

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-136

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File No. TCP2-034-13

R E S O L U T I O N

WHEREAS, Stephen M. Meinhardt is the owner of a 106.79-acre property consisting of Parcel 19 on Tax Map 168, Grid C4 and known as 16001 Baden Westwood Road, Brandywine, Maryland located in the 9th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on September 25, 2013, Stephen M. Meinhardt 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 TCP2-034-13 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 December 4, 2014, 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 one condition; and

WHEREAS, on December 4, 2014, 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 TCP2-034-13 with the following condition:

1. Prior to signature approval of the Type 2 tree conservation plan (TCP2), the plan shall be revised as follows:
  - a. The site information table shall correctly state the gross tract area of the site.
  - b. The adjacent historic resource shall be labeled on the plan, and the extent of the environmental setting for the historic resource shall be shown on the plan and graphically included in the legend.
  - c. The TCP2 and the natural resources inventory numbers shall be added to the approval blocks in the correct format.
  - d. Revised Notes 7 and 8 under "Standard Notes for an Off-site Woodland Conservation Bank" shall be added to the plan, and Note 8 shall be revised to include the approval date of the TCP2 and the Planning Board resolution number.

- e. The owner's awareness certificate shall be signed.
- f. The revised plan shall be signed and dated by the qualified professional who prepared it.

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 south side of Baden Westwood Road, approximately 4,500 linear feet west of Croom Road (MD 382).
3. **Site Description:** The subject site is a 106.79-acre parcel located in the Open Space (O-S) Zone. Perpetual protection of 30.30 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. To the south of the site is the Black Swamp Creek stream valley. To the west of the property is Special Exception SE-4462, an inactive surface mining site. To the north of the property are small farming operations interspersed with single-family residences and Baden Westwood Road. To the east of the site is Prince George's County Historic Resource 87A-014, the Catherine Gardiner House, set within working agricultural lands.
5. **Previous Approvals:** The Environmental Planning Section has not reviewed any prior development applications for the subject property.

On October 13, 2011 a HARPP easement for a 115.24-acre property, of which the current application was part, was conveyed to the Planning Board by the Marvin G. Seger Living Trust for the sum of \$902,693.00, and is recorded in the County Land Records at Liber 33048, Folio 560.

The property was purchased by Stephen M. Meinhardt on November 3, 2011. Subsequently an intrafamily transfer of two home sites to Mr. Meinhardt's children occurred on August 30, 2012. The two home sites were established in accordance with provisions of the recorded easement, and are also subject to the HARPP easement.

A Natural Resources Inventory (NRI-163-13) for the site was filed jointly with the TCP2 application, and is recommended for approval subject to minor technical revisions addressed later.

6. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (2010):** A Type 2 tree conservation plan for woodland conservation banking, TCP2-034-13, has been reviewed for this site. The gross tract area of the site is 106.79 acres with 10.45 acres in 100-year floodplain, resulting in a net lot area of 96.34 acres. There are a total of 104.70 acres of existing on-site woodlands: 30.30 acres of upland woodlands on the net tract and 10.45 acres of floodplain woodlands which is categorized as two stands. Stand A consists of an immature stand of mixed hardwoods and is 29.26 acres in area. This stand has a high rating with respect to forest habitat values and the overall retention potential is considered to be excellent because of the stand position near some of the streams and slopes located on the site. Stand B is an 11.89 acre stand of upland hardwoods. 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 30.30 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), subject to minor technical revisions to the plan.
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 prepared by the Office of the General Counsel. The application complies with the applicable language of the HARPP Easement on the property which was conveyed to the Planning Board on October 13, 2011, and recorded in the Prince George's County land records at L.33048 F. 560. 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 in addition to silviculture management of the woodlands under a Forest Stewardship Plan prepared by a licensed forester.

10. **Planning Board Findings and Comments from Other Entities**

- a. **Historic Preservation**—The Planning Board found that because of its status as an easement property within the Historic Agricultural Resource Preservation Program (HARPP), the proposed Stephen M. Meinhardt Woodland Conservation Bank #2 is subject to review by the Historic Preservation Section. The subject property is not located within a registered historic district, but is adjacent to a county historic resource. The Catherine Gardiner House (Resource 87A-014) is located on an adjacent parcel to the east of the proposed project. Creation of the woodland conservation bank adjacent to the Catherine Gardiner House is consistent in the conservation and preservation of this historic resource. There are no known archeological sites located on the subject property, and this project will not impact any county historic sites, resources, or archeological resources.
- b. **Subdivision**—The subdivision and vacation history for the subject property have been confirmed, and there are no further subdivision-related comments or issues.
- c. **Community Planning**—The Planning Board found 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 Countywide Green Infrastructure Plan.
- d. **Department of Parks and Recreation**—DPR had no comment on the proposed woodland conservation bank.


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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, and Hewlett voting in favor of the motion, with Commissioner Geraldo opposing the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, December 4, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day January, 2015.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:KF