

R E S O L U T I O N

WHEREAS, Trustees of Grace United Methodist Church is the owner of a 12.45-acre parcel of land known as Parcels 53 and 249, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned Residential-Estate (R-E) and Rural Residential (R-R); and

WHEREAS, on August 31, 2017, Trustees of Grace United Methodist Church filed an application for approval of a Preliminary Plan of Subdivision for one lot and one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16033 for Grace United Methodist 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 January 25, 2018, 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 January 25, 2018, 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 1 Tree Conservation Plan TCP1-009-17, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-16033 for one lot and one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following revisions shall be made:
  - a. Provide the acreage breakdown per zone.
  - b. Provide the correct acreage of 12.45 on the plan.
  - c. Correct General Note 18 to reflect MIOZ, not ILUC.
  - d. Add the Type 1 tree conservation plan number to General Note 27.
  - e. Update General Note 4 to add Parcel 1.

2. Prior to signature approval of the preliminary plan of subdivision (PPS), the tree conservation plan (TCP) shall be revised to:
  - a. Label Boundary Stones BF 9 and BF 10 and the Digges Chapel Site and Cemetery (Documented Property 80-053) on the PPS and TCP.
  - b. Adjust the limits of disturbance on the TCP to include Boundary Stones BF 9 and BF 10 within the area not to be disturbed.
  - c. Remove the label for the cemetery abutting the driveway entrance to the site (“Existing Digges Cemetery Area”) and replace with “Grace United Methodist Church Cemetery Historic Site (80-018091).”
3. Prior to approval of the final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall submit a draft archeological conservation easement to be approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC). The easement shall be established around the Digges Chapel Site and Cemetery (Documented Property 80-053), that includes a 20-foot buffer area. Prior to recordation of the final plat, the easement shall be recorded among the Prince George’s County Land Records, the liber and folio indicated, and the following note placed on the final plat:

“Any ground disturbance within the recorded (Liber and folio) archeological conservation easement must be reviewed and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George’s County Planning Department, Countywide Planning Division, Historic Preservation Section.”
4. Prior to signature approval of the preliminary plan of subdivision and the Type 1 tree conservation plan, the natural resources inventory shall be revised to reflect the limits of Marlboro clay, as shown on PGAtlas.com.
5. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Add TCP1-009-17 to the approval block.
  - b. Show and label all stormwater management structures.
  - c. Add the Marlboro clay limits on the plan view and add a symbol and label to legend.
  - d. Add a note about the existing cemetery on-site.
  - e. Revise General Note 1 to add the preliminary plan of subdivision number (4-16033)

- f. Add a Property Owner Awareness block.
  - g. Have the revised plan signed and dated by the qualified professional who prepared it.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-009-17). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-009-17), 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 2010 Woodland and Wildlife Habitat 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 (M-NCPPC), Prince George’s County Planning Department.”
7. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP1 notes on the plan, as follows:
- “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.”
8. Prior to preliminary plan of subdivision approval, the following note shall be placed on the Type 1 tree conservation plan, which reflects this approval, directly under the woodland conservation worksheet:
- “NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE):  
The removal of three specimen trees (Section 25-122(b)(1)(G): ST4, a 37-inch Yellow Poplar; ST5, a 37-inch Yellow Poplar; and ST13 a 36-inch Yellow Poplar.”
9. Prior to approval of the limited detailed site plan, the applicant shall prepare and submit a revised geotechnical report following Technogram 006-2016 “Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments” prepared by Prince George’s County, for review and approval by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) to confirm the top and bottom elevations of the Marlboro clay and determine the slope stability 1.5 safety factor lines. Where appropriate, the “rational method” shall be used to determine the slope stability safety factor to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water

Quality Resources and Grading Code, in accordance with the guidelines established by DPIE for Marlboro clays.

10. Prior to signature approval of the Type 1 tree conservation plan, the applicant shall submit a revised stormwater management concept plan and approval letter to show the revised stormwater structure locations.
11. At the time of the limited detail site plan, the applicant shall file a Type 2 tree conservation plan that shall indicate the mitigated and unmitigated 1.5 safety factor line, if any, as approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Unless approved by DPIE, all stormwater management devices shall be located at least 50 feet outside Marlboro clay areas indicated by PGAtlas and delineated by geotechnical investigations. Their outfalls shall extend either to the bottom of the delineated Marlboro clay or to existing non-ephemeral creeks or streams.
12. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to approval any building permits.
13. The applicant shall submit a limited detailed site plan, to be approved by the Planning Board or its designee prior to approval of the final plat, and shall address the following:
  - a. **Lot Line Adjustment**
    - (1) Submit the executed deed for the lot line adjustment between Parcel 1 and the subject property, ensuring that the proposed lot meets the minimum lot frontage at the street in the R-R Zone, and record the document among the Prince George's County Land Records.
  - b. **Cemetery**
    - (1) Perform additional on-site discovery in the presence of the applicant's archaeologist and/or staff archaeologist to determine the boundary of the cemetery.
    - (2) Delineate the extent of the archeological easement.
    - (3) Provide details of the required perimeter fencing, and timing for installation.
    - (4) Address the provisions of Section 24-135.02(a)(5) of the Subdivision Regulations.

