

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, the subject application was accepted on December 28, 2017 as a Planning Director level revision (Section 27-530(b) of the Prince George's County Zoning Ordinance) to add a retaining wall behind Lots 43–58, Block H, Section 1B, in the Parkside subdivision; and

WHEREAS, on April 13, 2018, the application was disapproved by the Planning Director; and

WHEREAS, on April 18, 2018, Robert Antonetti, Jr., representing SHF Project Owner, LLC, appealed the decision of disapproval to the Planning Board; and

WHEREAS in consideration of evidence presented at a public hearing on June 28, 2018, regarding the appeal for Specific Design Plan SDP-1003-15 for Parkside (formerly Smith Home Farm), Section 1B, the Planning Board finds:

1. The site is subject to previous approvals and conforms to the conditions of those approvals applicable to the installation of a retaining wall, including Zoning Map Amendment A-9965-C, Comprehensive Design Plans CDP-0501 and CDP-0501-01, Preliminary Plan of Subdivision 4-05080, and Specific Design Plan SDP-1003 and its subsequent amendments.
2. The subject SDP is consistent with the Purposes of the Residential Medium Development (R-M) Zone (Section 27-507), the Permitted Uses (Section 27-508), and the Regulations (Section 27-509) of the Prince George's County Zoning Ordinance governing development in the R-M Zone.
3. The SDP conforms to the findings required, pursuant to Section 27-528(a) of the Zoning Ordinance, for approval of the addition of a retaining wall in Section 1B, with conditions and additional findings.

An amendment to the SDP and the revised Type II tree conservation plan (TCPII) was stamped as received by the Environmental Planning Section on December 28, 2017. The application is subject to the previous conditions of approval of SDP-1003 (PGCPB Resolution No. 12-21). The application was reviewed for conformance with Condition 19.a of that approval, as follows:

19. Prior to certification of the SDP, the TCP shall be revised in accordance with the following design guidelines:

- a. In areas of one-family attached residential dwelling unit lots, a ten-foot-wide clear zone outside the property limits of one-family attached residential dwelling unit sticks shall be maintained.**

During staff's review, it was noted that the proposed wall was within the required 10-foot-wide clear zone. Based on staff's field visit, the existing wall is approximately 8 to 12 feet in height. The setback appears to range from 1 to 8 feet from the existing woodland conservation area, which consists of a combination of existing woodland and afforestation. The purpose of the 10-foot-wide clear zone was to provide reasonable access for homeowners to the rears of their attached dwelling unit lots.

With the existing wall, future residents within the interior units will have to access their units by crossing the rear yards of other attached units. In order to allow reasonable access for the interior units, a five-foot-wide access easement is required on the rear of the lots. The easement will be closest to the wall.

With regard to the environmental impact to the 10-foot-wide clear zone, the Planning Board requires additional improvements to offset the construction of the wall, with the provision of a permanent fence around the existing adjacent woodland conservation area. Conditions of approval require a pollinator meadow, with interpretive signage, in the narrow area between the wall and the woodland conservation area, ranging in width from 3 to 10 feet wide. The applicant shall also provide an additional 1.01 acres of afforestation in Section 6 of the Parkside subdivision, over and above what would be required by the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.

As part of the record, the applicant submitted two exhibits on which conditions of this approval are based. The following discussion of the exhibits was reviewed by the Planning Board.

Exhibit 2 reflects the extent of the required pollinator meadow, fencing, and the interpretive sign. Prior to certification the SDP shall show two interpretive signs; one on the western end of the meadow and one near the eastern end, facing the units. The planting schedule shall be provided on the TCP2 and landscape plan. This area shall be permanently maintained by the homeowners' association (HOA), with supplemental planting on an as-needed basis.

Exhibit 3 reflects three proposed afforestation areas in Section 6. The areas are not labeled, so they are referred to as AA-1, AA-2 and AA-3.

AA-1 is 0.41- acre in size and adjacent to an existing afforestation area near pond 6B. This location is approved; however, the planting area will need to be modified to exclude afforestation from within the required stormwater management easement.

AA-2 is 0.20 -acre in size and is located on the east side of pond 6A. A portion of the planting is located within the historical setting of the Blythewood site and within the proposed limit of disturbance (LOD) near the stormwater outfall. This area will be relocated within Section 6.

