre to be dedicated and 2.5911 acres to be placed in reservation. These two areas total approximately 3.03 acres, however they cannot be counted as previously dedicated and must be included within the net tract area.

Conformance with the 2010 Approved Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, County ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement, Prince George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sanitary Commission are also deemed to be consistent with this master plan.

Review of Previously Approved Conditions

The site has no previous review applications prior to this PPS submittal.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when and by whom.

Natural Resources Inventory/Existing Conditions

The Natural Resources Inventory, NRI-104-2016, was approved on May 17, 2016. All of the existing features shown on the TCP1 and the PPS are in conformance with the NRI.

Woodland Conservation

This property is subject to the provisions of the applicable Prince George's County Woodland Conservation Ordinance (WCO) because this is an application for a new PPS. A TCP1 has been submitted and approved.

The 49.97-acre site contains 31.11 acres of existing woodland on the net tract and 3.38 acres of woodland within the 100-year floodplain. The site has a woodland conservation threshold of 21.26 acres, or 50 percent of the net tract, as tabulated. The woodland conservation worksheet shows 3.03 acres of "previously dedicated land" deducted from the total tract area, resulting in a reduced net tract area. The plan shows 0.4351 acre to be dedicated and 2.5911 acres to be placed in reservation. These two areas total approximately 3.03 acres however they cannot be counted as previously dedicated and must be included within the net tract area.

As previously mentioned, a master plan right-of-way is planned along the southern boundary of Parcel 78 (Parcel 1), per the MPOT and will be partially dedicated to DPW&T as part of this application. Revise the TCP1 to show the woodland within the dedicated right-of-way as retained-assumed cleared and revise the worksheet as necessary. The area place in reservation shall be designated as "preserved, not credited."

The tree conservation plan has been reviewed and requires technical revisions to be in conformance with the applicable Woodland Conservation Ordinance (2010 WCO).

The TCP coversheet and plan shows the original tree line and also shows woodland preservation in areas where woodland does not exist. These areas cannot be counted as woodland conservation and should not be shown to be preserved. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made, as conditioned.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed.

This state requirement was incorporated in the adopted County Code effective on September 1, 2010. The specimen tree table on the TCP1 shows that all 17 specimen trees will be preserved with this plan. The limits of disturbance on the plan shows minor disturbance to the critical root zone of specimen tree number one. No additional information is required with regard to specimen trees.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The site contains regulated environmental features. According to the TCP1, impacts to wetlands and the associated buffer had been proposed for the parking area, as well as impacts to the stream buffers for stormwater outfalls. A statement of justification has been received for the proposed impacts to the wetlands, wetland buffer, and stream buffer, all within the PMA.

Statement of Justification

The Statement of Justification includes a request for three impacts to the PMA totaling approximately 22,500 square feet on-site, consisting of a parking area over the wetland and its associated buffer and two stormwater outfalls in the stream buffers. The letter of justification shows a discrepancy in the areas of impact.

Analysis of Impacts

Based on the statement of justification, the applicant requested a total of three impacts described below:

Impact Area 1—As noted in the justification statement, is a permanent impact for a stormwater management outfall. The impact is located near the north boundary of the site where a gravel road crosses in a north-south direction onto the adjacent property to the north. The impact is within the buffer at the head of an existing stream. The description states that a permanent impact of 1,416 square feet to the PMA and stream buffer is necessary in order to properly discharge the outfall from the proposed stormwater management devices throughout the northern portion of the development area. The outfall is proposed to discharge upland from an ephemeral source to the Charles Branch stream, within the stream buffer but outside the wetland buffer. This source is currently derived from the natural topography of the area and from the outfall of a stormdrain culvert on Woodyard Road, discharging into an emergent wetland along the northern portion of the property and ultimately feeding the source to the Charles Branch stream.

A permanent impact of this type to the stream buffer may be necessary for the proposed development of the site; however, an approved stormwater concept plan has not been provided so the location of outfall may change. This impact was deemed to be necessary by the Planning Board, and was approved.