c. **Marlboro Clay**

- (1) Submit a revised geotechnical report.
  - (2) Revise the approved natural resources inventory to reflect the Marlboro clay.
  - (3) Submit a Type 2 tree conservation plan for approval.
  - (4) Delineate the limit of the 1.5 safety factor line (mitigated and unmitigated) on the Type 2 tree conservation plan.
  - (5) If the outfalls are confirmed by the Prince George's County Department of Permitting, Inspections and Enforcement to be within the 1.5 safety factor line, then the applicant shall submit a revised stormwater management concept plan relocating outfalls outside of the 1.5 safety factor line.
14. Prior to final plat, the applicant shall include the following on the dedication documents recorded on the final plat: "Utility easements are granted pursuant to the declaration recorded among the Prince George's County Land Records in Liber 3703 at Folio 748."
  15. The final plat shall note that the on-site cemetery is a permitted use and not nonconforming.
  16. The preliminary plan of subdivision shall list the requirements for the limited detailed site plan as a general note.
  17. Total development within the subject property shall be limited to uses which generate no more than 17 AM and 17 PM weekday and 421 Sunday peak hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
  18. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
  19. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 42280-2016-00 or any subsequent revisions.

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 the southeast side of Old Fort Road, approximately 150 feet east of its intersection with Flagship Avenue. This preliminary plan of subdivision (PPS) includes Parcel 53, recorded in the Prince George’s County Land Records in Liber 35783 at Folio 569, and Parcel 249, recorded in the County Land Records in Liber 18672 at Folio 544. Overall, the area of the property is approximately 12.45 acres and is zoned Residential-Estate (R-E) and Rural Residential (R-R). The applicant is proposing to consolidate the existing acreage parcels into Parcel 1, and construct a 35,000-square-foot building for an institutional use (church), which is permitted by-right in both the R-E and R-R Zones. The applicant is currently in the process of drafting a lot line adjustment between the existing Parcel 53 and the adjoining Parcel 54 in order to meet the required lot width at the front street line of 70 feet in the R-R Zone. The properties have never been the subject of a PPS.

The tree conservation plan identifies 13 specimen trees, 3 of which are proposed to be removed. Section 25-122(b)(1)(G) of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires the preservation of specimen trees. The applicant is requesting a variance in order to develop the site as proposed. The Planning Board approves the variance for the removal of three specimen trees, as discussed further.

3. **Setting**—The property is located on Tax Map 132, Grid D-2, in Planning Area 80, with approximately 0.35 acre situated in the R-R Zone and 12.35 acres located in the R-E Zone. Development surrounding this site includes: vacant land in the R-R Zone abutting to the west, single-family detached dwellings in the R-E Zone to the southwest, vacant land in the R-R Zone and single-family detached dwellings in the R-E Zone to the south, vacant land in the R-E Zone abutting to the east, and single-family detached dwellings in the R-E Zone and an existing church in the R-R Zone to the north. On the west side of Old Fort Road, single-family detached dwellings in the R-E Zone are the only use present.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

Zone	EXISTING	APPROVED
Use(s)	R-E and R-R Cemetery (to remain)	R-E and R-R Church/Cemetery (35,000 sq. ft. of GFA)
Acreage	12.45	12.45
Lots	0	0
Outlots	0	0
Parcels	2	1
Dwelling Units:	0	0
Public Safety Mitigation Fee	No	No
Variance	No	Yes (25-125(b)(1)(G))
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on September 22, 2017. The applicant granted a 70-day waiver on September 29, 2017, and submitted a request for a variance pursuant to Section 25-122(b)(1)(G) on December 11, 2017.

5. **Limited Detailed Site Plan**—There remain three outstanding issues that impact the development of this site and the establishment of appropriate limitations related to the existing cemetery (Section 24-135.02) and Marlboro clay discovered on-site (Section 24-131). The mandatory action time frame for approval of a PPS is 140 days. This application had only one more available Prince George's County Planning Board hearing date after the January 25, 2018 hearing date within the mandatory action time frame, which did not provide adequate time to resolve the outstanding issues.

The Planning Board finds that a limited detailed site plan (DSP) shall be approved prior to final plat, which will allow the applicant to continue to move forward in the review process. Based on the nature of the outstanding issues, the Planning Board finds that a staff-level review is sufficient to provide the appropriate framework to resolve the issues in a timely manner. Once the original limited DSP is approved and developed, the condition for the site plan shall be fulfilled.

The limited DSP shall be approved by the Planning Board or its designee prior to approval of the final plat, and shall address the following three items, in general, which are discussed further in the Environmental, Historic, and Zoning findings:

a. **Lot Line Adjustment**

- (1) Submit the executed deed for the lot line adjustment between Parcel 1 and the subject property, ensuring that the proposed lot meets the minimum lot frontage at the street in the R-R Zone, and record the document among the County Land Records.

b. **Cemetery**

- (1) Perform additional on-site discovery in the presence of the applicant's archaeologist and/or staff archaeologist to determine the boundary of the cemetery.
- (2) Delineate the extent of the archeological easement.
- (3) Provide details of the required perimeter fencing, and timing for installation.
- (4) Address the provisions of Section 24-135.02(a)(5) of the Subdivision Regulations.

c. **Marlboro Clay**

- (1) Submit a revised geotechnical report.
- (2) Revise the approved natural resources inventory (NRI) to reflect the Marlboro clay.
- (3) Submit a Type 2 tree conservation plan (TCP2) for approval.
- (4) Delineate the limit of the 1.5 safety factor line (mitigated and unmitigated) on the TCP2.
- (5) Submit a revised stormwater management concept plan relocating outfalls outside of the 1.5 safety factor line.

