

RESOLUTION

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 3, 2016 regarding Detailed Site Plan DSP-15011 for Forks of the Road, the Planning Board finds:

1. **Request:** The subject application is for approval of a DSP for grading and infrastructure only, specifically, clearing, grading the site, and installing a sewer pipe.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Undeveloped	To remain vacant until future uses are approved
Acreage	8.98	8.98
Square Footage	0	0

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Ritchie Marlboro Road and Old Marlboro Pike (MD 725), in Planning Area 78, Council District 6. This intersection is designated by the approved 2007 *Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) as one of nine gateways into the Westphalia area. It is proposed as the location of a mixed-use neighborhood center.
4. **Surrounding Uses:** The site is bounded to the west by two existing, vacant, open-space parcels owned by a homeowners association in the Rural Residential (R-R) Zone; to the east by the right-of-way of Ritchie Marlboro Road; and to the south by the right-of-way of Old Marlboro Pike (MD 725).
5. **Previous Approvals:** The subject property was originally part of the Marlboro Riding Cluster development for single-family residential dwellings under Detailed Site Plan DSP-04043, which was approved by the Prince George’s County District Council on April 11, 2005. The site was then rezoned from the Residential-Agricultural (R-A) Zone to the Mixed Use–Transportation Oriented (M-X-T) Zone through the Westphalia Sector Plan and SMA, which was approved by the District Council on February 6, 2007. The Conceptual Site Plan, CSP-12001, for the subject property was approved by the Prince George’s County Planning Board on April 11, 2013 and then the District Council approved it on July 24, 2013. Preliminary Plan of Subdivision 4-12010 was approved by the Planning Board on April 11, 2013 (PGCPB Resolution No. 13-38).

The property has an approved Stormwater Management Concept Plan, 6544-2008-01, which expires on August 21, 2018.

6. **Design Features:** The CSP and preliminary plan approved developing the property with commercial uses. The subject DSP application proposes to clear and grade the site, along with installing a short length of underground sewer pipe in the southeast corner of the property. Future proposed mixed-use development of the subject property will require more sewer extensions and other utilities. This application is mainly to review the soils issues on the site prior to final plat, as required by the approved preliminary plan.
7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of the following sections of the Zoning Ordinance:
 - (1) Section 27-547, Uses Permitted, as no uses are proposed with this application.
 - (2) Section 27-548, Regulations, because it does not propose any building floor area, new lots, residential units, or other structures, except for underground utility pipes.
 - (3) Section 27-274, Design Guidelines, because it does not propose any site development, except for a segment of underground sewer pipes.
 - (4) Section 27-574, Number of spaces required in the M-X-T Zone and in a Metro Planned Community, as no use that requires parking is proposed.
 - b. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a DSP in the M-X-T Zone, as follows:
 - (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

Conformance to the purposes of the M-X-T Zone was found with the CSP approval, and the proposed grading and sewer construction do not change that finding. Compliance with this requirement will have to be further reviewed at the time of a full DSP.
 - (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or**

Sectional Map Amendment Zoning Change;

The subject property was placed in the M-X-T Zone by the Westphalia Sector Plan, approved after October 1, 2006. Because the DSP proposes only infrastructure improvements to serve the property, none of the design guidelines or standards in the master plan are applicable at this time.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The subject DSP is for infrastructure only and does not show the details of any other development on the site.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The subject DSP is for infrastructure only and does not show the details of any other development on the site.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The subject DSP is for infrastructure only and does not show the details of any other development on the site.

- (6) **If the development is staged, each building phase is designed as a self sufficient entity, while allowing for effective integration of subsequent phases;**

The subject DSP is for infrastructure only, and is not proposed to be staged. Any future development on the site will be reviewed for conformance with this requirement.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

The subject DSP is for infrastructure only and does not show the details of any other development on the site.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other**

amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and

The subject DSP is for infrastructure only and does not show the details of any other development on the site.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

This requirement is not applicable to this infrastructure DSP.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

The subject DSP is for infrastructure only and does not show the details of the final development on the site. The proposed infrastructure development will not require service by public facilities.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject site contains 8.98 acres, and is therefore not subject to this requirement.

8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site plan is located within the 2007 Westphalia Sector Plan and SMA, and is identified as a Mixed-Use

Neighborhood Center and one of nine gateways into Westphalia.

