



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

# Preliminary Plan of Subdivision

## The Fairways

# 4-19005

REQUEST	STAFF RECOMMENDATION
272 lots and 15 parcels for development of 210 single-family detached dwellings and 62 single-family attached dwellings.	APPROVAL with conditions
Variance to Section 25-122(b)(1)(G)	APPROVAL

**Location:** On the east side of Prospect Hill Road, approximately 1,600 feet northeast of its intersection with Glenn Dale Boulevard.

Gross Acreage: 125.16

Zone: O-S/R-18C

Gross Floor Area: N/A

Lots: 272

Parcels: 15

Planning Area: 70

Council District: 04

Election District: 14

Municipality: N/A

200-Scale Base Map: 209NE10

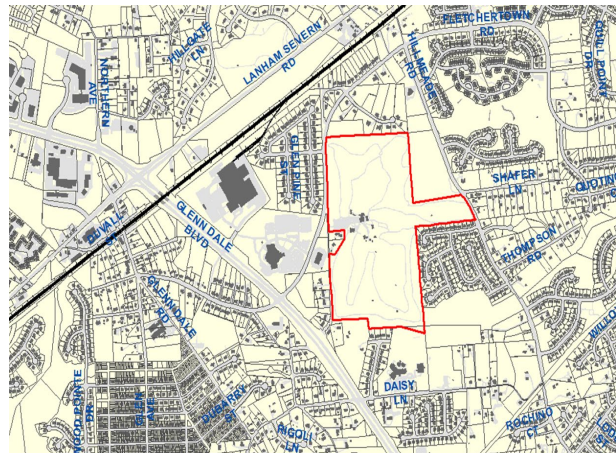
**Applicant/Address:**

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Planning Board Action Limit: 02/18/2020

Mandatory Action Timeframe: 70 days

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-19005  
Tree Conservation Plan TCP1-016-2019  
The Fairways

**OVERVIEW**

The subject property is located on the east side of Prospect Hill Road, approximately 1,600 feet northeast of its intersection with Glenn Dale Boulevard. The property consists of approximately 125.16 acres, having 10.05 acres within the Multifamily Medium Density Residential-Condominium (R-18C) Zone and 115.11 acres within the Open Space (O-S) Zone. This preliminary plan of subdivision (PPS) includes existing Parcel 121 (124.50 acres) recorded in the Prince George's County Land Records in Liber 5938 folio 757, and Outlot A (28,687 square feet or 0.66 acre) recorded in Plat Book VJ 183-61. This site is the former Glenn Dale golf course and contains existing structures and greens associated with the golf course, the Prospect Hill Historic Site and associated spring house, and areas of existing woodlands. This application proposes 272 lots and 15 parcels for 210 single-family detached dwelling units and 62 single-family attached dwelling units. Existing structures, except for the historic house, are proposed to be razed.

A variance was filed to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for removal of 175 specimen trees on the subject site. Staff recommends approval of the variance request for the removal of 154 specimen trees, as discussed further.

Staff recommends **approval** of the PPS, with conditions, and the Variance based on the findings contained in this technical staff report.

**SETTING**

The subject property is located on Tax Map 36 in Grids D-2, D-3, E-2, and E-3, in Planning Area 70, and is split-zoned, R-18C and O-S. The subject site is irregularly shaped and is bounded by Hill Road and Prospect Hill Road to the west, and a panhandle of land extends from the interior of the subject property to connect with Hillmeade Road to the east. The subject property is surrounded by properties with zoning classifications that are primarily residential. The subject property is bound to the north by properties in the Residential-Agricultural, Residential-Estate (R-E), and Rural Residential (R-R) Zones, developed with single-family detached dwellings. Vacant property in the R-18C and O-S Zones, and single-family detached dwellings in the R-R Zone abut the subject site to the east. Property in the R-18C Zone, to be developed with senior housing approved via PPS 4-16034, the O-S Zone developed with a school, and the R-R Zone developed with single-family

detached dwellings, abut the subject site to the south. Properties in the R-E, O-S, and R-R Zones, developed with single-family detached dwellings, abut the subject site to the west.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

- Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	PROPOSED
Zone	R-18C/O-S	R-18C/O-S
Use(s)	Golf Course	Residential
Acreage	125.16	125.16
Lots	0	272
Parcels	1	15
Outlot	1	0
Dwelling Units	1	272
Variance	No	Yes 25-122(B)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on December 13, 2019.

- Previous Approvals**—Special Exception SE-235 was approved by the Prince George’s County District Council in June 1955 for a special exception to the zoning regulations of the Maryland-Washington Regional District of Prince George’s County to allow for a golf and country club in the R-R Zone.

PPS 4-03088 (PGCPB Resolution No. 04-18) was approved by the Prince George’s County Planning Board in January 2004 for a cluster subdivision on the subject property. Subsequently, Detailed Site Plan DSP-04023 (PGCPB Resolution No. 04-271) was approved by the Planning Board in December 2004 for the cluster development. However, the DSP was remanded by District Council and eventually fell dormant.

The 2006 *Approved Sector Plan and Sectional Map Amendment for East Glenn Dale Area (Portions of Planning Area 70)* (Sector Plan and SMA for the East Glenn Dale Area) reclassified the subject properties from the R-R to the O-S, Zone and the R-R Zone to the R-18C Zone. PPS 4-07025 (PGCPB Resolution No. 08-67) was approved by the Planning Board in April 2008 for the subdivision of 3 parcels and 1 lot for an active adult community on the subject property. However, the applicant did not proceed to receive signature approval of the PPS, in accordance with the conditions of approval and submitted information concerning the withdrawal of the PPS. If approved, PPS 4-19005 will be the only applicable PPS for development of the subject property.

- Community Planning**—Conformance with the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and the Sector Plan and SMA for the East Glenn Dale Area are evaluated, as follows:

### **General Plan**

This application is in the Established Communities area. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development, and maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met is recommended.

### **Sector Plan**

The subject property is located in Planning Area 70, in the Glenn Dale Area Community. The sector plan recommends residential low-density and open space development on the subject property, and it reclassified the subject properties from the R-R to the O-S Zone and the R-R Zone to the R-18C Zone.

Staff finds that, pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the area master plan.

4. **Stormwater Management**—In accordance with Section 24-120(a)(8) of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan (4923-2019-0), currently under review with the Prince George's County Department of Permitting, Inspections and Enforcement (DPiE), was submitted with this application.

According to the proposed plan, Irrigation Ponds 2 and 3 will be retrofitted for SWM purposes, and Irrigation Pond 1 will be removed and replaced with a gravel wetland system. An additional three submerged gravel wetlands are proposed with nine micro-bioretenion facilities, along with a series of four swales, to provide stormwater retention and attenuation on-site before discharging into tributaries of the Horsepen Branch.

In accordance with Section 24-130 of the Subdivision Regulations, development must be in accordance with an approved SWM concept plan to ensure that on-site or downstream flooding do not occur. Submittal of an approved SWM concept plan and letter will be required, prior to signature approval of the PPS.

5. **Parks and Recreation**—Staff has reviewed and evaluated the above PPS for conformance with the requirements and recommendations of Plan 2035, the area master plan, the Land Preservation, Parks and Recreation Plan for Prince George's County, and the *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, as they pertain to public parks and recreational facilities.

The plans indicate that approximately 68 acres of land will be used for development, and the remaining 57 acres of land will be open/green space. As per Section 24-134(a)(1) of the Subdivision Regulations, mandatory dedication of parkland applies to any new residential subdivision. Based on the density of the proposed subdivision, the applicant is required to dedicate 5 percent of their land to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks. In this case, application of the mandatory dedication of parkland requirement would require the dedication of 5.54 acres of land to M-NCPPC.