AA-3 is 0.40- acre in size and is located on the northwest side of pond 6A and within the Environmental Setting of the Blythewood historic site. Overall, the area is too narrow to be considered as woodland conservation. This area will be relocated within Section 6.

The proposal to establish a pollinating meadow, interpretive signage, and permanent fencing for the adjacent woodland conservation area is approved. The applicant's proposal of 1.01 acres of afforestation in Sections 6, over and above the woodland conservation requirement for that section, is approved. The location of AA-1 is supported, with conditions to exclude afforestation from required easements. The final location of the afforestation will be determined during the review of the amended SDP and revised TCPII for Section 6.

4. The SDP conforms to the findings required, pursuant to Section 27-528(b), and the Planning Board finds that the plan conforms to the approved CDP, 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, with conditions.

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 Specific Design Plan SDP-1003-15 and Type II Tree Conservation Plan TCPII-009-12-01 for the above-described land, subject to the following conditions:

1. Prior to certification of this specific design plan (SDP), the applicant shall revise the plans for the project, as follows:
 - a. The SDP, the Type II tree conservation plan, and the landscape plan shall be revised to show the 'as-built' elevations of the retaining walls and the associated grading and limit of disturbance. The plans shall include the top of wall and bottom of wall elevation.

- b. The SDP, the Type II tree conservation plan (TCPII), and the landscape plan shall be revised to delineate a five-foot-wide cross-access easement, behind the top and the sides of the retaining wall on the 16 townhouse lots adjacent to the wall, as needed, to provide for reasonable ingress and egress to the rear yards of Lots 43–58, Block H, by the property owners. The easement shall be granted to the adjacent property owners of Lots 43–58, Block H. The access easement, including a metes and bounds description and graphic exhibit, shall be recorded in the Prince George’s County Land Records prior to certification, and the Liber/folio of the easement indicated on the SDP (site and landscape) and TCPII, with appropriate notes indicating the purpose of the easement.
- c. The SDP, the Type II tree conservation plan (TCPII), and the landscape plan shall be revised to delineate a five-foot-wide easement, adjacent to the top and sides of the retaining wall, overlapping the access easement, to provide reasonable access for maintenance, inspection, and repair purposes. The easement shall be approved by the Maryland-National Capital Park and Planning Commission and shall clearly enunciate the rights, responsibilities, and liabilities of the parties. The maintenance and access easements, including a metes and bounds description and graphic exhibit, shall be recorded in the Prince George’s County Land Records prior to certification, and the Liber/folio of the easement indicated on the SDP (site and landscape) and TCPII, with appropriate notes indicating the purpose of the easement.
- d. The Type II tree conservation plan shall be revised to remove any credited woodland conservation from within the maintenance and access easements, including any necessary technical revisions. A permanent tree protection fence (split-rail fence or equivalent) shall be shown along the outer limit of the maintenance and access easements to protect the adjacent conservation easement.
- e. All sheets of the Type II tree conservation plan shall be submitted for certification.
- f. The landscape plan shall be revised to remove plantings of major, minor, and evergreen trees from the maintenance and access easements.
- g. The landscape plan and the Type II tree conservation plan shall be revised to indicate that the access easement, at the bottom of the wall, shall be maintained as an herbaceous pollinator meadow to enhance the habitat value of the adjacent conservation easement, and an appropriate riparian buffer seeding mix shall be identified on the plan. Plant materials and seed mixtures shall be selected from the Natural Resources Conservation Service, Conservation Practice Standard for Conservation Cover (Code 327), Table 6: Native Shrubs and Small Trees for Pollinator Habitat. Mixes, and species contained in the addendum are focused on high-diversity plantings to support wildlife habitat, with special consideration for pollinators and beneficial insects, consistent with USDA Biology Technical Note No. 78, 2nd Edition: Using 2014 Farm Bill Programs for Pollinator Conservation.

2. Mitigation for environmental impacts to regulated environmental features in Section 1B, resulting from revisions proposed with Specific Design Plan SDP-1003-15, shall be provided, as follows:
 - a. Prior to approval of any amendment to Specific Design Plan SDP-1302-02, Parkside, Section 6, Type II Tree Conservation Plan TCPII-019-13-02 shall be revised to provide an additional 1.01 acres of afforestation/reforestation. The additional afforestation/reforestation shall not be placed within the environmental setting for the Blythewood Historic Site or on the possible future school site.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, June 28, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JK:rpg