6. **Zoning**—Pursuant to Section 27-442 of the Prince George’s County Zoning Ordinance, the property must have a minimum of 70 feet of lot street frontage. However, this site’s frontage is 65 feet at Old Fort Road and is not in conformance with the required regulation. The applicant has submitted a draft deed for a lot line adjustment, which effectively increases the frontage at Old Fort Road from 65 feet to 70 feet. The applicant must execute this deed of adjustment and have it recorded among the County Land Records.
7. **Community Planning**—The *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035) designates the area of the site in the Established Communities Growth Policy area. The vision for Established Communities is a context-sensitive infill and low- to medium-density development. This application is consistent with the vision by proposing a land use that is permitted in the zone consistent with context-sensitive infill.

The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA) recommends low-density residential on the property. The proposed use is permitted in low-density residential zones and, therefore, the land use as proposed is consistent with the master plan. This property is not located within an Aviation Policy Area or the Military Installation Overlay (M-I-O) Zone.

8. **Stormwater Management**—An approved Stormwater Management Concept Plan (42280-2016-00) and letter were submitted with the subject application. Proposed stormwater management features include bioswales, two micro-bioretention facilities, and two submerged gravel wetland structures. The site will be required to pay a stormwater management fee-in-lieu of providing on-site attenuation/quality control measures as established by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE).

The site has conceptual approval; however, Marlboro clay was identified on-site late in the review process and not thoroughly investigated with regard to the location of stormwater management structures. An internal meeting with DPIE was held to discuss the on-site structures and the



location of Marlboro clay. The Marlboro clay DPIE reviewer determined that the proposed stormwater structures are close to steep slopes and Marlboro clay. The structures need to be redesigned in accordance with the recommendations of DPIE and will be addressed at the time of limited DSP.

9. **Trails**—There is one master plan trail in the vicinity of the subject site, with designated bicycle lanes and continuous sidewalks recommended within the right-of-way along Old Fort Road. The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes the following text regarding this recommendation:

“Old Fort Road Sidewalks and Designated Bike Lanes: Provide continuous sidewalks and designated bike lanes if practical and feasible. These facilities will serve residential communities along Old Fort Road and provide better pedestrian access to nearby park, school, and shopping facilities” (page 24).

In addition, the MPOT contains a section on Complete Streets, which reinforces the need for these facilities and provides guidance on accommodating all modes of transportation, as new roads are constructed, or frontage improvements are made. It includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers (page 9).**

**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 (page 10).**

The subject site has a very limited amount of frontage along Old Fort Road, approximately 65 linear feet. Since most of this space will be utilized for the access driveway onto the site, the spacing for frontage improvements is limited. The feasibility of bicycle lanes and sidewalk construction will be determined by the Prince George’s County Department of Public Works and Transportation (DPW&T) at the time of street construction permits.

10. **Transportation**—The applicant proposes to construct a 35,000-square-foot church based on the PPS; however, the traffic study used a square footage of 28,000 square feet. Because the plans submitted with the application have shown 35,000 square feet, this number was used to evaluate transportation adequacy. No day care or private school facilities have been proposed. The following table summarizes site trip generation. This trip generation is used for the analysis and to formulate the trip cap for the site:

<b>Trip Generation Summary, 4-16033, Grace United Methodist Church</b>									
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>			<b>Sunday</b>
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>Total</b>
New Church Building	35,000	square feet	11	6	17	8	9	17	421
<b>Total Site Trips</b>			<b>11</b>	<b>6</b>	<b>17</b>	<b>8</b>	<b>9</b>	<b>17</b>	<b>421</b>
<b>Proposed Cap</b>					<b>17</b>			<b>17</b>	<b>421</b>

The submitted traffic study identifies several reasons to show that a lower trip generation is appropriate for this site. The “Transportation Review Guidelines, Part 1” (Guidelines) establishes trip rates that should be used, and provides that alternate rates may be used “where it can be demonstrated by acceptable field data that a more appropriate rate is applicable.” However, acceptable field data was not provided in this case.

The traffic generated by the proposed PPS would impact the following four intersections, interchanges, and links in the transportation system:

- Old Fort Road and Gallahan Road (unsignalized/Sunday only)
- Old Fort Road and site access (unsignalized)
- Old Fort Road and Flagship Avenue (unsignalized/Sunday only)
- Old Fort Road and Livingston Road (unsignalized/Sunday only)

The application is supported by a traffic impact study dated September 2017 and utilizes counts dated February 2017. It was determined that weekday analyses would be done for the site access only, while a study was required for the entire study area covering Sunday only. The findings outlined below are based upon a review of these materials and analyses conducted, consistent with the Guidelines.

