



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-116

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File No. SDP-1304

## RESOLUTION

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, in consideration of evidence presented at a public hearing on October 23, 2014, regarding Specific Design Plan SDP-1304 for The Villages at Timothy Branch, the Planning Board finds:

1. **Request:** The subject application is for approval of a SDP for infrastructure, which includes clearing, grading, roadway extension of Mattawoman Drive, frontage improvements, pipe, and stormwater pond construction for the entire site.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	L-A-C/R-M	L-A-C/R-M
Uses	Vacant	Infrastructure
Total Acreage	334.26	334.26
Area of Dedication		
Brandywine Road	N/A	0.29 acre
Mattawoman Drive	N/A	10.75 acres

3. **Location:** The subject property is a tract of land consisting of wooded undeveloped land and open farm land located on the eastern side of Robert S. Crain Highway (US 301), southeast of its intersections with Branch Avenue (MD 5) and Brandywine Road (MD 381), in Planning Area 85A, Council District 9.
4. **Surrounding Uses:** The entire Timothy Branch property consists of 334.26 acres and is bounded to the north by Brandywine Road (MD 381); to the northwest by Short Cut Road; to the east by the Timothy Branch stream valley; to the south by vacant and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones; and to the west by Crain Highway (US 301), a single commercial parcel zoned C-M (Miscellaneous Commercial), and multiple I-1-zoned industrial parcels along the US 301 frontage. Additionally, there is an internal parcel (Parcel E) located in the central northern portion of the property which is zoned I-3 and E-I-A (Employment and Institutional Area) and is developed as an existing warehouse. The 72.26-acre L-A-C-zoned (Local Activity Center) portion of the property is in the northeastern corner, just south of MD 381, and the 262-acre, R-M-zoned (Residential Medium Development) portion is located in the south, abutting US 301.

5. **Previous Approvals:** Zoning Map Amendments (Basic Plans) A-9987 and A-9988 were approved by the District Council on July 11, 2008, rezoning the property from the I-3 and E-I-A Zones to the L-A-C and R-M Zones, subject to 12 conditions and one consideration.

Comprehensive Design Plan CDP-0901 for the L-A-C-zoned portion was approved by the Prince George's County Planning Board on October 7, 2010 (PGCPB Resolution No. 10-111). The Prince George's County District Council elected to review the case, which they did at a hearing on November 14, 2011. Subsequently, they issued an order of approval on January 23, 2012, subject to 46 conditions.

Comprehensive Design Plan CDP-0902 for the R-M-zoned portion was approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110). The District Council elected to review the case, which they did at a hearing on November 14, 2011. They then remanded the case to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council reviewed the revised approval and issued an order of approval on November 4, 2013, subject to 50 conditions.

Preliminary Plan of Subdivision 4-09003 was originally approved by the Planning Board on October 28, 2010 (PGCPB Resolution No. 10-117). The applicant's request for a reconsideration of this decision was granted and, on April 5, 2012, the Planning Board heard testimony regarding the reconsideration and approved Preliminary Plan 4-09003 subject to the 40 conditions contained in PGCPB Resolution No. 10-117(A).

6. **Design Features:** The subject SDP is for rough grading the entire property and road infrastructure for Mattawoman Drive, which runs north-south through the entire subject property. The SDP proposes two areas of road dedication for Brandywine Road and Mattawoman Drive, and does not create any new parcels. The specific infrastructure improvements proposed include the following:
- a. Clearing of existing woodland;
  - b. Rough grading of the future streets and lot areas;
  - c. Dedication and construction of Mattawoman Drive;
  - e. Storm drainage construction;
  - f. Stormwater management pond construction; and
  - g. Water and sewer system construction.

No specific uses, buildings, residential lots, or architecture are proposed with this SDP, and would have to be included in future SDPs for the subject property prior to construction.

The SDP also includes grading for a proposed noise berm along the property's US 301 frontage, which is to be reforested. Final design of noise mitigation features will have to be determined with a future SDP that proposes residential development. However, the grading currently shown for the noise berm appears highly engineered. It is not a very naturalistic form, which creates concern about the final appearance of this berm. The Planning Board found that the design should be softened to create varying shapes, rounded edges, and a more naturalistic appearance.

The SDP proposes five new stormwater management ponds throughout the subject property. There was some consideration in previous approvals for the site that the ponds should be designed as visual amenities and placed so as to complement recreational facilities and include trails, where possible. It is understood that this plan represents a rough grading for the property and that improvements will be modified as the site development is finalized and engineered. Therefore, the Planning Board found that the stormwater pond areas should be modified, where possible, in future SDPs to include things that may include trails, landscaping, sitting areas, and attractive hardscaping, so that they serve as visual and recreational amenities for the surrounding development.

7. **Zoning Map Amendments (Basic Plans) A-9987 and A-9988:** Basic Plans A-9987-C and A-9988-C were approved by the District Council on July 11, 2008 subject to 12 conditions and one consideration. The following are applicable to the review of this SDP:

**Land Use Types and Quantities:**

**A-9987:**

<b>Total area:</b>	<b>262± acres</b>
<b>Land in the 100-year floodplain:</b>	<b>19 acres</b>
<b>Adjusted gross area:</b>	<b>243 acres</b>
<b>Density permitted under the R-M Zone:</b>	<b>3.6–5.7 du/ac</b>
<b>Permitted Dwelling Unit Range</b>	<b>874.8–1385.1 du</b>

**Proposed Land Use Types and Quantities:**

**One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.**

**A-9988:**

<b>Total area:</b>	<b>72± acres</b>
<b>Land in the 100-year floodplain:</b>	<b>8 acres</b>
<b>Adjusted gross area:</b>	<b>64 acres</b>
<b>Density permitted under the L-A-C Zone:</b>	<b>10–15 du/ac</b>
<b>Permitted dwelling unit range:</b>	<b>640 – 960 du</b>
<b>Floor area ratio:</b>	<b>0.2–0.4 FAR</b>
<b>Proposed commercial/employment:</b>	<b>220,000–270,000 sq. ft.</b>

**Proposed Land Use Types and Quantities:**

**One-family attached, townhouse and multi-family (active adult community) and recreational facilities.**

**Residential uses, retail/commercial, office, warehousing and distribution, and light manufacturing and industrial flex space.**

Conformance with these requirements was found at the time of comprehensive design plan (CDP) approval. The subject SDP does not propose any land uses or buildings.

