



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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PGCPB No. 2023-26

File No. 4-22017

R E S O L U T I O N

WHEREAS, Williamsburg Group L.L.C. is the owner of 5.35 acres of land known as Parcels 65, 109, and 131, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned Rural Residential (RR); and

WHEREAS, on January 10, 2023, Williamsburg Group L.L.C. filed an application for approval of a Preliminary Plan of Subdivision for seven lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22017 for Cole's Manor 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 9, 2023; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 of the Subdivision Regulations, subdivision applications submitted before April 1, 2024 may be reviewed and decided in accordance with the prior Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on March 9, 2023, 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 TCP1-001-2023, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-22017, for seven lots with the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised, as follows:
 - a. Provide a 10-foot-wide public utility easement along the entire frontage of Donston Drive.
 - b. Remove the building setback lines.

- c. Use RR naming convention, instead of R-R, in accordance with the current *Prince George's County Zoning Ordinance*.
 - d. Add a note stating that the mandatory dedication of parkland requirement is being addressed by providing payment of a fee-in-lieu.
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 8875-2022, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
 - a. Right-of-way dedication of 40 feet from the centerline of Brooklyn Bridge Road, and for the extension of Donston Drive, in accordance with the approved preliminary plan of subdivision.
 - b. Dedication of 10-foot-wide public utility easements along all abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision, unless a variation is requested, at the time of final plat.
4. Prior to approval of the final plat of subdivision, in accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication.
5. Prior to signature approval of the preliminary plan of subdivision (PPS), Type 1 Tree Conservation Plan TCP1-001-2023 shall be revised, as follows:
 - a. Add all standard symbols used on the TCP1 plan to the legend.
 - b. Add a specimen tree table to the plan with the following:
 - (1) Add a column entitled "Disposition" and indicate which trees will remain and which will be removed from the site.
 - (2) Indicate that Specimen Trees 1, 2, 3, 4, and 8 will be saved.
 - (3) Add the standard Subtitle 25 variance note, under the specimen tree table or woodland conservation worksheet, identifying with specificity the variance decision, consistent with the decision of the Planning Board:

"NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed)."

- c. Differentiate between trees to be saved vs. trees to be removed, using the standard symbols as required by the Environmental Technical Manual, on the plan and in the legend.
 - d. Label all woodlands retained, counted as cleared, within the floodplain with their acreage.
 - e. Indicate that the area of invasive bamboo will be removed on the plan.
 - f. Show reforestation/afforestation on proposed Lot 7, within all unwooded areas of the primary management area, including in the area currently occupied by bamboo (except for the area approved for the outfall structure).
 - g. Identify and label the woodland preservation area located in the southwestern corner of the site.
 - h. Update the TCP worksheet, as necessary, once the above changes are made.
 - i. Update standard General Note 1 with the correct PPS case number.
6. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-001-2023). The following notes shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-2023), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
7. 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.”
8. 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."

9. At the time of review of the Type 2 tree conservation plan (TCP2), an invasive species management plan shall be provided on the TCP2, signed by a qualified professional, for removal of invasive species on-site.
10. Prior to approval of a building permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a bicycle and pedestrian improvement plan, which displays the details, location, and extent of a marked bicycle lane along the subject property's frontage of Brooklyn Bridge Road, unless modified by the operating agency with written correspondence.

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 southwest side of Brooklyn Bridge Road, approximately 50 feet west of Cannfield Drive, and has an area of 5.35 acres. The property is comprised of three tax parcels, known as Parcel 65, 109, and 131, recorded by deed in the Prince George's County Land Records in Liber 24963 at folio 611, Liber 24963 at folio 605, and Liber 24963 at folio 599, respectively. The property is within the Rural Residential Zone under both the current Prince George's County Zoning Ordinance (in which it is known as the RR Zone) and the prior Zoning Ordinance (in which it is known as the R-R Zone). However, this preliminary plan of subdivision (PPS) was reviewed, in accordance with the prior Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-036. The site is subject to the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (master plan), Subtitles 24 and 27 of the prior Prince George's County Code, and other applicable plans, as outlined herein. The PPS includes seven lots for development of seven single-family detached dwellings. Access for five of the lots is proposed via an extension of Donston Drive, and access for the remaining two lots is proposed via Brooklyn Bridge Road. There is one existing dwelling on-site that is to be removed.

