



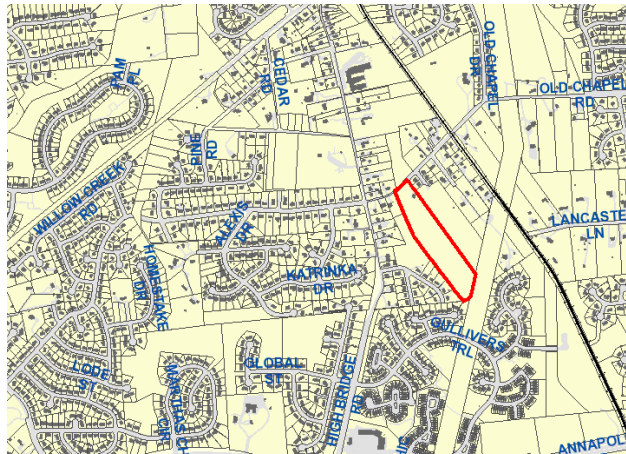
The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision Ridges at Old Chapel

4-20035

REQUEST	STAFF RECOMMENDATION
A conservation subdivision for 16 lots and 3 parcels for development of 16 single-family detached dwellings. This preliminary plan of subdivision was continued from the Planning Board hearing date of December 2, 2021.	DISAPPROVAL
Variance from Section 25-122(b)(1)(G)	DISAPPROVAL

Location: On the south side of Old Chapel Road, approximately 400 feet east of its intersection with High Bridge Road.		
Gross Acreage:	12.67	
Zone:	R-R	
Gross Floor Area:	N/A	
Dwelling Units:	16	
Lots:	16	
Parcels:	3	
Planning Area:	71A	
Council District:	04	
Election District:	14	
Municipality:	None	
200-Scale Base Map:	209NE12	
Applicant/Address: Maryland Fine Homes, LLC 2077 Somerville Road, Suite 206 Annapolis, MD 21401		
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.DiazCampbell@ppd.mncppc.org		

Planning Board Date:	02/10/2022
Planning Board Action Limit:	02/26/2022
Mandatory Action Timeframe:	140 days
Staff Report Date:	01/21/2022
Date Accepted:	09/24/2021
Informational Mailing:	04/21/2020
Acceptance Mailing:	09/21/2021
Sign Posting Deadline:	11/02/2021

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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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 4-20035
Type 1 Tree Conservation Plan TCP1-017-2021
Ridges at Old Chapel

OVERVIEW

The subject site is located on the south side of Old Chapel Road approximately 400 feet east of its intersection with High Bridge Road. The property consists of one acreage parcel known as Parcel 117, recorded in the Prince George's County Land Records in Liber 42456 folio 506, and is addressed as 13513 Old Chapel Road. The 12.67-acre property is located in the Rural Residential (R-R) Zone and is subject to the *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* (master plan). The subject site is currently improved with one single-family detached dwelling, which is proposed to be razed to make way for new development.

This application is for a conservation subdivision, pursuant to Section 24-152 of the Prince George's County Subdivision Regulations. The applicant proposes to subdivide the property into 3 conservation parcels and 16 single-family detached lots with a minimum size of 10,000 square feet each. The conservation parcels are proposed be conveyed to a homeowners association (HOA) and maintained as open space. Conservation subdivision easements to the benefit of the Maryland-National Capital Park and Planning Commission (M-NCPPC) are proposed be recorded over parts of the three parcels. There are no previous preliminary plans of subdivision (PPS) applying to the site, and so a PPS is required to permit the division of land for the development proposed, in accordance with Section 24-107 of the Subdivision Regulations.

The site includes environmental features which are recommended for conservation, as described in the technical staff report of the Sketch Plan S-19001 completed for the project. In the northern half of the site, the environmental features include woodlands containing wetland, steep slopes, and specimen trees. In the southern half of the site, the environmental features include specimen trees outside the primary management area (PMA) and steep slopes on the southern and southwestern property boundary. The submitted PPS shows all of the previously identified features in the northern half of the site for conservation, but only some of the recommended features in the southern half of the site. Analysis of the site's environmental features, and analysis of the requirements of a conservation subdivision, are given in the Environmental and Conservation Subdivision Criteria for Approval findings of this technical staff report.

The applicant also filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, in order to allow removal of 11 specimen trees. This request is discussed further in the Environmental finding of this technical staff report.

Staff recommends **disapproval** of the PPS, and consequently, the companion variance because the subdivision does not meet the required findings needed for approval of a conservation subdivision contained in Section 24-152 as further detailed in Finding 15 (Conservation Subdivision Criteria for Approval, pages 30–38) of this technical staff report. More specifically, the proposed conservation subdivision does not achieve a clearly superior development pattern than a conventional subdivision, does not include a variety of lot sizes and widths, and does not conserve open space networks based on the priority preservation areas identified with the sketch plan and results in fragmentation of contiguous conservation areas.

This PPS was previously heard by the Planning Board on December 2, 2021. Between the prior hearing and the time of this writing, the applicant did not submit revised plans for the project. Therefore, the plans retain the issues which are listed above and described in detail in this technical staff report. The staff recommendation remains for disapproval. Additional information is given in Finding 16 of this staff report (Correspondence with Applicant following December 2, 2021 Hearing, pages 38–39).

SETTING

The subject site is located on Tax Map 37 in Grids C-3, C-4, and D-4, and is within Planning Area 71A. The property is primarily bounded by R-R-zoned properties developed with single-family detached dwellings, in accordance with conventional R-R zoning standards. A Potomac Electric Power Company (PEPCO) public utility right-of-way is located to the southeast, abutting the rear boundary line of the subject property; this right-of-way is improved with overhead utility lines. To the southwest, the Highbridge Subdivision, zoned Residential Suburban Development (R-S) abuts the property.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zones	R-R	R-R
Use(s)	Residential	Residential Conservation Subdivision
Acreage	12.67	12.67
Parcels	1	3
Lots	0	16
Dwelling Units	1	16
Variance	No	Yes Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on October 15, 2021.

2. **Previous Approvals**—S-19001 was certified as complete by the Planning Director on July 28, 2020, which is required, in accordance with Section 24-152(f), as a prerequisite to the acceptance of this PPS application.

