



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

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Preliminary Plan of Subdivision Reconsideration Hearing Goodman Heights

4-05109

REQUEST	STAFF RECOMMENDATION
Reconsideration Hearing	APPROVAL with amended findings and conditions

Location: On the north side of Crandall Road, approximately 350 feet east of its intersection with Gladys Court.

Gross Acreage: 11.76

Zone: RSF-65

Zone Prior: R-55

Parcels: 2

Lots: 28

Planning Area: 70

Council District: 05

Municipality: N/A

Applicant/Address:

William Goodman, Jr.
9204 Crandall Road
Lanham, MD 20706

Staff Reviewer: Antoine Heath

Phone Number: 301-952-3554

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Planning Board Hearing Date: 09/22/2022

Planning Board Action Limit: N/A

Memorandum Date: 09/08/2022

Date Received: 06/15/2022

Previous Parties of Record (Applicant) 06/15/2022

Previous Parties of Record (M-NCPPC) 06/22/2022
09/07/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

September 7, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Sherri Conner, Supervisor, Subdivision Section, Development Review Division *SC*

FROM: Antoine Heath, Planner II, Subdivision Section, Development Review Division *AH*

SUBJECT: Preliminary Plan of Subdivision 4-05109, Goodman Heights
Reconsideration Hearing

By letter dated June 15, 2022, Thomas Haller, representing LAH Goodman, LLC, requested a waiver of the Prince George's County Planning Board's Rules of Procedure and a reconsideration of Preliminary Plan of Subdivision (PPS) 4-05109. The resolution of approval (PGCPB Resolution No. 07-26(C)) was adopted on March 1, 2007 and mailed out on March 6, 2007.

On July 07, 2022, the Planning Board granted the waiver of the Planning Board's Rules of Procedure for a reconsideration request being submitted more than 14 days from the mailout of the resolution, in accordance with Section 10(a). The Planning Board also granted the applicant's request for a reconsideration, in accordance with Section 10(e), based on inadvertence and other good cause, and in furtherance of substantial public interest. Specifically, the applicant requests reconsideration of the environmental impacts discussed in Finding 4 of the resolution.

Pursuant to Section 24-1704(e) of the Prince George's County Subdivision Regulations, revisions or amendments to development approvals under the prior Subdivision Regulations shall be reviewed and decided under the Subdivision Regulations under which the original development approval was approved, unless the applicant elects to have the proposed revision or amendment reviewed under the current regulations. The subject application was approved, pursuant to the prior Subdivision Regulations, and this reconsideration is, therefore, reviewed according to the same. The applicant's request is specific to Finding 4 of the PPS, which discusses the environmental impacts of the proposed development.

At the time of the initial PPS approval, the available information determined that the property contained wetlands, 100-year floodplain, and steep and severe slopes on the site. The approved Natural Resources Inventory (NRI-029-2006-01), at the time of the original PPS approval,

showed four pockets of isolated wetlands on-site. Impacts to the wetlands were approved with the PPS. As a result of these approved impacts, the Planning Board adopted Condition 5, which reads as follows:

5. **Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, or streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

The applicant, in conformance with Condition 5, applied for a permit to impact wetlands with the Maryland Department of the Environment (MDE). During this process, it was determined that two additional wetland areas exist on the subject property, and that the shape of one of the previously identified wetlands had changed. The proposed impacts to the wetlands, as now configured, were evaluated by MDE, and approved.

A revised Natural Resources Inventory (NRI-029-2006-03) was approved by staff on February 11, 2022, which shows the new wetland areas and the adjusted wetlands. Due to the reconfiguration of regulated environmental features (REF), the primary management areas (PMA) have also changed. As a result of these changes, the PMA impacts approved with the PPS must also be amended.

The subdivision layout is unchanged with this reconsideration request, but includes revised locations for a sewer connection and stormwater outfall on the northern portion of the property. The revised PPS and Type I tree conservation plan (TCPI) submitted with this reconsideration request correctly show the current REF on-site. A variation request to revise the previously approved impacts to the REF and two new impacts have also been submitted with this reconsideration request.

Staff finds that the amendments to the PPS and TCPI conform to the environmental regulations, and specifically Section 24-130(b)(5) of the prior Subdivision Regulations, as applicable at the time of the PPS approval, with conditions. If the Planning Board approves the reconsideration, staff will prepare an amended resolution to reflect the amended findings and conditions outlined below, which will be placed on a future Planning Board agenda for adoption.