#### **Existing Traffic**

The subject property is located within Transportation Service Area (TSA) 2, as defined in Plan Prince George’s 2035. 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 Guidelines.

**Unsignalized intersections:** The procedure for unsignalized 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 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. Once the CLV exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Prince George's County Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other warranted traffic controls) if deemed warranted by the operating agency.

The following intersections, when analyzed with existing traffic using counts taken in February 2017 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS–WEEKDAY				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Old Fort Road and site access	7.8*	8.9*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				
EXISTING TRAFFIC CONDITIONS–SUNDAY				
Intersection	Critical Lane Volume (CLV, Sunday)		Level of Service (LOS, Sunday)	
Old Fort Road and Gallahan Road	10.7*		--	
Old Fort Road and site access	10.6*		--	
Old Fort Road and Flagship Avenue	10.0*		--	
Old Fort Road and Livingston Road	9.7*		--	
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

### **Background Traffic**

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. Background traffic has been developed for the study area using six approved, but unbuilt, developments within the study area. A 0.5 percent annual growth rate for a

period of two years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS–WEEKDAY				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Old Fort Road and site access	8.1 *	9.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				
BACKGROUND TRAFFIC CONDITIONS–SUNDAY				
Intersection	Critical Lane Volume (CLV, Sunday)		Level of Service (LOS, Sunday)	
Old Fort Road and Gallahan Road	11.0*		--	
Old Fort Road and site access	10.8*		--	
Old Fort Road and Flagship Avenue	10.2*		--	
Old Fort Road and Livingston Road	10.4*		--	
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

### **Total Traffic**

The development has been analyzed with the trip distribution reported in the traffic study. The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS–WEEKDAY				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Old Fort Road and site access	9.0*	11.2*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				
TOTAL TRAFFIC CONDITIONS–SUNDAY				
Intersection	Critical Lane Volume (CLV, Sunday)		Level of Service (LOS, Sunday)	
Old Fort Road and Gallahan Road	15.1*		--	
Old Fort Road and site access	16.3*		--	
Old Fort Road and Flagship Avenue	12.6*		--	
Old Fort Road and Livingston Road	11.7*		--	
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is found that the critical intersections operate acceptably under total traffic in both weekday peak hours, as well as the Sunday peak hour. A trip cap consistent with the trip generation assumed for the site of 17 AM and 17 PM weekday peak hour trips, and 421 Sunday peak-hour vehicle trips, is approved.

#### Plan Comments

The site is adjacent to Old Fort Road, a master plan collector (C-719) roadway, which is not a designated scenic or historic roadway. Dedication of 80 feet, or 40 feet from centerline, is required. The revised plan shows dedication in accordance with the master plan recommendation. On-site access and circulation is found to be adequate.

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), which notes that the subdivision is exempt from a review for schools because it is a nonresidential use.

12. **Fire and Rescue**—The PPS was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven minutes travel time from the first due station. The project is served by Silesia Fire/EMS, Company 847, which is located at 10900 Fort Washington Road.

The Fire Chief, as of May 15, 2016, has outlined the adequacy of personnel and equipment as required by Section 24-122.01 (e). Deputy Fire Chief Dennis C. Wood, Emergency Services Command of the Prince George's County Fire/EMS Department, stated in writing that, as of September 6, 2017, the project is within a seven-minute travel time from the first due station.

13. **Police Facilities**—The proposed development is within the service area of Police District IV, Oxon Hill. There is 267,660 square feet of space in all the facilities used by the Prince George's County Police Department, and the July 1, 2016 (U.S. Census Bureau) County population estimate is 908,049. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,034 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

14. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations 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* designates Parcels 53 and 249 in water and sewer Category 4, inside the sewer envelope, the Developing Tier (now the Growth Tier), and within Tier 2 under the Sustainable Growth Act, for development on public sewer. Category 3 designation must be obtained and approved through the Administrative Amendment procedure before approval of a final plat. The site will be served by public water and sewer systems.

Water and sewer lines in Old Fort Road and Sun Valley Drive are in the vicinity of Parcels 53 and 249. Water and sewer line extensions may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before final plat approval.

15. **Public Utility Easement**—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 frontage abuts Old Fort Road (C-719), and the applicant has delineated the required PUE.

Section 24-122(a) states that, when utility easements are required by a public company, the subdivider should include the following statement in the owner's dedication recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

16. **Historic**—The existing Grace United Methodist Church and Cemetery, abutting to the north, and the Digges Chapel Site and Cemetery are located within the historic community of Chapel Hill (Documented Community 80-018). Chapel Hill is a historically African American rural village that emerged in the late nineteenth century at the crossroads of Old Fort Road and Livingston Road in the Fort Washington area. The small community is located approximately eight miles south of Washington, DC. Indian Head Highway (MD 210) serves as the western boundary of Chapel Hill, and the unincorporated community of Clinton is located to the east.