The sketch plan, which was submitted by the applicant, proposed preservation of environmental features only in the northern half of the site. Additional environmental features, which should be preserved, located in the southern half, were identified by staff during review of the sketch plan. These additional features are described in the sketch plan's technical staff report (completion certificate) dated July 28, 2020. The applicant stated they did not believe it was possible to preserve all the additional environmental features identified by staff, and so the submitted PPS incompletely addresses the recommendations of the completion certificate. These recommendations are further discussed in the Environmental and Conservation Subdivision Criteria for Approval findings of this technical staff report, and form much of the basis for the recommendation of disapproval of this PPS.

3. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

General Plan

This application is located within the Established Communities growth policy area designated in Plan 2035. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development.

Master Plan

The master plan recommends residential-low land uses on the subject property. The sectional map amendment of the master plan retained the subject property in the R-R Zone.

Staff finds that the proposed PPS conforms to the land use recommendations of the master plan, pursuant to Section 24-121(a)(5) of the Subdivision Regulations.

4. **Stormwater Management**—An unapproved Stormwater Management (SWM) Concept Plan (1574-2020) has been submitted, which shows the use of two submerged gravel wetland structures on proposed Conservation Parcel 1 and six disconnection of rooftop runoff areas. If this PPS application is approved, an approved SWM concept plan will be required as part of the application, prior to signature approval of the PPS and Type 1 tree conservation plan (TCP1). No further information is required at this time regarding SWM.

Development of the site shall conform with the SWM concept plan (once approved) and any subsequent revisions, to ensure no on-site or downstream flooding occurs.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the *Land Preservation, Parks and Recreation Plan for Prince George's County*, the *Formula 2040 Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreational facilities.

Nearby parks include High Bridge Park, located approximately 700 feet west of this property on High Bridge Road; this park provides a football/soccer field, tennis courts, a basketball court, a playground, grill and picnic facilities, and a pavilion. Old Chapel Park is

located 0.46 mile to the northwest, and the Washington, Baltimore and Annapolis Trail is located approximately 0.63 mile to the northwest.

The master plan indicates that the subregion contains approximately 3,727 acres of park land, with approximately 2,145 acres within the regional park grouping. The plan provides goals and strategies for the acquisition of land and the development of parks, stipulating that where mandatory dedication is not practical or feasible, developer contributions of a fee-in-lieu can fund needed recreational amenities within the master plan area.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations provides for the dedication of land, on-site recreational facilities, or the payment of a fee-in-lieu. Based on the proposed density of development, 5 percent of the net residential lot area, or approximately 0.54 acre, could be required to be dedicated to M-NCPPC for public parks. The General Notes on the PPS indicate that the applicant proposes to provide a fee-in-lieu. Staff has reviewed this proposal and concurs that a fee-in-lieu would best serve the needs of future residents, based on the limited opportunities for land dedication or recreational facilities on-site. The fee collected could be applied toward acquisition of land or improvements to existing parks in Park Service Area 3.

Proposed Conservation Subdivision Easements

Section 24-152 provides the requirements of a conservation subdivision, the purpose of which is:

“...to protect the character of land through the permanent preservation of farmland, woodland, sensitive natural features, scenic and historic landscapes, vistas, and unique features of the site in keeping with the General Plan and Countywide Green Infrastructure Plan. The standards in this Section provide for lots, open space and internal street designs that conserve woodlands, farmland, farm structures, historic structures, and the scenic and unique character of development sites.”

Section 24-152(n) provides that conservation areas shall be owned and controlled by an individual, an HOA, public or private organization, land trust, or corporation. A conservation subdivision easement shall then be recorded in the land records to ensure responsibility for the maintenance and continued protection of the conservation areas. Specific requirements for the easement agreement are then stipulated in Section 24-152(o), including that there shall be an additional party to the easement, and that the additional party may be a local government agency, but only upon demonstration by the applicant that all reasonable efforts to obtain an agreement with a private nonprofit organization have been exhausted.

The applicant provided a draft deed of conservation easement which would grant three conservation subdivision easements to M-NCPPC; however, no material submitted by the applicant includes discussion of conformance with the requirements of Section 24-152 mentioned above, nor is there anything demonstrating that the applicant has exhausted all reasonable efforts to obtain an agreement with a private nonprofit organization before seeking a local government agency as the additional party. The applicant was informed of these deficiencies at the time of the SDRC meeting on October 15, 2021, and was provided the 2021 Maryland Land Trust Directory, which lists available trusts throughout Maryland. Plan revisions were received on October 25, 2021, and these included a draft deed of

conservation easement still granting the conservation subdivision easements to M-NCPPC. The revised plan set did not include any discussion regarding the easements.

Specialized natural resources staff within the Prince George's County Department of Parks and Recreation are responsible for periodic inspections and monitoring of conservation subdivision easements, and the staff available to perform these functions is very limited. The proposed conservation subdivision easements proposed with this PPS are small and fragmented, and not contiguous to other M-NCPPC easements or parkland tracts. The dedication of these easements to M-NCPPC would not be supported by the M-NCPPC work program. Based on these factors and no demonstration by the applicant that an exhaustive search for other stewards was conducted, staff finds that the proposed easements are not suitable for stewardship by M-NCPPC. Staff finds the lack of identification of a private nonprofit organization established to promote the preservation and protection of natural resources may also be an indicator that the property is not suitable for a conservation subdivision. M-NCPPC should be removed from consideration for being the additional party to the conservation subdivision easements and the consent of a private nonprofit organization shall be required, in order to proceed with final plat of a conservation of subdivision for this site.

6. **Bicycle/Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation recommendations.

Review of Proposed On-Site Improvements

The PPS includes 5-foot-wide sidewalk along the entire north side of proposed Lochlann Lane, and along the south side of Lochlann Lane within the area of the site proposed to be developed with dwellings. Five-foot-wide sidewalk is also depicted along the property frontage of Old Chapel Road.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential areas and connected to the residential development on its east side via a portion of sidewalk along the south side of Old Chapel Road. The proposed sidewalk would add further connection to the adjacent subdivision.

Review of Master Plan of Transportation Compliance

One master plan trail facility impacts the subject site: a shared roadway facility along Old Chapel Road. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding 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.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

The subject application proposes a sidewalk along the entirety of the north side of proposed Lochlann Lane, and along both sides of the road where there are proposed dwelling units. The proposed pedestrian facility minimizes the environmental impacts associated with the subject application while fulfilling the intent of MPOT Policy 1. The sidewalk along the frontage of Old Chapel Road fulfills the intent of Policy 2.