As previously noted, the subject property is not adjacent to any existing M-NCPPC owned property or parks. The closest surrounding facilities include Daisy Lane Park (one-half mile to the south) with a baseball diamond, picnic shelter, playground, soccer fields, and a

walking loop trail; and Northridge Park (three-fourths mile to the north) with a softball diamond, picnic shelter, playground, a walking loop trail, fitness course, and a lake/pond recreational area. The Prince George's County Department of Parks and Recreation (DPR) is very interested in creating connectivity to the adjacent Daisy Lane Park, which is in close proximity to the southern portion of the development, at proposed Parcel C2. This would require obtaining easements for access across the adjoining properties. DPR explored several possible routes and has determined that the connection is not viable, due to topography and various environmental concerns.

With the information submitted by the applicant, the proposal is for the mandatory dedication requirements to be met by providing on-site recreational facilities. In accordance with Section 24-135(b) of the Subdivision Regulations, the mandatory dedication of parkland requirements may be met by the provision of on-site recreational facilities. The on-site recreational facilities may be approved by the Planning Board, provided that the facilities will be superior, or equivalent to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants or a recreational facilities agreement, with this instrument being legally binding upon the subdivider and his heirs, successors, and/or assignees.

The applicant has adequately provided conceptual information for the proposed on-site facilities that will be constructed within the development and available to residents. The list of the facilities proposed include over 1.5 miles of walking trails, sitting areas, fitness stations, and two preschool-aged playgrounds. DPR staff has reviewed the list of the proposed preliminary recreational facilities and has determined that they are acceptable. Staff finds the applicant's proposal of the provisioning on-site recreational facilities will meet the parks and recreation needs of the future residents.

6. **Trails**— This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Sector Plan and SMA for the East Glenn Dale Area, to provide the appropriate pedestrian and bicycle transportation recommendations.

#### **Review of Proposed On-Site Improvements**

The proposed development includes an internal trail network throughout the subject site and sidewalks on both sides of internal roadways. The submitted PPS includes blocks over 750 feet in length and therefore, at the time of DSP, consideration should be given to showing mid-block crossing facilities pursuant to Section 24-121(a)(9).

#### **Review of Connectivity to Adjacent/Nearby Properties**

The subject site is adjacent to residential neighborhoods, a church facility to the west, and a school and community park to the south, with no current connections.

#### **Review of Master Plan of Transportation (MPOT) Compliance**

There are two master plan trails that impact the subject site. The Complete Streets element of the MPOT reinforces the need for these recommendations, and includes the following policies regarding sidewalk and bikeway construction, and the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

**Policy 1:**

**Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

Sidewalks on both sides of the internal roadways are shown on the submitted plans, and therefore fulfill the intent of the policy above.

**Review of Sector Plan Compliance**

The sector plan includes the following policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (page 30):

**Policy 1:**

**Incorporate appropriate pedestrian-oriented development (POD) features in all new development.**

**Policy 2:**

**Develop bicycle-friendly roadways in conformance with the latest standards and guidelines.**

**Policy 3:**

**Provide new trail connections and improved trail connectivity.**

Hillmeade Road is designated as a priority sidewalk corridor. Staff recommends that a sidewalk be constructed along the entire frontage of Hillmeade Road, unless modified by Prince George's County Department of Public Works and Transportation (DPW&T) and/or DPIE by means of written correspondence. Side paths are recommended per the sector plan along Prospect Hill Road, in conjunction with on-road bicycle facilities. Staff recommends that a side path be constructed along the subject property's frontage of Prospect Hill Road, unless modified by DPW&T/DPIE, by means of written correspondence. The sector plan recommends future development of the Glenn Dale Golf Course to include an internal trail network to "improve the connectivity between sites in the southern portion of the East Glenn Dale area, including Daisy Lane Community Park." (Sector Plan, page 31) The proposed trail system shown on the submitted plans fulfills the intent of this policy.

7. **Transportation**—The findings and recommendations outlined below are based upon a review of the materials and analyses conducted by staff, consistent with the "Transportation Review Guidelines, Part 1" (Guidelines).

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

**Links and Signalized Intersections:** Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections, a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

For roundabouts, where the analysis using the *Highway Capacity Manual* (Transportation Research Board) indicates a volume-to-capacity (v/c) ratio greater than 0.850 for the intersection, geometric improvements or trip reduction measures should be considered that will reduce the v/c ratio to an acceptable level. The operating agency can deem a v/c between 0.850 and 0.900 to be acceptable, and that agency must do this in writing for the Planning Board to make a similar finding.

The application analyzed is a PPS for a residential development consisting of 210 single-family units and 62 townhomes. Using trip generation rates from the Guidelines, this development will be adding 201 (40 in, 161 out) AM peak-hour trips and 238 (155 in, 83 out) PM peak-hour trips.

The proposed development will impact the following intersections deemed to be critical:

- MD 193 and MD 564
- MD 193 and Prospect Hill Road
- MD 450 and Hillmeade Road
- Prospect Hill Road and Hillmeade Road
- Prospect Hill Road and site access
- Hillmeade Road and site access

Since the trip generation for the proposed development is projected to exceed 50 trips in either peak hour, the applicant has provided a traffic impact study (TIS) dated October 2019. Using data from this TIS, the following results were determined:

<b>EXISTING CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
MD 193 and MD 564	C/1194	D/1359
MD 193 and Prospect Hill Road	C/1187	B/1149
MD 450 and Hillmeade Road	A/922	C/1249
Prospect Hill Road and Hillmeade Road*	12.2 seconds	12.5 seconds
Prospect Hill Road and Site Access-Glenn Dale Forest Road*	N/A	N/A
Hillmeade Road and Site Access*	N/A	N/A
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

In evaluating the effect of background traffic, four background developments were identified in the TIS. Additionally, a growth factor of 0.5 percent per year for six years were applied to the through traffic along MD 193. A background scenario analysis based on future developments yielded the following results:

<b>BACKGROUND CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
MD 193 and MD 564	C/1287	E/1462
MD 193 and Prospect Hill Road	C/1264	C/1240
MD 450 and Hillmeade Road	A/964	D/1312
Prospect Hill Road and Hillmeade Road*	12.9 seconds	13.5 seconds
Prospect Hill Road and Site Access-Glenn Dale Forest Road*	N/A	N/A
Hillmeade Road and Site Access*	N/A	N/A
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

Regarding the total traffic scenario, Table 1 below shows a breakdown of the trip generation for the two residential uses. In summary, the proposed development will generate 201 AM and 238 PM peak-hour trips.

<b>Table 1</b>						
<b>Trip Generation Summary</b>						
<b>Land Use</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
	In	Out	Total	In	Out	Total
Existing Golf Course (ITE-430) – 18 holes	25	7	32	28	24	52
Single-Family Housing – 209 units	31	126	157	122	66	188
Townhouse – 63 units	9	35	44	33	17	50
<b>New proposed trip cap</b>	<b>40</b>	<b>161</b>	<b>201</b>	<b>155</b>	<b>83</b>	<b>238</b>

A third analysis (total traffic) revealed the following results:

<b>TOTAL CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
MD 193 and MD 564 <i>With improvements</i>	D/1307 C/1269	<b>E/1487</b> D/1417
MD 193 and Prospect Hill Road	C/1291	C/1250
MD 450 and Hillmeade Road	A/999	D/1326
Prospect Hill Road and Hillmeade Road*	13.1 seconds	13.9 seconds
Prospect Hill Road and Site Access-Glenn Dale Forest Road*	16.3 seconds	16.9 seconds
Hillmeade Road and Site Access*	8.9 seconds	9.3 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The results of the traffic analyses show that under total traffic, all the critical intersections are deemed to be operating adequately except for the MD 193/MD 564 intersection. The TIS recommended the following improvement:

- Construct a second left turn lane along northbound MD 564 and southbound MD 564

This improvement will result in adequate LOS, as shown in the table above.