**Conditions**

3. **The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.**

Conformance with this condition was found at the time of CDP. The specified trails are not part of the work associated with the subject application and would have to be included in a future SDP for the subject property.

4. **The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.**

Proposed A-55 is located south of the subject site; therefore, this condition does not apply.

5. **The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.**

The submitted SDP shows a five-foot-wide concrete sidewalk along the west side of Mattawoman Drive and an eight-foot-wide concrete sidepath on the east side, in accordance with previous conditions of approval.

6. **The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.**

The subject SDP does not propose to construct any internal roads other than Mattawoman Drive this time. This requirement would have to be included in a future SDP for the subject property.

- 10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.**

Conformance with this condition was found at the time of CDP. A revised Type 1 Tree Conservation (TCP1-151-90-02) was submitted with the preliminary plan, and a revised Type 2 Tree conservation Plan (TCP2-068-93-01) was submitted with the current application. This issue is discussed further in Finding 13 below.

- 8. Comprehensive Design Plan CDP-0901:** Comprehensive Design Plan CDP-0901 for the subject property was approved on January 23, 2012 by the District Council, subject to 46 conditions. The following conditions of the CDP approval are applicable to the subject SDP and warrant discussion as follows:

- 8. Prior to the approval of a specific design plan, the following shall be provided:**

- n. A site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.**

An approved Stormwater Management Concept Letter and Plan (11355-2009-00), reapproved April 25, 2012 and valid through April 25, 2015, was submitted with the current application. The stormwater management review function and conformance of the stormwater management plans with the requirements of Subtitle 32 of the Prince George's County Code previously performed by the Department of Public Works and Transportation (DPW&T) has been transferred to the Department of Permitting, Inspections and Enforcement (DPIE). Conformance with Subtitle 32, Water Resources Protection and Grading Code, enacted on July 19, 2011, will be evaluated by DPIE.

- o. The TCP 2 for the subject property demonstrating that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.**

The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) are fully provided for on-site through preservation and afforestation, with no off-site mitigation proposed.

- p. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP 2.**

Although the site was later determined to be grandfathered by prior tree conservation plan (TCP) approvals, a variance for removal of Specimen Tree 3 was included as a condition of approval for the CDP. A variance application and statement of justification were submitted by the applicant in fulfillment of this condition, and has been evaluated below:

The TCP2 indicates that the site contains specimen trees. Section 25-122(b)(1)(G) requires that:

- (G) Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual.**

The TCP2 indicates that there are seven living specimen trees on the site, one of which is proposed for removal. Specimen Tree ST-3 is a 31-inch diameter at breast height (DBH) white oak in poor condition located in the central portion of the site, which is proposed to be removed to provide for grading for site development. A Subtitle 25 Variance application and a statement of justification for the removal of one specimen tree were submitted on August 1, 2014.

Section 25-119(d)(1) of the WCO contains four required findings (text in **bold**) to be made before a variance can be granted:

- (A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The single tree proposed for removal is one of seven specimen trees on the site located just outside of the master-planned right-of-way for Mattawoman Drive. The condition of this tree has been determined to be poor.

The Villages of Timothy Branch is zoned R-M, which allows a mixture of residential dwelling types with a medium density range. Preservation of the identified specimen tree and its critical root zone would require the relocation of a proposed public road into this portion of the development and the relocation of units.

The elongated shape of the property has limited access points because of a stream valley on the east and a freeway/expressway on the west. These present special conditions peculiar to the property which have caused an unwarranted hardship by focusing development in the middle of the site and requiring the removal of one specimen tree in order to accommodate

the desired development pattern of the zoning protect regulated environmental features, and address noise impacts on-site. The poor condition of the specimen tree does not warrant an avoidance option.

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

Similar projects have been approved for the removal of specimen trees in order to achieve the desired development pattern and density. Retention of the one specimen tree, which is in declining health and for which long-term survival is uncertain, would further decrease the development potential of this property as is allowable in the R-M Zone, and which is already constrained by environmental features.

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

Granting of this variance will not confer a special privilege to the applicant, but will allow the applicant to develop the subject property in a manner consistent with, and complimentary to, surrounding properties and land uses.

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

The variance request is because of the existing shape and location of the subject property, and not because of conditions or circumstances which are the result of actions by the applicant.

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

The need for a variance to develop this site does not arise from any condition relating to land or building use on a neighboring property, but is solely due to development on the subject property.

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

Because this property will be developed in keeping with an approved stormwater management plan, there will be no adverse effect on water quality. The stormwater management design for the site is required to meet the current regulations, which require the post-development

conditions to mimic a pre-development condition of a site as “woods in good condition.” Because the site must meet strict water quality and quantity requirements, the loss of one specimen tree should not have a significant adverse impact on water quality. Specific requirements regarding stormwater management for the site will be further reviewed and approved by DPIE.

The required findings of Section 25-119(d)(1) have been adequately addressed for the removal of the Specimen Tree ST-3. A note shall be placed on the plan indicating this approval.

- q. **The use of full cut-off optics to ensure that light intrusion into residential and environmentally-sensitive areas is minimized. At the time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:**

**“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”**

The subject SDP does not propose any lighting fixtures except within the public right-of-way of Mattawoman Drive. The specifics of these light fixtures will be governed by the public agency; however, the specified note should still be placed on the SDP as required. Therefore, a condition has been included in this approval requiring such.

- r. **A tree canopy coverage (TCC) schedule on the SDPs and associated TCP2s indicating how the TCC requirements have been fulfilled for the subject application.**

The subject SDP provides a tree canopy coverage schedule. This issue is discussed further below:

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit for 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area in tree canopy, and properties that are zoned R-M are required to provide a minimum of 15 percent. The subject property is a total of 334.26 acres in size, resulting in a combined TCC requirement of 46.53 acres. A TCC schedule was provided showing that the requirement is being met on-site by the retention of existing woodlands. However, the number listed in the TCC schedule does not match the TCP2, and should be revised. A condition has been included in this approval regarding this.



10. **Prior to acceptance of an SDP, a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.**

The subject SDP was accepted without a plan or proposal for primary management (PMA) mitigation because a nontidal wetland mitigation area of 3.5 acres is protected on the site, which was 1.26 acres more than the permitting requirement. No additional PMA mitigation will be required.