The applicant also filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), in order to allow the removal of three specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The property is located on Tax Map 2 in Grids E3 and E4 and is within Planning Area 60. The properties to the north, beyond Brooklyn Bridge Road, consist of public parkland within the Reserved Open Space Zone. The properties abutting the subject site to the east and south are developed with single-family detached dwellings within the RR Zone. The abutting property to the west consists of parks and open space development also within the RR Zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	RR	RR
Use(s)	Residential	Residential
Acreage	5.35	5.35
Lots	0	0
Parcels	3	7
Outlots	0	0
Dwelling Units	1	7

Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on January 20, 2023.

5. **Previous Approvals**—No prior approvals are associated with this site.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

Plan 2035 places this property in the Established Communities growth policy area, which is most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

Master Plan Conformance

The master plan recommends low-density residential land use on the subject property. The associated sectional map amendment retained the property in the R-R Zone.

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, this PPS conforms to the land use recommendation of the master plan.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (8875-2022) was submitted with this PPS. The

plan shows the use of eight dry wells and one submerged gravel wetland system to treat and detain stormwater before it leaves the site. An approved SWM concept plan will be required as part of the application, at the time of permit review. No further information is required, at this time, regarding SWM with this PPS.

Development of the site, in conformance with the SWM concept plan and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

This PPS was reviewed for conformance to the master plan, per Section 24-121(a)(5). The proposed development has no impact on the master plan park and open space recommendations.

Park and recreation amenities serving the subject property include the T. Howard Duckett Community Center, which is located approximately 0.38 mile northwest of the subject property and consists of a recreation center, two full basketball courts, football/soccer combo fields, and picnic shelters. In addition, the West Laurel Park is located approximately 1.25 miles to the southwest and consists of a hard surface trail, picnic area, a multipurpose field, a playground, a soccer field, and a volleyball court.

Separate from the evaluation of adequacy, mandatory dedication of parkland requirements is applicable. This PPS was reviewed, per the provisions of Sections 24-134 and 24-135 of the prior Subdivision Regulations, which pertain to mandatory dedication of parkland and provides for the dedication of land, the payment of a fee-in-lieu, or recreational facilities, to meet the requirement. Based on the proposed density of development, 5 percent of the net residential lot area should be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 0.24 acre. The subject property is not adjacent to or contiguous with any property currently owned by M-NCPPC. Therefore, the 0.24 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

The *Prince George's County Park and Recreation Facilities Guidelines* also set standards based on population. The projected population for the development is 19 new residents, which will have a de minimis impact. Per Section 24-135, the Planning Board may approve the payment of fees, in place of parkland dedication. The applicant shall provide payment of a fee, in-lieu of mandatory dedication of parkland.

The applicant's proposal to provide payment of a fee, in lieu of parkland dedication, will meet the requirements of Section 24-135(a). The fee-in-lieu shall be paid, prior to approval of the final plat of subdivision.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan, to provide the appropriate transportation facilities.

Master Plan Conformance

The subject site fronts on Brooklyn Bridge Road, identified as a master plan roadway in the MPOT, which recommends 80 feet of ultimate right-of-way. In accordance with the MPOT, the applicant is proposing dedication of land to facilitate the ultimate right-of-way for Brooklyn Bridge Road. The right-of-way dedication provided with this PPS is sufficient for future transportation improvements, along the property's frontage.

The PPS shows the extent of the ultimate right-of-way, along the property's frontage of Brooklyn Bridge Road, consistent with the master plan recommendation, with the dedication of 40 feet from centerline. This proposed dedication is found to be adequate.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a planned bike lane on Brooklyn Bridge Road, along the property's frontage.

The MPOT also provides policy guidance regarding multimodal transportation and the Complete Streets element, as it recommends how to accommodate infrastructure for people that walk and utilize bicycles.