The Digges Chapel Site and Cemetery (Documented Property 80-053 identified in the *2010 Approved Historic Sites and Districts Plan* as the Humphreys-Edelen Family Cemetery) is located within the subject site and is currently within the boundary of Parcel 249. The chapel was located on a land tract called “Frankland,” which was comprised of 800 acres and was originally patented to Luke Gardiner on July 9, 1668. His grandson, also named Luke Gardiner, sold 100 acres of the Frankland tract to Richard Digges in 1714. The remaining 700 acres of Frankland were sold by Gardiner to Charles Digges in 1717. In his will, Charles Digges bequeathed his dwelling plantation “Warburton Manor” and “Frankland” to his son, William Digges. George Washington was a frequent visitor to the Digges plantation at Warburton Manor. William Digges died in 1780 and, in his will, bequeathed to John Carroll “one acre of land, part of a tract of land called Frankland near the testator’s mill, it being that part of the testator’s land upon which a chapel now stands.” John Carroll served as the first bishop and archbishop of the Roman Catholic Church in the United States. The small chapel built on the Frankland tract was known as “Digges Chapel,” and a congregation was meeting at the site by 1778. The area surrounding the chapel came to be known as Chapel Hill.

A non-historic church building for the African American Grace United Methodist Church (located north and east of the Digges Chapel and Cemetery site) was constructed in 1990 for a congregation founded almost 150 years ago. The site of Digges Chapel and its associated graveyard are within dense woods to the south-southeast of the Grace United Methodist Church building. The site is overgrown with brambles, ivy, and periwinkle, but is accessible by foot. There are five grave markers located in the woods approximately one quarter mile south-southeast of Grace United Methodist Church. The developing property slopes down to the south, and the cemetery is located east of a gully. The existing markers face south-southeast. There are four markers arranged in a row, and a solitary marker is located approximately 25 feet east-southeast of the rest. There are numerous depressions visible that are scattered around an approximately two-acre portion of this site. These depressions likely represent unmarked burials that may extend beyond the boundary currently reflected on the PPS and TCP1, which will be further reviewed with the required limited DSP.

The five visible grave markers are made of sandstone. There are also seven small footstones present, suggesting that there are additional unmarked burials in the graveyard. The nineteenth century sandstone markers are capped with rounded tympanums in the center and small rounded lobes on each side. The inscriptions are generally clear, but worn. Some of the stones are broken, and the inscriptions are damaged. The inscription on the tombstone of Thomas Edelen is eroded and barely legible. The tombstone of John H. Humphreys (as noted in “Stones and Bones”) has

cracked at its base and has fallen over, with the inscription facing the ground. The tombstone of Mary B. Humphreys is cracked, and the broken piece is resting on the ground. The footstones are overgrown and sunken into the ground.

Before the Civil War (1861–1865), the area that would become Chapel Hill had been part of several antebellum plantations, which were situated on tracts of land known as “Boarman’s Content” and “Frankland,” belonging to the Hatton, Edelen, Thorne, and Gallahan families. The village’s name was most likely derived from an early private Roman Catholic chapel on the Frankland tract that was demolished by the end of the nineteenth century. In fact, Martenet’s map of 1861 does not document a church in the area, further suggesting that the building had already been razed. Today, the only above-ground remnants of the chapel are the aforementioned grave markers. The African American community of Chapel Hill is historically significant and representative of the economic and cultural development of Prince George’s County.

A Phase I archeology survey was conducted on the developing property in May 2015. The draft Phase I report was submitted to the Historic Preservation Section in May 2017. The archeologist who performed the Phase I survey did not consult with the Maryland-National Capital Park and Planning Commission (M-NCPPC) staff archeologist prior to commencing work and was unaware of the early history of the property, or that the cemetery on Parcel 249 was related to an early Roman Catholic chapel and was not a small family cemetery. A total of 67 shovel test pits (STPs) were excavated in the areas of the subject property that are within the limits of disturbance. Only one STP yielded cultural material that included a brick fragment and five pieces of colorless vessel glass. Radial STPs were not excavated around this positive test pit as is standard practice. The boundaries of the cemetery were delineated by the identification of grave depressions and the extent of the periwinkle growing in the area, a typical historic plant associated with local graveyards.

Section 24-135.02 of the Subdivision Regulations outlines the procedures to follow when a cemetery is located on property that will be subdivided:

- (a) When a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:**
  - (1) The corners of the cemetery shall be staked in the field prior to preliminary plan submittal. The stakes shall be maintained by the applicant until preliminary plan approval.**
  - (2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plan application.**
  - (3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.**



- (4) An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure, and a construction schedule, shall be approved by the Planning Board or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review DSP in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.**
- (5) If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The application shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other arrangements shall include a determination of the following:**

  - (A) Current and proposed property ownership;**
  - (B) Responsibility for maintenance;**
  - (C) A maintenance plan and schedule;**
  - (D) Adequate access; and**
  - (E) Any other specifications deemed necessary by the Planning Board.**
- (b) Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.**
- (c) The Planning Board, or its designee, shall maintain a registry of cemeteries identified during the subdivision review process.**
- (d) Upon approval of a preliminary plan of subdivision, any cemetery approved in accordance with this Section, which does not meet the regulations of the zone in which it is located, shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board.**