Impact Area 2—As noted in the justification statement, is a permanent impact for a stormwater management outfall. The description states that a permanent impact of 2,400 square feet to the PMA and stream buffer is necessary in order to properly discharge the outfall from the proposed stormwater management devices throughout the southern portion of the developed area. The outfall is proposed to discharge upland of the Charles Branch, within the stream buffer but outside the wetland buffer. The outfall from the concentration of stormwater management devices will be carried a distance of approximately 500 linear feet, down an elevation of approximately 38 feet, through a 24-inch HDPE pipe, to the ultimate outfall in the PMA.

A permanent impact of this type to the stream buffer for stormwater outfall may be necessary for the proposed development of the site. There are concerns that with the concentration of a potentially large volume of stormwater through a pipe this size, and achieving considerable velocity down a 38-foot drop in elevation for 500 linear-feet to an ultimate discharge, 25 feet from the Charles Branch stream, may result in significant erosion. It should be noted that staff visited the site and acknowledged the significant healthy condition of the stream.

This impact was deemed to be necessary and was approved by the Planning Board, subject to a condition that the stormwater design utilize environmental site design to the maximum extent practicable.

Impact Area 3—As noted in the justification statement, is for a permanent impact for parking area and stormwater management devices. The description states that a total permanent impact of 18,289 square feet of PMA is necessary for the development of a parking area to serve the proposed use. This proposed impact consists of 3,410 square feet of emergent wetland and 14,879 square feet of wetland buffer. The wetland is identified as emergent in the Wetland Delineation Report, Prepared by Eco-Science Professionals, Inc. and dated April 12, 2016 and is likely the product of a combination of being a natural drainage collection from the surrounding topography, the concentration of stormwater from a stormdrain and culvert discharging onto the site from Woodyard Road, and a disruption to the flow from an old farm road between Woodyard Road and the stream source.

In addition to wetlands providing a biological and hydrological benefit, this emergent wetland is managing stormwater from an outfall on Woodyard Road. The overall site, despite the environmental constraints, contains a relatively large developable area that is unencumbered by woodlands or regulated environmental features, where parking could be located. The applicant has not demonstrated that the disturbance to this wetland is necessary for the development of the site, and has verified that the parking is not required but overflow parking.

The applicant has agreed to remove the impact prior to signature approval, and the impact is not approved.

The Planning Board finds that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat.

Noise

The project proposes to construct an institutional facility with associated parking and stormwater management facilities. No residential uses are proposed. Noise mitigation analysis and mitigation is not required at this time.

Scenic and Historic Roads

Woodyard Road is classified as historic, a Special Roadway as designated by the MPOT. A 20-foot-wide landscape buffer is required along the frontage. The requirement of this buffer may result in changes to the proposed layout. This buffer must also be exclusive of any road improvements and the required public utility easement in accordance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

Soils

The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Dodon complexes. Based on available information, Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes.

7. **Community Planning**—The subject application is located in Planning Area 82A within the Rosaryville Community, and within the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA). The 2013 Subregion 6 Master Plan and SMA retained the subject property within the R-A Zone and recommended an institutional land use for the property. This application proposes a church or other place of worship which conforms to the institutional land use recommendation within the 2013 Subregion 6 Master Plan and SMA.

The property is located within the *Plan Prince George's 2035* General Plan Growth Boundary. This application is consistent with and conforms to the Plan 2035 General Plan policies for the Established Communities.

8. **Parks and Recreation**— In accordance with Section 24-134(a) of the Subdivision Regulations, the PPS application is exempt from Mandatory Dedication of Parkland requirements because it consists of nonresidential development.

9. **Trails**—The following PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 Subregion 6 Master Plan and SMA (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. Because the site is not located in either a designated center or corridor, it is not subject to the requirements of Section-24-124.01 and the “Transportation Review Guidelines – Part 2, 2013” at the time of PPS.

Background

Two master plan trail recommendations impact the subject application, with trails or shared-use sidepaths recommended along the following roads:

- Woodyard Road Shared-Use Path
- C-606 Shared-Use Path

The MPOT includes the following text regarding the trail along MD 223:

“MD 223 Shared-Use Side path: A shared-use side path or wide sidewalk is recommended along this rapidly developing corridor in southern Prince George’s County. There has been consistent feedback from the community that safe pedestrian facilities are needed along this heavily traveled and rapidly developing corridor. This trail will provide safe access to numerous schools and park facilities, as well as link adjoining residential communities. Currently, sidewalks are fragmented or missing in many areas and a side path is needed to improve pedestrian safety.”