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

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Dedication of 40 feet from center line, as shown on the plan, is adequate to support the bicycle lane, per the MPOT recommendations. A bicycle lane shall be installed, along the subject property's frontage of Brooklyn Bridge Road, and shown on subsequent applications.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the proposed PPS, meet the findings required of Subtitle 24, and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan contains a Public Facilities section (page 69) in the Infrastructure Elements chapter. The primary objective is, as follows:

Public facilities are provided in locations that serve and promote a livable community in the Subregion 1 area. Schools are at or below capacity and are conveniently located to foster learning. Police, fire and rescue services are located where response time is minimal and library services are located within easy access of all residents in the Subregion 1 area.

The proposed development will not impede achievement of any of the above-referenced goals. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property. This PPS is further supported by an approved Certificate of Adequacy (ADQ-2022-036), which ensures adequate public facilities to support the proposed land use. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, however, none of the recommendations affect the subject site.

11. **Public Utility Easement**—Section 24-122(a) of the prior Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall 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 public utility easements (PUEs) is 10 feet wide, along both sides of all public rights-of-way. The subject site has frontage along the existing public right-of-way of Brooklyn Bridge Road, and the proposed extension of Donston Drive. The PPS depicts the 10-foot-wide PUE along Brooklyn Bridge Road. However, the 10-foot-wide PUE along Donston Drive does not continue along the entire frontage. The applicant shall revise the PPS to provide the 10-foot-wide PUE along the entire frontage of Donston Drive, prior to signature approval of the PPS. It is noted that this may create conflicts with the proposed SWM facilities on-site, which may result in the need for revisions to final SWM design or necessitate a variation from the PUE requirement. A variation from the PUE requirement may be requested with the final plat of subdivision, if necessary.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 101–105). However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property was high. A Phase I archeology survey was completed, and the

draft Phase I report was submitted with the PPS; one archeology site was identified, and no further work was recommended. The subject property does not contain and is not adjacent to any designated Prince George's County historic sites or resources. No further work is necessary on the site.

13. **Environmental**—PPS 4-22017 was accepted for review on January 10, 2023. Comments were provided to the applicant at the SDRC meeting on January 20, 2023. The following applications and associated plans have been reviewed for the subject site:

Development Review Case	Associated Tree Conservation Plan or Natural Resources Inventory	Authority	Status	Action Date	Resolution Number
N/A	NRI-106-2022	Staff	Approved	8/2/2022	N/A
4-22017	TCP1-001-2023	Planning Board	Approved	3/9/2023	2023-26

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the County Code because this is a new PPS.

Plan 2035

The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, and in the Established Communities area of the Growth Policy, as designated by Plan 2035.

Master Plan Conformance

The Environmental Infrastructure section of the master plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Subregion 1 plan area.

Protection, preservation, and enhancement within the identified regulated area of the site shall be achieved through preserving and enhancing existing woodlands, by removing the existing invasive stand of bamboo, as well as other invasive species within this area. Subsequently, reforestation/afforestation should occur within this area, to the fullest extents practical. All woodland preservation, reforestation, and afforestation will be required to be placed into a woodland conservation easement, prior to signature approval of the Type 2 tree conservation plan (TCP2). All areas that are mapped to remain undisturbed in the primary management area (PMA) of the site are required to be placed into a conservation easement, at the time of final plat.

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

The project is within the vicinity of the Rocky Gorge Reservoir, which is considered to be a special conservation area. This project will meet water quality and quantity requirements, in accordance with an approved SWM concept plan, to be approved by the Site/Road Plan Review Division of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

Policy 3: Implement the State Storm Water Management Act of 2007 in Subregion 1 as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent River watersheds.

A SWM concept approval letter and plan, that is in conformance with the current code, will be required by DPIE. The Site/Road Plan Review Division will review the project for conformance with the current provisions of the County Code, which address state regulations.

Policy 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.

The use of green building techniques and energy conservation techniques should be used, as appropriate. The use of alternative energy sources, such as solar, wind, and hydrogen power, are encouraged.

Policy 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.

The use of alternative lighting technologies is encouraged, so that light intrusion onto adjacent properties is minimized. Full cut-off optic light fixtures should be used.

Policy 6: Reduce air pollution by placing a high priority on transportation demand management (TDM) projects and programs.

