

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, in consideration of evidence presented at a public hearing on October 9, 2003, regarding Specific Design Plan SDP-8949/05 for Kings Grant (Winterset), the Planning Board finds:

1. This Specific Design Plan revision is for the purpose of validating the existing landscaping around the stormwater management pond and to eliminate proposed fencing shown on the plan to be located at the perimeter of the central recreational area.
2. This case was originally approved with conditions by the Planning Board on December 21, 1989. One of the original conditions of approval applied to the design of the stormwater management pond and required the following:

The plans shall be revised to address compatibility of the proposed development to the adjacent Historic Site in the following manner:

- 1. The stormwater management dry pond bordering the south side of Brooke Lane shall be sensitively landscaped, because it is part of the approach to the historic site. The landscape plan shall be revised to provide year-round seasonal interest and shall be approved by the Planning Board or its designee.**

The originally certified approved plans addressed the condition above. In 1994, the applicant, Coscan of Washington, revised the stormwater management pond, converting its design from a dry pond to a wet pond. New standards were developed by the Department of Environmental Resources (DER) during the same timeframe. The applicant submitted the plans for review by DER, which were subsequently reviewed and approved; however, the applicant did not resubmit the revised plans for review by the Planning Board or its designee, as the original condition had required. The applicant obtained permits and built the facility in accordance with the DER-approved pond plan. Subsequently, DER discovered the error and has required the applicant to obtain M-NCPPC approval. The applicant met with the homeowners association and followed with the submission of this revised Specific Design Plan. The following letter dated August 19, 2003, from Kevin Thornton, of Kaplan and Kaplan, P.A. Law Offices, to Susan Lareuse provides evidence of the Winterset Homeowners Association (HOA) concurrence with the plan:

“Our office represents Winterset Homeowners Association and our client has asked that we forward the following information to your attention.

“After carefully reviewing the landscape plan developed by Office of Environmental Resources for Prince George’s County (DER), and the landscape plan Maryland National Capital Park & Planning

Commission (MNCPPC) plan for the Storm Water Management (SWM) Pond in the Winterset Development located in Upper Marlboro, MD, it is apparent that the design of the DER plan is for a wet pond and the MNCPPC plan is for a dry pond.

“The Winterset Homeowners Association feels that the landscape plan developed by DER is the most desirable landscape plan for our community. We also feel that the DER landscape plan is just as good, or better than the MNCPPC landscape plan. The Winterset HOA is willing to accept the DER landscape plan.”

It is staff’s opinion that the DER-approved plan is acceptable and fulfills the original Planning Board condition of approval.

3. The second revision under consideration is in regard to fencing shown on the Specific Design Plan. The revision is for the purpose of eliminating fencing that was approved on the plans around the central recreational area. The applicant was approached by the Winterset Homeowners Association (HOA) and was asked to not construct the fences, which were originally designed to provide a buffer from the activities within the central recreational area, creating privacy for the single-family detached units. The following letter dated June 11, 2003, from Delton M. Thurman, Winterset HOA President, to Dean Dubbe, Coscan of Washington, provides evidence of the HOA’s desire to have the fencing eliminated from the plans:

“My name is Delton Turman. I live in the Winterset Development located in Upper Marlboro, MD. I am the current president of the Winterset Homeowners Association. It has come to the attention of the Board of Directors that a 6 foot high wooden fence is to be constructed that would surround our community’s playground area on Foyette Lane. We also understand that the fence is part of the original site development plan for our community. We would like to request that this fence not be constructed and be removed from any future consideration.

“The fence would take away the open area that we currently have there, and would limit access to and from the playground. Our community Basketball court, Tennis court, and most importantly our two Tot Lots, where the small children play, are in the area. We would like an open view of the kids as they play. The playground borders a wooded area with bicycle paths that connect our community with other communities along Brown Station Road. A fence that blocks the view of, or limits access to, the playground would cause a considerable and unwarranted security risk.”

It is staff’s opinion that the elimination of the fences would not be detrimental to the overall design of the site. Each individual homeowner adjacent to the play area will continue to have the opportunity to fence their rear yard, if they prefer more privacy.

4. This revision to the Specific Design Plan conforms to the approved Comprehensive Design Plan and the applicable standards of the *Landscape Manual*.
5. This revision to the Specific Design Plan will have no impact on the previous finding that the project 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 revisions to the plans will have no impact on this finding.

6. This revision to the Specific Design Plan has made adequate provision for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.
7. This revision to the Specific Design Plan is in conformance with an approved Tree Conservation Plan.

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 Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to signature approval, the landscape plan shall be revised to add three ornamental trees (or equivalent) to be located on the east side of the stormwater management pond.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Harley, with Commissioners Vaughns, Harley, Eley, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 9, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of October 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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