The subject site fronts on Old Chapel Road, which is a master plan shared roadway. Notwithstanding the recommendation of disapproval in this case, staff would recommend the applicant provide a shared roadway lane marking (sharrow) and a “Share the Road with a Bike” bikeway sign along the property frontage on Old Chapel Road. These improvements would fulfill the intent of Policies 2 and 4. Staff finds that these facilities would encourage connectivity while having minimal impact on the site’s features, pursuant to Section 24-152(b) and the purpose of a conservation subdivision. The proposed and potential pedestrian and bicycle facilities, along with additional facilities identified below, are appropriate and convenient to serve pedestrians, bicyclists, and motorists.

Review of Area Master Plan Compliance

The master plan recommends a dual bikeway facility along Old Chapel Road (master plan, page 50). A dual bikeway facility includes either a wide sidewalk or sidepath for pedestrians and recreational cyclists, and wide curb lanes, bike lanes or shoulders for on-road cyclists. The MPOT refined this recommendation to sidewalks and an on-road bicycle facility. The area master plan also includes the following policies related to pedestrian and bicycle transportation (master plan, page 52):

Policy 2: Incorporate appropriate pedestrian-oriented development (POD) features in all new development and improve pedestrian safety in existing development.

Based on this policy, continental-style crosswalks, an appropriate pedestrian feature, should be provided at Lochlann Lane’s intersection with Old Chapel Road, and where the sidewalk along both sides of the internal roadway begin, to enhance the safety of the facilities.

Based on the findings above, and requirements and criteria in Subtitle 24, staff finds that the proposed pedestrian and bicycle facilities would conform to the MPOT and the master plan if the following additional facilities were to be provided:

- a. Continental style crosswalks crossing Lochlann Lane at Old Chapel Road and where the sidewalk begins along both sides of the internal roadway.
- b. Shared roadway (sharrows) pavement markings and shared roadway signage along property frontage of Old Chapel Road, unless modified by the operating agency with written correspondence.

7. **Transportation**—Transportation-related findings for adequacy are made for this application, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout. Access to the development is proposed by means of Old Chapel Road, an existing public collector roadway.

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 D, with signalized intersections operating at a critical lane volume 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 critical lane volume 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 critical lane volume is computed.

Analysis of Traffic Impacts

The application is a PPS that includes residential use. The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” (Guidelines). The table below summarizes trip generation in each peak-hour that is used in reviewing traffic for the site:

Trip Generation Summary: 4-20035: Ridges at Old Chapel								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Single-Family Detached	16	Units	2	10	12	9	5	14
Recommended Trip Cap					12			14

The traffic generated by the proposed PPS would impact the following intersection in the transportation system:

- Highbridge Road and Old Chapel Road (unsignalized)

The following tables represent results of the analyses of the critical intersection under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Highbridge Road and Old Chapel Road	7.9*	12.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The critical intersection identified above is not programmed for improvement with 100 percent construction funding within the next 6 years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. No background traffic developments, as defined by approved but unbuilt developments with valid PPS, final plats, or special exceptions, which would impact the critical intersection have been found. A 1 percent annual growth rate for a period of 6 years has been assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Highbridge Road and Old Chapel Road	8.0*	12.9*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The critical intersection identified above, when analyzed with the total future traffic as developed using the Guidelines including the site trip generation as described above, operates as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Highbridge Road and Old Chapel Road	8.0*	13.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

It is found that the critical intersection operates acceptably under total traffic in both peak hours.

Master Plan Roads and Site Access

Old Chapel Road is a master plan collector roadway with a proposed width of 80 feet. Adequate right-of-way dedication for this roadway has been shown on the plans.

Access and circulation are via Lochlann Lane, a proposed public street which would connect to Old Chapel Road. As shown on the plans, the street would provide acceptable access to every lot and parcel except proposed Parcel 3. Access to Parcel 3 is instead proposed via a 15-foot-wide access easement over Lots 7 and 8 leading from the cul-de-sac at the end of Lochlann Lane. This access easement is not acceptable because it reduces the useable area of Lots 7 and 8 to below 10,000 square feet. However, if Parcel 1 were to be extended to connect with Parcel 3, so that the two became one parcel, as was recommended with the sketch plan, this access easement would no longer be needed. Such a merger would be needed in order to ensure the conservation parcels on-site are not fragmented, as required by Section 24-152(g)(2)(D).

Based on the preceding findings, and notwithstanding the recommendation of disapproval, adequate transportation facilities will exist to serve the proposed subdivision, as required in accordance with Section 24-124 of the Subdivision Regulations, if the proposed right-of-way dedication is provided, and if a trip cap (12 AM and 14 PM peak-hour vehicle trips) is imposed consistent with the trip generation for the site.

8. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, as well as Prince George's County Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Facilities Regulations for Schools*. Per Section 24-122.02(a)(2) the subdivision is considered adequate when the future student enrollment does not exceed 105 percent of the state rated capacity. The subject property is located within Cluster 4, as identified in the *Pupil Yield Factors & Public-School Clusters* 2020 Update. Staff has conducted an analysis and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Single-Family Detached (SF) Dwelling Units	16	16	16
Pupil Yield Factor (PYF) – SF	0.158	0.098	0.127
SF x PYF = Future Subdivision Enrollment	3	2	2
Adjusted Student Enrollment 9/30/19	12,927	9,220	7,782
Total Future Student Enrollment	12,930	9,222	7,784
State Rated Capacity	15,769	9,763	8,829
Percent Capacity	82	94	88

Per Section 24-114.01, School Planning Capacity Analysis, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities; however, any demonstrated need does not affect approval of a subdivision.

Section 10-192.01 of the Prince George's County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provisions of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between (Capital Beltway) and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$17,451 per dwelling for all other buildings. This project is located outside I-95/I-495; thus, the surcharge fee is \$17,451. This fee is to be paid to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), at 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 October 8, 2021 (Perry to Diaz-Campbell), provided in the backup of this technical staff report and incorporated by reference herein.
10. **Use Conversion**—The total development proposed in this PPS is 16 single-family detached dwellings in the R-R Zone. If a substantial revision to the mix of uses on the subject property is proposed, including any nonresidential development, that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.
11. **Public Utility Easement**—In accordance with Section 24-122(a), when utility easements are required by a public 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. The subject site abuts Old Chapel Road to the north, and the PPS shows the required PUE along this road. An internal public street, Lochlann Lane, is proposed for the subdivision, and the PPS also shows the required PUEs along this street.