The traffic generated by the proposed development is de minimus and, therefore, implementation of transportation demand management is not necessary.

Green Infrastructure Plan Conformance

According to the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains regulated areas within the network, located contiguous within an existing stream, and located along the southern property boundary. A small evaluation area is located along the southwestern boundary associated with existing woodlands.

The proposed development will not impact any County regulated environmental features (REF), except for placement of an outfall. Invasive species, including bamboo, are located within much of this area. These invasive species must be removed, in accordance with an invasive species management plan, at the time of TCP2. This area should be replanted with native species, to enhance and protect the regulated area on-site.

While some of the evaluation area green infrastructure elements mapped on the subject site will be impacted, the overall site will be graded under the zoning requirements and the intent of the growth pattern established in Plan 2035.

Based on the proposed layout, the project demonstrates conformance with the applicable policies and strategies of the Green Infrastructure Plan.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

A signed Natural Resources Inventory (NRI-106-2022) was submitted with this PPS. The site contains REF, which includes wetlands, streams, and their associated buffers. A 100-year floodplain is also mapped on-site. PMA, which is inclusive of all these features and areas of steep slopes of 15 percent or greater, is mapped along the southern boundary of the site. This site is within a Tier II catchment area and the tributary is associated with a Tier II buffer. According to the Maryland Department of Natural Resources, Wildlife and Heritage Service, there are no records for rare, threatened, or endangered species mapped on-site. The NRI indicates the presence of one forest stand totaling 0.98 acre on-site (0.90 acre of which is wooded floodplain), with a high priority for preservation and restoration. A total of three specimen trees (ST-5, 6, and 7) are identified on-site. Although ST-2 and 8 are identified as being on-site, in the specimen tree list, they are actually located off-site, according to the NRI plan.

Invasive bamboo is mapped extensively within and adjacent to the REF on-site. According to the forest summary sheet and the forest stand delineation report, other invasive species are present within the herbaceous and understory layers of the existing forest stand.

The PPS is consistent with the environmental features identified on the NRI.

Woodland Conservation

This project is subject to the WCO because this is a new PPS. This project is also subject to the 2018 Environmental Technical Manual (ETM). Type 1 Tree Conservation Plan TCP1-001-2023 was submitted with the subject PPS and requires revisions, to be found in conformance with the WCO.

According to the TCP1 worksheet, the site has a woodland conservation threshold of 20 percent, or 0.81 acre. According to the worksheet, the cumulative woodland conservation requirement, based on the total proposed clearing of 0.18 acre of floodplain woodlands for this project, is 0.79 acre. The TCP1 proposes to meet this requirement entirely off-site.

Section 25-122(c)(1) prioritizes methods to meet the woodland conservation requirements. The applicant submitted a statement of justification (SOJ) on January 30, 2023, requesting approval of off-site woodland conservation, as reflected on the TCP1 worksheet. The applicant states that on-site preservation cannot be utilized because all of the qualified woodland on-site is located within the 100-year floodplain. However, there is an area located in the southwestern corner of the site, labeled as 0.08 acre of retained forest, that can be credited towards meeting the requirement on-site and placed into a woodland conservation easement that is immediately adjacent to the PMA, within the regulated area of the Green Infrastructure Plan. This area must be shown as woodland preservation on the TCP1 and worksheet. The applicant further states that on-site afforestation/reforestation is not an option, due to the presence of invasive bamboo within the PMA and wetland buffers, and that the time and expense to remove invasive species is not economically feasible for the applicant. This is not an adequate reason to not afforest and restore this regulated area of the Green Infrastructure Plan. This would normally require any applicant, with similar percentages of invasives on-site, to enact an invasive species management plan on-site for the control and removal of all invasives from the site. An invasive species management plan shall be submitted by the applicant, at the time of TCP2, which establishes that the unforested area of the PMA cannot be developed and, instead be afforested/reforested.