The boundaries of the Digges Chapel Site and Cemetery (80-053) were identified on the plan by a visual observation of vegetative groundcover and topography. Shovel test pit surveys typically are not adequate to identify the boundaries of burial grounds. Additional archeological investigations should be conducted to confirm that the limits of the burial ground associated with Digges Chapel have been positively identified. These investigations may include the use of a backhoe or Gradall with a smooth bucket, to excavate trenches around the edges of the cemetery, to identify any grave

shafts that might be outside of the presumed limits of the graveyard. Non-invasive studies, such as ground penetrating radar or electrical resistivity survey, may not be effective in this environment since there is dense ground and tree cover in the cemetery area. A metes and bounds survey shall be provided for the limits of the cemetery associated with the Digges Chapel site. Because of the rarity of early Catholic chapel sites in the County, this site could be designated as a historic site through the process outlined in Subtitle 29-120.01, Petition for Designation of Historic Properties, of the Prince George's County Code.

The applicant provided an inventory of the existing cemetery elements, which include several gravestones, and their condition on January 3, 2018. There is no existing fence around the burial ground. As currently designed, the location of the church and associated grading will not impact the cemetery as it is shown on the plan. However, the Planning Board finds that additional archeological investigations are necessary to identify the actual boundaries of the burial ground.

The applicant shall ensure that an archeologist qualified under guidelines set forth by the Secretary of the U.S. Department of the Interior is present at any pre-construction meetings for the development and is present at the site to monitor any clearing or grading within 40 feet of the Digges Chapel and Cemetery site buffer. The archeologist from the M-NCPPC Prince George's County Planning Department, Countywide Planning Division, Historic Preservation Section, shall be given at least 48-hours prior notice of the pre-construction meetings and monitoring, as set forth above, and afforded the opportunity to be present at such meetings and monitoring. If additional burials are found within the 40-foot area, the monitoring area will be extended out another 20 feet. If additional burials are found within that 20-foot extension, then the monitoring area will be extended out another 20 feet, and this will be repeated to a maximum of 100 feet from the Digges Chapel and Cemetery site. However, if no additional burials are found within the initial 40-foot monitoring area, or any 20-foot extended monitoring area (if such extension or extensions are warranted), no further monitoring shall occur. The applicant shall notify the Historic Preservation Section before grading in this area is to commence.

In accordance with Section 24-135.02(a)(4) above, the applicant has not submitted details of an appropriate fence or wall to be placed around the Digges Chapel Site and Cemetery. A limited DSP shall be required by the Planning Board to address the issue of the limits of the cemetery and the type of fencing to place around it. In accordance with Section 24-135.02(a)(5) above, the applicant shall provide the information required by that section, including current and proposed property ownership, responsibility for maintenance, a maintenance plan and schedule, and adequate access.

To protect the Digges Chapel Site and Cemetery during the course of construction, the applicant shall install a super silt fence around the limits of the burial ground to be determined through additional archeological investigations.

17. **Environmental**—The following applications and associated plans have been reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-16033	TCP1-009-17	Planning Board	Pending	Pending	Pending
NRI-142-14	N/A	Staff	Approved	9/24/16	N/A

#### **Grandfathering**

The project is subject to the current regulations of Subtitles 24, 25, and 27 of the County Code that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

#### **Site Description**

A review of available information indicates that there are no regulated environmental features located within the subject project area.

The on-site stormwater drains toward the east, toward an off-site stream system. The off-site unnamed stream drains to Tinker Creek, which is part of the Piscataway Creek watershed, and then to the Potomac River. Forest interior dwelling species (FIDS) or FIDS buffer are mapped on-site. The site is 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. According to the 2017 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site does not contain regulated and evaluation areas within the network.

#### **Master Plan Conformance**

The subject property is located within the Henson Creek-South Potomac Master Plan and SMA. The master plan contains environmental policies that should be addressed during the review of developments within the plan area. The applicable language of the master plan is shown in **boldface** type and findings are provided in regular type.

#### **Policy 1: Protect, preserve and enhance the green infrastructure network within the Henson Creek planning area.**

The site contains regulated areas and evaluation areas in accordance with the Green Infrastructure Plan. The entire site is located within the green infrastructure network and is almost totally wooded. This application proposes to preserve the woodlands along the eastern boundary where steep slopes, SSPRA, and Marlboro clay are located, as discussed further.

#### **Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

Preservation of water quality in this area will be provided through the application of best stormwater management practices for stormwater management. The stormwater management concept plan requires the use of bioswales, two micro-bioretenment facilities, and two submerged gravel wetland structures to provide for water quality.

**Policy 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

In future applications, the use of environmentally-sensitive building techniques to reduce overall energy consumption is encouraged.

**Policy 4: Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.**

The development is not expected to generate sufficient light pollution to intrude into adjacent residential areas. The use of full optic light fixtures is encouraged to avoid spillover lighting impact on abutting properties.

**Policy 5: Reduce adverse noise impacts to meet State of Maryland noise standards.**

The proposed development is not expected to be a noise generator, and neither Flagship Avenue nor Old Fort Road generate sufficient traffic to result in noise levels above 65 dBA Ldn impacting the subject property.

