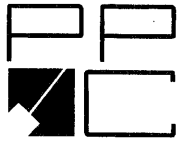


MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



PGCPB No. 15-37

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Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
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File No. TCP2-019-10

RESOLUTION

WHEREAS, the Pyles Corporation is the owner of a 40.45-acre property consisting of Parcel 26 on Tax Map 148, Grid A4 and known as 15621 Brooks Church Road, Upper Marlboro, Maryland located in the 9th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on July 22, 2010, the Pyles Corporation 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 TCP2-019-10 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 TCP2-019-10 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 property is located approximately 0.20 miles south of Brooks Church Road and west of Croom Road. The assigned address is 15621 Brooks Road, but the parcel accesses Brooks Church Road by an easement and does not have direct frontage.
3. **Site Description:** The subject site is a 40.45-acre parcel located in the Open Space (O-S) Zone. Perpetual protection of 18.77 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 entirely surrounded by properties in the O-S Zone, with a mixture of agricultural and low-density residential uses.
5. **Previous Approvals:** A Numbered Exemption E-009-09 for this site was issued on April 3, 2009 for the construction of a single-family detached residence with the removal of zero square feet of woodland. The residence was not built, and the exemption letter expired in 2011.

The current TCP2 application was submitted in 2010, but never moved forward to approval. Due to changes in the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) that became effective on September 1, 2010, the applicant was required to amend the application with a natural resources inventory (NRI) to be on conformance with the requirements for approval of a specialized TCP2. The Environmental Planning Section has concurrently reviewed NRI-015-2015 for the subject property, which was approved by staff on March 12, 2015.

On March 15, 2013, the Planning Board purchased a HARPP easement on the property, which is the subject of the current application, from the Pyles Corporation for the sum of \$326,111.45. The easement is recorded in the Prince George's County Land Records at Liber 34570, Folio 012.

6. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (2010):** A Type 2 tree conservation plan for woodland conservation banking, TCP2-019-10, has been reviewed for this site. The gross tract area of the site is 40.45 acres with 13.74 acres of 100-year floodplain, resulting in a net tract area of 26.71 acres. There are a total of 26.71 acres of existing on-site woodlands, which is categorized as four stands. Stand A consists of immature mixed hardwoods and is 13.75 acres in size. This stand has an excellent forest structure rating, and the overall retention potential is considered to be good to excellent. Stand B is a 1.31-acre stand of immature conifer consisting mostly of Virginia pine. This stand has an excellent rating for forest structural values, but the overall retention potential is considered to be moderate because blow down of standing dead trees is beginning to occur on the site. Stand C consists of early successional hardwoods and is 4.03 acres in size. This stand has a good forest structure rating, and the overall retention potential is considered to be moderate to good. Stand D consists of immature bottomland hardwoods and is 7.62 acres in size. This stand has a good forest structure rating, and the overall retention potential is considered to be good to excellent. Three specimen trees were identified on-site and all will remain. The forest stand delineation identifies 20 percent coverage of Stand D with Japanese honeysuckle, but a removal effort is unlikely to be successful because of the location within the riparian buffers of a stream flowing through the site, and is not recommended in this case.

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 18.77 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 March 13, 2013, and recorded in the Prince George's County land records at L.34570 F. 612. 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 Nottingham Myers Church and Cemetery (86B-005), located 1,056 feet to the northeast. 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 Section had no comments on the legal status or subdivision history of the property.
 - c. **Community Planning**—The Community Planning Division, South Section, was conferred with and determined that the proposal was consistent with Plan Prince George's

2035, the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, the 2012 Adopted and Approved Priority Preservation Area Functional Master Plan, and the Countywide Green Infrastructure Plan.

- 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.

* * * * *

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 Shoaff, seconded by Commissioner Washington, with Commissioners Shoaff, Washington, Bailey, 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