12. **Historic**—The subject property was part of a large plantation owned by the Isaac family from the eighteenth through nineteenth centuries. Richard W. Isaac was the owner of the subject property from the early nineteenth century until his death in 1859. He was buried in the Isaac Family Cemetery, which is located to the east of the subject property and near MD 197. The Isaac Family held a number of enslaved laborers on their large plantation. A search of historic maps and aerial photographs indicate that the subject property was located on the western edge of the Isaac plantation and was possibly used as a woodlot. A dirt road is shown running along the east side of the subject property in the 1938 aerial photographs that may have been an access road from the Isaac residence to the woodlot and Old Chapel Road.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any designated Prince George's County historic sites or resources.

13. **Environmental**—The subject PPS and TCP1 were accepted on September 24, 2021. Comments were provided in an SDRC meeting on October 15, 2021. Revised information was received on October 25, 2021.

The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
NA	TCP2-004-03 (Timber Harvest)	Staff	Approved	1/20/2003	NA
NA	NRI-151-2017	Staff	Approved	3/6/2020	NA
S-19001	NA	Planning Director	Certified	7/28/2020	NA
4-20035	TCP1-017-2021	Planning Board	Pending	Pending	Pending

A Type 2 tree conservation plan (TCP2) was issued for a timber harvest on January 30, 2003, to resolve an on-site clearing violation. A Natural Resources Inventory (NRI) was approved on March 6, 2020. S-19001, including an associated plan labeled as a Woodland and Wildlife Habitat Conservation concept plan were reviewed, and the plan was certified as complete with findings by the Planning Director on July 28, 2020.

Proposed Activity

The current application is a PPS for a conservation subdivision of 16 lots and three conservation parcels, for development of 16 single-family detached dwellings on a 12.67-acre site in the R-R Zone. It should be noted that this site is in the Developing Tier, and in the Developing Tier a conservation subdivision is an optional development method.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010, because the application is for a new PPS.

MASTER PLAN CONFORMANCE

Plan 2035

The site is in Environmental Strategy Area 2 (formerly the Developing Tier) as designated by Plan 2035's Regulated Environmental Protection Areas Map. It is also within the Established Communities, as designated by Plan 2035's Growth Policy Map.

Master Plan

The following policies and strategies from the master plan regarding natural resources preservation, protection, and restoration are applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Environmental Infrastructure Section

Policy 1: Protect preserve and enhance the identified green infrastructure network to identify opportunities for environmental preservation and restoration during the development review process.

Strategies:

- 1. Use designated green infrastructure network to identify opportunities for environmental preservation and restoration during the development review process.**

Conformance with the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan) and the 2017 *Prince George's Resource Conservation Plan* (Resource Conservation Plan) is discussed in the Countywide Green Infrastructure Plan section below.

- 2. Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch) to restore and enhance environmental features and habitat.**

No primary or secondary corridors are located on or near the site.

- 3. Carefully evaluate land development proposals in the vicinity of identified Special Conservation Areas (SCA) (the Beltsville Agricultural Research Center to the north, along with the Patuxent Research Refuge; Belt Woods in the western portion of the master plan area; and the Patuxent River) to ensure that the SCAs are not impacted and that connections are either maintained or restored.**

This site is not located in the vicinity of any identified special conservation area.

- 4. Target public land acquisition programs within the designated green infrastructure network in order to preserve, enhance or restore essential features and special habitat areas.**

While the applicant has proposed conservation subdivision easements, which they wish to grant to M-NCPPC, staff found that M-NCPPC is not an appropriate steward of the easements, as discussed in the Parks and Recreation finding of this technical staff report. No other public ownership is proposed for this site.

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

Strategies:

- 1. Implement the strategies contained in the Western Branch Watershed Restoration Action Strategy (WRAS).**
- 2. Add identified mitigation strategies from the Western Branch WRAS to the countywide database of mitigation sites.**
- 3. Encourage the location of necessary off-site mitigation for wetlands, streams, and woodlands within sites identified in the Western Branch WRAS and within sensitive areas that are not currently wooded.**

Most of this site is mapped outside of the Western Branch Watershed Restoration Action Strategy (WRAS) area, apart from a small area of steep slopes that drains to the southwest corner of the site proposed to be retained in conservation Parcel 3. The applicant is encouraged to implement any WRAS strategies within this area of the site.

- 4. Ensure the use of low impact-development techniques to the extent possible during the development process.**

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 fully considered with the site's final design if possible.

The unapproved SWM concept plan (1574-2020), currently under review by DPIE, proposes to implement two separate SWM systems that utilize a combination of submerged gravel wetlands and the disconnection of rooftop runoff.

- 5. During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.**

According to the approved NRI-151-2017, one stream will be directly impacted for construction of a road that is necessary to access the site. In addition, the stream buffer will be impacted for construction of a stormwater outfall associated with a proposed submerged gravel wetland located to the north of proposed Lot 1. The unapproved SWM concept plan shows the stormwater to be treated on-site, with two proposed gravel wetland facilities and six disconnections of rooftop runoff.

6. **Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**

The use of native species for on-site planting is encouraged to reduce water consumption and the need for fertilizers or chemical applications.

7. **Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.**

Standalone parking areas are not proposed on the plan. Impervious materials should be utilized for driveways and sidewalks to the furthest extent practical.

8. **Reduce the area of impervious surfaces during redevelopment projects.**

This project will lead to additional impervious surfaces for the creation of a proposed road and single-family houses on-site.

Policy 3: Protect and enhance tree cover with the master plan area.

Strategies:

1. **Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.**
2. **Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**
3. **Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**
4. **Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

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 requires a grading permit. Properties zoned R-R are required to provide a minimum 15 percent of the gross tract area to be covered by tree canopy. The subject site is 12.67 acres and therefore requires 1.90 acres of tree canopy coverage (TCC). Conformance with this requirement would be addressed at time of permit review.

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

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- 2. Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of green building techniques and energy conservation techniques should be used, as appropriate. The use of alternative energy sources is encouraged.

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

Strategies:

- 1. Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations, and car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**
- 2. Require the use of full cut-off optic light fixtures for all proposed uses.**
- 3. Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

The use of alternative lighting technologies is encouraged so that light intrusion onto surrounding residential uses is limited. Use of lights should be minimized in proximity of the proposed conservation parcels, with lighting directed away from the PMA. The use of full cut-off optic light fixtures is specified for all streetlights on the street tree and lighting plan included with this application. Additional full cut-off optic lights should be used to the fullest extent practical for any proposed house architecture.

