

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 10, 2005 regarding Detailed Site Plan DSP-04039 for Marlborough Station, the Planning Board finds:

1. **Request:** The subject application is for approval of 19 single-family detached lots on the west side of Old Marlboro Pike at the intersection of Elm Street in the Town of Upper Marlboro. The site consists of 7.53 acres in the R-80 Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-80	R-80
Use(s)	Vacant	Residential
Acreage	7.53	7.53
Lots	1	19
Parcels	3	4
Dwelling Units:	0	19 SFD

Architectural Data***Model****Base Finished Area (Sq. Ft.)**

River Forest II & III	3,000 min.
Charleston II & III	3,000 min.
Kenilworth III	3,000 min.

* For a discussion of the architecture, see Finding 14 below.

3. **Surroundings and Use:** The proposed residential subdivision is surrounded by residential uses on the east, north and west with a high school (used for administrative offices) to the southwest and a vacant wooded lot zoned R-80 to the south.

COMPLIANCE WITH EVALUATION CRITERIA

4. **Zoning Ordinance:** The detailed site plan is in conformance with the applicable requirements of the Zoning Ordinance in the R-80 Zone. The applicant had filed for a variance for lot coverage along with the detailed site plan application. However, the applicant has revised the plans so that the variance is no longer needed and has subsequently withdrawn the variance application.
5. **Landscape Manual:** The detailed site plan is in conformance with the applicable sections of the Landscape Manual.

6. **Woodland Conservation Ordinance:** In a memorandum dated January 25, 2005 (Stasz to Wagner), the Environmental Planning Section offered the following comments:

BACKGROUND

The Environmental Planning Section previously reviewed this site in conjunction with the approvals of the Preliminary Plan of Subdivision, 4-02075, and Type I Tree Conservation Plan, TCPI/43/02.

Site Description

This 7.52-acre property is located on the west side of Old Marlboro Pike at its intersection with Old Mill Road. A review of available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and steep slopes with highly erodible soils are not found to occur on this property. No transportation-related noise impacts have been found to impact this property. The soil series found to occur, according to the Prince George's County Soil Survey, include Collington fine sandy loam and Galestown gravelly loamy sand, which have no significant limitations that would affect the development of this property. There are no Marlboro clays found in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Old Crain Highway, which is located approximately 300 feet south of this property, is a designated historic road. The property is located in the Western Branch watershed of the Patuxent River basin and in the Rural Tier as reflected in the adopted General Plan.

SUMMARY OF PRIOR ENVIRONMENTAL CONDITIONS OF APPROVAL

The approval of the preliminary plan of subdivision included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of the detailed site plan are addressed below. The respective conditions are in **bold** type, the associated comments are in standard type, and additional information or plan revisions are in italics.

PRELIMINARY PLAN OF SUBDIVISION, 4-03096; PGCPB No. 04-038

4. **In conjunction with the approval of the Detailed Site Plan for this site, a Type II Tree Conservation Plan shall be approved. In addition to the normal requirements, the TCPII shall provide a specific management plan for hazard reduction in the Woodland Preservation Areas.**

The TCPII as submitted provides the standard edge management notes as prepared by the Environmental Planning Section, but does not provide specific guidance with respect to this site as required by this condition. An analysis of edge trees and treatments is necessary. See the

Environmental Review section of this memorandum for details of required revisions to address

this condition.

ENVIRONMENTAL REVIEW

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

1. The detailed forest stand delineation (FSD) submitted with Preliminary Plan of Subdivision 4-02075 was found to address the requirements for a detailed FSD in accordance with the requirements of the Prince George's County Woodland Conservation Ordinance.

Comment: No further information is required with respect to the detailed FSD.

2. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is a previously approved Type I Tree Conservation Plan, TCPI/43/02. A Type II Tree Conservation Plan, TCPII/149/04, was submitted for review with this application.