#### **Agency review**

The TIS was referred to and reviewed by representatives from DPIE, as well as the Maryland State Highway Administration (SHA). DPIE has deferred to SHA for comments regarding SHA facilities. SHA has not commented as of this writing. A referral response from DPIE dated December 27, 2019 (Giles to Davis), indicated the following requirements which will need to be addressed by the applicant prior to grading permit: provide a right-turn lane

analysis for the Prospect Hill Road and Glen Dale Forest Road site entrance intersection, as shown in the study along the eastbound direction, and that all internal intersections need to meet the intersection sight distance requirements for a 25-mph speed. It is within the authority of DPIE to review and require these items at the time of permitting for site access.

#### **Master Plan Roads and Site Access**

The property is in an area where the development policies are governed by the Sector Plan and SMA for the East Glenn Dale Area, as well as MPOT. The site is currently accessed from Old Prospect Hill Road, a substandard roadway, which is proposed to be used for temporary access to support the development and then converted to emergency only access once two new entrance locations are constructed. The subject property fronts on Prospect Hill Road, a planned collector road (C-342), requiring 80 feet of right-of-way, and Hillmeade Road, a planned collector road (C-343), also requiring 80 feet of right-of-way, which will provide the proposed permanent access to the site. Consequently, the applicant will be required to dedicate 40 feet of right-of-way from the center line of both roads.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision as required, in accordance with Section 24-124 of the Subdivision Regulations, with conditions.

8. **Schools**—Per Section 24-122.02 of the Subdivision Regulations, the Planning Board shall analyze school facilities at the time of PPS. Planning staff has conducted the analysis below:

#### **Impact on Affected Public School Cluster by Dwelling Units**

<b>Affected School Clusters #</b>	<b>Elementary School Cluster 1</b>	<b>Middle School Cluster 1</b>	<b>High School Cluster 1</b>
Single-family Detached Dwelling Units	210 DU	210 DU	210 DU
Single-family Attached Dwelling Units	62 DU	62 DU	62 DU
Pupil Yield Factor – Detached	0.177	0.095	0.137
Pupil Yield Factor – Attached	0.145	0.076	0.108
Total Future Subdivision Enrollment	46	25	35
Actual Enrollment in 2018	10551	5049	8008
Total Enrollment	10597	5074	8043
State Rated Capacity	12810	5374	9389
Percent Capacity	83%	94%	87%

Section 10-192.01 of the Prince George's County Code establishes school facilities surcharges and an annual adjustment for inflation. The current amount is \$16,698 per dwelling unit, as this project falls outside of the I-95/I-495 Capital Beltway. This fee is to be paid to Prince George's County at the time of issuance of each building permit.

9. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated December 23, 2019 (Thompson to Simon), provided in the backup of this technical staff report and incorporated herein by reference.

10. **Use Conversion**—This PPS was analyzed based on the proposal for a for residential development. The analysis includes access, mandatory parkland dedication, public facilities, and density, specifically related to the land use and layout proposed with this application. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new preliminary plan shall be required.
11. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights of way. In accordance with Section 24-128(b)(12) of the Subdivision Regulations, PUEs are also required along one side of all private streets. The subject site fronts on the public rights-of-way of Hillmeade Road, Old Prospect Hill Road, proposed public roads A, B, C, E, and G, and proposed Private Road A. The required PUEs are delineated on the PPS.

12. **Historic**—The Historic Preservation Commission (HPC) reviewed the subject application at its January 21, 2020 meeting and, in a memorandum dated January 22, 2020 (HPC to Simon), incorporated by reference herein, forwarded the following findings and conclusions regarding the subject site:

### **Findings**

1. The subject property comprises 125.16 acres located east of Prospect Hill Road and Old Prospect Hill Road, west of Hillmeade Road, and northeast of Glenn Dale Road in Glenn Dale, Maryland. The subject application proposes a residential development, including 62 single-family attached townhouses and 209 single-family detached houses. The subject property is zoned O-S (115.11 acres) and R-18C (10.05 acres).
2. The subject application includes the Prospect Hill Historic Site (70-025). The brick main block of Prospect Hill was built by George W. Duvall early in the nineteenth century and underwent a major renovation in 1940, by then-owner Terrill Brazelton, who added the Neoclassical porches and Palladian windows. The main block is attached to a lower gambrel-roof frame dwelling by means of a two-story connecting hyphen. It is likely that the Duvall’s lived in the gambrel roof portion after their marriage in 1820 and the brick section was built soon after that. The property, also containing a tobacco barn and icehouse, was sold in 1955 to the Prospect Hill Golf and Country Club and was home to the Glenn Dale Golf Club until recently.
3. Section 24-135-01(b), Historic Preservation requirements, states:

The following requirements shall apply to a proposed subdivision containing or adjacent to a historic resource:

- (1) Lots shall be designed to minimize adverse impacts of new construction on the historic resource;

- (2) Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and
  - (3) Protective techniques (such as LODs, building restriction lines and buffers) shall be used.
- 4. Based on an exhibit provided by the applicant, proposed Lot 2 will be closest to the historic site and the highest portion of the building will be 25–50 percent visible from the historic site and a portion of the rear of that structure will be 0–25 percent visible. Dwellings on Lots 4, 5, 6, and 17 may also be visible from the historic site and the rears of these buildings also face towards the historic site. The clubhouse of the golf course is currently located where Lots 1 and 2 are proposed, is in an open area, and is highly visible from the historic site. Historic Preservation staff noted that the clubhouse was constructed prior to the designation of Prospect Hill as a Historic Site, so no buffering was required at that time. The HPC noted that there is an opportunity to screen the rear of the historic house from the proposed buildings in that area, while leaving an open view in the front.
- 5. A Phase I archeology survey was conducted on the subject property in July 2007. The area covered by the Phase I survey was confined to portions of the property that had a high potential of containing archeological resources and that had not been extensively disturbed by construction of the Glenn Dale golf course.
- 6. A spring house located to the south of the house was not previously recorded. The springhouse is constructed of stone and is set over a small spring.

## **Conclusions**

- 1. Due to the visibility of Lots 1 and 2 from the historic site and the potential impact to its viewshed, these lots should be eliminated from the plan, in accordance with Section 24-135-01(b)(1).
- 2. Proposed lots 4, 5, 6, and 17, and proposed lots 1 and 2, if approved by the Planning Board, should be subject to a requirement for a limited DSP to address architecture, materials, landscaping, and lighting in order to ensure that the visual impacts of this new proposed construction is mitigated when viewed from the nearby historic site.
- 3. The Phase I survey did not identify any significant archeological resources. Most of the property was previously disturbed by construction of the golf course. A springhouse located to the south of the historic site was not previously recorded. This building should be documented through measured drawings and detailed photographs by the applicant, prior to its demolition or any grading in the vicinity.
- 4. At the time of DSP, the HPC should review proposed landscape buffering, lighting, architecture and materials, and other details in the vicinity of the historic site to mitigate potential adverse effects on the views to and from the Prospect Hill Historic Site (70-025).

13. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site applicable to this case:

Development Review Case	Associated Tree Conservation Plan or Natural Resources Inventory	Authority	Status	Action Date	Resolution Number
4-03088	TCPI/60/03	Planning Board	Superseded	9/23/2004	No. 04-18
DSP-04023	TCPII/088/04	Planning Board	Withdrawn	N/A	N/A
4-07025	TCPI/060/03-01	Planning Board	Approved	4/24/2008	08-67
N/A	NRI-059-2019	Staff	Approved	10/18/2019	N/A
4-19005	TCP1-016-2018	Planning Board	Pending	Pending	Pending

#### **Grandfathering**

This project is not grandfathered with respect to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the WCO and the Environmental Technical Manual (ETM).