11. **Prior to approval of any TCP 2 which proposes to credit as woodland conservation planting occurring within a stormwater management easement, a site development stormwater management plan shall be submitted to the Prince George's County Planning Department which indicates that the planting areas proposed have been reviewed by the Department of Public Works and Transportation (DPW&T) with regard to the location, size, and plant stocking proposed. No afforestation or preservation areas should be shown within 15 feet of the toe of the pond embankment, or as determined by DPW&T or the Soil Conservation District reviewers.**

This issue needs to be resolved prior to signature approval of the TCP2, if any woodland conservation is being credited within a stormwater management easement. Therefore, this condition has been carried forward in this approval.

27. **The applicant shall provide an eight-foot-wide, concrete side path in the right-of-way along the subject site's entire frontage of Brandywine Road (MD 381), subject to SHA approval and in accordance with SHA standards and subject to AASHTO guidance.**

An eight-foot-wide sidepath is shown along the subject site's entire frontage of Brandywine Road (MD 381).

30. **Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.**

An eight-foot-wide sidewalk is shown along the subject site's entire frontage of the east side of Mattawoman Drive. A five-foot-wide sidewalk is shown along the subject site's entire frontage of the west side of Mattawoman Drive.

- 31. At the time of SDP, the plans shall identify the location of median refuge islands along Mattawoman Drive, per DPW&T standards and with AASHTO guidance.**

Medians have been indicated along Mattawoman Drive on the SDP. However, the location and details of pedestrian crossings and refuges has not been clearly labeled or provided and should be done prior to certification. Therefore, a condition has been included this approval requiring such.

- 33. Indicate on the specific design plan the width of all of the on-road and off-road bikeways, sidewalks, and trails.**

The width of the sidewalks and sidepaths for infrastructure roadways shown on this SDP has been provided.

- 34. At the time of specific design plan review, provide cross section details of the proposed sidewalks, on-road bike lanes, shared-use roads, and trails per SHA and DPW&T standards where applicable.**

Sidewalk, sidepath, bikeways and trail cross sections and details have not been provided in the SDP and must be.

- 35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.**

The specified trail is not part of the work associated with the subject application and would have to be included in a future SDP for the subject property.

- 40. Provide a trail construction sequence plan with each of the specific design plans so that staff can evaluate the timing of the construction of the trails.**

No trails are proposed with the subject application. They would have to be included in a future SDP for the subject property.

- 41. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:**

- a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.**

- b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.**

The above rights-of-way have been shown on the SDP. The square footage of each right-of-way dedication area should also be provided on the SDP plan sheets, with adjustment to acreages as appropriate.

- 46. At the time of specific design plan, the required phasing of the construction of the extension of Mattawoman Drive to Matapeake Business Drive prescribed in Condition 43(d) shall be determined, but the construction of this extension must be completed prior to or concurrent with the construction of the residential component of CDP-0901 in order for this CDP application to satisfy the requirement that it not excessively burden public facilities.**

The subject SDP does not specify the extension of Mattawoman Drive to the off-site Matapeake Business Drive at this time. This issue will have to be addressed at the time of a future SDP that involves development on the subject property in accordance with preliminary plan Condition 26.

- 9. Comprehensive Design Plan CDP-0902:** Comprehensive Design Plan CDP-0902 for the subject property was originally remanded by the District Council to the Planning Board on January 23, 2012. Subsequently, they reheard the case and approved it on November 4, 2013 subject to 50 conditions, many of which are duplicative of CDP-0901 approval conditions and are therefore not included here. The following conditions of the CDP approval are applicable to the subject SDP and warrant discussion as follows:

- 4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.**

The subject SDP does not propose any land uses or buildings.

- 50. At the time of SDP, the required phasing plan for the construction of the extension of Mattawoman Drive to Matapeake Business Drive prescribed in Condition 45(d) shall be determined, but the construction of this extension must be completed concurrent with or prior to completion of half of all of the residential units included in CDP-0901 and CDP-0902 (i.e., by the 600th residential building permit).**

The subject SDP does not propose any land uses or buildings. Therefore, a phasing plan for the required improvement will have to be submitted with a future SDP that proposes development in accordance with PPS Condition 26.

10. **Preliminary Plan of Subdivision 4-09003:** The relevant Preliminary Plan of Subdivision, 4-09003, was originally approved by the Planning Board on October 28, 2010. Subsequently, the applicant requested a reconsideration, which the Planning Board heard and approved on April 5, 2012 subject to 40 conditions. The following conditions warrant discussion in relation to the subject SDP:

3. **Prior to approval of the SDP, the preliminary plan and TCP1 shall relocate all townhouse lots adjacent to US 301/MD 5 outside of the 75 dBA Ldn unmitigated noise contour. This may result in the loss of lots if they cannot be appropriately relocated.**

Even though the SDP does not propose any development, the SDP and TCP2 should include the delineation of the unmitigated or mitigated noise contours related to US 301/MD 5. Therefore, a condition has been included in this approval regarding this issue.

6. **Prior to approval of the first SDP, a proposed stream and/or wetland mitigation plan shall be required if the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers. If this occurs, the first SDP submission package shall include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to identify possible mitigation sites shall be as follows: the Stream Corridor Assessment database shall be researched by the applicant and a list of possible mitigation sites shall be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation shall be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.**

The SDP proposes a nontidal wetland mitigation area of 3.5 acres on the site, which is 1.26 acres more than the requirement. No additional mitigation will be required.

7. **At the time of the first SDP submittal, the submission package shall include a proposed site development for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.**

Stormwater Management Concept Plan 11355-2009-00, reapproved April 25, 2012 and valid through April 25, 2015, was submitted with the current application.

8. **Prior to signature approval of any Type 2 tree conservation plan which proposes to credit, as woodland conservation, planting occurring with a stormwater management easement, an approved site development stormwater management plan**

**shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by DPW&T with regard to the location, size, and plant stocking proposed.**

This issue needs to be resolved prior to signature approval of the TCP2, if any woodland conservation is being credited within a stormwater management easement. Therefore, this condition has been carried forward in this approval.

- 24. In conformance with the 2009 Approved Countywide Master Plan of Transportation and the Approved Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**

- a. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA.**

An eight-foot-wide sidepath is shown along the subject site's entire frontage of Brandywine Road (MD 381), subject to SHA approval.