Where this facility has been implemented along MD 223, it has been along the west side of the road, which is opposite of the subject site. Therefore, a standard sidewalk should be provided along the subject site’s entire frontage of MD 223, unless modified by SHA. Some dedication will be required for the master plan road which crosses the subject property. The roadway dedication is sufficient to accommodate the shared-use path along the road.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) reaffirms the need for sidewalks as frontage improvements are made by including several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Consistent with the complete street policies of the MPOT, the following is recommended:

1. A standard sidewalk along the subject site's entire frontage of MD 223, unless modified by SHA.
2. A standard sidewalk linking the building entrance with the sidewalk along MD 223.
3. A shared-use path along C-606 and MD 223, unless modified by the operating agency.

Should SHA require a sidewalk along the frontage of MD 223, it is recommended that a standard sidewalk that links the building entrance with the sidewalk along MD 223 be provided. The 80-foot-wide right-of-way width (40 feet from center line) that is designated by the master plan for C-606 and will be dedicated with this PPS will be sufficient to accommodate the shared-use path that is recommended in the MPOT, if implemented by the County.

10. **Transportation**—The 49.97-acre R-A zoned property is located in the east side of Woodyard Road (MD 223), opposite the intersection of Welshire Drive and MD 223. The subject application proposes the construction of a church. The following are comments concerning site access, geometric design, and traffic impact of the subject application.

The subject property is located within Transportation Service Area (TSA) 2, as defined in *The Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Transportation "Guidelines."

Unsignalized intersections: The procedure for un-signalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at un-signalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and

install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

On September 8, 2016, a revised traffic impact study was submitted for the subject development. The study was revised to reflect a church with a gross floor area of 73,673 square feet, rather than 50,000 square feet in the previous submission. The increase in size resulted in an increase of 285 peak trips on Sundays (from 602 to 887), and an increase of 6 peak hour trips (25 to 31) on weekdays. As a result of those increases, the following table identifies the associated levels of service for existing, background, and total traffic:

Intersection	Sunday Peak (Existing)	Sunday Peak (Background)	Sunday Peak (Total)
	LOS/CLV	LOS/CLV	LOS/CLV
MD 223 and Marlboro Pike	A/598	A/769	A/928
MD 223 and Welshire Drive-Site Access 1*	--	--	B/1019
MD 223 and C-606 (Site Access 2)*	--	--	A/887
MD 223 and Dower House Road	C/614	C/1132	C/1290
MD 223 and Rosaryville Road	A/479	A/657	A/745
MD 223 and MD 4 EB Ramps*	--	A/952	B/1027
MD 223 and Old Marlboro Pike*	--	A/653	A/683
*In analyzing un-signalized intersections, a three-step analysis is employed, starting with average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume for each intersection, and all are within the 1,150 threshold of acceptable operations.			

Weekday Analysis:

Existing Conditions		
Intersection	Level of Service/CLV	
	AM	PM
MD 223 and Marlboro Pike	D/1308	D/1317
MD 223 and Welshire Drive-Site Access*	31.6 Seconds	26.2 Seconds
MD 223 and C-606 (proposed 2nd site access)*	future	future
*In analyzing un-signalized intersections, a three-step analysis is employed, starting with average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume for each intersection, and all are within the 1,150 threshold of acceptable operations.		

Background Conditions		
Intersection	Level of Service/CLV	
	AM	PM
MD 223 and Marlboro Pike	E/1593	F/1648
MD 223 and Welshire Drive-Site Access*	42.0 Seconds	39.8 Seconds
MD 223 and C-606 (proposed 2nd site access)*	future	Future
*In analyzing un-signalized intersections, a three-step analysis is employed, starting with average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume for each intersection, and all are within the 1,150 threshold of acceptable operations.		

Total Conditions		
Intersection	Level of Service/CLV	
	AM	PM
MD 223 and Marlboro Pike	F/1604	F/1659
MD 223 and Welshire Drive-Site Access*	45.5 Seconds	43.1 Seconds
MD 223 and C-606 (proposed 2nd site access)*	28.0 Seconds	26.4 Seconds
*In analyzing un-signalized intersections, a three-step analysis is employed, starting with average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume for each intersection, and all are within the 1,150 threshold of acceptable operations.		

