

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 2020-33

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File No. 4-18031

RESOLUTION

WHEREAS, Bernado R. Flores is the owner of a 9.18-acre parcel of land known as Parcel 87, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned Rural Residential; and

WHEREAS, on January 8, 2020, ANFG Accokeek, LLC filed an application for approval of a Preliminary Plan of Subdivision for 11 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18031 for Accokeek Property 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 March 12, 2020, 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 March 12, 2020, 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 TCP1-002-2020, and APPROVED Preliminary Plan of Subdivision 4-18031 for 10 lots and 2 parcels for the development of 10 single-family detached dwellings with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Indicate that the required lot width at the front building line is 80 feet.
 - b. Show a 10-foot-wide public utility easement along the property's frontage on the MD 210 (Indian Head Highway) Service Road.
 - c. Remove Lot 11 from the plan and incorporate its area into Parcel B.
 - d. Extend the area of the homeowners association Parcel Access Easement so that it runs along the entire eastern boundary of Lot 10. Label the 10-foot width of this easement on the plan.
 - e. Label the proposed 20-foot-wide drainage easement over Lots 3 and 4.

- f. Remove the outdated approval block from the plan per Planning Department Bulletin 5-2019. Save a 2-inch square blank space in the lower right corner of the plan for placement of a new signature approval.
 - g. Include the Backyard Size Exhibit in the plan set for signature approval.
- 2. 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 approval of a new preliminary plan of subdivision, prior to approval of any building permits.
- 3. Development of the site shall be limited to uses that would generate no more than 8 AM and 9 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- 4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (58680-2018-00) and any subsequent revisions.
- 5. Prior to approval of a final plat:
 - a. The final plat shall grant 10-foot-wide public utility easements along the public rights-of-way, as delineated on the preliminary plan of subdivision.
 - b. The applicant and the applicant's heir, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
 - c. The applicant and the applicant's heir, successors, and/or assignees shall pay a fee-in-lieu of mandatory parkland dedication.
 - d. The final plat shall provide right-of-way dedication for the extension of Henrietta Drive and along (Indian Head Highway), as approved on the preliminary plan of subdivision.
 - e. The applicant and the applicant's heirs, successors, and/or assignees shall provide a draft access easement agreement or covenant, for access to Parcel A over Lot 10, to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Development Review Division, for approval. The easement agreement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision.
- 6. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:

- a. Add TCP1-002-2020 to the approval block and the forest conservation worksheet.
 - b. Show the stormwater device on (the area of) Lot 11.
 - c. Revise the numbering of the specimen trees on the plan view and table as Specimen Trees 1 through 10.
 - d. Identify on the specimen tree table whether the tree is located on-site or off-site.
 - e. Label the existing sediment control basin on Lot 4.
 - f. Add the Property Owner Awareness certification block to plan view.
 - g. Have the revised plan signed and dated by the qualified professional who prepared it.
7. At the 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."
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-002-2020. 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 (TCP1-001-2017-01), 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 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."
9. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

10. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the applicant and the applicant's heirs, successors, and/or assignees shall provide sidewalks along both sides of the Henrietta Drive extension, consistent with Prince George's County Department of Public Works and Transportation and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) standards, and subject to modification by DPIE, with written correspondence.
11. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association land, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
12. At the time of building permit, the architectural plans of the house models to be used on Lots 3, 4, 5, and 6 shall be certified by an engineer, competent in acoustical analysis, indicating that acoustical construction techniques have been employed to reduce interior noise levels to 45 dBA (Ldn) or less.

13. Prior to approval of a building permit, the permit plans shall include a noise wall along the rear of Lots 3, 4, 5 and 6, which maintains the location and setback from proposed dwellings, in accordance with the exhibits provided in the approved preliminary plan of subdivision (PPS). The permit plan shall demonstrate that the wall is designed to mitigate noise levels to 65 dBA Ldn or less, as shown on the approved PPS, and shall feature three gates, one each on Lots 3, 4, and 5 for access for each homeowner.