Policy 6: Reduce adverse noise impacts to meet State of Maryland Noise Standards.

The site is not in proximity to any sources of adverse noise impacts which would need mitigation.

Policy 7: Protect wellhead areas of public wells.

Strategies:

1. **Retain land uses that currently exist within the wellhead areas of existing public wells.**
2. **Continue monitoring water quality.**
3. **Consider the development of alternative public water provision strategies, such as public water connections, to eventually eliminate public wells.**

The applicant should contact the Maryland Department of Environment's Wellhead Protection program to determine if this site is within a wellhead protection area.

Countywide Green Infrastructure Plan

The site contains regulated and evaluation areas of the Green Infrastructure Plan. This area is comprised of a stream system with an extensive wetland network.

The Green Infrastructure Plan was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved plan, the site contains regulated areas, while the remainder of the site is an evaluation area.

The following policies and strategies 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**

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.**

This site is not mapped within an SCA.

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.

The entire site is mapped within the Horsepen Branch of the Patuxent River watershed. The southwestern corner of the site is also mapped within the WRAS area. Although proposed Conservation Parcel 3 will provide protection for the area within the WRAS on-site (which is also within an evaluation area of the green infrastructure network), this parcel is isolated. The fragmentation of Parcel 3 does not provide an ecosystem connection from the mowed meadow area of the PEPCO property to the south to the on-site regulated environmental features within the green infrastructure network, located on proposed Conservation Parcel 1. At the time of sketch plan, it was recommended that in order for the project to meet the goals of the conservation subdivision regulations, with the PPS, the area shown between proposed Parcels 1 and 3 in the south and west parts of the site should also be preserved within a conservation parcel or lot. The inclusion of this area in conservation a conservation parcel would protect Specimen Trees 17, 19, and 20–26 with their full critical root zones. This has not been accomplished with this PPS.

Apart from the area preserved in Parcel 3, the current proposed design does not go above and beyond preservation of the wetlands and stream areas that would normally be required to be preserved in a traditional subdivision. A habitat gap would be created with the implementation of this subdivision, as the connection between the northern and southern portions of the property and the PEPCO meadow right-of-way would be severed by the development area between proposed Conservation Parcels 1 and 3.

- 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 PPS indicates that the regulated system on-site will be fully preserved, apart from two areas of PMA impact for construction of a road to access the site and a stormwater outfall. The design results, however, in a large network gap between the regulated and evaluation areas of the green infrastructure network on-site. A TCP1 is required with this review, and it shows more than the minimum woodland conservation requirement will be met on-site as preservation and afforestation; however, most of the afforestation is in areas that are within the PMA that would otherwise be protected in a traditional subdivision; these areas would naturally regenerate over time.

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.**

The proposed stream crossing on-site is necessary for this development. However, it is unclear what type of culvert will be used under the proposed road on the plan. The final stormwater design should include an arched or bottomless culvert or bridge for the proposed road to cross the stream and wetland area.

- 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.**

There is a master-planned trail within the shared right-of-way of Old Chapel Road. No on-site pedestrian trail network through the conservation areas is proposed on this plan. Environmental impacts related to off-site trail connections will be minimized during the

alignment and construction of the trail, in accordance with subdivision and zoning requirements.

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.

Should the application proceed to final plat, separate, overlapping easements will be required for areas within the PMA that are proposed for retention, and areas proposed for conservation within the conservation parcels, as part of the conservation subdivision. The easement encumbering the PMA is known as the conservation easement, while the easements encumbering the areas of conservation parcels to be preserved are known as the conservation subdivision easements. On-site woodland conservation will also be required to be placed in a third, separate type of easement known as a woodland and wildlife habitat conservation easement, prior to approval of the TCP2.

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 Site/Road Plan Review Division of DPIE will review the project for conformance with the current provisions of the Prince George's County Code that address the state regulations. The TCP1 does prioritize afforestation within the PMA.

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.

According to the TCP1 submitted, the applicant is exceeding the woodland conservation requirement by 1.43 acres, for a total of 5.44 acres. As previously discussed, properties zoned R-R are required to provide a minimum 15 percent of the gross tract area to be covered by tree canopy, according to the Tree Canopy Coverage Ordinance. The subject site is 12.67 acres and therefore requires 1.90 acres of TCC. The amount of woodland preservation also exceeds the TCC requirement. Although the woodland conservation requirements are being met entirely on-site, with the exception of 0.43 acre within Conservation Parcel 3, the additional afforestation and woodland preservation are in areas that would normally be required to be preserved as part of a traditional subdivision layout and would naturally regenerate on their own because they are within the PMA. The proposal put forth makes it appear like significantly more area is being preserved than normally would be required; however, in terms of the site design only about 0.43 more acres are being provided than normal. This is evident when comparing the PPS with the conventional layout plan submitted by the applicant (see discussion in the Conservation Subdivision Criteria for Approval finding of this technical staff report). The 0.43 acre of additional woodland falls well short of the additional preservation area recommended at the time of sketch plan, as most of the specimen trees and critical root zones recommended for preservation are outside this area in parts of the site proposed to be developed. The 0.43 acre is also isolated from the rest of the conservation area, against the requirements of Section 24-152(g)(2)(D). Policy 7 would be better served if the sketch plan recommendations are met, and the requirements of Section 24-152 fulfilled. Should the project proceed to TCP2, the selection of species for afforestation and other planting specifications will be evaluated for conformance with the 2018 *Environmental Technical Manual* (ETM) and Subtitle 25.

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.**

Clearing of woodland is proposed with the subject application. Woodland conservation should be designed to minimize fragmentation and reinforce new forest edges. This plan however will remove potential forest interior dwelling species habitat and will create a disconnect between the frontage of the site with the rear of the site.

POLICY 12: Provide adequate protection and screening from noise and vibration.

12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.

The site is not in proximity to any sources of adverse noise impacts which would need mitigation.

