PGCPB No. 04-47 File No. SDP-9806/01

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on March 4, 2004, regarding Specific Design Plan SDP-9806/01 for The Preserve, Piscataway Road and Bailey's Pond, the Planning Board finds:

1. On September 14, 1993, the County Council, sitting as the District Council for the part of the Maryland-Washington Regional District in Prince George's County, adopted CR-60-1993 approving the master plan and the sectional map amendment for Subregion V in Prince George's County. Comprehensive Design Zone Amendment Three (Zoning Applications A-9869 and A-9870), Villages at Piscataway, rezoned 858.7 acres in the R-A Zone to the R-L (Residential-Low Development, 1.0 to 1.5 du/acre) Zone and 19.98 acres to the L-A-C (Local Activity Center-Village Center) Zone. The Basic Plan was approved with 39 conditions and 11 considerations.

2. The following table of data provides the basic development information for this portion of the Greens at Piscataway:

Greens at Piscataway
SDP-9806

Zoning	R-L and L-A-C
Gross Site Area	19.79 acres
Number of Units Proposed	0

3. On March 24, 1994, the Prince George's County Planning Board reviewed and approved a Comprehensive Design Plan (CDP-9306) for the subject property then known as the Villages of Piscataway as described in PGCPB No. 94-98(C). The Comprehensive Design Plan was approved with 36 conditions.

4. On June 23, 1994, the Prince George's County Planning Board reviewed and approved a major Preliminary Plat of Subdivision (4-94017), Villages at Piscataway, for the entire acreage of the site as described in PGCPB No. 94-213. The Preliminary Plat of Subdivision was approved with 20 conditions, but has subsequently expired.

5. On November 14, 1996, the Prince George's County Planning Board reviewed and approved a detailed Preliminary Plan of Subdivision (4-96047) for Villages of Piscataway-Glassford Villages for a portion of the site as described in PGCPB No.96-301. The Preliminary Plan of Subdivision was approved with 15 conditions, but has subsequently expired.

6. On October 29, 1998, the Planning Board approved Specific Design Plan SDP-9806 for the development of the roadway in accordance with Condition 11 of the Basic Plan and Condition 2.a. of the Comprehensive Design Plan. On February 14, 2002, the Planning Board reconsidered its action on the case and amended one of the conditions relating to the protection of the Historic property on the site know as the Edelen House Historic Site.

7. On June 17, 2003, the Planning Board approved a Preliminary Plan of Subdivision for the entire 802 acres of land in the R-L and L-A-C Zones.

8. This revision to the Specific Design Plan (SDP) is for the purpose of reviewing the relocation of Piscataway Road, the associated stormwater management pond within Bailey's Village, and the landscaping within 50 feet of the edge of the road.

9. This Specific Design Plan for the Preserve (formerly known as the Greens at Piscataway and the Villages at Piscataway) is located in Planning Area 84, primarily south of Floral Park Road near its intersection with Piscataway Road and north of the intersection of Floral Park and Livingston Road. Currently, the site consists of cultivated fields with extensive woodlands and a stream valley. Piscataway Road will extend from the intersection of Floral Park Road to Livingston Road.

10. The Specific Design Plan for the Preserve, Piscataway Road, and Bailey's Pond modified by the conditions, will be in conformance with the Basic Plan for Zoning Map Amendments A-9869 and A-9870 and with the 39 conditions and 11 considerations of CR-60-1993. Specific conditions that warrant discussion regarding conformance of this Specific Design Plan with the Basic Plan are considered below:

3. The alignment of Piscataway Road extended shall be located approximately as shown on the Revised Basic Plan. The exact location shall be determined by Prince George's County and the SHA, taking into consideration the ability of the applicant or Prince George's County or the SHA to obtain any necessary rights-of-way.

Comment: The alignment of Piscataway Road was revised through the most recently revised preliminary plan and has been coordinated with the SHA and DPW&T and M-NCPPC. The alignment corresponds to Preliminary Plan 4-03027.