RECOMMENDATION

APPROVAL of a reconsideration of PPS 4-05109 (PGCPB Resolution No. 07-26(C)), to amend Finding 4; and add new Conditions 17 and 18, as follows (text with brackets and strikethrough indicates language to be deleted, and text with underline indicates new language to be added):

Amendment 1– Finding 4 (page 4)

Under Finding 4, Environmental, of PGCPB Resolution No. 07-26(C)), the entire finding shown with amendments, as follows:

4. **Environmental**—A review of available information indicates there are wetlands, 100-year floodplain and steep and severe slopes on the site. Based on a review of Year 2000 aerial photos the site is approximately 85 percent wooded. According to the Prince George’s County Soil Survey, five soil types including the Bibb silt loam, Elkton fine sandy loam, Sunnyside fine sandy loam, Sunnyside clay loam and Sunnyside-Urban land complex series

are located on the site. The Elkton soils have a K-factor of 0.43 and are highly erodible. Both the Bibb and Elkton soils are hydric soils. Development constraints associated with the Bibb and Elkton soils include high water table conditions, flood hazard and poor drainage. Marlboro clay is not found to occur in the vicinity of this site. Based on available information from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, rare, threatened and endangered species do not occur in vicinity of the site. There are no designated scenic or historic roads or traffic noise generators in vicinity of the site. According to the Countywide Green Infrastructure Plan, all three of the plan network features are located on the site: regulated areas, evaluation areas and network gaps. The property is in the Bald Hill Branch watershed of the Patuxent River basin and the Developing Tier of the General Plan.

Natural Resources Inventory

~~[A staff signed natural resources inventory (NRI/029/06-01) included in the original preliminary plan submittal has an -01 revision date of July 24, 2006. The current submittal included a signed NRI dated March 17, 2006. The preliminary plan and TCPI were reviewed in relation to the revised NRI. The PMA delineation on the preliminary plan and TCPI was reviewed in relation to the NRI and the PMA is shown correctly on the revised preliminary plan and TCPI.]~~

~~[The site has two forest stands identified as Stands A and B totaling 9.25 acres. Stand A is an intermediate-aged pine stand that contains 0.91 acres. The co-dominant species in this stand include Virginia pine and loblolly pine. Stand B is an intermediate-aged mixed hardwood stand that contains 8.34 acres. According to the forest stand summary, the dominant species include scarlet oak, white oak, yellow poplar and blackgum. One specimen tree has been identified on the site and is located in Stand B. According to the forest stand summary, Stand B has a moderate to high priority rating because there are regulated features associated with it. Stand A has a moderate priority retention rating because of the lack of regulated features.]~~

~~[A revised NRI text was not included in the recent submittal. Information in the forest stand summary is incorrect in several areas. The boundary of Stand B appears to be the slightly larger of the two stands and the stand summaries contain inaccurate acreage for both stands. Also, the retention features and retention ratings for both stands appears to relate to the other stand. Revise the FSD text to reflect the accurate acreage and relevant information for Stands A and B.]~~

The natural resources inventory for this site has been revised numerous times. The current revision, NRI-029-2006-03, was approved by staff on February 11, 2022, and was provided as part of the 2022 reconsideration. The site contains 100-year floodplain; wetlands, with their associated buffers; and steep and severe slopes, which comprise the Patuxent River PMA. The -03 revision includes new wetland areas found on-site, as well as reconfiguration of existing wetlands. The site has three forest stands, identified as Stands A, B, and C, totaling 8.53 acres. The -01 revision (2006) indicated that there was just one specimen tree on-site, however, now there are 10 specimen trees. The on-site floodplain area along the northern portion of the subject site is associated with the Bald Hill Branch stream.

Woodland Conservation

[The site has regulated areas, evaluation areas and network gaps associated with it as shown on the Countywide Green Infrastructure Plan. Approximately 15 percent of the site is within regulated areas, 10 percent is within evaluation areas and 15 percent is within network gaps. It appears the site has been designed to be sensitive to the regulated areas and evaluation areas because these areas are where all of the woodland conservation areas are proposed. When a site is within the green infrastructure network, at a minimum the woodland conservation threshold (WCT) should be met on-site.]

[The site has a woodland conservation threshold of 2.15 acres and a woodland conservation requirement of 4.39 acres. The current TCPI shows this requirement being met with 1.30 acres of on-site preservation, 0.79 acres of reforestation and 2.30 acres of off-site mitigation on another property. This results in most of the Woodland Conservation Threshold being met on-site (2.09 acres). The revised TCPI conforms to the Green Infrastructure Plan at this location because 97 percent of the site's woodland conservation threshold is proposed to be met on-site.]