The intersection of MD 223 and Marlboro Pike has been deemed critical to several developments, and has been the subject of previous evaluations. Pursuant to PGCPB Resolution No. 08-99, the Planning Board approved Preliminary Plan of Subdivision 4-07086 for the Norbourne Property on June 19, 2008. Information provided in the resolution for 4-07086 indicates that under total traffic, the intersection was projected to operate with levels of service 'E' and 'F' during the AM and PM peak hours respectively. Approximately 65 percent of the proposed site traffic will pass through this intersection. It is the recommendation that the proposed improvements cited in PGCPB Resolution No. 08-99 should be applicable to this development as well. Those conditions are as follow:

32. **MD 223 and Marlboro Pike: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the County's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**
 - a. **On the southbound MD 223 approach, construct an additional southbound left-turn lane.**
 - b. **Also on the southbound MD 223 approach, construct a free-right-turn lane.**

If these improvements are implemented, the intersection of MD 223 and Marlboro Pike is projected to operate at B/1,052 during the AM peak hour and D/1,364 during the PM peak hour at the required acceptable level of service.

Regarding on-site circulation, there are no issues with access provided to both MD 223 and C-606.

Master Plan, Right of Way Dedication

The property is located in an area where the development policies are governed by the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, as well as the 2013 *Approved Subregion 6 Master Plan and Sectional Amendment*. One of the recommendations from the master plans was the construction of a two-lane collector (C-606) between Osborne Road and MD 223. The proposed collector is located along the property's southern border. The applicant has agreed to dedicate and construct approximately 400 feet of C-606 beginning at its intersection with MD 223. A request for reservation for the remaining portion of this facility was sent to DPW&T. However, no response was received from the operating agency prior to the scheduled hearing date. As a result, staff did not recommend that the Planning Board place the remainder of C-606 into reservation. The location of this planned facility is accurately reflected on the applicant's revised plans.

Woodyard Road is a master plan arterial facility with a variable right-of-way and minimum of 120 feet. The dedication reflected on the revised PPS is acceptable and will be dedicated to public use at the time of record plat.

Variation Request–Woodyard Road (MD 223)

The applicant is proposing one direct-vehicular access to MD 223 an arterial roadway. A variation from Section 24-121(a)(3) of the Subdivision Regulations which limits individual access to roads of arterial and higher classification was filed by the applicant and approved by the Planning Board. In executing this variation request, the applicant must meet several legal requirements pursuant to Section 24-113(a) of the Subdivision Regulations. Those requirements are shown in **boldface type** followed by the finding:

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

This site has been accessing MD 223 Woodyard Road, an arterial road, since the early 1970's the earliest record for the tax account number for the site. The current access to the site is a single point of entry on Woodyard Road, roughly 50 yards north of its intersection with Welshire Drive. The current conceptual layout suggests the access to the site be made at the intersection of Woodyard Road and Welshire Drive, thus reducing the number of access points along Woodyard Road in close proximity to one another. This provides the benefit of increased safety, as well as improving traffic flow, benefiting the welfare of those citizens who routinely travel in the area.

With the configuration of access with the primary access point at C-606, a publicly dedicated street, and augmented by the secondary (limited) access driveway being proposed at the existing intersection of MD 223 and Welshire Drive. The uses within the site are too large to be effectively served by a single driveway or access point.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The subject property, as it exists today, is bounded to the West by Woodyard Road; there is no other public right-of-way that provides access to the site. The subject property is bounded to the East and South entirely by a combination of wetlands, wetland buffers, streams, stream buffers, floodplain, and their associated primary management area (PMA). To the North, all but sixty-two feet of its span contains PMA. These conditions create an environment that is unique to the property and generally not applicable to other properties.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

No other applicable law, ordinance or regulation will be violated by the granting of this variation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The subject property, as it exists today, is bounded to the West by Woodyard Road; and C-606 on the south. The subject property is bounded to the East and South entirely by a combination of wetlands, wetland buffers, streams, stream buffers, floodplain, and their associated primary management area (PMA). To the North, all but sixty-two feet of its span contains PMA. Because of the size of the church, having two points of access (MD 223 and C-606) will allow distribution of traffic, improving safety and overall traffic flow.