This site was rezoned as part of the sector plan from R-R to M-X-T. As part of that application process, a series of design concepts were included as appendices in the sector plan and as Public Exhibit 20. Conformance with these concepts, as required, will have to be reviewed in future applications that propose detailed site development on the site.

9. **Conceptual Site Plan CSP-12001:** The Conceptual Site Plan, CSP-12001, for the subject property was approved by the Planning Board on April 11, 2013 and then the District Council affirmed the Planning board's approval on July 24, 2013, subject to 12 conditions, of which the following are applicable to the review of this DSP and warrant discussion, as follows:
 2. **At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:**
 - a. **The preliminary plan of subdivision shall be designed in such a way as to accommodate appropriate landscape and signage treatments for the frontage of historic Old Marlboro Pike (MD 725) and Ritchie Marlboro Road in accordance with the 2010 Prince George's County Landscape Manual that will be evaluated in detail at the time of the review of the DSP.**

The infrastructure-only development is exempt from conformance with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because it does not propose a change in intensity of use, or an increase of impervious area or gross floor area on the subject property. Conformance with the requirements of the Landscape Manual should be determined when a more finalized plan of development is submitted for review.

3. **Prior to acceptance of any detailed site plan for the subject property, the applicant shall submit a geotechnical report for the entire site. The report shall be prepared following, at a minimum, the "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments" prepared by the Prince George's County Unstable Soils Taskforce for the review and approval of the Prince George's County Department of Public Works and Transportation (DPW&T) to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water Quality Resources and Grading Code in accordance with the guidelines established by the Department of Environmental Resources (DER) for Marlboro clays to confirm the elevation of the Marlboro clay and determine the slope stability factor. Where appropriate, the "rational method" shall be used to determine the slope stability safety factor.**

The Prince George's Soil Conservation District and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) have reviewed the submitted geotechnical report dated January 18, 2016, titled "Subsurface Investigation and Studies and Slope Stability Analysis

for Forks of the Road–Upper Marlboro, MD.” Soil borings were conducted throughout the area identified as Marlboro Clay. The soil investigation and profiles identified that the soil area most concerned, located in and down gradient of the proposed southern stormwater management facility, has a low factor of safety of 1.63. This geotechnical study showed that there should not be a 1.5 safety factor located on the subject DSP property. A plan was provided with the soil investigation report that shows the 1.5 safety factor limits located off-site.

7. **The following improvements shall be provided and indicated on all plans of development.**
 - a. **Provide an eight-foot-wide sidepath or wide sidewalk along the subject site’s frontage of Ritchie-Marlboro Road, unless modified by the Department of Public Works and Transportation DPW&T.**
 - b. **Provide a standard sidewalk along the subject site’s entire frontage of Old Marlboro Pike (MD 725), unless modified by DPW&T.**
 - c. **Provide a marked crosswalk along Ritchie Marlboro Road at the site’s ingress/egress points, unless modified by DPW&T.**
 - d. **Provide a marked crosswalk along Old Marlboro Pike (MD 725) at the site’s ingress/egress point, unless modified by DPW&T.**
 - e. **Provide at least one sidewalk/crosswalk connection from the wide sidewalk along Ritchie Marlboro Road to the internal buildings/pad sites.**

The submitted infrastructure plan does not fully show all of the above improvements. Therefore, a condition of approval has been included requiring this to be done prior to certification.

8. **Total development within the subject property shall be limited to uses that would generate no more than 229 AM and 276 PM peak-hour vehicle trips. Any development generating an impact greater than that identified hereinabove shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.**

The infrastructure-only development proposed with this DSP does not include any buildings and does not generate any vehicle trips. Any future development of this site will have to be reviewed for conformance with this condition.

12. **The DSP and Type 2 tree conservation plan (TCP2) shall indicate the unmitigated 1.5 safety factor line. No structures shall be placed within the 1.5 safety factor line unless proper mitigation has been provided.**

As stated above, the geotechnical report provided data confirming that the unmitigated 1.5 safety

factor line is not present within the DSP area. Therefore, the 1.5 safety factor line is not shown either on the submitted DSP or the Type II tree conservation plan (TCPII).