- c. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of the east side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.**

An eight-foot-wide sidewalk is shown along the subject site's entire frontage of the east side of Mattawoman Drive.

- d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.**

A five-foot-wide sidewalk is shown along the subject site's entire frontage of the west side of Mattawoman Drive.

- e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.**

Medians have been indicated along Mattawoman Drive on the SDP. However, the location and details of pedestrian crossings and refuges has not been clearly labeled or provided and should be done prior to certification. Therefore, a condition has been included in this approval requiring such.

- g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.**

The location, width, and surface treatment of the sidewalks and sidepaths for infrastructure roadways shown in this SDP have been provided.

- h. Sidewalk, sidepath, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.**

Sidewalk, sidepath, and trail cross sections and details have not been provided in the SDP and should be.

- 25. At the time of final plat approval, the applicant shall dedicate the following rights-of-way as reflected on the approved preliminary plan of subdivision:**
  - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.**
  - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's frontage.**

The above rights-of-way have been shown on the SDP, but the square footage of each right-of-way dedication area should also be provided on the SDP plan sheets.

- 26. The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial specific design plan involving development within the subject property, and also shall submit any needed warrant studies related to condition c at this time. A status report for these improvements shall be submitted with each specific design plan within the property, with the transportation staff recommendation to be based upon a comparison of the status with the phasing plan. The staging of conditions a, b, and d shall be related to the timing of collection of Road Club fees (pursuant to Condition 27). Condition c would be implemented when the signal is deemed to be warranted and required by SHA.**
  - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.**
  - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.**

- c. **The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.**
- d. **The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.**

The subject SDP does not propose any development within the subject property. Therefore, a phasing plan for the required improvements will have to be submitted with a future SDP.

**30. All appropriate specific design plans shall limit access to A-63 as follows:**

- a. **Any public or private streets shown on the approved preliminary plan.**
- b. **A maximum of two driveways within the L-A-C-zoned portion of the site to serve the commercial development.**
- c. **A maximum of two driveways within the R-M-zoned portion of the site to serve Residential Module 5.**

The subject SDP does not propose any street or driveway connections to A-63 (Mattawoman Drive) at this time. This condition will have to be reviewed for conformance with future SDPs.

**32. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.**

The applicant submitted four copies of the final Phase II report on June 17, 2010, and the reports were accepted by Historic Preservation staff on July 20, 2010. The applicant has not provided documentation that the artifacts have been curated at the Maryland Archaeological Conservation Lab. This documentation should be provided to Historic Preservation staff prior to signature approval of this SDP.

**33. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.**

This issue is discussed further in Finding 14(a) below, resulting in the conclusion that the location, wording, and timing of interpretive signage needs to be dealt with at the time of SDP that includes site development beyond infrastructure.

- 36. Prior to signature approval of the preliminary plan, the preliminary plan shall conform to all applicable Zoning Ordinance requirements and CDP conditions, including the following:**
- f. The plan shall show a minimum 40-foot wide scenic easement and landscape buffer outside of the ultimate right-of-way and any public utility easements along the southern frontage of Brandywine Road.**

The required 40-foot-wide scenic easement is shown on the submitted SDP sheets.

- 40. Prior to the approval of any SDP for the Villages of Timothy Branch development, the applicant and the applicant's heirs, successors, and/or assignees shall work with Historic Preservation staff to develop names for the subdivision streets that reflect the history of the property, the adjacent Brandywine community, and its associated families.**

The subject SDP only proposes one road at this time, Mattawoman Drive, which is already the recorded name. Future SDPs that propose new roads will have to be reviewed for conformance to this condition.

- 11. Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the L-A-C and R-M Zones and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the applicable requirements of Section 27-494, Purposes; Section 27-495, Uses; and Section 27-496, Regulations, governing development in the L-A-C Zone.
- b. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; and Section 27-509, Regulations, governing development in the R-M Zone.
- c. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a SDP:
- (a) Prior to approving a Specific Design Plan, the Planning Board shall find that:**
- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as**



**provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-0901 and CDP-0902 as detailed in Findings 8 and 9 above and the 2010 *Prince George's County Landscape Manual* as detailed in Finding 12 below.

- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The subject project is not a regional urban community. Therefore, the requirements of this subpart are not applicable.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;**

The proposed plan for infrastructure development only will have no impact on the previous finding that the project will be adequately served within a reasonable period of time, as was found in the approval of Preliminary Plan 4-09003.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

A memorandum dated September 17, 2014 from DPIE indicated that the applicant has an approved stormwater management plan and final technical plan approval for the six proposed ponds. Therefore, it may be said that adequate provision has been made for draining surface water, with no adverse effects.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

The Planning Board found to approve TCP2-068-93-01 subject to conditions. Those conditions have been included in this approval. Therefore, it may be said that the plan is in conformance with an approved TCP2.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The Planning Board found that the regulated environmental features on the subject property have been found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP2 submitted with the current application. The PMA impacts shown on the SDP and TCP2 are consistent with those approved with Preliminary Plan 4-09003.

- (b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite 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.**

Conformance with the approved CDPs is discussed in Findings 8 and 9 above. The subject SDP for infrastructure proposes minimal improvements that are all located internal to the site. Additionally, the plan meets all of the previous approval's environmental conditions, and other current applicable county regulations regarding grading, drainage, erosion, and pollution will be enforced by the relative agency at the appropriate time.

12. **Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, a SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only, including clearing, grading, streets, and pipes, is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area for parking or loading spaces, or gross floor area on the subject property. Future SDPs that include development of the site would have to be reevaluated for conformance with the applicable sections of the Landscape Manual.
13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the requirements of Subtitle 27 that became effective September 1, 2010 and February 1, 2012 because the CDP and preliminary plan were approved after the effective date.

The project is subject to the current requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) that became effective September 1, 2010 and February 1, 2012 because the rezoning of the property from E-I-A and I-3 to R-M and L-A-C resulted in a substantial change in the amount of woodland conservation required.

- a. **Tree Conservation**—This site is subject to the provisions of the WCO because the entire site has a previously approved TCP1, and a portion of the site has an approved and implemented TCP2.

The TCP2 covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.69 acres of wooded floodplain. The TCP2 encompasses the land area that is included in both CDP-0901 and CDP-0902 for The Villages of Timothy Branch.