ENVIRONMENTAL REVIEW

Natural Resources Inventory Plan/Existing Conditions

A signed NRI-151-2017 was submitted with the application. The site contains wetlands, streams, and associated buffers that comprise the PMA. There is no 100-year floodplain located on the subject site. The NRI indicates the presence of one forest stand labeled as Stand A, and 31 specimen trees identified on-site. The TCP1 and the PPS show most of the required information in conformance with the NRI. However, there is an area of wetlands associated with a regulated stream on the NRI that is not shown on the TCP1, the PPS, or the proposed SWM concept plan. Specifically, the stream and stream buffer have been removed from each of these plans, and as a result the PMA has been altered on all design plans for this area. This area is proposed to be impacted with the construction of the road and is located just to the north of proposed Lot 18. The applicant stated that this change occurred following a site visit with the Maryland Department of the Environment (MDE) and the U.S. Corps of Engineers, in which they determined a new delineation of the environmental features on-site. The PPS and TCP1 therefore show correct boundaries for the PMA and related features. The NRI, however, was not revised. Notwithstanding the recommendation of disapproval in this case, an NRI exhibit would be recommended to be submitted, prior to signature approval, showing the regulatory status of all streams and wetlands and showing the changes identified by MDE. A revised NRI must also be filed through the standard review and approval process, and it must be approved prior to approval of permits.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Aldephia-Holmdel complexes, Collington-Wist complexes, and Collington-Wist-Urban Land complexes. No unsafe soils containing Marlboro clay or Christiana complexes have been identified on or within the immediate vicinity of this property.

Erosion and Sediment Control

This site is entirely within a Tier II catchment area (Patuxent River 1 Catchment area). Tier II waters are high-quality waters within the State of Maryland, as designated by the MDE, which are afforded special protection under Maryland's Anti-degradation policy.

These buffers are not part of the PMA. The Tier II buffers were not shown on the NRI. Per Part B, Section 3.5.3 of the ETM, the location of all Tier II Watershed Expanded Buffers must be shown as required. The NRI and TCP1 must be updated to show the appropriate expanded buffers.

Woodland Conservation

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the ETM because the application is for a new PPS. TCP1-017-2021 has been submitted with the subject application and would require revisions in order to be found in conformance with the WCO.

According to the TCP1, the woodland conservation threshold for this 12.67-acre property is 20 percent of the net tract area, or 2.52 acres. The total woodland conservation requirement based on the amount of clearing proposed is 4.01 acres. The woodland conservation requirement is proposed to be satisfied with 3.78 acres of on-site preservation and 1.66 acres of on-site afforestation, totaling 5.44 acres of woodland conservation, or 42 percent of the gross tract area.

Although the 5.44 acres of on-site woodland conservation proposed are more than the 4.01-acres required, most of this area would have been required to be placed into a conservation easement under a traditional subdivision layout, and would naturally regenerate, as it is within the PMA. When comparing the submitted conventional layout plan with the conservation subdivision layout, the two plans are virtually identical except for Parcel 3. Staff would not support proposed Lots 1 and 2 on the conventional layout plan, as they are almost entirely within the stream buffer and PMA.

At the time of sketch plan review, staff made the finding that the site would be appropriate for use of an environmental conservation subdivision, pursuant to Section 24-152 if several adjustments were made to the plan at the time of PPS. The first recommended adjustment was to preserve the area of steep slopes and Specimen Trees 17, 19, and 20–26, in the south and west part of the site, with their full critical root zones, within a conservation parcel or lot. The PPS and TCP1 do not fully preserve the areas recommended with the sketch plan. If those trees and additional areas of steep slopes were preserved, proposed Lots 1–9 would need to be reconfigured or removed. Therefore, even though the woodland conservation requirement is shown as satisfied, staff cannot support the TCP1 as proposed, and finds that the proposed lotting pattern does not satisfy the goals of an environmental conservation subdivision.

Preservation of Regulated Environmental Features

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include wetlands, streams, and their associated buffers comprising the PMA located adjacent to the Horsepen Branch of the Patuxent River.

Section 24-130(b)(5) states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual, established by Subtitle 25. Any

lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to the regulated environmental features should be limited to those that are necessary for 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 outfall at a point 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.

Analysis of Impacts

A revised statement of justification (SOJ) with three impact exhibits was received on October 25, 2021. The applicant proposes to impact three areas of PMA for construction of an access road to the site. Although the applicant also requests impacts for multiple stormdrain structures, they are not detailed on the exhibits, but are shown on the TCP1 plan. According to the summary table included in the SOJ, these impacts include 3,173 square feet of wetland impacts, 12,331 square feet of impact to the 25-foot wetland buffer, 163 linear feet of stream impacts, and 12,921 square feet of stream buffer impact. It is noted that the existing conditions shown on Impact Area 3 for the existing stream, stream buffer, and PMA are inconsistent with the NRI, due to the need to update the NRI. Despite this discrepancy, if the application were to be approved, staff would support the three impacts associated with the development, including those for construction of the proposed road, and those for the stormdrain structures, as shown on the SOJ exhibits and TCP1, as they are necessary for access to the site and for proper safe conveyance of stormwater. These impacts would also be normally recommended for approval under a conventional layout design.

Specimen Trees

Tree conservation plans are required to meet all the requirements of the WCO, which includes the preservation of specimen trees, as specified in Section 25-122(b)(1)(G). A specimen tree is defined as a tree having a diameter at breast height of 30 inches or more; a tree having 75 percent or more of the diameter at breast height of the current champion of that species; or a particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species. This definition includes all the United States, the State of Maryland, County, or municipality champion trees. Section 25-122(b)(1)(G) requires, among other things, that specimen trees “be preserved” and that the design of a project “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." The code, however, is not inflexible.

The authorizing legislation of Prince George's County's WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the County's WCO are set forth in Section 25-119(d).

If, after careful consideration has been given to the preservation, there remains a need to remove any of the specimen trees, the applicant may request a variance to Section 25-122(b)(1)(G), provided all the required findings in Section 25-119(d) of the WCO can be met. An application for a variance must be accompanied by a justification stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 variance application and an SOJ in support of a variance, dated September 3, 2021, were submitted, along with a tree condition analysis prepared by a certified arborist, for each of the trees proposed to be removed.

The SOJ requests the proposed removal of 11 of the existing 31 specimen trees located on-site. Specifically, the applicant seeks to remove trees 1-3, 5, 20, 25, and 27-31, which are classified as specimen trees due to their diameter at breast height of 30 inches or more. The TCP1 and specimen tree removal exhibit show the location of the trees proposed for removal both inside and outside of the PMA, and within the proposed residential lot areas. These specimen trees are in fair to poor condition.