Based on the preceding findings, the PPS conforms to the required findings in Sections 24-123 and 24-124 of the Subdivision Regulations.

11. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
12. **Fire and Rescue**—The Planning Board reviewed this PPS for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that "A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month."

The proposed project is served by Westphalia Fire/EMS Company 823, a first due response station (a maximum of seven minutes travel time), located at 9051 Presidential Pkwy.

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

13. **Police Facilities**—The proposed development is within the service area of Police District V, Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2015 (U.S. Census Bureau) county population estimate is 909,535. Using 141 square feet per 1,000 residents, it calculates to 128,244 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
14. **Water and Sewer Categories**—Section 24-122.01(b)(1) states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 4, Community System Adequate for Development Planning, and will therefore be served by public systems.
15. **Use Conversion**—The subject application is proposing the development of 73,673 square feet for an institutional use. If a substantial revision to the use on the subject property is proposed that affects Subtitle 24 adequacy and findings as set forth in the resolution of approval, a new PPS shall be required prior to approval of any building permits.
16. **Public Utility Easement (PUE)**—Section 24-122 of the Subdivision Regulations requires a public utility easement (PUE) along both sides of all public rights-of-way. The property's street frontage is along MD 223 and C-606, and the applicant has provided the required public utility easement along their side of the public streets.

In accordance with the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

“Utility easements are granted pursuant to the terms and provisions recorded among the Prince Georges County Land Records of Prince George’s County in Liber 3703 at folio 748.”

17. **Stormwater Management**—The applicant has filed conceptual stormwater management plan 29538-2016 with DPIE which is currently under review. DPIE will review for conformance to the SWM concept plan and technical approval at the time of grading permit to ensure that development does not result in any on-site or downstream flooding. Development must be in conformance with that approved plan and subsequent approvals.
18. **Historic**—The subject property comprises 50 acres located on the east side of Woodyard Road, directly east of the intersection of Woodyard Road and Welshire Drive in Upper Marlboro, Maryland. This application proposes the construction of a place of worship in the R-A Zone.

The subject property is located on a tract of land called Darnall’s Delight, patented by Henry Darnall on June 28, 1683. Henry Darnall built a large brick mansion known as “The Woodyard” on his property, the ruins of which now comprise the Woodyard Historic Site (82A-041), located approximately 1.3 miles southwest of the subject property. Henry Darnall’s will notes that the tract on which he formerly lived in Prince George’s County contained 13,020 acres. Darnall’s inventory lists 108 enslaved laborers dispersed across the main dwelling plantation and three other quarters within the larger plantation. Henry Darnall, who died in 1711, devised the Woodyard plantation to his son, Henry Darnall. In 1730, Henry Darnall conveyed three tracts known as Darnall’s Delight, Elizabeth, and Darnall’s Last Addition, containing 2,050 acres, to William Black. William Black then sold the 2,050 Woodyard plantation to Richard Williams, a merchant.

Richard Williams died in 1752 and bequeathed half of his estate to his wife, Christian Williams and the other half to his daughter, Hannah Williams. Hannah Williams married Stephen West on March 5, 1753 and they resided on the Woodyard plantation. Stephen West was a merchant, a member of the Provincial Council and an arms manufacturer. It is believed that West manufactured weapons for the colonial militia during the Revolutionary War on the Woodyard plantation. Other manufactures occurring on the Woodyard plantation at the time of the Revolution included the production of clothing, a small brewery and distillery; and a cotton spinning machine. West also supplied clothing items to patriot forces during the Revolution.

Stephen West died on January 22, 1790 and the Woodyard plantation continued to be occupied by his widow, Hannah West, and his sons, Richard W. and Stephen West. At the time of Stephen West’s death, the Woodyard plantation comprised about 2,400 acres and his inventory lists 117 enslaved laborers. The 1798 federal direct tax of the Woodyard plantation lists the main dwelling house, two overseer’s houses, a smoke house, carriage house, four corn houses, seven tobacco houses (barns), and 15 “negro houses.” The estate was also taxed for 142 enslaved laborers. The 1800 federal census records 155 enslaved laborers on the Woodyard plantation and 115 were listed on the property in 1810.