#### **Master Plan Conformance**

##### **2014 Plan Prince George's 2035 Approved General Plan**

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035, and within the Established Communities area of the General Plan Growth Policy (2035).

##### **Conformance with the Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan (May 2017)**

The 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) was approved with the adoption of the *Approved Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved *Countywide Green Infrastructure Plan*, three regulated areas are mapped on-site. One is associated with a braided stream system with associated non-tidal wetlands that originate on the north-central portion of the property and flow off-site to the north. A second regulated area is associated with an existing pond with emergent wetlands located along the northeastern property boundary that outfall off-site. The third regulated area is associated with two existing ponds located along the southeastern portion of the property, along with associated emergent wetlands, and a stream system that drains off-site. It appears that an existing sewer easement that runs from the subdivision located along Prospect Hill has been incorrectly mapped as part of this regulated area. All three areas drain off-site into tributaries of the Horsepen Branch watershed. Evaluation areas are mapped along the periphery of all three mapped regulated areas.

The following policies and strategies in **BOLD** are applicable to the subject application. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

**POLICY 1: Preserve, enhance and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
  - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
  - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
  - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
  - d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**
  - e. Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.**
  - f. Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**
- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored and protected.**
  - a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**
  - b. Prioritize use of public funds to preserve, enhance, connect, restore and protect critical ecological systems.**

The site contains three regulated areas that are located within the Horsepen Branch of the Patuxent River, which is both a stronghold and a Tier II watershed. Much of these regulated areas have been previously impacted as a direct result of the prior use of the Glenn Dale Golf Club on-site.

However, there is potential to improve and restore many of these regulated areas on-site and to focus development away from them. The applicant proffers improving water quality associated with the two existing ponds along the southern section of the site, by installing wetlands and remediating the existing stream channel on-site with outfalls that will aide in prevention of further degradation and erosion off-site.

The pond located in the northeastern corner of the site is also proposed to be retained; however, the grading of the proposed road could be shifted further to the west to avoid impacts to associated wetlands and their buffers that are part of this regulated area.

The regulated area associated with the intermittent/ephemeral stream system and associated wetland located along the north central portion of the property is proposed to be completely removed and is not being proposed to be preserved or restored. This impact is not deemed necessary because development can be planned to avoid such impacts. Redesign of this portion of the site should be considered paramount for protecting rather than eliminating this portion of the Green Infrastructure Network.

No Sensitive Species Project Review Areas or special conservation areas are located on or within the vicinity of the subject site.

**POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The potential for network gaps has been identified on the subject site to connect the mapped regulated and evaluation areas. Some of these areas are proposed to be protected through a combination of woodland preservation, afforestation, and the creation of new wetland areas on-site.

**POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

**3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**
- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

The site is currently developed as a golf course with no public or private roads on-site. However, an existing network of golf cart trails exist on-site that are proposed to be retained and improved on-site as hiking trails for future residents. The undeveloped portion of the subject site will be significantly impacted by transportation improvements. Any future trail system proposed through the regulated areas of the site should be evaluated during the site planning process at time of DSP. Trails through sensitive areas should be generally designed to minimize impacts.

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

**4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

Conservation easements are required for the subject application to protect areas identified within the primary management area (PMA) that are not otherwise approved for impact.

With regard to the required woodland conservation easement, approximately 1.08 acres of woodland conservation, 12.71 acres of afforestation/reforestation, and 11.20 acres of landscape credits are proposed. The final on-site areas counted as woodland conservation credits will be required to be placed in a woodland conservation easement if it meets the criteria for credit.

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

**5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

**5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The proposed SWM Concept Plan (4923-2019-00) currently under review by DPIE proposes the implementation of four separate SWM systems that utilize a combination of submerged gravel wetlands, micro-bioretenion areas, and swales to improve the water quality of runoff that will discharge off-site. DPIE will determine whether or not this proposed SWM concept plan is in conformance with the current code.

**POLICY 7: Preserve, enhance, connect, restore and preserve forest and tree canopy coverage.**

**General Strategies for Increasing Forest and Tree Canopy Coverage**

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Planting of native species is encouraged on-site.

**Forest Canopy Strategies**

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

**Green space should be encouraged within the proposed development, particularly within and around existing regulated areas onsite for expansion, restoration, and preservation of these regulated areas.**

Reforestation and landscape planting are shown on the proposed TCP1; however, it has not been proposed in connection with the enhancement of regulated or evaluation areas. Rather, it has been proposed in areas encircled by proposed lots.

***2006 Approved Sector Plan and Sectional Map Amendment for East Glenn Dale Area (Portions of Planning Area 70)***

The site is located in the Sector Plan and SMA for the East Glenn Dale Area. The sector plan includes applicable goals, policies, and strategies. The following policies are applicable to the current project with regard to natural resources preservation, protection, and restoration. The text in **BOLD** is the text from the SMA and the plain text provides comments on plan conformance.

**Environmental Infrastructure Section Recommendations**

**Policy 1: Protect, preserve and enhance the identified green infrastructure network within the sector plan area.**

The proposed site layout is not incorporating sufficient preservation of regulated areas within the green infrastructure network within the sector plan area. Although some areas are being preserved along the southern and western boundaries of the site, avoidable impacts are being proposed within regulated areas comprised of intermittent streams, wetlands, and their associated buffers along the northern portion of the site that would be better suited for preservation, enhancement, and protection. Minor impacts are supported for transportation circulation purposes; however, the green infrastructure elements mapped on the subject site will be significantly impacted by the proposed site design.

**Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

Implementing conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications is encouraged. The capture and reuse of stormwater for grey water should be considered with the site's final design to the fullest extent possible.

The proposed SWM Concept Plan (4923-2019-00) currently under review by DPIE proposes the implementation of four separate SWM systems that utilize a combination of submerged gravel wetlands, micro-bioretenion areas, and swales to improve the water quality of runoff that will discharge off-site.

**Policy 3: Protect and enhance tree cover within the sector plan study area.**

Conformance with Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, will be required at the time of DSP, subject to review by the Urban Design Section.

**Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

The use of green building techniques and energy conservation techniques should be used as appropriate. The use of alternative energy sources such as solar, wind, and hydrogen power are encouraged.

**Policy 5: Reduce light pollution and intrusion into residential and environmentally sensitive areas.**

The use of alternative lighting technologies is encouraged so that light intrusion onto surrounding residential is limited. Use of lights should be minimized along the waterfront with lighting directed away from PMA. Full cut-off optic light fixtures should be used.

**Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.**

The site is not abutting roadways of arterial or higher classification, any transit right-of-way, and is not within a noise impact zone which would require the review of noise.

**Environmental Review**

**Existing Conditions/Natural Resources Inventory**

The site has an approved Natural Resources Inventory Plan (NRI-059-2019), which shows the existing conditions of the property. A total of 258 specimen trees have been identified on-site or within the immediate vicinity of the site's boundary. There are an additional 38 trees and shrubs that have been identified on-site that are located within a historic environmental setting associated with Prospect Hill (70-025), which is registered as a historic site with the State of Maryland.

The site contains regulated environmental features, including streams/wetlands and their buffers, and 100-year floodplain, which comprise PMA, and isolated wetlands and their buffers. The forest stand delineation indicates that there are four forest stands; two of which have a high rating for preservation. The site has a total of 11.75 acres of gross tract woodland, of which no acres are within the existing 100-year floodplain, as shown on the NRI. Areas of steep slopes are scattered across the site.

