

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 15-38

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

File No. TCP2-004-2015

RESOLUTION

WHEREAS, Michael T. Wyvill and family are the owners of a 75.22-acre property consisting of Parcel 52 on Tax Map 110, Grid E3 and known as 7202 Croom Station Road, Maryland located in the 9th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on February 11, 2015, Michael T. Wyvill and family filed an application for approval of a Type 2 Tree Conservation Plan for the purpose of establishing a woodland conservation bank; and

WHEREAS, the application for approval of the aforesaid Type 2 Tree Conservation Plan TCP2-004-1015 was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 30, 2015, for its review and action in accordance with the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with no conditions; and

WHEREAS, on April 30, 2015 the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 27-548.11 of Subtitle 25, Division 2, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 2 Tree Conservation Plan TCP2-004-2015 with no conditions.

BE IT FURTHER RESOLVED that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

BACKGROUND

1. **Request:** The purpose of the subject application is to approve a specialized TCP2 for establishing a woodland conservation bank on a property with an existing Historic Agricultural Resources Preservation Program easement granted to the Prince George's County Planning Board.
2. **Location:** The subject site is located on the east side of Croom Station Road and the west side of the CSX Railway Line approximately 800 linear-feet north of Croom Road (MD 382).
3. **Site Description:** The subject site is a 75.22-acre parcel located in the Rural-Agricultural (R-A) Zone. Perpetual protection of 51.40 acres of existing woodlands on the site is proposed to be used

as off-site woodland conservation credits for the benefit of developing sites in Prince George's County.

4. **Surrounding Uses:** The site is surrounded by properties in the R-O-S, O-S and R-A zones. To the south of the site are three residential lots. On the west side of Croom Station Road opposite this site, is large parcel of property owned by M-NCPPC containing the Pleasant Hills Historic Site (82A-002). To the north of the property are small farming operations interspersed with single-family residences. To the east of the site is the CSX Railway line and across the tracks are additional agricultural lands also owned by the Wyvill Family, interspersed with residential development.
5. **Previous Approvals:** The Environmental Planning Section previously reviewed an NRI for the subject property (NRI-069-05) which was approved on August 30, 2005, and is no longer valid. An updated NRI (NRI-069-05-01) was submitted with the current application and was approved on March 11, 2015.

On July 12, 2012, the Planning Board purchased a HARPP easement on the 75.22-acre property which is subject of the current application, from the Wyvill Family for the sum of \$635,687.53, which is recorded in the County Land Records at Liber 33850, Folio 217.

6. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (2010):** A Type 2 tree conservation plan for woodland conservation banking, TCP2-004-15, has been reviewed for this site. The gross tract area of the site is 75.22 acres with no 100-year floodplain, resulting in a net tract area of 75.22 acres. There are a total of 51.40 acres of existing on-site woodlands, which is categorized as two stands. Stand 'A' consists of an immature stand of mixed hardwoods and is 33.11 acres in size. This stand has an excellent rating with respect to forest habitat values, and the overall retention potential is considered to be excellent because of the stand's position relative to streams and slopes located on the site. Stand 'B' is a 19.07-acre stand of immature upland hardwoods. This stand has an excellent rating for forest habitat values, and the overall retention potential is also considered to be excellent. Several specimen trees were identified with the limits of this stand.

No development activity is proposed on the subject property, so there are no on-site requirements, and any woodland conservation credits can be transferred to development projects with unmet woodland conservation requirements. The TCP2 proposes to provide 51.40 acres of off-site woodland conservation in preservation. The application complies with the requirements of the current Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.

7. **Part A. Woodland and Wildlife Habitat Conservation Technical Manual; Environmental Technical Manual (2010):** The application complies with the applicable requirements of the Woodland and Wildlife Habitat Conservation Technical Manual; Environmental Technical Manual (2010).

8. **Subtitle 29. Division 9. Historic Agricultural Resource Preservation Program (CB-24-2007);**
At the time of conveyance of a HARPP easement to the Prince George's County Planning Board, the site was not subject any encumbrance which extinguished development rights on the subject property, nor encumbered by a tree conservation easement or other easement which would prevent the property from being developed. The site was found eligible to participate in the HARPP program under the criteria of the ordinance. The additional protection of woodlands on this site provided under woodland conservation banking is highly consistent with the purposes of the HARPP program listed above. The application complies with the applicable requirements of Subtitle 29. Division 9. Historic Agricultural Resource Preservation Program (HARPP);
9. **Regulations for the implementation of the "Historic Agricultural Resource Preservation Program" or "HARPP."** In 2008 the Planning Board adopted regulations for the implementation of the HARPP program. The application complies with the applicable language of the HARPP Easement on the property which was conveyed to the Planning Board on July 12, 2012, and recorded in the Prince George's County land records at L.33850 F. 217. Approval has been granted by the Prince George's County Soil Conservation Board of Supervisors for establishment of an off-site woodland conservation bank on the condition that no cropland will be taken out of production. The current agricultural practice on the site is small crop rotation.
10. **Planning Board Findings and Comments from Other Entities**
 - a. **Historic Preservation**—The Planning Board found because of its status as an easement property within HARPP, the proposed Type 2 Tree Conservation Plan TCP2-004-2015, Wyvill Property Woodland Conservation Bank, is subject to review by the Historic Preservation Section of The Maryland-National Capital Park and Planning Commission. The subject property is not located within a registered historic district. The nearest designated Prince George's County Historic Site is located 1283 feet to the northwest at Pleasant Hills (82A-002). The proposed woodland conservation bank will not have an impact on any historic sites, resources, or known archeological sites or resources in Prince George's County.
 - b. **Subdivision**—The Subdivision Review Section determined that Parcel 52 was a legal parcel, and that there are no subdivision issues at this time.
 - c. **Community Planning**—The Community Planning Division was conferred with and determined that the proposal was consistent with the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, the 2012 *Adopted and Approved Priority Preservation Area Functional Master Plan*, and the 2005 *Approved Countywide Green Infrastructure*.
 - d. **Department of Parks and Recreation**—DPR had no comment on the proposed woodland conservation bank which is consistent with the Land Preservation, Parks, and Recreation Plan.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 Bailey, seconded by Commissioner Washington, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 30, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of May 2015.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date

5/7/15

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:KF