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 site is located along the east side of MD 210 (Indian Head Highway), approximately one mile south of the intersection of MD 210 and Farmington Road. The site is known as Parcel 87 and is a legal acreage parcel recorded in the Prince George's County Land Records in Liber 41652 folio 395. The site is located in the Rural Residential (R-R) Zone and is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). The site is currently undeveloped. A preliminary plan of subdivision (PPS) is required for the division of land and development of more than one single-family detached dwelling.

The submitted application proposed eleven lots and two parcels for development of eleven single-family detached dwelling units. The two parcels are to be dedicated to a homeowners association (HOA) and used for stormwater management (SWM) and private open space. Ten of the proposed lots are to be accessed from Henrietta Drive, a public stub street, which would be extended into the development and terminate in a new cul-de-sac. The 11th lot was proposed to take direct access from the MD 210 Service Road, which runs parallel to MD 210 at the frontage of the property. The service road terminates at Jennifer Drive, which connects to Henrietta Drive within the Treeview Estates subdivision north of the property. There is no direct connection between Lot 11 and the other 10 lots of this subdivision; rather, they are separated by a swale and Parcel B, a SWM parcel. Parcel A, an open space parcel containing environmental features and steep slopes, is to the south of the 10 lots, and is proposed to be accessed by a 10-foot-wide access easement on Lot 10.

The applicant requested a variation from Section 24-121(a)(4) of the Subdivision Regulations, which requires that all residential lots adjacent to a street of freeway classification have a lot depth of at least 300 feet. This request applied to Lot 11, which abuts the MD 210 Service Road and is therefore considered adjacent to MD 210. Lot 11 was proposed with a lot depth of only 161 feet. However, at the Planning Board hearing, the applicant withdrew the requested variation due to the unavailability of sewer service to the lot and agreed to incorporate the area of Lot 11 into an abutting HOA parcel.

3. **Setting**— The site is bound to the northwest by the MD 210 right-of-way, which includes the service road; to the west by undeveloped property owned by Prince George's County; to the north and east by single-family detached dwellings, including those in the Treeview Estates subdivision; and to the south by institutional uses fronting on Livingston Road. All of the surrounding uses on the east side of MD 210 are zoned R-R. Across MD 210 from the subject site is another residential subdivision known as Farmington Woods, which is in the Residential-Estate Zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	R-R	R-R
Use(s)	Vacant	Single-Family Detached
Acreage	9.08	9.08
Gross Floor Area	0	0
Dwelling Units	0	11
Parcels	1	2
Lots	0	11
Outlots	0	0
Variance	No	No
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 January 24, 2020. The requested variation from Section 24-121(a)(4) was accepted on September 20, 2019, and also heard before SDRC on January 24, 2020, as required by Section 24-113(b), but was subsequently withdrawn at the Planning Board hearing on March 12, 2020.

5. **Previous Approvals**—There are no previous development approvals which apply to the property. A previously approved Natural Resources Inventory (NRI-013-11) is discussed in the Environmental finding.
6. **Community Planning**—Conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the Subregion 5 Master Plan and SMA are evaluated, as follows:

General Plan

This application is located in the Established Communities policy area. The vision for Established Communities is context-sensitive infill and low- to medium-density development.

Master Plan

The Subregion 5 Master Plan and SMA (CR-80-2013) recommends residential low future land use on the subject property. The associated sectional map amendment retained the property in the R-R Zone. The PPS conforms to the recommendations of the master plan.

7. **Stormwater Management**—A SWM Concept Approval Letter (58680-2018-00) and associated plan were submitted with this PPS. The approval was issued on August 9, 2019 from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The concept plan shows the entire development and proposes to construct seven micro-bioretention facilities and one landscaped infiltration pond. A SWM fee of \$2,750.00 for on-site attenuation/quality control measures is required.

Development must be in conformance with the SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.