10. **Preliminary Plan of Subdivision 4-12010:** On April 11, 2013, the Planning Board approved Preliminary Plan of Subdivision 4-12010 (PGCPB Resolution No. 13-38) subject to 22 conditions, of which the following are applicable to the review of this DSP and warrant discussion as follows:

5. **Total development within the subject property shall be limited to uses that would generate no more than 229 AM and 276 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The infrastructure-only development proposed with this DSP does not include any buildings and does not generate any vehicle trips. Any future development of this site will have to be reviewed for conformance with this condition.

10. **Prior to approval of the final plat, an executed private access easement agreement shall be submitted and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The access easement, authorized pursuant to Section 24-128(b) (9) of the Subdivision Regulations, shall set forth the rights, responsibilities, and liabilities of the parcel owners. The easement document shall be recorded in the land records of Prince George's County, and the liber/folio reflected on the record plat. The shared access easement serving Parcels BB, CC, DD, and EE shall be delineated on the plat.**

Prior to approval of any final plat, this condition shall be met. See Findings 2 and 12 of PGCPB Resolution No. 13-38 regarding the Section 24-128(b)(9) access easement.

11. **The final plat shall note a denial of access along the site's frontage of Ritchie Marlboro Road, except where the two access locations are authorized by the Planning Board as approved on the preliminary plan of subdivision.**

The subject DSP is for *infrastructure only* and there will be no final plat done for development of the property until such time, as a DSP revision is approved showing development details. Through that future DSP, the location of the access points will be reviewed and approved, in conformance with the preliminary plan of subdivision approval and in coordination with the Department of Permitting, Inspections and Enforcement (DPIE). Therefore, this condition is not applicable at this time.

12. **At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement (PUE) along the public rights-of-way as delineated on the approved preliminary plan of subdivision.**

A ten-foot-wide public utility easement is shown on the DSP for infrastructure, as required.

14. **Prior to approval of the Detail Site Plan, all plans shall show the proposed pond designed as a submerged gravel wetland with various types of hydrophitic plantings to help remove pollutants, subject to modification by the Department of Public Works and Transportation (DPW&T).**

This DSP application is for infrastructure installation purposes only. No on-site buildings, parking, roadways, or landscaping is proposed with this application. The next DSP that addresses the on-site buildings, parking, roadways, and/or landscaping designs shall show how the project is addressing hydrophitic plantings in stormwater management facilities. This review will be completed by DPIE, not the Prince George's County Department of Public Works and Transportation (DPW&T).

16. **Prior to approval of the Detailed Site Plan, the DSP shall be reviewed for design conformance to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, which could result in the modification of the parcel configuration. Access locations shall be in conformance with the approved Preliminary Plan of Subdivision.**

The infrastructure-only development proposed with this DSP does not include any proposed development that could be reviewed for design conformance with the Westphalia Sector Plan. Any future development of this site will have to be reviewed for conformance with this condition.

18. **Prior to acceptance of the Detail Site Plan (DSP) for this site, the applicant shall submit a geotechnical report prepared following, at a minimum, the "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments" prepared by the Prince George's County Unstable Soils Taskforce for the review and approval of the Prince George's County Department of Public Works and Transportation to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water Quality Resources and Grading Code in accordance with the guidelines established by the Department of Environmental Resources for Marlboro clays to confirm the elevation of the Marlboro clay and determine the slope stability factor. Where appropriate, the "rational method" shall be used to determine the slope stability safety factor.**

As stated above, the Soil Conservation District and DPIE have reviewed a geotechnical report concluding that there should not be a 1.5 safety factor located on the subject DSP property.

This matter of Marlboro Clay and a 1.5 safety factor limit located on-site has been addressed and no further information is required.

19. **Prior to approval of the detailed site plan (DSP), the DSP and Type 2 tree conservation plan (TCP2) shall indicate the unmitigated 1.5 safety factor line. No**

structures shall be placed within the 1.5 safety factor line unless proper mitigation has been provided.

As stated above, the geotechnical report provided data confirming that the unmitigated 1.5 safety factor line is not present within the DSP area. Therefore, it is not shown on the submitted DSP or TCPII.