The site is associated with tributaries of the Horsepen Branch watershed, which is both a stronghold and a Tier II watershed. The site contains an historic site and associated environmental setting known as Prospect Hill (70-025). Much of the remaining property is a grassed golf course.

No revisions are required for conformance to the NRI.

**Woodland Conservation**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-016-2019) has been submitted for review that covers the area of this PPS.

According to the worksheet shown on the TCP1 as submitted, the site is 125.16 acres split-zoned between the O-S (115.11 acres) and R-18C (10.05 acres) zones. A total of 11.75 acres of existing woodlands are on the net tract and no woodlands are within the existing floodplain. The site has a woodland conservation threshold of 58.66 acres, or 47.56 percent of the net tract, as tabulated. No off-site clearing is shown on the plan. The TCP1 shows a total woodland conservation requirement of 34.06 acres, based on the proposed clearing shown. The TCP1 shows this requirement will be met by providing 1.08 acres of on-site woodland preservation, 12.71 acres of on-site afforestation/ reforestation, 11.20 acres of landscape credits, and 9.07 acres of off-site woodland conservation credits.

Several large areas are labeled as landscape areas credited for reforestation located on Parcels A1, F1, G1, and H1. Reforestation credits for these landscaped areas are not supported, as these areas are large and should be shown as reforestation only. Landscape credits for smaller planting areas may be considered at the time of TCP2 review; however, the TCP1 shall maximize reforestation on-site, in accordance with Section 25-122(c) of the WCO, which prioritizes reforestation over landscape credits.

The TCP1 requires additional technical revisions that are included in the recommended conditions below.

### **Specimen Trees**

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual (ETM)."

A total of 258 specimen trees, 242 on-site and 16 off-site, (Note: Specimen Trees 119 and 120, which were identified as being off-site are actually on-site) were identified on the approved NRI. An additional 38 trees were also identified within 100 feet of the limit of disturbance (LOD) located within the Historic Site of Environmental Setting associated with the State registered historic site known as Prospect Hill and Outbuildings (70-025). None of the trees or shrubs associated with the Historic Site of Environmental Setting are being proposed to be removed.

Of the 242 on-site specimen trees, a total of 177 were proposed for removal, according to the variance request dated May 24, 2019. A detailed condition analysis was submitted as part of this variance request, for these trees, as well as for four additional trees located off-site, are proposed for removal.

After subsequent changes to the layout of the PPS and TCP1 submitted on January 9, 2020, the applicant did not update the variance request accordingly to reflect any additional trees being proposed to be cleared or saved, based on the LOD shown on the most recently submitted plans. As a result, there are an additional 22 specimen trees on-site proposed for removal on the TCP1 plan that are not accounted for by the variance request (ST-2, 27, 46, 55, 56, 158, 188, 192, 193, 196, 199, 200, 201, 203, 204, 205, 209, 210, 229-A, 234, 236, and 244). Since these trees were not included in the variance request, staff cannot make any

recommended findings for their removal at this time. They must be shown as saved on the plan. Additional variance requests may be made at later development review phases.

Three specimen trees (25, 145, and 253) were included in the specimen tree variance request for removal, but are shown as being saved on the TCP1. It is assumed that these trees shown as saved on the TCP1 are no longer being requested for removal and have been omitted from consideration with this variance request.

#### **Review of Subtitle 25 Variance Request**

A Subtitle 25 variance application and statement of justification (SOJ) dated May 24, 2019, in support of a variance, were received on November 22, 2019. A revised TCP1 was received for review on January 9, 2020.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the 175 specimen trees together; however, details specific to the 197 individual trees that are actually proposed for removal on the plan have been provided tables. These tables break down the on-site proposed trees into three categories: Table 1, Invasive Species (required to be removed); Table 2, Non-Native Non-Invasive Species; and Table 3, Native Species (priority for preservation). The tables are attached to a memorandum from the Environmental Planning Section dated January 21, 2020 (Juba to Simon), incorporated by reference herein.

#### **Statement of Justification request:**

A variance to Section 25-122(b)(1)(G) is requested for the clearing of 175 specimen trees together; however, as previously mentioned, not all trees on the initial variance request are shown as cleared on the most recently submitted TCP1. An additional 22 trees not initially considered for clearing are now proposed to be cleared on the TCP1, with this application.

This variance is requested to the WCO, which requires under Section 25-122 of the WCO, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle 25 Variance Application form requires an SOJ of how the findings are being met.

The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship.**

There are many open grown specimen trees located inside and outside of the PMA in the most developable area of the site. These trees range in condition from poor to excellent condition. The development has mostly been focused away from regulated environmental features, such as streams and wetlands with their associated buffers, which comprise the PMA. Many of the trees are unavoidable if the project is to be developed in a viable manner. The specimen trees on-site have been categorized into invasive species, non-native non-invasive, and native. All invasive species are supported for removal.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

This property is split-zoned O-S and R-18C and is limited as to the number of lots that can be created on-site. Further limiting of developable area by protecting the root zones and specimen trees will deprive the applicant of the opportunity to create a functional development with the following exceptions:

1. Specimen Trees 122–124, 243, 246–250, and 254–255 appear to be capable of being saved on the plan by slightly adjusting the grading to reduce clearing within one-third or less of the critical root zones of these trees, or these trees already have less than one-third of their critical root zone being removed, and are considered to have a greater likelihood to be viable post construction if properly protected and root pruned prior to construction.
2. Specimen Trees 229–233 and 237–239 are proposed to be removed for the creation of residential lots within the PMA, which staff does not support.
3. Specimen Trees 217–218 and 220–221 are proposed to be removed for the creation of residential lots outside of the PMA, but associated grading would result in an isolated wetland being removed on-site. Staff does not support removal of these trees.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

As previously discussed in (A) and (B) above, not granting this variance will prevent the project from being developed in a functional and efficient manner. The variance would not result in a privilege to the applicant; it would allow for development to proceed with similar rights afforded to others with similar properties and land uses.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

The nature of the variance request is not a result of actions by the applicant.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The request to remove the specimen trees does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

**(F) Granting of the variance will not adversely affect water quality.**

The site is governed by the current SWM regulations. The site is adjacent to Horsepen Branch and water is discharging untreated from the existing golf course and irrigation ponds constructed prior to these regulations, meaning there is currently significant discharge of untreated stormwater runoff. The proposed loss of specimen trees will be offset from the establishment of water quality and control devices preventing direct untreated discharge into the Horsepen Branch during storm events.

**Summary**

After evaluating the applicant's request, staff finds the required findings of Section 25-119(d) have been adequately addressed for the removal of 154 specimen trees; three that are invasive species (104, 112, 113); 58 that are considered non-native non-invasive (8, 10-11, 40-45, 49-51, 53-54, 58-70, 77-80, 82, 88-95, 105-107, 121, 143-144, 159-164, 170, 214, 215, 227-228, and 252); and 92 native trees (9, 13-15, 25, 30-38, 48, 73-76, 81, 83-87, 96, 101, 102, 108-111, 114-115, 118-120, 140-142, 146-154, 169, 171-187, 189-191, 194-195, 197-198, 202, 206-208, 211-213, 219, 222-225, 240-242, 244, and 256-257).

Staff does not support the removal of 11 specimen trees (Specimen Trees 122-124, 243, 246-250, and 254-255, which appear to be capable of being saved on the plan by either slightly adjusting the grading to reduce clearing within one-third or less of the critical root zones of these trees, or these trees already have less than one-third of their critical root zone being removed, and are considered to have a greater likelihood to be viable post-construction if properly protected and root pruned prior to construction. Staff also does not recommend removal of 12 specimen trees, which are proposed within regulated environmental features including PMA and isolated wetlands; specifically specimen trees 229-233, and 237-239 are proposed to be removed for the creation of residential lots within the PMA, specimen trees 217-218, and 220-221 are proposed to be removed for the creation of residential lots and associated grading within an isolated wetland.