This 7.52-acre property in the R-80 Zone has a 20 percent woodland conservation threshold (WCT) of 1.49 acres and replacement requirements of 1.42 acres for clearing woodlands above and below the WCT. In addition, 0.25 acre of off-site clearing is proposed that will be subject to a 1:1 replacement for a total requirement. The total woodland conservation requirement for this property is 3.52 acres based on the worksheet calculations. The requirement is proposed to be satisfied by 1.08 acres of on-site preservation, 0.30 acre of on-site reforestation, and 2.14 acres of off-site mitigation, at a location to be determined, for a total of 3.52 acres.

The Type II Tree Conservation Plan, TCPII/149/04, submitted with this application was reviewed and was found to need revisions. The woodlands at the northwest corner of the site are shown as being part of an afforestation area. This area should be shown as preservation because the 2000 aerial photos, the detailed FSD, and the Type I Tree Conservation Plan TCPI/43/02 show it as woodland. Specimen Tree 2 is a yellow poplar that is 52 inches in diameter, in fair condition, and is located at the limit of disturbance. The tree shall be further evaluated to determine if it should be preserved. Other revisions needed include making the edge management notes specific to the subject property; revising the proposed limit-of-disturbance to be outside the proposed tree protection fence; and identifying the circle symbol with a number in it. In addition, the plans were not signed by a qualified professional as required by state law.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/149/04 subject to Conditions 5 and 6 in the recommendation section below.

7. **Preliminary Plan of Subdivision 4-02075:** The detailed site plan is in general conformance to the preliminary plan. The following preliminary plan conditions warrant discussion:

- 1.b. The final amount and configuration of the area of land currently devoted to Lots 1 through 9 shall be determined at the time of Detailed Site Plan.**

Comment: The above condition has been reviewed in conjunction with preliminary plan condition 6, which reads as follows:

- 6. Prior to the approval of the final plat of subdivision, a Detailed Site Plan shall be approved by the Planning Board pursuant to Finding 16 and 17 of this resolution and it shall include:**
- a. A plan showing the footprint and location of Historic Site 79-19-1 in relation to the proposed house on Lot 1.**
 - b. A section drawing showing topography and sight lines from Historic Site 79-19-1 to the proposed house.**
 - c. Architectural elevation drawings showing dimensions and rooflines of the proposed house on Lot 1.**

Comment: Finding 16 and 17 indicated in reference to lot size averaging that there was a concern about the size of Lot 1 in comparison to the existing lots along Rectory Lane. Lot 1 is the first lot entering the subdivision and happens to be one of the smallest lots in the subdivision. However, there is an area of tree preservation between the lot and the right-of-way of Marlboro Pike making the lot appear to be larger. After reviewing the house sited on the proposed lot, staff is satisfied that the house fits on the lot meeting all the setback and lot coverage requirements. Additionally, the applicant has provided landscape materials along the east and north property lines to help screen the view of the house from the Historic Site 79-19-1 and the existing single-family home to the north.

The information required by Condition 6a., b., and c. above was provided by the applicant and has been analyzed by the staff with the following comments:

With regard to item a. above, the footprint and location of Historic Site 79-19-1 in relation to the proposed house on Lot 1 has been shown on the site plan.

With regard to item b., a section has been provided that reveals a sparsely wooded area between the proposed lot and the historic site that will provide some measure of screening. The applicant has provided additional planting along the eastern lot line to further help screen the lot from the historic house.

With regard to item c., the applicant has provided architecture for the development that is appropriate in scale and detail to be compatible with the existing homes in the neighborhood. Because the homes proposed on Lots 1 and 19 will be the first homes seen upon entering the subdivision and the most visible from the historic sites across Marlboro Pike, it is recommended that those houses be finished with "Hardiplank" material and have a brick or stone water table to

be compatible with the finish materials of the historic houses since they are constructed with wood siding as a finish material. Hardiplank is a cement-fiber siding material that has the dimensions of wood and is superior to vinyl siding, looks like wood siding, but is more durable. It is also a material recommended for use in the new Rural Tier bill (CB-1-2005).