20. **Prior to final plat, pursuant to Section 24-131 of the Subdivision Regulations, a detailed site plan (DSP) shall be approved by the Planning Board to address the issue of unsafe lands on the subject property. The DSP shall address the following:**
- a. **If an unmitigated 1.5 safety factor line is present, the 1.5 safety factor line shall be shown on the DSP and subsequent final plat prior to approval.**
 - b. **No structures shall be placed within the unmitigated 1.5 safety factor line unless proper mitigation has been provided.**
 - c. **If the applicant proposes remedial actions to correct or alleviate the unsafe soil conditions, the DSP proposal shall be referred to the Chief Building Inspector for a determination of whether such measures are sufficient to protect the health and safety of future residents. Covenants may be required to ensure such remedial actions occur and the liber/folio shall be reflected on the final plat prior to approval.**
 - d. **Parcels may be determined to be buildable and removed based on a determination of unsafe lands, unless mitigation is proposed and approved as part of the DSP.**
 - e. **If appropriate, a 25-foot building restriction line shall be delineated for the affected lots on the DSP and final plat if determined appropriate by staff.**

The submitted geotechnical report indicates that the 1.5 safety factor line is not present on the subject DSP property. Therefore, no mitigation or remedial action is required.

21. **Prior to approval of the DSP, it shall be reviewed by the Prince George's Department of Environmental Resources (DER) and/or the Department of Public Works and Transportation (DPW&T) as appropriate to ensure that the location of the unmitigated or mitigated 1.5 safety factor lines are correctly delineated.**

DPIE (in place of DPW&T) has reviewed the submitted geotechnical report and accepted it showing that the 1.5 safety factor line is located outside of the limits of this DSP.

11. **2010 Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided

pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only is exempt from conformance with the requirements of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area or gross floor area on the subject property. Conformance with the requirements of the Landscape Manual should be determined when a more finalized plan of development is submitted for review.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (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 revised Type II Tree Conservation Plan (TCP II-105-04-04) was submitted with the DSP application.

The TCP II has been revised to show the M-X-T-zoned area being graded for infrastructure only. The TCP II includes the Marlboro Riding residential subdivision (223.50 acres) and this DSP (8.98 acres). Because no change to the residential portion is proposed, only the plan sheets of the TCP II that covers this application will be reviewed; however, the entire sheet set shall be submitted for certification. A note shall be provided on the plan stating that DSP-15011 is for infrastructure on Parcels O, P, and Q only. It should also be noted that these parcels are subject to the current WCO; however, the TCP number should be reflected as a "TCP II" because the remaining 223.50-acre residential property is still grandfathered from the current WCO.

The overall existing woodlands is 63.83 acres, with 9.34 acres located within the 100-year floodplain. The site has a woodland conservation threshold of 43.89 acres with a woodland conservation requirement of 48.67 acres. The woodland conservation requirement is being met with 45.28 acres of on-site retention and 4.75 acres of on-site reforestation plantings. There are four new reforestation areas (WRA 9, 10, 11, and 12) proposed on the subject site. The required planting schedule does not include these four areas.

13. **Prince George's County 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 that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 8.98 acres in size, resulting in a TCC requirement of 0.89 acre. A TCC schedule was provided on the plans showing this requirement being met through existing trees to remain. The areas reflected in the TCC schedule should be revised prior to certification, if necessary, to match the woodland areas shown on the TCP II. Future DSPs will have to continue to demonstrate conformance with the Tree Canopy Coverage Ordinance.
14. **Further Planning Board Findings and Comments from Other Entities:** The summarized comments of the concerned agencies and divisions are as follows:
 - a. **Archeological Review**—A Phase I archeological survey was conducted on the 220-acre Clagett/Addison property (that includes the subject property) in March 2004. The

Clagett/Addison property was the location of a nineteenth century dwelling called Navaho (78-022), built for William B. Clagett, which was burned in 1996. One Archeological Site, 18PR710, was identified on the 220-acre Clagett/Addison property at the former site of the Navaho residence. This archeological site is not located within the 8.98 acres included in the subject application. The area of Archeological Site 18PR710 will be monitored by an archeologist when construction proceeds in that area. No archeological sites were identified within the 8.98 acres of the subject property and no further work was recommended in this area. There are no historic sites, historic resources, or documented properties on the subject property.