8. **Parks and Recreation**—In accordance with Section 24-135 of the Subdivision Regulations, the payment of a fee-in-lieu of the mandatory dedication of parkland requirement shall be provided. The land available for dedication is unsuitable due to the size, location, topography, and forest conservation requirements applying to the site. The property is in the SE park community, to which the fee-in-lieu payment shall be applied at the time of final plat.
9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Subregion 5 Master Plan and SMA to provide the appropriate pedestrian and bicycle transportation recommendations. The property is not located within a designated Center or Corridor; therefore, it is not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2."

Existing Conditions, Sidewalks and Bike Infrastructure

The subject property is located along the east side of MD 210, approximately one mile south of the intersection of MD 210 and Farmington Road. Specifically, the subject property will be accessed using the service road running parallel to MD 210.

This project seeks to extend Henrietta Drive from its current point of culmination and construct ten residential lots on both sides of the new road. Henrietta Drive currently serves the Treeview Estates Subdivision (4-90106). Sidewalks are currently in place along the east side of Henrietta Drive.

There is no existing bicycle infrastructure along MD 210 in the vicinity of the subject property. The portion of MD 210 that is fronted by the subject property has a planned side path per MPOT.

Review of Proposed On-Site Improvements

The applicant did not propose any specific pedestrian or bicycle improvements.

Review of Plan Compliance

The portion of MD 210 fronting the subject property has a planned side path per the MPOT.

The Transportation Systems Section of the Subregion 5 Master Plan and SMA makes the following recommendations:

- **Develop bicycle facilities in conformance with the 1999 AASHTO Guide for the Development of Bicycle Facilities (Page 121).**

Since the subject property fronts only on a portion of the service road, a striped bicycle lane along this frontage may not be effective for facilitating bicycle transportation along the service road. A bicycle lane on the service road may be part of a future capital improvement or roadway maintenance project by the Maryland State Highway Administration.

- **Table VI-6: Recommended Major On-Road Pedestrian and Bicycle Improvements: MD-210 from the Charles County line to Subregion 7 is a recommended dual route (Page 119).**

Per the master plan, "Dual routes are roads that contain an off-road bicycle and pedestrian facility and an on-road bicycle facility...Off-road components of a dual-route facility would be either a sidepath or wide sidewalk that could be used by bicyclists, equestrians and pedestrians. Dual routes are planned along most of the major roadways where four or more travel lanes are proposed." (Page 115)
There is currently approximately 300 feet of dedication along MD 210.
Additional dedication for the dual route is not required. SHA can build the dual route facility as part of a future capital improvement project.

The MPOT Complete Streets section makes the following recommendation:

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

The applicant shall provide an internal sidewalk network along both sides of Henrietta Drive.

10. **Transportation**—The application analyzed is a PPS for a single-family detached development of 11 units. The development was projected to generate fewer than 50 trips in either peak hour, consequently, a traffic study was not required. Based on trip generation rates published in the "Transportation Review Guidelines, Part 1," (Guidelines) this 11-lot development will generate 8 AM (1 in, 7 out) peak-hour trips and 9 PM (6 in 3, out) peak-hour trips.

Only one intersection was deemed to be critical, the intersection of the MD 210 Service Road and Jennifer Drive. It is noted that the MD 210 Service Road is sometimes also known as Jennifer

Drive; however, the service road and the other Jennifer Drive are distinct streets, and they are considered to meet at an intersection.

Analysis of Traffic Impacts

The subject property is located within the Transportation Service Area 2, as defined in Plan 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;

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.

For two-way stop-controlled intersections, a three-part process is employed: (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.

For all-way stop-controlled intersections a two-part process is employed: (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.

The following tables represent results of the analyses of critical intersections under existing, background and total traffic conditions:

EXISTING TRAFFIC CONDITIONS		
Intersection	Delay	
	AM	PM
MD 210 Service Road and Jennifer Drive*	8.6 seconds	8.6 seconds
*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.		

The critical intersection identified above is not 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. Given the location of the critical intersection and its proximity to the local road network, staff found no background development that would have any impact on the critical

intersection. Similarly, future growth in traffic is not likely to affect the critical intersection. Consequently, the next analysis was based on impact of the proposed development on the critical intersection. That analysis under total conditions revealed the following results:

TOTAL CONDITIONS		
Intersection	Delay	
	AM	PM
MD-210 Service Road and Jennifer Drive*	8.6 seconds	8.6 seconds
*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.		