The Woodyard (which at this time included the subject property) also played a role in the War of 1812. During the British invasion in 1814, American forces marched to join their commander, Brigadier General William H. Winder at the Woodyard on August 21. Richard W. West, brother-in-law of Francis Scott Key, was residing there at the time. Commodore Barney and about 400 of his flotillamen, along with Secretary of State Monroe, joined Winder's forces at the Woodyard on August 22 before marching to Long Old Fields (now Forestville). British forces heading towards Washington camped near Melwood Park (Historic Site 78-015), about one-half mile northeast of the subject property. From here, the British continued their advancement through Long Old Fields towards Bladensburg and eventually to Washington, D.C., where the Capitol, White House and other government buildings were burned.

Hannah West died in Georgetown, in Washington, D.C., in 1815. Richard W. West and Stephen West continued to reside on the Woodyard plantation, but did not make a formal partition of the property until June 1824. The 1820 Census indicates that Richard W. West held 117 enslaved laborers on his part of the Woodyard and Stephen West held 59 enslaved laborers. In the 1824 partition of the Woodyard plantation, Stephen West was allotted 877.5 acres of the Woodyard, which included the subject property, along with other lands, totaling 1,410.5 acres.

Stephen West's daughter, Rachel Sophia West, married Benjamin Oden of Bellefields (Historic Site 82A-026) on January 25, 1791. Stephen West conveyed his 877.5 acres of the Woodyard plantation to his son-in-law, Benjamin Oden, on June 2, 1825. Benjamin and Rachel Oden's daughter, Sophia Margaret Oden married Baruch Mullikin on February 25, 1823 and the 877.5 acres was possibly meant to be a wedding gift from Stephen West to his granddaughter. Benjamin Oden died in September 1836. In his will, Benjamin Oden bequeathed to his son-in-law, William D. Bowie, 600 acres of the former Woodyard plantation to be held in trust for his daughter, Sophia Margaret Mullikin. The inventory of Benjamin Oden's estate listed the "Charles Branch Farm" with 46 enslaved laborers, livestock, farming utensils and crops including corn, straw, hay and tobacco.

Baruch Mullikin is listed in the 1840 Census with 25 persons engaged in agriculture and a total of 47 enslaved laborers. Baruch Mullikin died sometime before 1850. Sophia Mullikin is listed in the 1850 Census as the head of household and she held 39 enslaved laborers at that time. Sophia Mullikin died in October 1851. In 1852, her son, Richard O. Mullikin, filed a petition in the Prince George's County Court, sitting as a Court of Equity, to divide his mother's estate. The Charles Branch farm was divided into lots and Lots 2 and 3, containing 371.75 acres, was conveyed by Charles Clagett, as Trustee, to William B. Bowie. Existing Parcel 78 lies within the 371.75 acre tract. William B. Bowie died in 1888 and devised the "Charles Branch Place" to his son, Richard Irving Bowie.

Parcel 78 of the subject property then became part of the Norbourne farm (77-003). Richard Irving Bowie built the house known as Norbourne at the southwest intersection of Marlboro Pike and Woodyard Road in the 1880s. After his first wife died 1889, Bowie remarried to Effie Gwynn, author of *Across the Years in Prince George's County*. They raised eight children on the

Norbourne farm. Richard Irving Bowie served as a judge of the Orphans court of Prince George's County for 20 years, for many of those years as chief judge. He died on December 16, 1923.

In July 1924, Effie Gwynn Bowie sold the portion of the "Charles Branch" farm on the east side of Woodyard Road, being about 90 acres, to John A. Coale. The tract remained in the possession of the Coale family until 1971 and changed hands several times until purchased by Galilee Baptist Church from the Henson Valley Montessori School, Inc., in 2009 (Liber 30474, folio 41).

Parcel 76 was part of the Mount Clare farm (Historic Site 82A-039) until 1939, when 83.5 acres was sold to Hendrick G. Mitchell and Joseph H. Mitchell. Mount Clare was built in the mid-1850s for Richard Oden Mullikin. Galilee Baptist Church acquired 8.54 acres (Parcel 76) of the 83.5-acre tract in 2009 from the Henson Valley Montessori School, Inc. (Liber 30474:41).

Charles Branch and its tributaries run along the eastern and southern boundaries of the subject property. Prehistoric archeological sites have been found in similar settings and the probability of the subject property containing significant prehistoric archeological resources is moderate to high.