**Preservation of Regulated Environmental Features/Primary Management Area (PMA)**

The site contains regulated environmental features, including streams/wetlands and their buffers, and 100-year floodplain, which comprise the PMA, and isolated wetlands and their buffers.

Impacts to regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfalls at points of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code. Impacts to regulated environmental features must first be avoided and then minimized. The SOJ must address how each on-site impact has been avoided and/or minimized.

### **Statement of Justification**

A revised SOJ dated January 9, 2020 and associated exhibits were submitted on January 9, 2020 for five impacts on-site totaling 232,678 square feet (5.34 acres). The SOJ includes a letter from Bay Environmental, Inc. addressed to the Baltimore District Corps of Engineers, dated June 12, 2019, refuting the regulatory status of some of the regulated environmental features on-site. However, an application for a revision to the approved NRI was not requested, so the underlying information on the NRI is what must be evaluated with this PPS and TCP1, as the claims in the letter have not been verified.

According to the ETM, a mitigation plan is required if the cumulative proposed impacts for the entire site to wetlands and wetland buffers are shown to exceed a 0.5-acre threshold. Only on-site impacts are evaluated for this threshold. The amount and type of mitigation, if required, shall be at least generally equivalent to, or a greater benefit than, the total of all impacts proposed, as determined by the Planning Board. This can be in the form of stream or wetland restoration, wetland creation, or retrofitting of existing SWM facilities that are not required by some other section of County Code.

A wetland mitigation exhibit was also submitted with this application with two possible mitigation areas (Area 1 and Area 2) totaling 51,900 square feet (1.19 acres) associated with the stormwater retrofit of Irrigation Pond 3 and associated stream impacts.

### **Analysis of Impacts**

Based on the SOJ, the applicant is requesting the following impacts described below:

#### **Impact 1 for Construction of Public Road E and Irrigation Pond 3 Retrofit for Stormwater Purposes**

Impact 1 is proposed for the disturbance of a total of 61,815 square feet (1.42 acres), which is comprised of 177 linear feet of stream bed impact, 2,354 square feet of wetland and wetland buffer impacts, and 56,654 square feet of stream buffer impacts for retrofitting existing Irrigation Pond 3 for stormwater purposes, along with the construction of Public Road E. Two new outfall structures are also proposed into the stream. It appears that these improvements will actually improve the structural integrity of the existing pond and aid in prevention of future scouring and erosion into the adjoining stream.

According to the ETM, a mitigation plan is required if the cumulative proposed impacts to wetlands and wetland buffers are shown to exceed a 0.5-acre threshold. Only on-site impacts are evaluated for this threshold. The amount and type of mitigation, if required, shall be at least generally equivalent to, or a greater benefit than, the total of all impacts proposed, as determined by the Planning Board. This can be in the form of stream or wetland restoration, wetland creation, or retrofitting of existing SWM facilities that are not required by some other section of County Code.

A proposed mitigation plan was provided for this impact. It shows creation of existing wetlands around this pond (Area 1) for 31,198 square feet and adjacent to the stream being impacted (Area 2) for a total of 14,702 square feet that are not part of the SWM concept plan submitted to DPIE for this site. A combined total of 51,900 square feet (1.19 acres) of mitigation is proffered to offset the 1.42 acres of proposed impacts for this area. Although the proffered mitigation falls short by 0.23 acre, the overall benefits of the stormwater retrofit of this irrigation pond make up for it, as it will prevent future scouring and improve the quality of water outflowing from the existing pond into the stream. Because of this, staff supports Impact 1 and the proposed mitigation for this impact, as shown on the mitigation plan provided by the applicant.

**Impact 2 for Construction of Private Road A and Removal and Replacement of Irrigation Pond 1 with a Gravel Wetland to Treat Stormwater**

Impact 2 is proposed for disturbance of a total of 12,851 square feet (0.30 acre), which is comprised of 12 linear feet of stream bed impacts; 13,960 square feet of wetland and wetland buffer impacts; and 10,721 square feet of stream buffer impacts for construction of a section of Private Road A; for construction of a submerged gravel wetland; and proposed stormdrain outfall. Irrigation Pond 1 is man-made and the irrigation pumps that supply water to it were shut down at the time of the golf course closure severing the hydrologic connection to this pond, which will result in the pond to receding over time. Thus, the prior wetlands and associated environmental features will no longer have a water source and will eventually disappear. The proposed submerged gravel wetland will replace the pond with the new development and will treat stormwater from the site, while providing a functional replacement wetland.

Although no mitigation plan was provided for this impact, staff supports this impact since the existing wetland system was dependent on water pumped in elsewhere from the site and is no longer functional with the closing of the golf course. The replacement of the pond with a functional gravel wetland that will treat previously untreated water that leaves the site is considered more beneficial than preserving the pond in its current state of decline on-site. Staff supports Impact 2.

**Impact 3 for Construction of Two Outfall Structures Associated with Submerged Gravel Wetland 1 for Stormwater Purposes**

Impact 3 is proposed for the disturbance of a total of 6,923 square feet (0.14 acre), which is comprised solely of 6,239 square feet of stream buffer impacts for the construction of two outfall structures associated with proposed Submerged Gravel Wetland 1 on the plan. Staff supports these impacts, as they are necessary to safely convey stormwater off-site.

**Impact 4 for Construction of Public Roads A and B, Lots 3-6 and 31-35 Block F and Grading for Development and Stormwater Purposes**

Impact 4 is proposed for the disturbance of a total of 142,392 square feet (3.27 acres), which is comprised of 911 linear feet of stream bed impacts, 30,528 square feet of wetland and wetland buffer impacts, and 128,872 square feet of stream buffer impacts for the construction of portions of Public Roads A and B, the creation of residential Lots 3-6 and 31-35 Block F, as well associated grading for associated buildings and SWM devices. No mitigation is proposed for these impacts.

Staff supports impacts associated with construction of Public Road B, as it is necessary for circulation through the site between the proposed site entrance on Prospect Hill Road with Hillmeade Road, as well as the construction of Lot 5, Block B, which will no longer be included within the PMA after Road B is constructed.

However, staff does not support the creation of Lots 3–6 and 31–35, Block F within the PMA, as well as the associated portion of Public Road A that is within the PMA. This area is considered a priority for preservation and restoration. The network of streams and wetlands in this area that drain off-site are part of a larger Tier II catchment area associated with the Horsepen Branch. Tier II waters are high-quality waters within the State of Maryland, as designated by the Maryland Department of Environment (MDE) that are afforded special protection under Maryland’s anti-degradation policy.

The removal lots and the avoidance of impacts associated with Public Road A will necessitate redesign of the lots and roads within this area of the site. Public Road A should be realigned to avoid impacts to the regulated environmental features and may be further evaluated at the time of DSP. If Public Road A cannot be realigned, appropriate termination of the roadway on either side of the regulated environmental features and redesign of road network would be necessary, and the lotting pattern revised accordingly.

**Impact 5 for Construction of Submerged Gravel Wetland 4 and Outfall Structures as Part of the Stormwater Retrofit for Irrigation Ponds 2 and 3.**

Impact 5 is proposed for the disturbance of a total of 9,327 square feet (0.21 acre), which is solely composed of 6,346 square feet of wetland and wetland buffer impacts, for proposed grading and construction for Submerged Gravel Wetland 4 and associated storm-drain outfall structures required for SWM for retrofitting existing Irrigation Ponds 2 and 3. No mitigation was proffered for this impact.