- b. **Transportation Planning**—There are no transportation-planning comments on the subject application.
- c. **Subdivision Review**—The subject property is located within the area of the 2007 Westphalia Sector Plan and SMA and is located on Tax Map 101 in Grid B-1. The property is zoned M-X-T and is platted as Parcel P. Detailed Site Plan DSP-15011 is 8.98 acres. The property was the subject of Preliminary Plan of Subdivision 4-12010 and PGCPB Resolution No. 13-38, which is valid through May 2, 2016. The preliminary plan was approved for 8.98 acres, for a total of 4 parcels and a total of 59,156 square feet for retail and office. See Finding 10 for a discussion of the relevant requirements of the preliminary plan approval.

The Subdivision comments are as follows:

- (1) Prior to approval of the DSP for infrastructure, the following should be added to the plans:
 - (a) All plans shall show the proposed pond designed as a submerged gravel wetland with various types of hydrophitic plantings to help remove pollutants, subject to modification by DPIE.
 - (b) Delineate the required access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

Detailed Site Plan DSP-15011 should address the issues identified above. Additional comments may be generated when requested information is provided. Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.

The DSP has been revised to address some of the Subdivision Section's comments. Conditions to address the outstanding issues have been included in this approval.

- d. **Environmental Planning**—The Environmental Planning comments are as follows:

- (1) **Site Description:** The subject property is located on the northwest corner of Ritchie Marlboro Road and Old Marlboro Pike (MD 725). A review of the available information indicates that streams and floodplain are found to occur on the site. The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Web Soil Survey, are Marr-Dodon Complex, Marr-Dodon-Urban land Complex, Widewater and Issue soils, and Westphalia and Dodon soils series. According to PGAtlas, Marlboro clay occurs on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSPRA) 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. The on-site stream system is part of Federal Spring Branch, which drains to the Western Branch then to the Patuxent River, and is part of the Western Branch watershed. According to PGAtlas, this site is not within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*. The site has frontage on Ritchie Marlboro Road, a master-planned arterial road, and frontage on Old Marlboro Pike (MD 725), a master-planned collector roadway. Ritchie Marlboro Road is regulated for traffic-generated noise when residential uses are proposed. Old Marlboro Pike and Ritchie Marlboro Road are also designated scenic roads. The property is in the Developing Tier, as reflected in the 2002 *Prince George's County Approved General Plan*.

- (2) **Natural Resources Inventory:** An approved Natural Resources Inventory, NRI-071-11, in conformance with the environmental regulations that became effective on September 1, 2010, was submitted with the application.

The applicant has recently performed an additional floodplain analysis on the subject site to determine the correct location of the 100-year floodplain. The previously shown 100-year floodplain went further north towards Ritchie Marlboro Road. After years of seeing where floodwaters traveled on the site, the applicant felt that the Federal Emergency Management Agency (FEMA) floodplain was incorrect. This new floodplain analysis approved by DPW&T determined that the floodplain area should be reduced throughout the subject area. A new floodplain limit causes the primary management area (PMA) limits to decrease in size. This new floodplain is shown on the approved NRI.

- (3) **Regulated Environmental Features:** Wetlands, streams, and 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the PMA on the subject property.

A statement of justification and exhibits for the three proposed impacts were stamped as received by the Environmental Planning Section on November 19, 2012, during the review of Preliminary Plan 4-12010. The impacts were for grading of a stormwater management pond and outfall, sewer connection,

and grading for road improvements. No additional impacts are proposed at this time.

- (4) **Noise:** The site has frontage along Ritchie Marlboro Road, a master-planned arterial roadway, and Old Marlboro Pike (MD 725), a master-planned collector roadway. Since the proposed development is nonresidential, noise mitigation is not required.
- (5) **Stormwater Management:** An approved Stormwater Management Concept Plan and Letter (6544-2008-01) was submitted with the subject application. Proposed stormwater management features include bioretention and an extended detention pond. The pond will also provide 100-year quantity control attenuation.
- (6) **Soils:** This property is located in an area with extensive amounts of Marlboro clay, which is known to be an unstable, problematic, geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for constructing buildings on unsafe land.

Based on guidance information available on PGAtlas, the Environmental Planning Section projects that the top elevation of the Marlboro clay varies from an elevation of approximately 74 feet mean sea level (msl) adjacent to the stream, which bifurcates the property from northwest to southeast, to approximately 90 feet msl, with an adjacent evaluation area located at 90 feet msl to 100 feet msl.