- 4. In conjunction with the approval of the Detailed Site Plan for this site, a Type II Tree Conservation Plan shall be approved. In addition to the normal requirements, the TCP II shall provide a specific management plan for hazard reduction in the Woodland Preservation Areas.**

Comment: See Finding 6 above for discussion of the Woodland Conservation Ordinance requirements.

- 7. An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries, and the Planning Board shall approve its design at the time of Detailed Site Plan.**

Comment: The applicant has provided a decorative wrought iron fence with brick piers on either side of the entrance to the subdivision and extending along the property frontage with Marlboro Pike. A split-rail fence, connecting to the brick piers encloses the property on the other two sides. The same treatment is provided for the Tyler family cemetery on the western portion of the site. Plaques are to be provided on the brick piers indicating the name of the subdivision and also indicating that the areas contain historic cemeteries.

- 8. Prior to the approval of a Detailed Site Plan, the applicant will cooperate with the Town of Upper Marlboro, the Department of Environmental Resources, the State Highway Administration, and any other appropriate government agencies to address feasible alternatives to providing a stormwater management pond on the property as currently required by the approved Conceptual Stormwater Management Plan. In the event that an alternative is identified that eliminates or reduces the amount of land required for stormwater management, the Detailed Site Plan shall address the conversion of the land into additional lots, but in no case shall the total number of lots exceed 19.**

Comment: The applicant has been working with the Town of Upper Marlboro, DER, and SHA to provide an alternative to the on-site stormwater management pond that was originally proposed. An agreement has been made between the parties that a new storm drain system will be constructed by the applicant. The on-site stormwater management system will consist of infiltration, which will be tied into the proposed storm drain system in the Marlboro Pike right-of-way. The proposed off-site storm drain system will be funded by a developer's participation agreement between Washington Homes, Prince George's County, and the Town of Upper Marlboro. The Town of Upper Marlboro has agreed to contribute up to \$250,000 of the construction costs of the storm drain system and Prince George's County has agreed to contribute up to \$500,000 of the design and construction cost. The developer will pay for the balance of the cost of construction, however, the agreement by the county has not been signed by the County

Executive. A copy of the signed agreement should be provided prior to certification of the detailed site plan. The area where the stormwater management pond was originally proposed has been converted to two additional residential lots as permitted in the above condition, not to exceed 19 total lots in the subdivision.

9. **Sixty (60) days prior to the submission of the Detailed Site Plan, an analysis/evaluation (report) including an inventory and recommendations, shall be submitted to the Historic Preservation and Public Facilities Planning Section and the Town of Upper Marlboro for review. This report shall be for the entire $\frac{3}{4}$ acre property of the former Marlborough Methodist Episcopal Church and an area fifty-feet (50) out from the southern and western boundaries.**

Comment: See Finding 11 below for information pertaining to the above condition.

Referral Comments

8. The Transportation Planning Section found the detailed site plan to be acceptable as shown.
9. In a memorandum dated February 10, 2005 (Bailey to Wagner), the State Highway Administration has indicated that the improvements to Marlboro Pike required to be built by the applicant will consist of two 11-foot travel lanes, two left-turn lanes, and a 4-foot bike lane along the frontage of the subject property.
10. In a memorandum dated November 10, 2004 (DeGuzman to Greene), the Department of Environmental Resources SWM Concept Section has indicated that the detailed site plan is consistent with the approved stormwater management concept 29753-2002-01.
11. In a memorandum dated March 1, 2005 (Carlson-Jameson to Wagner), the Historic Preservation Section offered the following comments:

This proposed detailed site plan comprises 7.53 acres (Tax Map 101, Parcels 53, 241 & 254). Nineteen residential lots are proposed. All lots will be accessible from a proposed interior road extending west from the current west end of Elm Street. The proposed development is located across Old Marlboro Pike from Historic Site 79-19-18, the Digges-Sasscer House, and from Historic Site 79-19-1, the Thomas J. Turner House. The plan shows Lot 1 directly across Old Marlboro Pike from the Thomas J. Turner House.