4. Phase I archeological survey with possible Phase II and Phase III follow-up shall be undertaken prior to any ground breaking activity in the vicinity of the old village including the area of road construction. The boundaries of the area needing archeological survey can be set at time of CDP approval.

In the review of the Comprehensive Design Plan by the Planning Board, the following condition was adopted in order to assure that the Basic Plan condition above was adhered to:

4. Prior to approval of any grading permit for the golf course, for the construction of New Piscataway Road, or for any development north and west

of New Piscataway Road within the boundaries of the Comprehensive Design Plan, the following shall be accomplished:

a. The applicant, his heirs, successors and/or assigns, shall complete the Phase I archeological survey for the entire archeological survey area.

b. The Phase I archeological survey shall be reviewed and accepted by staff of the Historic Preservation Section.

c. The exact boundaries of any areas where Phase II and Phase III surveys will be required will be mapped and agreed upon by the applicant and the Historic Preservation Section.

Prior to any grading permits for any area where a Phase II or Phase III archeological survey is agreed upon, that survey shall be completed by the applicant, his heirs, successors and/or assigns, and shall be reviewed and accepted by staff of the Historic Preservation Section.

Comment: Historic Preservation Section staff reviewed the archeological report on the Villages at Piscataway site as required by Condition #4 of the Comprehensive Design Plan (CDP-9306) approved by the Prince George's County Planning Board, March 31, 1994 (PGCPB No. 94-98). The Historic Preservation Section reviewed this Specific Design Plan.

Phase II investigations were conducted on 14 archeological sites within the area of planned construction for the Villages at Piscataway (out of 54 sites identified in the Phase I study by R. Christopher Goodwin and Associates, Inc., in 1996 and 1997). Eight of the 14 sites were identified as having historic components, and all 14 sites have prehistoric components. Eleven of these sites were evaluated as eligible for listing in the National Register of Historic Places based on their potential to yield information important to understanding prehistory and history. Three others were evaluated as ineligible for National Register listing, and no further investigation of them was recommended.

The report contains an individual chapter devoted to each of the 14 excavated sites, and in each case recommendations are made as to whether further work is necessary. Of the 11 sites determined eligible for listing in the National Register, Phase III investigations are recommended for 6, while the other 5 are outside of the area subject to Condition #4 (i.e., they are not endangered by any adverse impact from proposed construction) and no further archeological investigations are recommended. The other three sites have been evaluated as ineligible for listing in the National Register and no further investigations are recommended.

The subject SDP application affects one archeological site for which Phase III investigations are recommended:

18PR496 - This site is located north of a farm lane and south of the historic Piscataway Village; it includes both prehistoric and historic components. Since construction will be undertaken in the area, Phase III fieldwork should be carried out before road construction begins, and a data-recovery plan should be developed in consultation with the Maryland Historical Trust and the Prince George's County Historic Preservation Section.

The preliminary plan of subdivision included the following condition of approval:

3. Prior to the issuance of grading permits for any area where a Phase III archeological survey is required (sites 470B, 476, 496, 516, 521 and 531 as identified on the preliminary plan), the survey shall be reviewed and accepted by the Historic Preservation Section.

This condition above will be included in the approval of this plan in order to enforce the Phase III archeological survey to be submitted prior to the issuance of a grading permit for site 496 only. Condition 1 of the recommendation section of this report incorporates this requirement and is recommended for approval.

11. The extension of Piscataway Road shall be carefully designed so as to lessen its impact on the surrounding rural historic setting. This may include the use of brick or stone walls, orchard plantings, etc., designed to enhance the historic context. The use of berms shall be discouraged. Pedestrian crossings shall be provided.

In the review of the Comprehensive Design Plan, the applicant agreed to submit, as part of the first Specific Design Plan, a plan for treating the edge of New Piscataway Road to ensure that its impact on the surrounding rural historic setting is minimized. This is required by Condition 2 of PGCPB Resolution 94-98(C), as stated below:

2a. As part of the first Specific Design Plan for the Villages of Piscataway, the applicant, his heirs, successors and/or assigns, shall include the entire length of the New Piscataway Road within the boundaries of the Comprehensive Design Plan, and shall show how the road edge will be treated with elements such as walls, orchard plantings, other plantings of trees, native shrubs, grasses, and wildflowers, and preservation of existing trees or of unplanted open vistas.