[Reforestation is proposed to fulfill woodland conservation requirements on this site. These woodland treatments are located behind 12 proposed lots (Lots 4-7, 10, 11, and 18-23) at each lot's rear property line. In order to protect the reforestation areas after planting, so that they may mature into perpetual woodlands, the reforestation must be completed prior to the issuance of the building permits for these lots. The reforestation areas must be placed in conservation easements.]

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has previously approved TCPs. A revision to TCPI-040-06-01 was submitted with the PPS 2022 reconsideration.

Based on the Type I tree conservation plan (TCPI) submitted, the site's gross tract area is 11.76 acres, containing 1.02 acres of floodplain, for a net tract area of 10.74 acres. The net tract area contains 8.23 acres of woodlands and 1.02 acres of wooded floodplain, for a woodland conservation threshold of 2.15 acres (20 percent). The Woodland Conservation Worksheet proposes the removal of 6.73 acres of woodland on the net tract area, 0.01 acre of woodland within the floodplain, and 0.06 acre of woodland off-site, resulting in a woodland conservation requirement of 4.39 acres. According to the TCPI worksheet, the requirement is proposed to be met with 1.30 acres of woodland preservation on-site, 0.79 acres of reforestation on-site, and 2.30 acres of off-site woodland conservation credits. The site contains five wetland areas, three are located within the PMA and two are isolated wetlands.

Currently, the TCPI shows proposed infrastructure, such as building locations, interior road layout, parking areas, water and sewer lines, stormwater management (SWM) structures, outfall locations, woodland preservation areas, and reforestation areas.

Patuxent River Primary Management Area (PMA)

The site contains regulated environmental features including wetlands, 100-year floodplain, steep and severe slopes. The ~~[site]~~ property is located in the Patuxent River basin and ~~contains~~ regulated features ~~[are]~~ within the ~~[Patuxent River Primary Management Area (PMA)]~~ PMA.

The ~~[Patuxent River Primary Management Area (PMA)]~~ PMA is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Regulations. There are ~~[three]~~ four proposed impacts to the PMA shown on the current TCPI. A letter of justification dated ~~[July 21, 2006]~~ August 5, 2022, to identify ~~[two]~~ four proposed impact areas, was submitted and reviewed.

Generally, impacts to the PMA are only recommended for essential development features. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, etc., which are mandated for public health and safety. Nonessential activities are those, such as grading for lots, stormwater management ponds and parking areas, which do not relate directly to public health, safety or welfare.

Summary of Impact Evaluations

~~[The proposed impacts are identified as Impacts 1 and 2. Both impacts are for the installation of necessary infrastructure associated with development of the site. Impact 1 is for a public sewer line connection for service to the development. The proposed sewer will extend into the PMA to connect to an existing 24-inch sewer main to the north of the subject site. This impact area consists of 975 square feet (0.02 acres). Impact 2 is for a stormwater outfall from a proposed stormwater management pond located on proposed Parcel A. This impact area contains 481 square feet (0.01 acres). Both impact areas total 1,456 square feet (0.03 acres). The impacts proposed are appropriate and necessary for this development.]~~

~~[Staff recommends that the Planning Board find that the PMA is being preserved to the fullest extent possible for both proposed Impacts 1 and 2.]~~

The 2022 reconsideration submission shows the reevaluated wetland areas on the PPS, the TCPI, and the recently approved NRI. The current overall PMA is 1.58 acres and the requested impacts, including impacts to the isolated wetlands, will disturb 29,948 square feet, or 0.69 acre. This is an increase of 14,644 square feet, or 0.34 acre, from the original PMA and wetland impacts requested.

The applicant submitted a variation request to support the impacts to the PMA and isolated wetlands, resulting from the revised sewer connection and additional wetlands on-site. The proposed impacts are considered necessary to the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and state codes. This revised plan shows the preservation, restoration, and enhancement of the remaining PMA.

IMPACT 1—This previously approved impact was for a sewer line and stormdrain outfall, with a total of 1,456 square feet of impact. The sewer line is now being relocated with an impact to the floodplain and stream buffer, for a total impact of 2,878 square feet. This is an increase of 1,422 square feet; however, this new sewer line location eliminates woodland

clearing and off-site wetland impacts. The proposed stormdrain has been reconfigured, so now there are no impacts to the PMA from a stormdrain outfall in revised Impact 1.

IMPACT 2—The previous plan showed 2,314 square feet of wetlands impacted for the development of roadway and the area for four lots in this subdivision. The total impact now is 2,887 square feet, an increase of 573 square feet. The increase in the area of wetlands being impacted is due to the additional wetland areas found during a site visit by MDE.