The parcel proposed for detailed site plan does not contain any historic site or historic resource that is subject to the Prince George's County Historic Preservation Ordinance, but it does contain two historic cemeteries that are protected by county and state regulations. The Tyler Family Cemetery is located in the northwest corner of Parcel 53. This small cemetery contains at least five burials of family members of a 19th-century register of wills, Truman Tyler. The stones date from 1829 to 1851. The cemetery is located within a 1.10-acre tree preservation area to be owned by the homeowners association (HOA). In Parcel B, also to be dedicated to the HOA, field archeology has noted one headstone and footstone on the site of the Marlborough Methodist

Episcopal Church.

Findings

1. This property is located across Old Marlboro Pike from two historic sites—the Digges-Sasscer House (79-19-18) and the Thomas J. Turner House (79-19-1).
2. Condition 6 of Preliminary Plan 4-02075 requires that the detailed site plan show the footprint and location of Historic Site 79-19-1 in relation to the proposed house on Lot 1, a section drawing showing topography and site lines to the historic site from the proposed house on Lot 1, and architectural elevation drawings showing dimensions and roof lines of the proposed house on Lot 1.
3. Condition 7 of Preliminary Plan 4-02075 requires that a fence or wall to delineate the cemetery boundaries be constructed of brick, stone, metal or wood, and be approved by the Planning Board or its designee prior to the issuance of any permits. Additionally the applicant must submit an inventory of all existing cemetery elements including a record of tombstone inscriptions.
4. Condition 9 of Preliminary Plan 4-02075 requires that 60 days prior to the submission of the detailed site plan, an analysis/evaluation (report), including an inventory and recommendations, shall be submitted to the Historic Preservation and Public Facilities Section and the Town of Upper Marlboro for review.

Conclusions

1. The footprints of the Digges-Sasscer House (79-019-18) and Thomas J. Turner House (79-019-1) have now been appropriately shown on the detailed site plan.
 2. A section drawing showing topography and site lines to Historic Site 79-19-1, the Thomas J. Turner House, from the proposed house on Lot 1 and architectural elevation drawings showing dimensions and roof lines of the proposed house on Lot 1, has been submitted and reviewed.
 3. The Tyler Family Cemetery and one grave on Parcel B are part of this DSP submission. A plan for the preservation and maintenance of this cemetery and grave should be clearly provided for before the approval of this DSP.
 4. The applicant has provided the document, *An Intensive Burial Identification Investigation of Portions of the Smith Property*, December 2003, prepared by Applied Archeology and History Associates, Inc., which concludes that no further investigations are necessary.
13. The Town of Upper Marlboro is scheduled to hold a public hearing on the detailed site plan on March 8, 2005. The town's comments will be presented at the Planning Board hearing on March 10, 2005.

14. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan generally represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

The applicant has provided three different architectural models, each with several different elevations. Since the development is within the Rural Tier, it is subject to the new architectural standards of CB-1-2005. The new homes are required to have a minimum of 3,000 square feet of finished floor area, exclusive of garage and unfinished basement. The homes are also required to provide a combination of brick, stone, wood, stucco, or cement-fiber planks on the front and side elevations. All walls of the building are required to provide some combination of at least three windows and/or doors. Chimneys located on the front or side elevation are required to be either brick or stone beginning at the ground level. Two-car garages are required for all models. The applicant has agreed to comply with all of the above. However, the architectural elevations should be revised to eliminate the references to vinyl siding and show cement-fiber planks in its place. Additionally, front porches should be provided as an option for all elevations. The applicant, staff and the Town of Upper Marlboro have agreed that certain elevations should not be permitted because of compatibility issues. Therefore, only the following architectural elevations should be allowed in the subdivision:

MODEL

River Forest II & III
Charleston II & III
Kenilworth II & III

ELEVATIONS

Traditional, Colonial, Country
Traditional, New England
Traditional, Colonial, New England