The results of the analysis under total traffic show the critical intersection will still operate adequately. A trip cap consistent with the trip generation assumed for the site, 8 AM and 9 PM peak-hour vehicle trips, is required consistent with the analysis. It is noted that the reduction from 11 to 10 lots for this PPS is inconsequential to this finding.

Master Plan Site Review

The property is located in an area where development policies are governed by the area master plan and MPOT. There are no master-planned roads that will affect this development.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision as required, in accordance with Section 24-124.

11. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolution CR-23-2003 for the residential units proposed, and the following is concluded:

Residential Impact on Affected Public School Clusters by Dwelling Units (DU)

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Single-Family Detached DU	11	11	11
Pupil Yield Factor	0.177	0.095	0.137
Total Future Subdivision Enrollment	2	1	1
Actual Enrollment in 2018	4,795	1,923	2,471
Total Enrollment	4,797	1,924	2,473
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	77%	66%

Section 10-192.01 of the Prince George's County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$16,698 per dwelling. The fee is to be determined by and paid to Prince George's County at the time of issuance of each building permit. It is noted that the reduction from 11 to 10 lots for this PPS is inconsequential to this finding.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated February 7, 2020 (Thompson to Diaz-Campbell), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS is 10 single-family detached dwellings in the R-R Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents 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.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The development will front on the proposed public right-of-way for Henrietta Drive and existing public right-of-way for the MD 210 Service Road. The required PUE along Henrietta Drive is delineated on the PPS, but the required PUE along the service road is not. The PUE along the service road must be shown on the plan.

15. **Historic**—The subject property does not contain and is not adjacent to any designated Prince George's County historic site or resource. One prehistoric archeological site, 18PR147, was recorded to the north of the subject property. This property is a former sand and gravel mine. A Phase I archeology survey is not recommended.
16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
4-18031	TCPI-002-2020	Planning Board	Pending	Pending	Pending
NRI-013-2011	N/A	Staff	Approved	03/26/2019	N/A

Grandfathering

The project is subject to the current regulations of Subtitles 24, 25, and 27 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 the available information indicates that the site contains regulated environmental features such as a stream, wetlands, associated buffers, and 100-year floodplain. The soil types found on-site according to the United States Department of Agriculture Natural Resources Conservation Services Web Soil Survey are Croom-Mari complex, Grosstown gravelly silt loam, Udorthents, Widewater, and Issue soils. Marlboro and Christiana clays do not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. There is a level, high location in the middle of the property; from here the on-site stormwater drains south, to the on-site stream and northwest towards the on-site ephemeral channel. This site is in the Piscataway Creek watershed, which flows into the Potomac River. The site has frontage on MD 210, which is identified as a Master Plan Freeway Roadway. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by the Plan 2035.

Master Plan Conformance

The site is located within the Subregion 5 Master Plan and SMA. In the area master plan, the Environmental Infrastructure section contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Subregion 5 Master Plan and Sectional Map Amendment:

Policy 1:

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**
- **Protect, preserve and enhance the identified green infrastructure network within Subregion 5.**

The project site does contain regulated environmental features, woodland areas, and elements of the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (Green Infrastructure Plan); the site is required to provide bioretention and infiltration per the approved SWM concept letter.

Open space requirements are addressed under the Urban Design finding of this technical staff report. No impacts to regulated environmental features have been proposed.

Conformance with the Green Infrastructure Plan is discussed in the applicable section below.

Policy 2:

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.**

This PPS is for construction of a residential subdivision on a fully wooded parcel. The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. This requires that the environmental site design be implemented to the maximum extent practicable. The site has an approved SWM concept plan.

A SWM Concept Approval Letter (58680-2018-00) and associated plan were submitted with the application for this site. The concept plan shows the entire development and proposes to construct seven micro-bioretenement facilities and one landscaped infiltration pond. No stormwater outfalls are proposed and there are no impacts to the on-site wetlands, streams, 100-year floodplain, and associated buffers.