Per Section 25-122(c)(1)(D), only specimen, champion, and historic trees in good condition are prioritized for preservation, over off-site mitigation. There is only one specimen tree on-site that meets the minimum good condition requirement for preservation and was requested for removal, (see the Specimen, Champion, or Historic Trees section of this resolution). The next priority is for allowing for credit of natural regeneration on-site; however, given the extensive invasive species on-site, the use of on-site natural regeneration to meet credit on-site is not supported. Therefore, once the above on-site mitigation options detailed above are exhausted, off-site mitigation options will then be appropriate for the site.

Once the above changes for on-site credit and afforestation/reforestation are shown on the plan, the TCP worksheet and any associated tables must be revised.

Further technical revisions to the TCP1 are required and are included in the conditions of this resolution.

Preservation of Regulated Environmental Features

This site contains REF that are required to be preserved and/or restored, to the fullest extent possible, under Section 24-130(b)(5) of the Subdivision Regulations. The on-site REF include stream buffer, wetlands, wetland buffers, and PMA that also includes 100-year floodplain.

Section 24-130(b)(5) requires the following finding:

The Planning Board shall require that proposed subdivisions conform to the following: Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent

with the guidance provided by the Environmental Technical Manual established by Subtitle 25.

Impacts to REF should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate, if placed at the location of an existing crossing or at the point of least impact to REF. SWM outfalls may also be considered necessary impacts, if the site has been designed to place the outfall at a point of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

An SOJ was received with this PPS, dated November 11, 2022, from Gutschick, Little & Weber, for one proposed impact to PMA. This proposed 890 square feet (0.02 acre) of PMA and floodplain disturbance is for the proposed grading and installation of a SWM facility outfall pipe to connect to the existing stream. The stormdrain outfall is required to fulfill environmental site design requirements, as mandated by the State of Maryland.

The applicant's SOJ shows the associated impacts, as reflected on the TCP1 and on the revised unapproved SWM concept plan, submitted on January 30, 2023. However, the SOJ does not reflect the additional impacts proposed for expansion of the proposed gravel wetland into the floodplain, as shown on the unapproved concept grading, erosion, and sediment control plan, submitted on January 30, 2023. The requested impacts shown in the SOJ, for creation of the outfall, are approved as reflected on the TCP1 and unapproved SWM concept plan. However, the unrequested additional impacts are not approved, as reflected on the proposed concept grading, erosion, and sediment control plan, for expansion of the gravel wetland facility's proposed easement into the floodplain. The limits of disturbance of the final grading, erosion, and sediment control plan will be required to match that of the final SWM plan and the TCP2, prior to issuance of any grading permits.

The grant of a floodplain fill waiver from DPIE will be required for impacts, to allow for filling and grading within the floodplain.

Specimen, Champion, or Historic Trees

Tree conservation plans are required to meet all of the requirements of Subtitle 25, Division 2, which includes preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the ETM for guidance on each species' ability to tolerate root zone disturbances).

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the County's WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

After careful consideration is given to preservation of the specimen trees, if there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) will be required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25, provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by an SOJ, which states the reasons for the request and how the request meets each of the required findings. A revised Subtitle 25 variance application and an SOJ, in support of a variance, dated as received on January 30, 2023, was submitted for each of the trees proposed to be removed.

The SOJ requests removal of all three of the existing specimen trees located on-site. Specifically, the applicant seeks to remove ST-5, 6, and 7. The TCP1 shows the location of the trees proposed for removal and identifies these trees as being in poor, fair, and excellent condition, respectively. These trees are centrally located on the northern portion, close to existing buildings to be demolished on-site, prior to construction.

**SPECIMEN TREE SCHEDULE SUMMARY FOR THREE TREES PROPOSED
FOR REMOVAL ON TCP1-001-2023**

SPECIMEN TREE #	COMMON NAME	DBH (inches)	CONDITION	APPLICANTS PROPOSED DISPOSITION	NOTES/ RECOMENDATIONS
5	Red Maple	45"	Poor	Removed	Crown Dieback
6	Norway Maple	34"	Fair	Removed	Invasive Species
7	Willow Oak	39"	Excellent	Removed	None

The removal of ST-6 (a 34-inch Norway maple), as it is a highly invasive species actively being controlled for removal from forests within the County and State, is supported. Removal of the three specimen trees requested by the applicant are approved, based on the findings below.