The Soil Conservation District and DPIE have reviewed the recently submitted geotechnical report dated January 18, 2016, titled "Subsurface Investigation and Studies and Slope Stability Analysis for Forks of the Road—Upper Marlboro, MD." Soil borings were conducted throughout the area identified as Marlboro clay. The soil investigation and profiles identified that the most concerned soil area, located in and down gradient of the proposed southern stormwater management facility, has a low factor of safety of 1.63. This geotechnical study showed that there should not be a 1.5 safety factor located on the subject DSP property. The two approving agencies (Soil Conservation District and DPIE) for the County concerning Marlboro clay and safety factors have agreed with the geotechnical reports findings. A plan was provided with the soil investigation report that shows the 1.5 safety factor limits located off-site.

The submitted DSP is for infrastructure construction purposes only. No structures are proposed at this time. A revised DSP was submitted after the recent geotechnical report was completed. This DSP shows limited grading around the site, but more defined grading is shown for the on-site southern stormwater management facility. No 1.5 safety factor line is present on the revised DSP or

TCPII.

- (7) **Historic and Scenic Roadways:** Old Marlboro Pike (MD 725) and Ritchie Marlboro Road are both designated as historic roads. When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

Adjacent to a historic road, the Landscape Manual requires a Section 4.6 landscape buffer based on the development tier. In the Developing Tier, the required buffer along a historic road is a minimum of 20 feet wide, to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost-effective treatment that provides a significant visual enhancement to the appearance of the historic road.

The design of the landscape treatment proposed along MD 725 and Ritchie Marlboro Road should be coordinated, and reviewed at the time of the associated DSP to ensure that the design is in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along MD 725 and Ritchie Marlboro Road with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment being proposed along MD 725 and Ritchie Marlboro Road for the Forks of the Road development.

The next DSP that addresses the on-site buildings, parking, roadways, and landscaping designs shall show how the project is meeting the historic roadway landscape buffer. The final landscape and signage treatments for the frontage of historic MD 725 and Ritchie Marlboro Road shall be determined. The landscape treatment shall provide an equivalent, or better, streetscape appearance than would be achieved under strict application of Section 4.6, Buffering Development from Special Roadways, of the Landscape Manual.

The Environmental Planning conditions have been included in this approval.

- e. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated March 3, 2016, DPIE offered the following comments on the subject application:

- (1) The property is located at the northwest quadrant of the Ritchie Marlboro Road and Old Marlboro Pike intersection.

- (2) The Department of Public Works and Transportation (DPW&T) Specifications and Standards must be followed accordingly for the:
 - (a) Right-of-way dedication and frontage improvements for existing Old Marlboro Pike (Urban collector roadways).
 - (b) Right-of-way dedication and frontage improvements for existing Ritchie Marlboro Road (Urban arterial roadways).
- (3) All roadways must be consistent with the approved Master Plan for this area.
- (4) Full-width, two-inch mill and overlay for all existing County roadway frontages is required.
- (5) Old Marlboro Pike and Ritchie Marlboro Road are to be upgraded to meet the Master-Planned roadway standards.
- (6) The applicant needs to provide adequate sight distance in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards for all driveway entrances from the site onto existing roadways.
- (7) The access to the site is constructed as a commercial driveway apron in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).
- (8) Prior to, or concurrent with, the first grading permit, a northbound bypass lane must be provided at the northern site access point on Ritchie Marlboro Road.
- (9) Prior to, or concurrent with, the first grading permit, channelization islands should be added and modified in the northwest and southwest corners, respectively. These geometric changes and any necessary signal modifications must be coordinated with the Maryland State Highway Administration (SHA).
- (10) Prior to or concurrent with the first grading permit, all other previously agreed upon frontage improvements shall be permitted as shown in the sketch plan dated April 2013.
- (11) Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times.
- (12) All improvements within the public rights-of-way, dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's

Specifications and Standards, and the Americans with Disabilities Act (ADA). Additionally, all breaks made in the median for pedestrian crosswalks shall have proper sight distance and be ADA accessible.