Policy 3:

- **Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek.**
- **Conserve as much land as possible in the rural tier portion of the water shed as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

The site is not within the Mattawoman Creek watershed and not in the rural tier. All of the development will be outside the environmentally sensitive areas. All of the sensitive areas will be persevered.

Conformance with the Countywide Green Infrastructure Plan: According to the Green Infrastructure Plan, the whole site is within either regulated or evaluation areas within the

designated network of the plan. The regulated area contains an ephemeral stream, an intermittent stream and associated stream buffers, and adjacent woodlands. No impacts are proposed within the regulated areas, but the on-site evaluation areas will be impacted for the residential development.

The following policies support the stated measurable objectives of the Green Infrastructure Plan.

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 entire application area is within either a regulated or evaluation area, both of which are fully wooded. Any development within the on-site woodlands will impact a portion of the green infrastructure network. However, the areas of highest priority are proposed to be preserved.

Policy 2:

- **Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

As discussed in previous sections, the site has an approved stormwater concept, which addresses surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. The primary management areas (PMA) associated with this application are located along the southern boundary. The application does not include regulated environmental feature impacts and the woodlands with the PMA will be preserved.

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 2035. The property is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO). The overall site contains a combined total of 7.14 acres of net tract and floodplain woodlands. The plan shows the clearing of 3.43 acres of net tract woodland and 0.00 acres of wooded floodplain. The site will have approximately 2.57 acres of woodland conservation requirement provided through on-site preservation.

Environmental Review

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

Natural Resources Inventory/Existing Features: Approved NRI-013-11 was submitted with the application. The site slopes to the south and east to the on-site stream and ephemeral channel. The site contains areas of 100-year floodplain, streams, wetlands, and their associated buffers. This site contains 6.61 acres of net tract woodlands, 0.53 acre of 100-year wooded floodplain, and 6 on-site specimen trees. This current NRI will expire on March 26, 2020. A valid NRI is required to be submitted with any following new development application. No additional information is required with regard to the NRI.

Woodland 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 (TCP1-002-2020) was submitted with the PPS.

The overall site contains a total of 6.61 acres of net tract woodlands, 0.53 acre of 100-year floodplain woodlands and has a woodland conservation threshold of 1.71 acres (20 percent). This application includes the clearing of 3.43 acres of woodland, and 0.00 acres of 100-year floodplain woodlands, resulting in a woodland conservation requirement of 2.57 acres. The TCP1 meets the requirement with 2.65 acres of on-site preservation.

Specimen Trees: This application will not impact any on-site specimen trees as part of the development.

Preservation of Regulated Environmental Features/Primary Management Area: This application will not impact any on-site regulated environmental features or PMA as part of the development.

17. **Urban Design**—The PPS was reviewed for conformance with the requirements of the Prince George's County Zoning Ordinance, the requirements of the Tree Canopy Coverage Ordinance, the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), and conditions of previous approvals, and the following is found:

Conformance with the Requirements of the Prince George's County Zoning Ordinance

The development of single-family detached dwellings is permitted by right.

Conformance with the requirements of the Zoning Ordinance is required for the development at time of permit review, including but not limited to the following:

- Section 27-428, R-R Zone
- Section 27-441, Uses permitted (Residential Zones),
- Section 27-442, Regulations (Residential Zones),

- Part 11, Off-street Parking and Loading, and
- Part 12, Signs

Conformance with the 2010 Prince George's County Landscape Manual

The development is subject to the Landscape Manual. Specifically, this property is subject to the requirements of Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the applicable landscaping requirements will be determined at time of permit review.

Tree Canopy Coverage Ordinance

Section 25-127(a)(1) of the Tree Canopy Coverage Ordinance requires that developments in the R-R Zone provide 15 percent of the gross tract area to be covered by tree canopy. Conformance with the TCC requirements will be evaluated at time of permit review.