Staff recommends approving this impact with the condition that additional mitigation is provided on-site in the form of supplemental wetland establishment, equal to or greater than the 9,327 square feet of wetlands removed from the site with this impact.

**Additional Impacts Not Requested with This Application.**

It was noted that two additional impacts to regulated environmental features are shown on this plan but were not requested in the SOJ.

The first impact is for the creation of Lots 12–14, Block G on top of an existing isolated wetland and associated buffer. Staff does not support this impact and recommends that these lots and associated grading be removed from within the wetland and associated wetland buffer.

The second impact is shown on top of another isolated wetland and associated buffer and appears to be associated with the construction of the northern portion of Submerged Gravel Wetland 1; however, no grading is shown on the plan for this impact. Staff recommends that the LOD be adjusted in this area to preserve the isolated wetland.

**Summary**

After evaluating the applicant’s SOJ for proposed impacts to regulated environmental features, as well as the impacts shown on the plans as submitted that were not included in the SOJ, staff supports proposed Impacts 1, 2, 3, and 5. Staff is in partial support of Impact 4

for the construction of Public Road B only. Staff does not support Impact 4 for the placement of lots in the regulated environmental features, or the additional impacts shown on the plans that were not part of the initial requested impacts as part of the SOJ. The regulated environmental features on the subject property have been preserved to the fullest extent possible based on: the LOD shown for proposed impacts 1, 2, 3, 5, and the portion of impact 4 associated with the installation of Road B; and the elimination of the portion of proposed Impact 4 associated with the creation of lots, the installation of a submerged gravel wetland, and the installation of Road A, as well as the elimination of proposed impacts to two isolated wetlands and their associated buffers located on the northern property boundary.

### **Erosion and Sediment Control**

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland as designated by MDE that are afforded special protection under Maryland's anti-degradation policy. According to correspondence with the Prince George's Soil Conservation District (PGSCD), a 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams. The approved NRI and TCP1 reflect this buffer, which is regulated by PGSCD. PGSCD may require redundant erosion and sediment control measures for this site, as part of their review and approval process. No further information is required at this time regarding erosion and sediment control.

### **Soils**

The predominant soils found to occur on-site, according to the US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana-Downer complex (5-25 percent slopes), Christiana-Downer-Urban land complex (5-15 percent slopes), Downer-Hammonton complex (2-5 percent slopes), Elkton silt loam (0-2 percent slopes), Fallsington sand loams (0-2 percent slopes) Northern Coastal Plain, Russett-Christiana complex (2-5 percent slopes), Russett-Christiana-Urban land complex (0-5 percent slopes), Sassafras and loam (0-2 percent slopes) Northern Coastal Plain, Sassafras-Urban land complex (0-5 percent slopes), and Woodstown sandy loam (2-5 percent slopes) Northern Coastal Plain.

According to available information, no unsafe soils containing Marlboro clay exist on-site; however, unsafe soils containing Christiana complexes are mapped on this property. According to DPIE, when existing or proposed steep slopes exceed 20 percent on unsafe soils, government agencies should insist on submitting a full geotechnical report that includes a global stability analysis with the proposed (mitigated) 1.5 safety factor line (SFL) determined and shown on the plans submitted for County review and approval. The Site Road Division of DPIE should make this determination at the time of SWM concept review.

A detailed analysis and mitigation, if necessary, should be addressed with the approval of the SWM concept plan. Prior to signature approval of the PPS, the applicant shall demonstrate conformance with Section 24-131 of the Subdivision Regulations for unsafe soils, by submitting an approved SWM concept plan that clearly delineates the location of any associated 1.5 SFL, as well as any accompanying building restriction lines that are required by DPIE. The layout on the SWM concept plan must conform to the layout of the proposed DSP for this site. An amended SWM concept plan and slope stability analysis, which reflects the final layout, will be required.

- 14. Urban Design**—The PPS proposes single-family detached, single-family attached (townhouse), and quadruple-attached dwelling units. The proposed quadruple-attached dwelling units and the single-family detached are allowed in the R-18C Zone. However, the quadruple-attached units must follow the Townhouse (R-T) Zone regulations. The applicant should follow the townhouse development standards for the R-18C Zone for the attached dwelling units; the single-family attached lots shown on the PPS meet the minimum requirements.

Single-family detached and single-family attached dwellings are allowed in the O-S Zone, pursuant to Footnote 129 included in Prince George's County Council Bill CB-97-2018, which permits these uses in the O-S Zone under certain circumstances, applicable to this site, and is subject to DSP review. CB-60-2019 was approved on November 19, 2019 to expand Footnote 129, to allow a permit for rough grading to be issued after approval of the PPS and acceptance of a DSP and may impact this application.

Specifically, Footnote 129 is as follows:

**129 Permitted use, provided:**

- (A) The property is located within a character area that is the subject of a Minor Amendment to an area Sector Plan and Sectional Map Amendment approved on or after March 1, 2018;**
- (B) The property that is proposed for residential development, consisting of single-family detached and single-family attached residential dwelling units, will be located on lot(s) or parcel(s) with an aggregate acreage of not less than One Hundred Twenty (120) acres in size;**
- (C) Development regulations applicable to O-S Zone set forth within this Subtitle, including minimum lot sizes, coverage, frontage, setbacks, density, lot width, yards, building height, distance between townhouse groups and other requirements shall not apply to the development of single-family detached and single-family attached (townhouse) residential dwellings as authorized herein. Instead, the density regulations for the R-R Zone shall apply. All such other development regulations, including architectural review of proposed uses for development of the subject property, shall be as established and shown on a Detailed Site Plan approved in accordance with Part 3, Division 9 of this Subtitle;**
- (D) A preliminary plan of subdivision approval process shall apply to development authorized pursuant to this Section; and**
- (E) Notwithstanding Section 27-270 of this Subtitle, a permit for rough grading may be issued by the Department of Permitting, Inspections, and Enforcement after the adoption of a Resolution of approval for the preliminary plan of subdivision and acceptance of a Detailed Site Plan. The grading shall be limited**

**to utilities, streets and the approved limits of disturbance for rough grading purposes as shown on the approved preliminary plan of subdivision.**

Conformance with the footnotes is required for the proposed development in the O-S Zone, at the time of DSP review. In addition, the proposed development will need to show conformance with other applicable requirements in the Zoning Ordinance, including but not limited to the following:

- Section 27-437, Requirements in the R-18C Zone;
- Section 27-441, Uses permitted in all residential zones;
- Section 27-442, Regarding the bulk regulations in the R-18C Zone;
- Parts 11 and 12 of the Zoning Ordinance, regarding parking and signage, respectively.

It is noted that DSP review is not required for single-family detached lots in the R-18C Zone. However, given the unified development proposal and the zoning line, which bisects the lotting pattern proposed, the DSP should include all lots in the O-S and R-18C zones proposed with this PPS.

#### **Conformance with the 2010 Prince George's County Landscape Manual**

The proposed development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, Section 4.1, Residential Requirements; 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, are applicable to this development. Conformance with the requirements of the Landscape Manual will be evaluated in future.

An Historic Site (70-025), Prospect Hill and Outbuildings, is located in the middle of the site. The site is located in the developing tier, and a Type E bufferyard is required between the proposed development and the historic setting boundary of this historic site. A Type E bufferyard requires a minimum 60-foot building setback and a minimum landscaped yard width of 50 feet along the entire setting boundary, adjacent to the proposed development. Adequate spacing has been provided and a bufferyard is shown around the historic setting to allow for the required bufferyard width, which will be further evaluated with the future DSP.

#### **Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. Properties zoned R-18C are required to provide a minimum 15 percent of gross tract area to be covered by tree canopy. The subject site includes 10.05 acres in the R-18C Zone and therefore requires 1.50 acres of tree canopy coverage. Properties zoned O-S are normally exempt from the requirements of the Tree Canopy Coverage Ordinance. Compliance with tree canopy coverage requirements will be further evaluated in future review.