Comment: This requirement was fulfilled in the review of Specific Design Plan SDP-9806, which was approved by the Planning Board on October 29, 1998. This revision of the Specific Design Plan has also been reviewed for the standards above. The plans have been reviewed for the proposed grading within the 50-foot landscaped buffer and the proposed landscaping within that area. Sight lines to important elements of the plan will be kept open to allow for vistas and views. These important elements include the sight line from the intersection of Floral Park Road and new Piscataway Road to the existing Edelen House and selective sight

lines along the new Piscataway Road to important new elements as shown on the landscape concept plan.

Plantings along the new Piscataway Road will be primarily deciduous hardwoods including predominantly native species shade trees and native ornamental plantings. These plantings will be grouped so as to create random groves of trees and will mature to form a perceived buffer between road and golf course while allowing for views from the road to the open meadows/golf course and villages beyond. They will be placed to allow direct and uninterrupted sight line views to important plan elements as mentioned above. The terrain will generally be rolling in developed areas without the use of obvious berming adjacent to the golf course.

Consideration 4. Woodland conservation of 35 percent should be a Phase II design consideration as well as the preservation of a large contiguous wooded area in the southern portion of the site.

The approved Type I Tree Conservation Plan, TCPI/09/94-01, proposes woodland conservation of 276.72 acres. The above condition has been met through the provision of woodland conservation at 35.5 percent. All required woodland conservation must be met on site. The plan proposes extensive preservation of priority woodland including preservation on large lots. The Type I Tree Conservation Plan does not allow woodland conservation areas on lots less than 20,000 square feet in area, does not allow the use of fee-in-lieu, and does not permit the use of an off-site easement. Woodland Conservation is discussed in more detail in the environmental review section below.

Consideration 6. A wetlands report shall be approved by the Natural Resources Division prior to approval of the Phase II Comprehensive Design Plan.

A wetlands report was included as part of the CDP submission and was reviewed and approved by the Environmental Planning Section. Impacts to wetlands and wetland buffers are discussed in more detail in the environmental review section below.

11. The Specific Design Plan was reviewed for conformance with the approved Comprehensive Design Plan CDP-9306. Specific conditions that warrant discussion regarding conformance are considered below:

9. A 100-year floodplain study or studies shall be approved by the Flood Management Section of the Department of Environmental Resources (DER) for each drainage area greater than 50 acres in size. Prior to approval of each Specific Design Plan or detailed Preliminary Plat of Subdivision, whichever comes first, a floodplain study shall be approved for any floodplain that is adjacent to or affecting the area of the plan.

Comment: A floodplain study has been approved by the Prince George's County Department of Environmental Resources. The approved 100-year floodplain is shown on the plans. No further action is required.

10. A Stormwater Management Concept Plan shall be approved by DER prior to approval of the first Specific Design Plan or the first detailed Preliminary Plat of Subdivision, whichever comes first.

Comment: A Stormwater Management Concept Plan, CSD#96-8003830, has been approved by the Prince George's County Department of Environmental Resources. No further action is required.

12. The property is the subject of Preliminary Plan 4-03027, PGCPB Resolution #03-122, adopted by the Planning Board on June 17, 2002. The preliminary plan remains valid for six years from the date of adoption of the Planning Board's adoption of the resolution or until June 17, 2008 in this case.

The preliminary plan was approved with 47 conditions. The following conditions that have not been discussed elsewhere in this report apply to the review of this SDP.

Condition 6—An errant golf ball study shall be submitted at the time the specific design plan review for land adjacent to the golf course.

Comment: This condition requires an errant golf ball study to be submitted with any SDP for land adjacent to the golf course. The applicant has submitted the errant shot study and has provided a worksheet drawing that overlays the evidence provided by the golf course designer, William Love, RLA. This drawing shows a circle representing the radius of where most errant shots will fall. The landscaping within 50 feet of the proposed roadway has been located as to provide a buffer in those areas where an errant ball might fall, as shown on the errant shot study.