Other Design Issues

The residential subdivision is bounded to the northwest by the right-of-way of MD 210, which is a major noise generator. A wooden noise fence has been included on the plan to mitigate the noise impacts on Lots 3, 4, 5, and 6, which are adjacent to MD 210. The details of the noise fence were provided by the applicant and the design of the fence is acceptable. All four lots shall be further evaluated at time of building permit to ensure that the interior noise level of each unit is below 45 dBA Ldn.

18. **Noise**—A Phase I noise analysis dated May 27, 2019 was prepared by Hush Acoustics LLC and was submitted by the applicant with this PPS. The analysis measured road noise from MD 210. The analysis addressed outdoor noise based on conceptual building locations and the noise measurement results indicate that the site will be subject to noise levels above 65 dBA Ldn (day-night average noise level). The analysis indicated that without a noise wall, the projected Ldn will be as high as 70.5 dBA in the rear yard of the most impacted lot (Lot 4). To reduce the Ldn to 65 dBA or lower in the shielded portions of all rear yards, the study recommended two noise walls, one on Lots 3, 4, 5, and 6 and one on Lot 11. Wooden board and batten fences would constitute both noise walls, as shown in the applicant's Noise Fence Exhibit received February 6, 2020 and incorporated by reference herein. According to the noise study, the fence on Lot 11 should be 6 feet high, while the fence on Lots 3, 4, 5, and 6 should be 4 feet high; associated grading will be necessary to bring the top of each fence to the proper elevation. With the noise fences at the recommended height and elevation, the Ldn will be as high as 64.6 dBA in the most impacted rear yard (Lot 4) and as high as 76.4 dBA at the most impacted front house façade (Lot 11).

To ensure that the necessary interior noise levels are maintained, at the time of building permit, all affected residential buildings shall have acoustical certification that building shells have been designed to reduce interior noise levels to 45 dBA Ldn or less.

The Phase I noise analysis demonstrates that the rear yards of the lots will not be subject to noise levels above 65 dBA, should the proposed noise fences be used. However, to ensure the rear yards are an adequate size, a minimum distance shall be provided between the rear of each

dwelling and the noise wall. The minimum distances shall be those shown on the applicant's Backyard Size Exhibit, dated January 28, 2020 and incorporated by reference herein. According to this exhibit, the minimum distance is 32.8 feet for Lot 3, 39.3 feet for Lot 4, 32.6 feet for Lot 5, and 40 feet for Lot 6.

At the Planning Board hearing, the Applicant agreed to the removal of Lot 11 which contained the dwelling proposed to be oriented toward MD 210. Therefore, noise concerns and mitigation regarding Lot 11 are no longer relevant.

20. **Accokeek Development Review District Commission (ADRDC)**—This application was referred to the ADRDC for review and comment. On March 4, 2020, the ADRDC submitted their email response dated March 4, 2020 (Woods to Diaz-Campbell), incorporated by reference herein, which indicated the following concerns:

“Ou[r] concerns are as follows: One of the houses will be facing HWY 210, we were told that they would put up a noise barrier which consist of building a mound and putting a six-foot fence on top of the mound. we are no certain that would be enough to control the noise situation. Also, this would cause more traffic at the intersection of 210 HWY and Livingston road which already has a problem with traffic going north and south on HWY 210, we at lease suggest that turn signals be installed at that intersection for the safety of drivers and pedestrians.”

The applicant had proposed a six-foot noise wall on Lot 11 and a four-foot noise wall on Lots 3–6, which will be on top of a berm/mound. Based on the applicant's noise study, the walls, if constructed to the study's specifications, will adequately address noise for the rear yard of Lot 11 and Lots 3–6. However, at the Planning Board hearing, the Applicant agreed to the removal of Lot 11 which contained the dwelling proposed to be oriented toward MD 210. Therefore, noise concerns regarding Lot 11 are no longer relevant. Based on the transportation analysis included in Finding 10 of this resolution, no improvements to the intersection of MD 210 and Livingston Road are required, due to the low number of trips that will be generated by the site.


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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 12, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of April, 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: March 18, 2020