### **Other Issues**

A number of single-family detached homes are located within the primary management area. Specifically, Lots 3, 4, 5, 6, 31, 32, 33, 34, and 35, in Block F, which should be relocated outside the PMA.

## **RECOMMENDATION**

**APPROVAL**, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Adjust the rear lot line of Lots 3 and 23 of Block D on sheet 5 to avoid unusual hitches in their rear lot lines abutting the primary management area. The rear lot lines should be straight, consistent with abutting lots.
  - b. Provide the minimum lot standards for the quadruple-attached units, in accordance with the townhouse standards for the Townhouse Zone and revise the lots to comply with the minimum standards.
  - c. Delete Lots 1 and 2, Block C to protect the viewshed of the Prospect Hill Historic Site (70-025).
  - d. Provide the density calculation based on the net tract area in General Note 14.
2. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities, in accordance with the standards outlined in the Prince George's County Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Planning Department for adequacy and property siting with the submittal of the detailed site plan.
3. Prior to a submission of a final plat, the applicant and the applicant's heirs, successors, and assignees shall submit three original, executed recreational facilities agreements (RFAs) to the Development Review Division (DRD) for review and approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, with the recording reference noted on the final plat, prior to recordation.
4. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on-site, prior to issuance of building permits.
5. In conformance with the 2006 *Approved Sector Plan and Sectional Map Amendment for East Glenn Dale Area (Portions of Planning Area 70)* the applicant, and the applicant's heirs, successors, and/or assignees shall provide a side path or wide sidewalks along the entire frontage of Hillmeade Road and Prospect Hill Road, unless modified by the Prince George's County Department of Public Works and Transportation and the Prince George's County

Department of Permitting, Inspections and Enforcement with written correspondence, prior to issuance of the building permit.

6. Prior to issuance of building permits, the applicant, the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Public Works and Transportation for the placement of bikeway signs along Hillmeade and Prospect Hill Roads. A note shall be placed on the final plat for payment to be received, prior to issuance of the first building permit.
7. Total development within the subject property shall be limited to uses that would generate no more than 201 AM and 238 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
8. Prior to approval, the final plat of subdivision shall include:
  - a. The granting of public utility easements along all public rights-of-way, in accordance with the approved preliminary plan of subdivision.
  - b. Right-of-way dedication 40 feet from the centerline of Hillmeade Road and 40 feet from the centerline of Prospect Hill Road.
  - c. Any required building restriction lines associated with unsafe land, unless Prince George's County Department of Permitting, Inspections and Enforcement approves proposed mitigation that eliminates the need for a building restriction line.
9. Prior to issuance of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency for the construction of:

MD 193 and MD 564  
Construction of a second left-turn lane along northbound MD 564 and southbound MD 564.
10. Prior to approval of any grading permit, the applicant shall provide measured drawings and detailed photographs of the spring house located on the subject property located south of the Prospect Hill Historic Site (70-025).
11. Lots 4, 5, 6, and 17 and shall be reviewed at the time of detailed site plan for architecture, materials, landscaping and lighting to ensure that the visual impacts of this new construction is mitigated when viewed from the nearby Prospect Hill Historic Site (70-025).
12. Prior to approval of a detailed site plan, the Historic Preservation Commission shall review proposed landscape buffering, lighting, architecture and materials, and other details in the vicinity of the historic site to mitigate potential adverse effects on the views to and from the Prospect Hill Historic Site (70-025).

13. Prior to signature approval of the preliminary plan of subdivision, all plans shall be revised to eliminate the portion of proposed regulated environmental features Impact 4 associated with the creation of lots, the installation of a submerged gravel wetland, and the installation of Road A, as well as the elimination of proposed impacts to two isolated wetlands and their associated buffers located on the northern property boundary. The alignment of Public Road A shall be modified to avoid regulated environmental feature impacts. Modification to the layout shall be reviewed and approved by the Development Review Division, as designee of the Prince George's County Planning Board.
14. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised to meet all the requirements of Subtitle 25 of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. Required revisions include but are not limited to:
  - a. Revise the TCP1 to save Specimen Trees 122-124, 243, 246-250, 254-255, 229-233, 237-239, 217-218, and 220-221 by revising the limits of disturbance as appropriate to preserve a minimum of two-thirds of each tree's critical root zone.
  - b. Revise the Specimen Tree Table, as follows:
    - (1) Add a column entitled "Disposition," and indicate which trees will remain and which will be removed from the site.
    - (2) Indicate that Specimen Trees 122-124, 243, 246-250, 254-255, 229-233, 237-239, 217-218, and 220-221 will be saved.
    - (3) Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

"NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed)."
  - c. Label all off-site clearing with its acreage on the plan and account for it in the TCP worksheet. This includes, but is not limited to, clearing and grading associated with the removal of off-site specimen trees.
  - d. Show all areas of proposed easements that are to remain, or are proposed to be created, (with the exception of surface drainage easements) that overlap existing woodlands to remain, as being woodland retained counted as cleared on the plan, not as woodland preservation.
  - e. Ensure all specimen tree labels are unobscured by overlapping text.

- f. All landscape areas credited for woodland preservation requirements must meet the minimum 35-foot-width requirement and be a minimum of 5,000 square feet. All areas sought for landscape credit that are larger than 10,000 square feet and 50 feet wide must be shown as afforestation or reforestation.
  - g. Remove all proposed landscaping and afforestation from within all wetland buffers associated with existing fringe wetlands located around existing Irrigation Ponds 1 and 2.
  - h. Redesign Submerged Gravel Wetland 1 so it avoids impacting any isolated wetlands and associated buffers.
  - i. Remove Lots 3–6 and 31–35, Block F from the existing primary management area, as well as any associated grading.
  - j. Remove all portions of Public Road A from the existing primary management area, as well as any associated grading.
  - k. Remove Lots 12–14, Block G and any associated grading from any isolated wetlands and their associated buffers.
  - l. The TCP1 must differentiate between which trees are counting towards critical root zone credit and which trees are not. Credit cannot be given to specimen trees already being counted within forest conservation areas.
  - m. Revise all reforestation and woodland preservation areas to meet the minimum size requirements.
  - n. Remove all landscape areas credited for woodland preservation requirements from within any easements.
  - o. Add the TCP number to the approval block (TCP1-016-2019) on each sheet of the TCP1.
  - p. Update the TCP worksheet as necessary once the above changes have been made.
  - q. Have the qualified professional sign and date the TCP worksheet, as required.
  - r. Show all stormwater management structures.
15. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

16. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts, and shall be reviewed by the Environmental Planning section, prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
17. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-016-2019). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-016-2019 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the WCO. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department."
18. Prior to signature approval of the preliminary plan of subdivision, an approved stormwater concept plan shall be submitted and demonstrate whether unsafe soils are present on-site. If present, the detailed site plan must clearly delineate the location of any associated safety factor lines, as well as any accompanying building restriction lines that are required by the Prince George's County Department of Permitting, Inspections and Enforcement.
19. Prior to approval of a final plat, the applicant, the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
20. The applicant shall allocate appropriate and developable areas for the private recreational facilities within the residential development. The private recreational facilities shall be evaluated by the Urban Design Review Section of the Development Review Division for adequacy and proper siting during its consideration of the detailed site plan.
21. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
  - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division, Upper Marlboro.

- b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
- c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that is consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
- d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls.
- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-19005
- Approval of Tree Conservation Plan TCP1-016-2019
- Approval of a Variance to Section 25-122-(b)(1)(G) for 154 Specimen Trees