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

The three specimen trees are in close proximity to the existing detached residential dwelling and garage that are proposed to be removed, making it difficult to viably save these trees in the process of removing these structures. The critical root zone of ST-7 is in the area required for mandatory road dedication and expansion.

The creation of Lot 2 and dedication of the site's frontage to Brooklyn Bridge Road is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site, without the requested variance. Requiring the applicant to retain the three specimen trees on the site would further limit the area of the site available for redevelopment, to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

The property is already partially developed with a house and garage in the area of proposed Lot 2. The redevelopment of this site will require these structures to be razed.

Enforcement of these rules for these specimen trees would result in an inability for the applicant to redevelop the existing built area of the site.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application. This is not a special privilege that would be denied to other applicants.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

The request to remove the trees does not arise from any condition on a neighboring property. The trees have grown to specimen tree size under natural conditions and have not been impacted by any neighboring land or building uses.

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

All proposed land development activities will require sediment control and SWM measures, to be reviewed and approved by the County.

Granting this variance request will not violate water quality standards, nor cause measurable degradation in water quality. The project is subject to SWM regulations, as implemented locally by DPIE. The project is subject to environmental site design, to the maximum extent practicable. The removal of three specimen trees will not directly affect water quality.

Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets state standards set to ensure that no degradation occurs.

The required findings of Section 25-119(d) were adequately addressed for removal of ST-5, 6, and 7.

Tier II waters

This site is also located within a Tier II catchment area. Tier II waters are designated as high-quality waters by the Maryland Department of the Environment. These areas are afforded special protection by the State of Maryland. The tributary located along the southern edge of the site falls within the Tier II catchment area and as an expanded Tier II buffer, as referenced on the approved NRI and reflected on the TCP1. The SCD regulates this buffer and reserves the right to limit impacts within this buffer area. Staff contacted SCD regarding whether or not additional restrictions would be required on-site, specifically with regards to the siting of the proposed house on Lot 7. The SCD stated that, since the house sits outside of the PMA, they would not impose any additional restrictions and the siting of the house is acceptable.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Chillum Silt Loam (0-5 percent slopes), Codorus and Hatboro, frequently flooded, Croom-Urban Land complex (5-15 percent slopes), Gleneleg-Wheaton-Urban land complex (8-15 percent slopes), and Manor-Brinklow complex (25-65 percent slopes), very rocky.

Unsafe soils containing Marlboro clays or Christiana complexes were not identified on or within the immediate vicinity of this property. There are no geotechnical issues, considering the proposed construction and the existing site and subsoil conditions.

Correspondence from the DPIE, demonstrating conformance with Section 24-131 of the Subdivision Regulations for unsafe soils, is not required at this time and no further action is needed, as it relates to this PPS. The County may require a soils report, in conformance with Prince George's County Council Bill CB-94-2004, during future phases of development and/or at the time of permit.

14. **Urban Design**—This PPS was reviewed for conformance with the requirements of the Zoning Ordinance, the Prince George's County Tree Canopy Coverage Ordinance, and the 2010 *Prince George's County Landscape Manual* (Landscape Manual), as follows:

Conformance with the Zoning Ordinance

The proposed single-family detached residential community is a permitted use in the R-R Zone.

Conformance with the 2010 Prince George's County Landscape Manual

The development proposal for a community consisting of seven single-family detached dwellings is subject to the prior Landscape Manual because this PPS is for new development. Specifically, the following sections of the Landscape Manual are applicable to this property:

Section 4.1 – Residential Requirements

Section 4.9 – Sustainable Landscaping Requirements

These requirements will be evaluated at the time of permit review.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties in the prior R-R Zone are required to provide a minimum of 15 percent of the gross tract area covered by tree canopy. The subject site is 5.35 acres in size and the required TCC is 0.80 acre. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured, at the time of permit review.

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.

* * * * *

PGCPB No. 2023-26

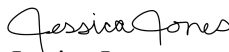
File No. 4-22017

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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 Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, March 9, 2023, in Upper Marlboro, Maryland

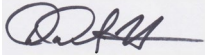
Adopted by the Prince George's County Planning Board this 30th day of March 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AH:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 27, 2023