The TCP2 proposes clearing 124.11 acres of upland woodlands and 1.00 acre of wooded floodplain. The woodland conservation threshold for this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement for the Phase 1 development proposed with the addition of the 1.73 acres of off-site woodland conservation provided for Parcel E (TCP11-042-97) is 85.80 acres. The plan proposes to meet the woodland conservation requirement with 48.86 acres of on-site preservation and 38.96 acres of on-site reforestation.

Because much of the site is located within a designated evaluation area of the 2005 *Approved Countywide Green Infrastructure Plan* and within the watershed of Mattawoman Creek, woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas, to widen stream buffers and protect sensitive environmental features, is also recommended. Previous conditions of approval require that the strategies contained in the 2002 Prince George's County Approved General Plan indicate that, if off-site woodland conservation is provided in fulfillment of the woodland conservation requirement, it must be fulfilled within the Mattawoman Creek watershed.

Prior conditions of approval require that the woodland conservation threshold for the site, plus the portion of the replacement required for clearing below the threshold, be maintained on-site. No off-site woodland conservation is proposed with the current application. Prior conditions of approval which require that woodland conservation requirements that cannot be fulfilled on-site shall be provided off-site within the Mattawoman Creek watershed will be adhered to with any future TCP2 revisions which propose off-site woodland conservation.

The TCP2 requires various technical revisions to meet the requirements of the applicable WCO which have been included as conditions in this approval.

- b. **Environmental Impacts**—Nontidal wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers comprise the

primary management area (PMA) in accordance with Section 24-101(b)(22) of the Subdivision Regulations. A variation request for impacts to the PMA was submitted on August 2, 2010. Under ordinance changes effective September 1, 2010, the requirement for a variation to disturb the PMA was changed to a requirement for a statement of justification and a finding of preservation and/or restoration to the fullest extent possible. The letter previously received with the variance request was accepted as the statement of justification for the review of the PMA impacts proposed.

Eight proposed PMA impacts were evaluated with the preliminary plan. All of the requested impacts were supported as necessary for development, except for Impact 5 for construction of the noise berm along Crain Highway (US 301) because the criteria for avoidance and minimization had not been met. The location of the berm was subsequently relocated to avoid all PMA impacts per preliminary plan conditions of approval. The impacts approved were for the installation of sanitary sewer lines, construction of master-planned roads, installation of stormwater management outfalls, and connection to a trunk sewer line.

The table below shows the impact areas based on Natural Resources Inventory NRI-002-07-01:

Impact No.	Type of Impact	Area of PMA Impacts	Wetland Impacts?	Evaluation of PMA impact
1	Construction of stormwater management pipes and outfall under Mattawoman Drive	33,761 s.f.	Yes	Impact supported and approved.
2	Stormwater outfall and sewer line connection	7,997 s.f.	Yes	Impact supported and approved.
3	Construction of Mattawoman Drive	9,252 s.f.	Yes	Impact supported and approved.
4	Road construction of Road H	10,035 s.f.	No	Impact supported and approved.
5	Construction of berm adjacent to US 301/MD 5	15, 575 s.f.	No	<b>Impact not supported and not approved.</b>
6	Construction of master planned hiker-biker trail and sewer line connections	18,894 s.f.	Yes	Impact supported and approved.
7	Construction of master planned hiker-biker trail and sewer line connections	11,695 s.f.	Yes	Impact supported and approved.
8	Construction of a sewer connection	5,632 s.f.	Yes	Impact supported and approved.
Total Impacts Previously Proposed		112,841 or 2.59 acres		
Total PMA Impacts Previously Approved		97,266 or 2.3 acres		

The impacts proposed to the regulated environmental features with the current SDP and TCP2 are consistent with those proposed and approved with Preliminary Plan 4-09003 as

listed above. No additional impacts are proposed and the berm along US 301 has been moved out of the PMA on the site plan. The regulated environmental features on the subject property have been found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP2 submitted with the current application. The PMA impacts shown on the SDP and TCP2 plan are consistent with those approved with Preliminary Plan 4-09003.

14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:

- a. **Archeological Review**—The Planning Board reviewed the following conclusions and recommendations:

- (1) A Phase I archeological survey was completed on the subject property from March to July 2009. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded historic site, 18PR454, and one previously recorded prehistoric site, 18PR974. Five new archeological sites were delineated and included a late nineteenth or early twentieth century domestic site, 18PR991; a prehistoric site, 18PR992, likely dating to the Archaic period (7,500–1,000 BC); a mid-nineteenth century domestic site, 18PR993; a colonial period domestic occupation, 18PR994; and a mid- to late-twentieth century domestic ruin, 18PR995. Sites 18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.

The draft Phase I report found that Sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of Site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site possibly retained some integrity. It was recommended that Phase II investigations be conducted on Sites 18PR454, 18PR992, 18PR993, and 18PR994. On all of these sites, close-interval shovel testing was recommended to help identify the possible locations of subsurface features and was used to guide the placement of one square meter test units. A Phase II work plan for Sites 18PR454, 18PR992, 18PR993, and 18PR994 was submitted to Historic Preservation staff for review and approval on November 30, 2009.

Phase II investigations were conducted on Sites 18PR454, 18PR992, 18PR993, and 18PR994 in December 2009. Phase II investigations of Site 18PR992 consisted of the excavation of 50 STPs at 25-foot intervals across 12 transects. Artifacts were concentrated in transects F to L on a piece of high ground. Nine three-square-foot test units were placed in the northern portion of the site and 732 prehistoric artifacts were recovered. The site contained two components: a

late Middle Archaic (6,000–4,000 BC) or early Late Archaic (4,000–2,000 BC) Halifax occupation and a Terminal Late Archaic/Transitional broadspear occupation. There was a high concentration of fire-cracked rock, but no subsurface features were identified. Due to the lack of intact features and the effects on the site from erosion, no further work was recommended on Site 18PR992.

Phase II investigations of Site 18PR993 consisted of the excavation of 43 STPs at 25-foot intervals across seven transects. Only 20 historic artifacts were recovered and no subsurface features were identified. Due to the lack of significant archeological deposits and intact features, no further work was recommended on Site 18PR993.