**SPECIMEN TREE SCHEDULE SUMMARY FOR 11 TREES
PROPOSED FOR REMOVAL ON TCP1-017-2021**

ST #	COMMON NAME	DBH (inches)	CONDITION	APPLICANT'S PROPOSED DISPOSITION	NOTES/ RECOMENDATIONS
1	Sycamore	48	Poor	Removed	English/poison ivy, dead branches, and root construction damage
2	Pin Oak	39	Poor	Removed	English ivy, dead branches
3	Pin Oak	51	Poor	Removed	
5	American Beech	30	Poor	Removed	
*20	Yellow Poplar	42	Fair	Removed	Large cavity/rot at base
*25	Yellow Poplar	32	Poor	Removed	
27	Black Gum	33	Fair	Removed	
28	Yellow Poplar	31	Poor	Removed	
29	Yellow Poplar	39	Poor	Removed	
30	Yellow Poplar	39	Poor	Removed	Large cavity at base, poison ivy, dead branches
31	Yellow Poplar	30	Poor	Removed	Large cavity at base, with severe lean.

*Note: Trees recommended to be retained per sketch plan Finding 1 of the Completion Certificate.

The proposed removal of the specimen trees is analyzed by the findings below.

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

Due to the unusual location of the developable area of the property, when compared to other properties in the area, given the concentration of regulated environmental features in the northern portion of the site, there is only one place suitable for construction of a road to access the site and developable area. As a result, impacts to Specimen Trees 2, 3, 5, 28, and 31 are considered unavoidable. Due to the requirements for street improvements along the frontage of Old Chapel Road, the removal of Specimen Tree 1 is also considered unavoidable. Denying the removal of these specimen trees would be an unwarranted hardship, as the proposed use, subject to Staff's recommendations at sketch plan, is both significant and reasonable, and denial of the variance for those five trees would eliminate the only available access necessary to provide for significant and reasonable development and use of the site.

Staff finds, however, that the removal of Specimen Trees 20 and 25 are not necessary for the site's access. These trees are located on proposed Lots 8 and 9 and were identified during the sketch plan process for priority preservation, in order to expand the conservation areas and provide and contiguous woodland habitat to justify the conservation subdivision. Consequently, the removal of Specimen Trees 20 and 25 is not recommended and requiring their preservation would not cause the applicant an undue hardship.

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

Enforcement of these rules would result in an inability for the applicant to construct a road to fully access the site and to implement the required road frontage improvements along Old Chapel Road, which would prevent the applicant from developing the property. Neighboring subdivisions include public streets for access to individual lots, as required in accordance with the Subdivision Regulations. Enforcement of these rules would deprive the applicant the ability to subdivide the property for any single-family lots.

While staff finds the removal of Specimen Trees 1, 2, 3, 5, 28, and 31 is justified in accordance with this criterion, the removal of Specimen Trees 20 and 25 is not recommended because the retention of these tree does not deny the access necessary to support all lots within the subdivision and, consequently, requiring their retention would not deprive the applicant rights commonly enjoyed by others in similar areas.

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

If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application. Therefore, the variances would not confer on the applicant a special privilege that would be denied to other applicants for the removal of Specimen Trees 1, 2, 3, 5, 28, and 31.

However, the removal of Specimen Trees 20 and 25 would confer special privilege to the applicant, as they are located in an area that was identified during the sketch plan process for priority preservation, in order to expand the conservation areas and provide and contiguous woodland habitat to justify the conservation subdivision. Similar applications for conservation subdivisions would also be reviewed for preservation of the priority areas, as required, in accordance with Section 24-152(g)(2)(A).

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of Specimen Trees 1, 2, 3, 5, 28, and 31 is considered unavoidable because the access is in the only possible location that could support subdivision of the property.

However, the removal Specimen Trees 20 and 25 is avoidable and the request is a result of the applicant's subdivision proposal, which does not consider the priority areas for preservation identified during the sketch plan process.

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

The request to remove the trees does not arise from any condition on a neighboring property.

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

All proposed land development activities will require sediment control and SWM measures to be reviewed and approved by the County. Part of the SMW review and approval includes water quality treatment, as required, in accordance with County and state Code. Should the applicant comply with these requirements, the removal of Specimen Trees 1, 2, 3, 5, 28, and 31 would have no adverse effect on water quality.

In sum, the required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 1, 3, 5, and 27-31. However, staff does not recommend Specimen Trees 20 and 25 be removed, in accordance with the findings above, as doing so would go against Finding 1 of the completion certificate of the sketch plan, which recommends them being saved, as well as their full critical root zones being preserved. This sketch plan recommendation was made because the additional preservation would

characterize the conservation subdivision to be clearly superior to a conventional subdivision, as required by Section 24-152(k)(3). Without preservation of Specimen Trees 20 and 25 and their full critical root zones, along with preservation of the other specimen trees and root zones specified in the sketch plan, staff does not find the criteria for approval of a conservation subdivision are met, as described in Finding 16 (Conservation Subdivision Criteria for Approval) of this technical staff report.

It should be noted that even if the applicant preserved all of the specimen trees listed in the sketch plan (trees 17, 19, and 20–26), this in itself may not be enough to meet Finding 1 of the completion certificate of the sketch plan. This is because the finding also specifies that the full critical root zones of the specimen trees should also be entirely preserved within a conservation parcel or lot. This recommendation is unique to the sketch plan and is not one normally associated with specimen tree preservation on conventional preliminary plans. A critical root zone can extend many feet from the trunk of its tree, and based on the finding, no part of the root zones of trees 17, 19, and 20–26 should be allowed on a private lot. This significantly increases the amount of land area recommended for preservation compared to what could be preserved if the only requirement was to preserve the specimen trees themselves. The purpose of this recommendation is to ensure the other trees surrounding the specimen trees are also preserved, leading to retention of woodland and habitat. The habitat formed by the specimen trees' woodland is more valuable than that associated with other wooded areas of the site which are not recommended for preservation.

Staff would be able to recommend partial approval of the requested variance, however, staff is recommending disapproval of the PPS and TCP1. The requested variance cannot stand on its own; therefore, staff must recommend disapproval of the variance request in full.

Based on the level of design information available at the present time, staff finds that the environmental features on the subject property have not been preserved to the extent recommended for a conservation subdivision, and therefore recommend disapproval of the proposed conservation subdivision.

14. Urban Design—The review of the subject application is evaluated for conformance to the Prince George's County Zoning Ordinance, as follows:

The purpose of a conservation subdivision is to preserve the scenic, agricultural, environmental, and historic characteristics of land through the permanent preservation of sensitive natural features, woodland, farmland, and unique features of the site. This PPS shows only 2 percent more than the minimum required preservation area and does not demonstrate significant additional preservation of the environmental features.