**Conformance with the Green Infrastructure Plan**

According to the Green Infrastructure Plan, the entire site is within the regulated and evaluation area within the designated network of the plan. The regulated area is found in the northeastern corner of the site within several swale areas. The remainder of the property is comprised of the evaluation area. This on-site area contains mature forested area with an old wooded cemetery and an open parking area, with an access entrance off of Old Fort Road.

The plan supports the following Green Infrastructure Plan policies:

**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.**

The site contains regulated and evaluation areas with 12.04 acres of woodland. Any development within the on-site woodlands will impact the green infrastructure network. The most appropriate location for on-site preservation is along the eastern boundary, as proposed.

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

There are no primary management areas (PMA) or 100-year floodplain associated with this property. All stormwater management features are proposed along the easternmost areas of the site.

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

The 2002 General Plan has been superseded by Plan Prince George's 2035. The property is subject to the WCO. The site has a woodland conservation threshold of 3.11 acres and has a woodland conservation requirement of 4.61 acres. The project proposes to remove 5.99 acres of woodlands, and provide a total of 4.61 acres of on-site woodland preservation. The woodland preservation area is located along the eastern boundary within the regulated and evaluation areas of the Green Infrastructure Plan.

**Natural Resources Inventory Plan/Existing Features**

An approved Natural Resources Inventory (NRI-142-14), which included a detailed forest stand delineation (FSD), was submitted with the application and approved on September 24, 2016. The site contains steep slopes, but no areas of 100-year floodplain, streams, wetlands, or their associated buffers are located on-site. The FSD report describes one forest stand totaling 12.04 acres dominated by beech, black gum, hickory, and yellow poplar. The eastern portion of the site contains Marlboro clay. This Marlboro clay boundary shall be shown on the NRI and regulated by Section 24-131 of the Subdivision Regulations, additional findings regarding Marlboro clay are provided further and will be the subject of a limited DSP.

**Woodland and Wildlife Habitat Conservation Plan**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-009-17) was submitted with the PPS, as required.

The plan includes removal of 5.99 acres (50 percent) of the 12.04 acres of existing woodlands and meet the woodland conservation requirement of 4.61 acres with 4.61 acres of on-site preservation. The woodland preservation area is located along the eastern boundary where steep slopes, SSPRA, and Marlboro clay are present.

**Specimen Trees/Variance**

The TCP1 reflects 13 specimen trees with the ratings of excellent (ST 2, 4, 5, and 6), good (ST 3, 8, 9, 10, and 12), fair (ST 1 and 7) and poor (ST 11 and 13). These specimen trees are located throughout the development area and adjacent. The current design proposes to remove three specimen trees due to the existing topography and grading required for development.

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.

A Subtitle 25 Variance application has been submitted for ST 4, 5, and 13. The application is dated January 4, 2018. The applicant’s statement of justification requests the removal of three specimen trees in support of a redesigned site layout. The TCP1 shows the removal of the three specimen trees (ST 4, 5, and 13) within the limits of disturbance on the plan.

Section 25-119(d) of the WCO contains six required findings [text in **bold**] to be made before a variance can be granted. The statement of justification submitted addresses the required findings for removal of three specimen trees (ST 4, 5, and 13). The findings are made for the three trees together, as follows:

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The property contains steep slopes, Marlboro clay, and an on-site cemetery, all within the eastern portion of the site which limits the development to the western portion of the site. All three specimen trees located in the western half of the site will be impacted, and the other specimen trees located in the eastern half of the site will be saved.

The condition and locations of the specimen trees proposed for removal is a special condition peculiar to the property. All of these factors occurred beyond the owner’s control and have created an unwarranted hardship for this site.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

If other properties include trees in a similar location and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

The removal of specimen trees in the most developable areas is generally supported if the tree could become a hazard. These trees will be affected by the mass grading that must occur to prepare the site for development. If other properties include trees in a similar location and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The site is largely wooded and contains no existing structures. The adjacent property contains the current church structure, but the congregation wants to expand and have a larger church facility. There is an old wooded family cemetery on-site, located just 200 feet beyond the existing church facility property. The applicant has taken no action to date on the subject property.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The requested variance does not arise from a condition relating to the land or building use, either permitted or nonconforming, on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees, nor are there conditions that are affecting the layout and development of the size with respect to the specimen trees to be removed.

**(F) Granting of the variance will not adversely affect water quality.**

Granting the variance to remove three specimen trees will not directly affect water quality because the site will have to follow strict stormwater management requirements and sediment control. Specific requirements regarding stormwater management for the site will be further reviewed by DPIE.

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of three specimen trees, and the Planning Board approves the variance for removal of ST 4, 5, and 13.

**Regulated Environmental Features/Primary Management Area**

There are no wetlands, streams, 100-year floodplain, or their associated buffers found within this property. No additional information is required with regard to the regulated environmental features/PMA.

### **Soils**

The predominant soils found to occur, according to the USDA NRCS WSS, are five types of Adelphia-Holmdel-Urban land complex, Beltsville-Urban land complex, Croom-Marr-Urban land complex, and Croom- Howell- Collington land complex. According to available information, Marlboro clay does occur on or in the vicinity of this site, although the geotechnical study did not account for the presence of Marlboro clay, as discussed further.