Phase II investigations of Site 18PR994 consisted of the excavation of 45 STPs at 25-foot intervals across five transects. Only one porcelain shard and one prehistoric quartz flake were recovered from the STPs. A metal detector survey failed to locate any metal objects other than modern machine parts and tools. Due to the lack of significant archeological deposits and intact features, no further work was recommended on Site 18PR994.

Phase II investigations of Site 18PR454 consisted of the excavation of 61 STPs at 25-foot intervals across six transects and five three-square-foot test units. An intensive metal detection survey was also conducted across the site. Artifacts recovered included glass, nails, whiteware, pearlware, black-glazed redware, and brick. The five test units were placed in areas where the highest concentration of artifacts was noted. The eastern portion of the site was impacted by earlier construction activities. One intact subsurface feature was identified in Test Units 4 and 5. This feature possibly represents a cellar hole filled with the debris from dismantling the house that formerly stood on the property. The types of artifacts recovered indicated that the house was occupied from the late eighteenth to the first half of the nineteenth century.

In a review letter dated March 27, 2010, staff concurred with the report's conclusions and recommendations that Sites 18PR454, 18PR992, 18PR993, and 18PR994 are not eligible for listing in the National Register of Historic Places or meet the criteria for designation as county historic sites. Staff also concurred with the report's recommendation that no further work is necessary on these sites, as they lack subsurface integrity and have limited research value. The applicant submitted four copies of the final report on June 17, 2010 and the reports were accepted by Historic Preservation staff on July 20, 2010.

- (2) If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to

take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to certification.

#### **Conditions Relating to Archeology Preservation**

- (1) Prior to certification of the subject application, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts that have been recovered from the Phase I and II investigations on the subject property are deposited with the Maryland Archeological Conservation Laboratory in Calvert County, Maryland for permanent curation. Proof of disposition shall be provided to the Historic Preservation staff of The Maryland-National Capital Park and Planning Commission (M-NCPPC).
- (2) Prior to certification of the subject application, the applicant and the applicant's heirs successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission (HPC) and the M-NCPPC staff archeologist. The specific design plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
- (3) The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), federal agencies, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

Discussion regarding preliminary plan conditions of approval has been incorporated into Finding 10 above. Condition (1) has been included in this approval. Condition (3) is a duplicate of a preliminary plan condition of approval and has not been included in this SDP approval, as it remains valid and applicable, without the need for duplication. Suggested Condition (2) was partially addressed through the submittal of an "Interpretive Plan" dated September 16, 2014. Further, the archeology planner coordinator, in an e-mail dated September 17, 2014, agreed that the exact sign locations and timing of the installation was best left to a subsequent SDP that involves site development beyond infrastructure. Therefore, Condition (2) has not been included in this SDP approval.

- b. **Transportation Planning**—The SDP was submitted for rough grading and significant road/utility infrastructure improvement, specifically for the extension of Mattawoman

Drive. The proposed extension of Mattawoman Drive from Brandywine Road (MD 381) south into the site conforms with previous approvals. It is shown with a 120-foot-wide right-of-way in accordance with the 2013 *Approved Subregion 5 Master Plan and Section Map Amendment*.

From the standpoint of transportation, it is determined that this plan is acceptable, and that the development will be served by adequate transportation facilities within a reasonable period of time as required by the finding for a SDP as described in Section 27-528 of the Zoning Ordinance.

- c. **Subdivision Review**—An analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-09003 is incorporated into Finding 10 above.

Additionally, Subdivision Review provided the following:

- (1) Prior to certification of the specific design plan, the following technical corrections shall be required:
  - (a) Provide sidewalk, sidepath, and trail cross sections and details on Sheet C-15.
  - (b) Provide the square footage of dedication for US 301/MD 5 and MD 381 on the plan.

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. There are no other subdivision issues at this time.

These conditions have been included in this approval.

- d. **Trails**—The SDP has been revised since the initial trails analysis to address their comments, so they no longer need to be addressed at this time. An abbreviated discussion has been included below for the record.

This proposal was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2009 *Approved Subregion 5 Master Plan and Proposed Sectional Map Amendment* (area master plan), and Preliminary Plan of Subdivision 4-09003 (PGCPB Resolution No. 10-117(A)). The following comments and recommendations are based on the approved Preliminary Plan of Subdivision.

#### **Sidewalks and Sidepath**

Condition 24(a) requires a "sidepath or sidewalk" on Brandywine Road. A public utility easement (PUE) and the approved right-of-way width are indicated along Brandywine Road (although the centerline is difficult to call out). Either a sidepath or sidewalk along



Brandywine Road should be indicated on the plan. The proposed sidepath along Brandywine Road should not overlap with the PUE, to the extent possible. The applicant should consult with the Maryland State Highway Administration (SHA) on this matter and either show the sidewalk or sidepath locations, or provide correspondence from SHA. A wide sidewalk/sidepath should be proposed because this sidewalk is in the vicinity of a possible future transitway and commercial area.

The sidewalks on A-63 Mattawoman Drive are indicated on the plan and they are labeled with the adopted widths and appear to be correctly located:

Table 1. Adopted and Proposed Sidewalk Widths

Mattawoman Drive Sidewalks	PGCPB No. 10-117(A) Adopted Width	SDP-1304 Rough Grading Plan Width
West Side	5 feet	5 feet
East Side	8 feet	8 feet

#### **Median and Pedestrian Refuges**

Condition 24(e) requires that "Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T." The locations of the median and pedestrian refuges are not indicated on the plan. The applicant should consult with DPW&T on this matter and either show the locations for future median or pedestrian refuges, or provide correspondence from DPW&T.

- e. **Environmental Planning**—An analysis of the site plan's conformance with environmentally-related conditions of approval of the Basic Plans, CDPs, and preliminary plan, is included in Findings 7, 8, 9, and 10 above as appropriate. An analysis of the site's conformance with Subtitle 25, is discussed in detail in Finding 13 above. The following is additional discussion:
- (1) A revised approved Natural Resources Inventory (NRI-002-07/01) for the overall Villages at Timothy Branch was approved August 13, 2010. The revised NRI reflects the enlarged stream buffer widths and PMA in conformance with the environmental requirements which became effective September 1, 2010. The approved TCP1-151-90-02 reflects the revised PMA. The PMA and the regulated environmental features of the site have been correctly shown on the SDP and TCP2 in conformance with the revised NRI.
  - (2) At the time of each final plat other than for infrastructure, a conservation easement is required to be placed over the regulated environmental features. Approval of each final plat shall occur after the approval of the associated SDP and TCP2 so that the areas to be preserved and/or planted are clearly delineated.