Condition 8.b—The applicant shall submit for review the technical design plans for the stormwater management pond located at the intersection of Floral Park Road and Piscataway Road so that the visual appearance can be assessed.

Condition 8.g—The applicant shall submit the technical design plans for the stormwater management pond located adjacent to Edelen House for review at the time of the SDP.

Comment: This condition requires that the applicant submit the technical design plans for the stormwater management pond located adjacent to Edelen House for review at the time of SDP. The applicant has submitted the plans for review and staff has determined that they are satisfactory in regard to the appearance of the ponds.

Condition 26—The applicant, his heirs, successors and/or assignees shall construct an eight-foot-wide, asphalt Class II trail along the subject property's entire frontage of Floral Park Road from Piscataway Road to the entrance road to Bailey Village, unless modified by the operating authority at the time of issuance of street construction permits.

Comment: This condition requires that the applicant construct an eight-foot-wide asphalt Class II trail along the property's entire frontage of Floral Park Road from Piscataway Road to the entrance road to Bailey Village, unless modified by the operating authority at the time of issuance of street construction permits. The trail has been shown on the plans.

Condition 31—The applicant, his heirs, successors and/or assignees shall construct an eight-foot-wide, asphalt trail along the subject property's entire frontage of the north side of Piscataway Road relocated east of Floral Park Road, unless modified by the operating authority at the time of issuance of street construction permits.

Comment: This condition requires that the applicant construct an eight-foot-wide asphalt trail along the subject property's entire frontage of the north side of Piscataway Road relocated east of Floral Park Road unless modified by the operating authority at the time of issuance of street construction permits. The trail has been shown on the plans.

Condition 38—The applicant, his heirs, successors and/or assignees shall construct the relocation of MD 223 (A-54) through the subject property along the right-of-way shown on the submitted plan in accordance with SHA and/or DPW&T design standards. The construction of the initial half-section of the A-54 facility shall commence prior to issuance of any building permits (except for the golf course, the Edelen House and for model homes) on the subject property.

Comment: This condition requires that the applicant construct the relocation of MD 223 (A-54) through the subject property along the right-of-way shown on the submitted plan in accordance with SHA and/or DPW&T design standards. The construction of the initial half-section of the A-54 facility shall commence prior to issuance of any building permits (except for the golf course, the Edelen House and for model homes) on the subject property.

Condition 46—Prior to approval of the SDP for Piscataway Road and the related stormwater management facility, the applicant should give special consideration to: (1) the provision of adequate and appropriate buffering of the Edelen House (Historic Site 84-23-06) from the adjacent new section of Piscataway Road, and (2) the design of the stormwater management facility adjacent to the Edelen House (Historic Site 84-23-06) as a natural-appearing body of water with an organic outline, gentle slopes and traditional plantings, and compatibly designed structural features.

Comment: This condition requires that prior to approval of the SDP for Piscataway Road and the related stormwater management facility, the applicant should give special consideration to the provision of adequate and appropriate buffering of the Edelen House from the adjacent new section of Piscataway Road and the design of the stormwater management facility adjacent to the Edelen House as a natural-appearing body of water. The applicant has submitted the plans to both M-NCPPC and DER. The applicant is currently in the process of the technical approval of the plans with the Department of Environmental Resources. In that process they will determine the final

landscaping allowed for the pond. They will also determine the final treatment of the structural features of the pond. However, the applicant has been working with the two agencies to meet the requirements of both and has committed to providing an aesthetically pleasing environment that respects the views from Piscataway Road as well as the historic site. The staff is recommending Condition No. 2 regarding the landscaping and the structural features of the pond.

13. The Environmental Planning Section has reviewed the plans and provides the following discussion:

a. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V master plan indicates that there are substantial areas designated as natural reserve on the site. As noted on page 136 of the Subregion V master plan:

> "The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state."

The Subregion V master plan elaborates on page 139:

> "The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed."

To be in conformance with the Subregion V master plan, new development should preserve to the greatest extent possible the areas shown as natural reserve. For the purposes of this review, the natural reserve includes the expanded stream buffer and any isolated sensitive environmental features.