### **Marlboro Clays and Unsafe Lands**

The property contains unsafe lands regulated by Section 24-131 of the Subdivision Regulations. Severe slope areas adjacent to streams may be unstable. Naturally occurring slopes in excess of 3:1, especially when associated with streams, have the potential for slope failure. Review should focus on slope stability.

According to PGAtlas.com, Marlboro clay is present on the southeast portion of the site, along the southeastern boundary, which is not reflected on the approved NRI or TCP. Steep slopes are also present in this area. The presence of this formation on steep slopes immediately raises concerns about slope stability and the potential for constructing buildings, or disturbance, on unsafe land. Based on guidance information available on PGAtlas and the proposed development shown on the TCP1, it is projected that the proposed structures and parking are not affected by the Marlboro clay; however, the stormwater structures, as shown, may be impacted by the Marlboro clay layer.

A geotechnical report was submitted to the DPIE Site/Roads Division to evaluate the proposed development, in relation to the location of the Marlboro clay, specifically the areas of the site that are unsuitable for stormwater management. DPIE found the report to be insufficient and unacceptable because it did not consider the identification of Marlboro clay in its evaluation and findings. Although the final location of Marlboro clay still has not been determined, DPIE stated that "All storm drain pipes above and thru Marlboro Clay to convey 100-year storm is to be rubber gasketed." This requirement is included as a condition of approval with the approved Stormwater Management Concept Plan (42280-2016) and letter.

The geotechnical report provided insufficient information with regard to the depth of the clay. A revised geotechnical report is required to satisfy the requirements of Section 24-131 and Section 4-131 of the Water Quality Resources and Grading Code with the limited DSP required prior to final plat. The unmitigated 1.5 safety factor line must be reflected on the limited DSP and final plat prior to approval.

18. **Cemetery**—Section 24-135.02 of the Subdivision Regulations requires that the applicant shall observe the following requirements (**boldface** type) if a cemetery is discovered on-site, followed by findings:
  - (a) **When a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:**



- (1) **The corners of the cemetery shall be staked in the field prior to preliminary plan submittal. The stakes shall be maintained by the applicant until preliminary plan approval.**

Based on field observations, the applicant has flagged what they believe are the limits of the cemetery. However, based on field visits, the staff archeologist is uncertain that the actual limits of the cemetery are accurately depicted in the field and on the PPS. Field discovery shall occur from the boundary of the cemetery, as indicated on the plans. During field discovery to identify the actual limits of the cemetery, either the staff archeologist or the applicant's archeologist must be on-site prior to any ground disturbance within 20 feet of the limit of the cemetery. This buffer area may be extended as additional grave site are identified. This discovery process is critical to establishing the limit of the cemetery and the limit of the archeological easement required pursuant to the "Guidelines for Archeological Review."

- (2) **An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plan application.**

The applicant filed an inventory of existing known cemetery elements, which was received on January 3, 2018 and reviewed by the Historic Preservation Section. However, as indicated above, the extent of the cemetery may be larger than originally indicated on the plan. In order to ensure that the limits are correct, the applicant has agreed to additional discovery under the observation of either M-NCPPC staff or the applicant's archeological expert.

- (3) **The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.**

The PPS is for the subdivision of a single parcel (12.45 acres), no lot lines are proposed. In fact, the applicant is combining two existing parcels into one parcel for the construction of a church and retaining the existing cemetery.

- (4) **An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review Detailed Site Plan in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.**

The cemetery boundary must be established to determine the extent of the archeological easement and to identify the location of the required fencing. There are a number of outstanding issues including the property configuration and environmental issues related to Marlboro clay. All of these issues can be resolved with the review of a limited DSP prior to final plat, to be approved by the Planning Board or their designee.

- (5) **If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other agreements shall include a determination of the following:**

- (A) **Current and proposed property ownership;**
- (B) **Responsibility for maintenance;**
- (C) **A maintenance plan and schedule;**
- (D) **Adequate access; and**
- (E) **Any other specifications deemed necessary by the Planning Board.**

The applicant shall address the provision of (5)(A) through (E) above with the limited DSP, including provision for adequate access to a public street, which may be established by provisions in the owner's dedication to be reflected on the final plat prior to approval.

- (b) **Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.**

Condition 13(b) of this approval ensure protection during the site development process.

- (c) **The Planning Board, or its designee, shall maintain a registry of cemeteries identified during the subdivision review process.**

The Historic Preservation Section currently maintains a cemetery registry.

- (d) **Upon approval of a preliminary plan of subdivision, any cemetery approved in accordance with this Section which does not meet the regulations of the zone in which it is located, shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board.**

The cemetery on-site is permitted, pursuant to Section 27-441 of the Zoning Ordinance, in the R-E Zone as an accessory to a church. In this case, the subject property and the abutting property to the north (Parcel 1) are owned by the Grace United Methodist Church, the new church building on the subject site being an expansion of the church complex. While the cemetery on-site is currently the only use on the property, the proposal for the construction of a new 35,000-square-foot church building will result in the cemetery being accessory once development has been completed. Therefore, the cemetery on-site conforms to the regulations applicable in the R-E Zone and will not be nonconforming.

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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, January 25, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of February 2018.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:JO:rpg