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/149/04) and further APPROVED Detailed Site Plan DSP-04039 for the above-described land, subject to the following conditions:

1. Prior to certification, the following revisions shall be made to the detailed site plan:
 - a. The lot line for Lot 8 shall be adjusted so that there is a minimum five-foot-wide clear zone on the east side of the Tyler family cemetery.
 - b. A copy of a letter signed by the County Executive to provide up to \$500,000 toward the design and construction of the stormdrain system in the right-of-way of Marlboro Pike shall be provided.
2. The homes on Lots 1 and 19 shall be constructed with "Hardiplank" or equal material as a finished material with a brick or stone water table to provide for variety in building materials.

3. No two identical building elevations may be located beside or across the street from one another.
4. The following architectural models and elevations are approved for the development:

MODEL

River Forest II & III
Charleston II & III
Kenilworth II & III

ELEVATIONS

Traditional, Colonial, Country
Traditional, New England
Traditional, Colonial, New England

5. Prior to certification of the detailed site plan, the Type II Tree Conservation Plan TCPII/149/04 shall be revised to:
 - a. Revise the TCPII to show the 0.30-acre area in the northwestern corner of the site as woodland preservation or calculate this area as part of the proposed clearing and adjust the worksheet accordingly.
 - b. A licensed tree expert or certified arborist shall be consulted to provide a condition analysis based on the *Guide to Landscape Appraisal*. A report shall be prepared and submitted with the revised TCPII that describes the condition of Specimen Tree 2 in detail, makes a recommendation for preservation or removal, and, if preservation is recommended, the actions to be taken to ensure the tree's long-term survival.
 - c. Revise afforestation Note 5 to indicate that the permanent perimeter fencing (split rail) for the afforestation areas shall remain in place as permanent fencing and that it shall not be removed. If no afforestation or reforestation is proposed, remove all references to permanent fencing and provide all required information for tree protection devices, including details, on the TCPII.
 - d. Provide recommendations specific to this property for how the new forest edge will be treated, based on the species that exist at the site and the potential for future invasive plants. Provide commitments regarding timing of the treatments, that they will be conducted by appropriate professionals with expertise in identification of invasive plants, and will be done prior to the issuance of the first building permit.
 - e. Ensure that the proposed limit-of-disturbance is outside of the tree protection fencing.
 - f. Provide a notation in the legend for the circles that have numbers in them. They appear to be very similar to the specimen tree symbols.
 - g. After the plan revisions have been completed the plans shall be signed and dated by the qualified professional who prepared the plans.
6. Prior to issuance of the first building permit, evidence shall be provided that describes the

invasive plant removal efforts, whom conducted the work, and photographs showing areas where invasive plants have been removed.

7. To ensure the appropriate protection and recognition of the Tyler Family Cemetery, and the graves on Parcels B and C, the applicant shall:
 - a. Provide the permanent wall or fence to delineate the Tyler Family Cemetery, and the graves on Parcel B and C, as shown on the Detailed Site Plan;
 - b. Provide an interpretive marker to be placed at a location close to or attached to the cemetery fence/wall. The applicant shall submit a proposed text for the marker at the Tyler Family Cemetery and the graves on Parcels B and C to the Historic Preservation staff for approval prior to signature approval of the Detailed Site Plan;
 - c. The applicant shall delineate an access easement to the Tyler Family Cemetery on the final plat.
 - d. The declaration of covenants ensuring the maintenance of the common area shall contain a provision that the homeowners association shall maintain the Tyler Family Cemetery until ownership and maintenance of the cemetery is assumed by a proper successor in title. The declaration shall also specifically reference the homeowners association obligation to maintain Parcels B and C.
8. Prior to certification, the architecture shall be revised as follows:
 - a. All elevations shall be revised to provide Hardiplank siding instead of vinyl siding.
 - b. Front porches shall be made available as options on at least one elevation of each model. Details of the porches shall be approved by the Planning board's designee.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 10, 2005 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GW:rmk