The notes placed on the TCP1 require that woodland conservation easements be recorded in the Prince George's County Land Records for all proposed woodland conservation areas, both on-site and off-site, and that copies of the recorded easements be submitted to the Environmental Planning Section (M-NCPPC) for inclusion in the tree conservation plan file, prior to grading permit issuance. It was not anticipated that a SDP for rough grading and road infrastructure, as is currently proposed, would need to move forward to the permit phase in advance of the final design for other areas of the site. Woodland conservation credits provided off-site are not required until the time of grading permit, and transferred using a transfer credit certificate in an established bank, which are recorded in the land records.

Condition 2.a. (5) of Preliminary Plan 4-09003 reads as follows:

**(5) Add the following note to the standard TCP1 notes:**

**"Prior to grading permit approval, conservation easements shall be recorded in the land records for all proposed woodland conservation areas both on-site and off-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file."**

The following condition should be adopted to clarify the process with the current application:

Prior to grading permit approval, except for grading permits issued in accordance with a Specific Design Plan for infrastructure, woodland conservation easements shall be recorded in the land records for all proposed woodland conservation areas on-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section (M-NCPPC) for inclusion in the tree conservation plan file, and the Liber and Folio of the recorded easements shall be added to a note placed on the TCP2 prior to signature approval.

This condition is intended to supersede the previous condition only for the purpose of clarifying the process as proposed, considering this SDP for infrastructure.

- (3) The site contains regulated environmental features that are regulated by federal and state agencies. Impacts to these features are proposed that will require federal and state permits. The applicant applied for both Maryland Department of Environment (MDE) and U.S. Army Corps of Engineers (USACOE) nontidal

wetland permits (11-NT-173/201160717), which were issued by USACOE on July 3, 2014 for road crossings, utility lines, outfalls, and culverts and obtained approval of a 3.5 acre nontidal wetland mitigation area to meet the 2.24 acres of required mitigation.

The area is already established on-site for this project by the placement of a perpetual easement (Declaration of Restrictive Covenants L. 35867 F.136) in coordination with MDE/USACOE, and is located in the northeast corner of the property. The conservation easement area is correctly delineated on the SDP and TCP2 and will be reflected on the final plat.

- (4) According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka and Leonardtown series. Beltsville soils are highly erodible, have perched water tables, and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafra soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements.

This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site.

- (5) Policies contained in the *Plan Prince George's 2035 Approved General Plan* call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

Crain Highway (US 301) is an existing source of traffic-generated noise and is a master-planned freeway. Using the Environmental Planning Section noise model, the anticipated 65 dBA Ldn noise contour would lie 690 feet from the center line of US 301. Because the closest point of development in the L-A-C-zoned portion of the site is located over 1,500 feet from US 301, there is no need to mitigate transportation-related noise impacts within the L-A-C-zoned portion of the site for US 301.

Mattawoman Drive is a master-planned arterial roadway that may have noise impacts on the subject application. Residential development located along the east side of Mattawoman Drive must be evaluated in relation to noise impacts. It should be noted that the Subdivision Regulations require that residential development adjacent to an arterial provide a minimum lot depth of 150 feet, in part to address noise-related concerns.

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010) to evaluate transportation-related noise impacts to proposed residential areas in the L-A-C Zone along the southeast side of Mattawoman Drive.

The conclusion of the noise study (page 14) indicates that:

“Residential building structures and outdoor activity areas throughout The Villages of Timothy Branch are exposed to transportation noise levels ranging up to 76 dBA Ldn...Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, site planning and noise barriers.”

The TCP1 and preliminary plan were revised to show the unmitigated 75, 70, and 65 dBA Ldn noise contours at ground level for the portion of Mattawoman Drive north of Road N. The entire length of Mattawoman Drive north of A-55 is classified as an arterial, and unmitigated noise contours must be delineated for the entire length of Mattawoman Drive on the subject property.

The TCP1 and preliminary plan were revised to correctly show the location of all unmitigated noise contours 65 dBA Ldn or greater adjacent to roads classified as arterials or higher. The plans also showed conceptually how noise mitigation will be provided.

The comments provided on the two CDPs were extensive with regard to design considerations to address noise concerns, and were reflected in the conditions of approval for those two development applications carried forward. The preliminary plan and TCP1 were further revised to reflect the noise-related revisions required by conditions of approval.

- (6) Brandywine Road (MD 381) runs along the northern boundary of the subject property and is designated as a historic road. Because MD 381 is a state road, it is not subject to the Prince George's County *Design Guidelines and Standards for Scenic and Historic Roads*, and is subject to road improvements as determined by the SHA.

SHA has adopted a policy of implementing context sensitive solutions (CSS) for transportation development, which applies to all SHA projects. CSS results from a collaborative interdisciplinary approach to developing and implementing transportation projects, involving all stakeholders to ensure that transportation projects are in harmony with communities and preserve and enhance environmental, scenic, aesthetic, and historic resources while enhancing safety

and mobility. Prince George's County has a special interest in encouraging CSS when state roads are also county-designated scenic and historic roads.

Previous conditions of approval require that the design and implementation of any road improvements to MD 381 required by this project shall be coordinated by the SHA and include all interested stakeholders including the Environmental Planning Section, M-NCPPC. The road improvements must also seek to implement CSS as required by SHA policy. These efforts will be coordinated with the review of the first SDP beyond an SDP for infrastructure with frontage on MD 381.

These conditions have been included in this approval as applicable.

- f. **Prince George's County Fire/EMS Department**—The Fire/EMS Department, in a memorandum dated August 12, 2014, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of permits.
- g. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated September 17, 2014, DPIE provided the following comments on the subject application:
  - (1) This site is located at the east side of Crain Highway (US 301), southeast of its intersection with Branch Avenue (MD 5), and southeast of the intersection with Brandywine Road (MD 381).
  - (2) Crain Highway (US 301) and Brandywine Road (MD 381) are state-maintained roadways; therefore, coordination with SHA is required.
  - (3) For Mattawoman Drive, provide approximately 300 feet of divided roadway south of the west circle and provide an adequate transition to the 46-foot pavement section. This revision shall be made at the time of final plan submittal to DPIE.
  - (4) An appropriate DPIE permit is required for all proposed paving, right-of-way grading, and on-site phased grading work associated with this subdivision.
  - (5) The approved Site Development Concept No. 11355-2009 dated April 25, 2012, covers six wet ponds (Permit No. 35729-2009), including modifications to the existing pond. These ponds received technical approval on April 26, 2010. Final Erosion and Sediment Control plans (SC #230-10-03-09-07) received approval on May 4, 2010 and these plans were extended through January 9, 2015. Due to these previous approvals, the portion of the site draining to these ponds is waived from environmental site design (ESD) requirements.