- (13) The proposed site development contains Marlboro Clay and approved 100-year floodplain (FPS No. 2003-08). The applicant shall revise the previously approved Stormwater Management Concept Plan No. 6544-2008-01, to address the grading within the Marlboro Clay and the 1.5 Factor of Safety. Permit plans shall be revised to address Marlboro Clay. Specifically, proposed slopes, such as 3:1 slopes, shall be analyzed and reduced as necessary to ensure stability. The concept shall be conditioned such that the retaining wall in the stormwater management pond area shall be designed to be stable, potentially with deep foundation. Applicant shall revise 100-year floodplain delineation to reflect proposed grading.
- (14) The proposed site development will require an approved DPIE site development technical plan to comply with environmental site design (ESD) to the maximum extent practicable (MEP) requirements, and an approved/final erosion/sediment control plan prior to the permit issuance.
- (15) The proposed site development is part of the approved 100-year Floodplain No. FPS 2003-08, dated May 21, 2012.
- (16) All disturbances are prohibited within stream and wetland buffers. Additionally, stormwater management pond outfall(s) should not impact the adjacent wetland.
- (17) All easements are to be approved by DPIE, and recorded prior to the technical approval.
- (18) Conformance with DPW&T's street tree and lighting specifications and standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary to accommodate the improvements constructed under this scenario, are required. In accordance with Section 23-141 of the County Road Ordinance, roadside trees will be required within the limits of the permit area.
- (19) Tree conservation and/or tree mitigation may be required. Coordination with M-NCPPC is necessary.
- (20) Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.

- (21) Compliance with DPW&T's Utility Policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established DPW&T's Policy and Specification for Utility and Maintenance Permits are required.
- (22) This site is in the vicinity of Marlboro Clay. A soils investigation report shall be updated to reflect final grading and shall be submitted (i.e., Latest and Greatest) prior to the technical approval.
- (23) For projects where underlying Marlboro Clay outcrops or other clays with high shrink/swell exist, enclosed storm drain systems will be required when 100-year concentrated flows are greater than two cubic feet per second.
- (24) Grading within the Marlboro Clay area must not exceed 5:1.
- (25) This memorandum incorporates the site development plan review pertaining to stormwater management (Section 32-182(b) of the County Code). The following comments are provided pertaining to this approval phase:
 - (a) Final site layout, exact impervious area locations are not shown on plans.
 - (b) Exact acreage of impervious areas has not been provided.
 - (c) Proposed grading is shown on plans.
 - (d) Delineated drainage areas at all points of discharge from the site have not been provided.
 - (e) Stormwater volume computations have not been provided.
 - (f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
 - (g) A narrative in accordance with the code has not been provided.

The majority of DPIE's comments are either factual or are required to be addressed prior to issuance of permits or at the time of technical plan approvals. It should be noted that DPIE has stated that the plans are consistent with the approved stormwater management concept plan, although some technical corrections are required.

- f. **Soil Conservation**—In an e-mail dated January 26, 2016, the Prince George's Soil Conservation District engineer provided the following comments:

The following are noted from the plan provided:

- This plan proposes to construct frontage improvements along Ritchie Marlboro Road and Old Marlboro Pike, as well as site rough grading and the installation of sewer (utility) extensions;
- The presence of Marlboro clay, floodplain, and other environmental features;
- The presence of a 1.5 factor of safety delineation owing to the presence of the Marlboro clay formation. Nonetheless, the supplied DSP plan for infrastructure only does not propose any site loading (structures) conditions consistent with or in support with this delineation;
- A final/approved site plan for future development is not being proposed at this time.

A supplemental geotechnical report was received on January 21, 2015 to address concerns regarding the slope stability of the site.

The following comments are provided based on the plan received, and the current scope of work proposed:

- This site is located in a watershed with an established TMDL for sediment. Redundant controls for erosion and sediment will be required as part of the rough grading (this plan for infrastructure development) and final development phases of the project.
- A revised geotechnical report will be required for final site development, or any future related cases for development of this site, to address such items as listed below, should the base design parameters and site layout differ from those addressed by the current report. Note that the presented items below are not exhaustive:
 - Slope stability, a required factor of safety analysis and delineation on the development plans, as appropriate;
 - Stormwater management practices, their placement, groundwater conditions and control;
 - Structural fill, cut/fill provisions and activities.