IMPACT 3—The previous plan showed 11,534 square feet of isolated wetlands impacted for the development of roadway and lots. The total impact now is 23,247 square feet, an increase of 11,713 square feet. The increase in the area of wetlands being impacted is due to the additional wetland areas found during a site visit by MDE.

IMPACT 4—This impact is for grading associated with the construction of a stormwater facility. This is a new impact which results from the reconfiguration of a wetland previously identified, but not impacted. There will be no impacts to the wetlands, however, 936 square feet of the wetland buffer will be impacted.

The overall increase of impacts made to the PMA and REF is approved, pursuant to the findings and approval of the variation in this reconsideration. These impacts have already received approval from MDE. The TCPI and PPS show the reevaluated wetland areas. However, the plans do not show the revised location of the sewer connection and stormwater outfall shown on the impact plates submitted by the applicant. These revisions shall be shown on the TCPI and PPS, prior to signature approval.

Wetlands

The site contains an isolated wetland on proposed Lots 10, 11, 17 and 18. A variation request to Section 24-113 dated July 24, 2006, was submitted and reviewed. The isolated wetland consists of 2,314 square feet and 10,487 square feet of 25-foot buffer that surrounds it. The isolated wetland is described as a wetland seep possibly related to an old domestic well. The isolated wetland is located on soils that are neither hydric nor highly erodible. The wetland is considered to be isolated due to the lack of connectivity to regulated features associated with the site. The proposal is to remove the wetland with its 25 foot-buffer to allow for the development of the area for four lots in this subdivision.

A new isolated wetland and reconfiguration of the existing wetlands were discovered during a visit by MDE, while reviewing the wetland permit for this project. The NRI was revised showing this new information, and was approved on February 11, 2022. The isolated wetlands are now located on proposed Lots 10, 11, 17, 18, Parcel A, and on two unnamed roadways in the project. An updated variation request, dated August 5, 2022, was submitted with the 2022 reconsideration to include impacts to the newly found wetland area.

The variation request provides an appropriate justification and describes how the findings of Section 24-113 can be met. The Planning Board approves the variation request for removal of the isolated wetland.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A revised Type I Tree Conservation Plan (TCPI) has been submitted and reviewed.

According to the current TCPI worksheet, existing woodland on the site totals 8.23 acres, of which 1.02 acres are within the 100-year floodplain. The site has a woodland conservation threshold of 2.15 acres and a woodland conservation requirement of 4.39 acres. This requirement is proposed to be met with 1.30 acres of on-site preservation, 0.79 acres of reforestation and 2.30 acres of off-site mitigation on another property. Based on the revised worksheet and a redesign of proposed woodland conservation treatments, 97 percent of the site's threshold will be met on-site.

In order for the TCPI to meet the requirements of the Woodland Conservation Ordinance, three aspects need to be addressed in the form of revisions.

The plan contains four areas of proposed reforestation and six areas of proposed clearing. It appears one proposed area to be cleared will subsequently be reforested. In relation to proposed Clearing Area 3 (CA-3), clarify on the plan whether the portion of it in proposed Parcel A will be reforested and subsequently reforested in part of Reforestation Area RA-2.

The current plan proposes 0.06 acres of off-site clearing on abutting Department of Parks and Recreation (DPR) property associated with a sewer line connection in the northern portion of the site. On September 14, 2006, a letter from Ben Dyer Associates was sent to DPR requesting written permission for clearing on their property for the sewer line connection. No written permission from DPR for the proposed 0.06 acres off-site clearing has been submitted with the revised plans.

A playground is shown on a recreational facilities plan northeast of proposed Lot 10; however, it is not shown on the TCPI.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps dated June 2003 obtained from DER, and the site will, therefore, be served by public systems.

Amendment 2 (page 4)

Add conditions of approval, as follows:

17. Prior to approval of permits, the preliminary plan of subdivision, which was revised to reflect the new nontidal wetland and existing wetland buffer, shall be signature approved with revisions, as follows:
 - a. Show the current primary management area approved with Natural Resources Inventory NRI-029-2006-03.
 - b. Show the revised location of the sewer connection and stormwater outfall.

18. Prior to approval of permits, the Type 1 tree conservation plan, which was revised to reflect the new nontidal wetland and existing wetland buffer, shall be signature approved with revisions, as follows:
- a. Show the current primary management area approved with Natural Resources Inventory NRI-029-2006-03.
 - b. The worksheet shall be updated with the current total of existing woodland, which is 8.53 acres.
 - c. The specimen tree table shall be updated to include all of the specimen trees shown on Natural Resources Inventory NRI-029-2006-03.
 - d. Show the revised location of the sewer connection and stormwater outfall.