- (6) This memorandum incorporates the site development plan review pertaining to Stormwater Management (County Code 32-182 (b)). The following comments are provided pertaining to this approval phase:
- (a) Final roadway layout and exact impervious area locations are not shown on the plans. This may be provided on the final design plans.
  - (b) Exact acreage of impervious areas has not been provided. This may be provided on the final design plans.
  - (c) Proposed rough grading is shown on plans.
  - (d) Delineated drainage areas at all points of discharge from the site have not been provided. This may be provided at final design.
  - (e) Stormwater volume computations were provided with the approved stormwater technical plans.
  - (f) Erosion/sediment control plans that contain the construction sequence and any phasing necessary to limit earth disturbances and impacts to natural resources and erosion and sediment control practices are not included in the submittal and shall be included at final design.
  - (g) A narrative in accordance with the code has not been provided and shall be provided at final design.

These requirements should be noted by the applicant as they will need to be addressed with final design plan submittals to DPIE.

- h. **Prince George's County Police Department**—In a memorandum dated August 6, 2014, the Police Department indicated that they had no crime prevention through environmental design (CPTED) concerns for the subject application.
- i. **Prince George's County Health Department**—In a memorandum dated September 26, 2014, the Health Department stated that they had completed a health impact assessment review of the SDP. They provided the following summarized comments:
  - (1) The design plan addresses the removal of a White Oak tree in poor condition. Any other potential health impacts should be better addressed in future site development plans.

This should be noted by the applicant.

- (2) During the process of rough grading and development of road infrastructure, ensure that any abandoned wells existing on the site are properly backfilled and sealed by a licensed well driller or witnessed by a Health Department representative; contact the Health Department at 301-883-7681 for information on the appropriate procedures. Furthermore, any wells and septic systems that are currently servicing any property must be properly protected during the demolition and/or construction phases of the site.

This should be noted by the applicant.

- j. **Maryland State Highway Administration (SHA)**—In a memorandum dated August 18, 2014, SHA concurred with SDP approval for this project pursuant to all access being from Mattawoman Drive for rough grading and road infrastructure improvements. Any work within the SHA right-of-way would require SHA plan review, approval, and permit issuance as applicable.

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 2 Tree Conservation Plan (TCP2-068-93-01), and further APPROVED Specific Design Plan SDP-1304 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP) for infrastructure, the applicant shall:
  - a. Revise the Tree Canopy Coverage schedule so that the acreage of on-site woodland conservation matches the acreage in the Type 2 tree conservation plan (TCP2) Woodland Conservation worksheet.
  - b. Provide sidewalk, sidepath, and trail cross sections and details for Mattawoman Drive.
  - c. Provide the square footage of dedication for Mattawoman Drive and MD 381 on the plan and adjust acreages accordingly.
  - d. The SDP and Type 2 tree conservation plan (TCP2) shall be revised to show the unmitigated 75, 70, and 65 dBA noise contours impacting the subject property.
  - e. Revise the SDP to clearly label and provide details for all of the proposed pedestrian crossings and refuges within Mattawoman Drive, subject to modification by the Department of Permitting, Inspections, and Enforcement (DPIE).
  - f. Revise the Type 2 tree conservation plan (TCP2) as follows:
    - (1) The correct TCP2 number and prior approvals shall be added to the TCP approval block.

- (2) The design requirements for woodland conservation areas contained within the Woodland Conservation Technical Manual shall be adhered to. Woodland conservation areas shall be a minimum of 50 feet in width.
- (3) Woodland conservation areas shall be removed from all utility easements including public utility easements along proposed roadways.
- (4) Permanent tree protection fencing shall be provided along the vulnerable edges of all afforestation/reforestation areas.
- (5) Revise the general notes as necessary to reflect the current TCP2.
- (6) No afforestation or preservation areas are allowed within 15 feet of the toe of the embankment of a stormwater management pond.
- (7) The following note shall be added to the plan:

“The off-site woodland conservation requirements for the subject property shall be met within the Mattawoman Creek subwatershed, unless the applicant demonstrates due diligence in seeking out opportunities for off-site woodland conservation locations in accordance with the priorities of Section 25-122(a)(6).”
- (8) After all required revisions are made, revise the Woodland Conservation worksheet to correctly reflect the woodland conservation required and provided for the site.
- (9) Have the revised plan signed and dated by the qualified professional who prepared it.
- (10) The following variance note shall be provided on the plan sheet below the Specimen Tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (Date) for the removal of one specimen tree (ST-3) (Section 25-122(b)(1)(G)).”
- (11) If the TCP2 proposes to credit woodland conservation within a stormwater management easement, an approved site development stormwater management plan shall be submitted which indicates that the planting areas proposed have been approved by DPIE with regard to the location, size, and plant stock proposed.



- (12) The limits of disturbance and proposed grading should be revised to be outside of any woodland preservation areas. Adjust the worksheet accordingly.
  - (13) Revise the plan to show and label the proposed road dedication and 40-foot scenic easement along Brandywine Road (MD 381), as appropriate.
2. Prior to certification of the SDP for infrastructure, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts that have been recovered from the Phase I and II investigations on the subject property are deposited with the Maryland Archeological Conservation Laboratory in Calvert County, Maryland for permanent curation; proof of disposition shall be provided to the Historic Preservation Section (M-NCPPC).
  3. Prior to issuance of grading permits, except for grading permits issued in accordance with a specific design plan for infrastructure, woodland conservation easements shall be recorded in the Prince George's County Land Records for all proposed woodland conservation areas on-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section (M-NCPPC) for inclusion in the tree conservation plan file, and the liber and folio of the recorded easements shall be added to a note placed on the TCP2 prior to signature approval.


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, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 23, 2014, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 13th day of November 2014.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 10/29/14