Because there is a moderate to high probability that prehistoric and historic archeological resources will be identified on the subject property, a Phase I archeological survey was recommended on the subject property. In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review, May 2005*, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property was the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

Conclusions

The subject property was once part of a large plantation known as the Woodyard throughout the eighteenth and early nineteenth centuries. The Woodyard was established by Henry Darnall, who was a wealthy planter and Proprietary Agent of Charles Calvert, 3rd Lord Baltimore, and served as Deputy Governor of Maryland for a time. Through his connections to the Calvert family, Darnall acquired large amounts of land, wealth and political power. Large numbers of enslaved laborers worked the land, which was divided into various quarters operated by overseers.

Under the ownership of Stephen West, the Woodyard plantation was an important supplier of the Continental Army. It was also an encampment site for American forces during the British march on Washington in 1814.

During the late nineteenth and early twentieth centuries, the Woodyard plantation was further divided into smaller farms, but was still owned by descendants of Stephen West. In the 1920s, smaller parcels of the former plantation were sold off and later subdivided.

A Phase I archeological survey was conducted on the subject property in July 2016. A pedestrian reconnaissance survey was conducted in areas of the property included within a series of community gardens. Shovel test pits were excavated in other areas of the property with relatively level topography and less than 50 percent visibility. Several historic artifacts and one possible prehistoric artifact were identified in the northwestern portion of the property. The artifact scatter was widely dispersed and, therefore, a site number was not assigned. An area that contained small flecks of brick was also identified to the south of the artifact scatter and to the south of the remnant of an old roadbed. It is believed that this may have been the site of an agricultural building that was demolished prior to 1938, as nothing is visible in the aerial photographs from that year. No other artifacts were found in association with the brick flecks and an archeological site was not delineated. Any trace of this building was likely destroyed by continued plowing of the area. In summary, no archeological sites were delineated on the subject property and no further archeological investigations are recommended.

If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies.

19. **At the Public Hearing**—This case was originally heard by the Planning Board on September 8, 2016, and was continued to September 29, 2016, at the request of the applicant. The continuance allowed the applicant additional time to prepare an addendum to the traffic study originally filed with the PPS and to further address transportation concerns raised at the September 6, 2016 community meeting held by the applicant with the nearby homeowners associations. Upon review of the staff report issued for the September 8, 2016 hearing, the applicant had realized that the size of the proposed church as indicated on the report's coversheet and on the PPS which they filed was not correct. The plans that were submitted for the application stated that the proposed building would be 50,000 square feet in size. However, the applicant's architect had determined that the correct size of the proposed structure is 73,673 square feet, which had implications to the traffic analysis.

The additional square footage (23,673 square feet) was the result of administrative offices, Sunday school classrooms, and choir rehearsal space that was not included in the original gross floor area calculation by the applicant. However, the proposed seat count for the church remained unchanged (1,400). This discrepancy did not affect the footprint of the building shown on the submitted plans, as the applicant's civil engineer verified that the footprint of the building was shown correctly on the tree conservation plan. The Transportation Planning Section's prior finding of adequacy was predicated on a 50,000-square-foot church, or similar place of worship. As a result of the additional square footage, an addendum to the traffic study was submitted by the applicant dated September 8, 2016.

The Transportation Planning Section reviewed the addendum dated September 8, 2016, and the analysis resulted in a revised trip cap (Condition 5), which is reflective of the actual gross floor area of the proposed building.

At the public hearing for this application on September 29, 2016, staff recommended minor modifications to Conditions 9 and 10 to correct the width of the scenic/historic landscape buffer that is required along Woodyard Road (MD 223). Condition 10 was further clarified to indicate that the scenic/historic landscape buffer required along Woodyard Road is pursuant to the requirements of the Landscape Manual. Therefore, the applicant may file for alternative compliance (AC) from this requirement at the time of permit. However, if the applicant were to file for AC, the applicant is required to submit a viewshed study to inform the decision. Currently the Landscape Manual only requires a viewshed analysis in the area formerly known as the Rural Tier, and the subject property is located in the area formerly known as the Developing Tier.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 29, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of October 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JF:rpg

APPROVED AS TO LEGAL SUFFICIENCY

M-NCRPC Legal Department
Date 10/13/16