The Specific Design Plan and Type II Tree Conservation Plan show streams on the site, the required minimum 50-foot stream buffers, wetlands, the required 25-foot wetland buffers, a 100-year floodplain, and all slopes exceeding 25 percent, all slopes between 15 and 25 percent, and an expanded stream buffer.

The SDP proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. All of the impacts proposed on SDP-9806/01 were granted variations by the Planning Board during the review and approval of Preliminary Plan 4-03027.

Comment: No further action regarding sensitive environmental features is required in regard to this SDP review.

b. This site is subject to the provisions of the Woodland Conservation Ordinance because the

entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

A Forest Stand Delineation was reviewed with CDP-9306. A revised Forest Stand Delineation was reviewed with 4-94017. A Type I Tree Conservation Plan (TCPI/9/94) was approved with CDP-9306. A revision to the Type I Tree Conservation Plan (TCPI/9/94-01) was approved with 4-94017. A revision to the Type I Tree Conservation Plan (TCPI/9/94-02) was approved with 4-03027. The Type I Tree Conservation Plan provides for all woodland conservation requirements to be met on site and does not allow woodland conservation areas on lots less than 20,000 square feet in area, the use of fee-in-lieu, or the use of an off-site easement.

A Type II Tree Conservation Plan (TCPII/100/98) was approved with SDP-9806. The current application proposes changes to the Type II TCP. This plan includes only 33.56 acres of the project and contains only 8.42 acres of woodland. The plan proposes clearing 0.124 acre of woodland and has correctly calculated the woodland conservation requirement as 8.45 acres. The plan proposes preservation of 8.72 acres and afforestation of 2.96 acres, for a total of 11.36 acres, and is consistent with TCPI/9/94-02. The 2.91 acres of woodland conservation above the requirement for this Type II TCP shall be used by other TCPIIs for the project to ensure the entire project meets Consideration 4 of A-9869 and A-9870, CR-60-1999, September 14, 1993. The Environmental Planning Section recommends approval of TCPII/100/98-01.

c. Marlboro clay is known to occur on the site. A soils report was submitted with 4-96047. That study indicated that Marlboro clay occurs on the site between elevations 40 to 55. A more detailed study was submitted with SDP-9804. Because of the elevation of the clay and local topography, slope failure is not an issue. Footers for foundations cannot be set in Marlboro clay. Marlboro clay is unsuited as a sub-base material for roads.

The Department of Public Works and Transportation will review the construction details for New Piscataway Road. The developer has a geotechnical engineer on the site to ensure compliance with prior approvals. No further action regarding Marlboro clay is required with regard to the review of this SDP.

14. Historic Preservation Staff reviewed the proposals of this Specific Design Plan SDP-9806/01 and found that the proposed conditions of approval effectively address the archaeology concerns as well as the impacts of this application on the historic and architectural character of the Edelen House Historic site and the adjacent historic village of Piscataway.

15. In accordance with Section 27-528(b), this Specific Design Plan for infrastructure conforms to the approved Comprehensive Design Plan, 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.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/100/98-01) and further APPROVED Detailed Site Plan DSP-9806/01 for the above-described land, subject to the following conditions:

1. Prior to the issuance of grading permits for land disturbing activities within 50 feet of Archeological Site 496 as shown on the Specific Design Plan, the Phase III archeological survey shall be reviewed and accepted by the Historic Preservation Section.

2. Prior to signature approval, the landscape plans shall be revised to incorporate the final review comments of the Department of Environmental Resources with regard to the location and species of landscaping proposed around the stormwater management pond. The stormwater management plans shall be revised to include a special exterior finish material such as brick, stone or other equally aesthetic treatment that will address the architectural quality of the visible structural features of the pond.

3. A geotechnical engineer shall be present on the site during grading and construction of Piscataway Road and Bailey Pond.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board♠s action must be filed with the Circuit 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 Harley, seconded by Commissioner Squire, with Commissioners Harley, Squire, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 4, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of March 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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