- Should additional features and/or practices be required by other regulatory entities that would present additional areas of concern, the District may require specific material in support of the same.
- Other specific items relating to grading, erosion and sediment control, as well as stormwater management for this infrastructure only development, will be addressed during technical review.

The Soil Conservation District's comments will need to be addressed at the time of permits.

- g. **Prince George's County Department of the Environment (DoE)**—In a memorandum dated September 30, 2015, DoE provided the following comments:
- (1) The 2008 *Water and Sewer Plan* designates Parcel P in water and sewer Category 4, inside the sewer envelope, in the Developing Tier (now the Growth Tier), and within Tier 1 under the Sustainable Growth Act. A residential type structure appears in the 2014 aerial view, as well as another structure which appears to have been a barn.
 - (2) Category 3, obtained through the Administrative Amendment Procedure, must be approved before recordation of a final plat.
 - (3) A water line in Old Marlboro Pike abuts the property. A sewer line traverses the property and a sewer line in Old Marlboro Pike abuts the property. Water and sewer line extensions may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before recordation of a final plat.
- h. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated September 25, 2015, WSSC provided standard comments on the DSP regarding existing water and sewer systems in the area, along with requirements for service and connections, easements, spacing, work within easements, and meters. These issues must be addressed at the time of permits for site work.
- i. **Verizon**—Verizon did not provide comments on the subject application.
- j. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated September 21, 2015, PEPCO stated they concurred with the ten-foot-wide public utility easement (PUE), but that additional PUEs may be required based on service equipment and meters. This will be reviewed when a final site plan is submitted.
15. Based upon the foregoing and as required by Section 27-285(b)(3) of the Zoning Ordinance, this DSP for infrastructure satisfies the site design guidelines as contained in Section 27-274 of the

Zoning Ordinance, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

Additionally, as required by Section 27-285(b)(2) of the Zoning Ordinance, this DSP is in general conformance with Conceptual Site Plan CSP-12001, if it is approved by the Planning Board.

16. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

Regulated environmental features exist on the property and three impacts were approved with Preliminary Plan 4-12010. The impacts were for grading of a stormwater management pond and outfall, sewer connection, and grading for road improvements. No additional impacts are proposed at this time. Therefore, it can be said that the regulated environmental features have been preserved and/or restored to the fullest extent possible.

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-105-04-04) and further APPROVED Detailed Site Plan DSP-15011 Forks of the Road, for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan (DSP), the following revisions shall be made, or information shall be provided:
 - a. Delineate all of the pedestrian improvements as specified in Conceptual Site Plan CSP-12001, Condition 7.
 - b. Update General Note 11 regarding the current stormwater management concept approval.
 - c. Revise the woodland areas in the Tree Canopy Coverage schedule to match those shown on the Type II tree conservation plan.
2. Prior to certification, the applicant shall revise the Type II tree conservation plan (TCPII) as follows, or provide the specified documentation:
 - a. Revise the planting schedule table to include Reforestation Areas 9, 10, 11, and 12 and show the species, quantity, and size of the proposed reforestation plantings meeting the required stocking.

- b. Revise the TCPII Sheet 23 of 30 to add a note stating "A geotechnical report dated January 18, 2016 titled 'Subsurface Investigation and Studies and Slope Stability Analysis for Forks of the Road- Upper Marlboro, MD' was completed for this section of the Marlboro Riding subdivision. Marlboro Clay is present on-site, but the 2016 geotechnical report determined that the unmitigated 1.5 safety factor is not present within the application area. The geotechnical report identified the Marlboro Clay 1.5 safety line off-site on the adjacent Marlboro Riding subdivision. The adjacent Marlboro Riding TCPII Sheets 10 and 11 will not be revised to show this new 1.5 safety factor line, because the adjacent residential subdivision has been constructed. When future work is proposed with Sheets 10 and 11 of the Marlboro Riding subdivision, these TCPII sheets must be revised to show the 2016 revised 1.5 safety factor line."

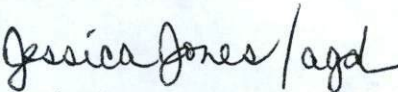
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

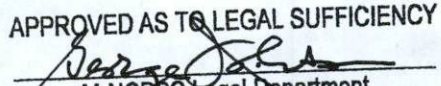
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Shoaff, with Commissioners Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, March 3, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of March 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:ydw

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 3/8/16