Since there is no detailed site plan review required by the conservation subdivision regulations, bulk requirements pursuant to Section 27-445.12 of the Zoning Ordinance should be provided on the PPS.

Conformance with the regulations of the Zoning Ordinance is required for the proposed development, including but not limited to the following:

- Section 27-428, R-R Zone
- Section 27-441(b), Table of Uses for the R-R Zone
- Section 27-442, Regulations in the R-R Zone

- Part 11, Off-Street Parking and Loading
- Part 12, Signs

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 project that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties zoned R-R are required to provide a minimum 15 percent of the gross tract area under tree canopy. The subject site is 12.67 acres and therefore requires 1.90 acres of TCC. Conformance with this requirement will be addressed at time of permit review.

Conformance with the Requirements of the Prince George's County Landscape Manual

In accordance with Section 27-428(c) of the Zoning Ordinance, the proposed development is subject to the 2010 *Prince George's County Landscape Manual*, specifically Section 4.1, Residential Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the applicable landscaping requirements will be determined at time of permit review.

The plans show a 20-foot-wide bufferyard on Parcel 3, in between Lots 9 and 10 and the PEPCO right-of-way. A 6-foot-tall wooden fence is proposed on the boundary between the lots and the bufferyard. This fence would only be required if the applicant intends to reduce the required bufferyard plantings by 50 percent. The PPS, however, does not show any bufferyard plantings, as review of the buffers is outside the scope of review of a PPS. The fence itself should also not be shown on the PPS for this reason.

15. **Conservation Subdivision Criteria for Approval**—As a prerequisite to the filing of a conservation subdivision, the applicant is required to file a sketch plan. Per Section 24-152(f)(2), the intent of the sketch plan is to clearly document the design process, and to prioritize the characteristics of the site to be preserved in a conservation parcel or lot. The sketch plan process was certified as having been completed for the proposed subdivision on July 28, 2020, and the determination therein is discussed further below, with consideration of the subject PPS now proposed.

Sketch Plan Approval for Conservation Subdivision

At the time of sketch plan, the following findings were made on the completion certificate signed by the Planning Director, dated July 28, 2020. These findings should be addressed with this PPS, in order to find conformance with Section 24-152. The text in **BOLD** is the text from the completion certificate. The plain text provides the comments on the PPS conformance with the findings.

Staff finds that this site is appropriate for the use of an Environmental Conservation Subdivision pursuant to Section 24-152 of the Subdivision Regulations due to the specific environmental features of this site and the opportunities for a clearly superior environmental design, if the following are proposed at the time of PPS as adjustments to the certified conservation sketch plan:

1. **Show the area of steep slopes and Specimen Trees 17, 19, 20-26, in the south and west part of the site, with the full critical root zones, as preserved within a conservation parcel or lot.**

According to the completion certificate, these trees were recommended for preservation with their full critical root zones intact, because according to PGAtlas.com historical aerial photos, most of the woodlands on the site have existed since 1938. Considering the age of the forest, most of which has been undisturbed for at least the past 82 years, all specimen trees along the western boundary and southwest corner, as well as the steep slopes in that same area, are considered high priority for preservation as part of this application and should be preserved with the entirety of the critical root zones in order to justify the optional method of development for an Environmental Conservation Subdivision. Revising the plan to include this additional preservation would characterize the design to be clearly superior to a conventional layout than what is currently proposed, a finding required for the approval of a conservation subdivision in the Developing Tier, per Section 24-152(k)(3). Most of these trees' full critical root zones are not shown in a conservation parcel or lot with this layout. Staff cannot support the proposed layout, as it is not in conformance with this finding, which was determined necessary, in order to meet the requirements for a conservation subdivision.

Staff also cannot support the variance request to remove Specimen Trees 20 and 25, as it is in direct opposition to this finding. Although the trees are in poor condition, they are still considered worth preserving, as they still provide wildlife habitat value.

2. **Provide a minimum of 20 feet of woodland preservation in the areas between the southern boundary of the primary management area and lots proposed (Lots 1 and 18).**

On this PPS submittal, Lot 1 has the same number it did on the sketch plan; however, Lot 18 has been renumbered to Lot 16, due to the removal of two lots in between the review of the sketch plan and the review of this PPS. This finding was originally made because the sketch plan proposed lots directly abutting the southern boundary of the PMA. The site is within a Tier II catchment area, which indicates that the proposed on-site stream valley is within a drainage area that contains high quality waters. Streams in Tier II catchment areas can be required to provide an extended stream buffer between 150 and 200 feet, in accordance with the ETM, Part B, Section 3.5.3. For the purposes of this proposed conservation subdivision, an additional 20 feet of preservation beyond the PMA, in between the proposed lots (Proposed Lots 1 and 16) and the PMA line, is recommended.

Between the PMA and Lot 16, this additional preservation has been accomplished. However, it has not been accomplished between the PMA and Lot 1. The additional 20 feet of preservation area should be provided in between the PMA and the proposed SWM facility, as a standalone strip of trees 20 feet wide in between the SWM facility and Lot 1 would not qualify as woodland area.

3. **The conceptual stormwater management approval shall utilize environmental site design to the maximum extent possible.**

A copy of an unapproved SWM Concept Plan (1574-2020), currently pending approval with DPIE, was submitted with the subject application. All stormwater design is required to be reviewed by DPIE. There are two proposed submerged gravel wetlands located in proposed Conservation Parcel 1. Although these SWM facilities were not shown on the original sketch plan, staff does support the placement of stormwater within this conservation parcel, as permitted by Section 24-152(g)(2)(H).

4. **Submit an achievable conventional layout plan that demonstrates that the conservation subdivision is a clearly superior development pattern.**

A conventional layout plan was submitted with this application; however, Lots 1 and 2, as proposed on the submitted conventional layout, would require variances to allow them to be constructed within the PMA and would not be supported by staff. If these proposed two lots are removed, the conventional layout becomes virtually identical to the conservation subdivision layout. The exception is the additional 0.53 acre of land provided by the conservation layout on Conservation Parcel 3; however, this area is disconnected from the rest of the conservation area. Staff finds that the conventional layout plan does not demonstrate the proposed conservation subdivision is a clearly superior development pattern.

5. **Propose a conservation subdivision lotting pattern that conforms to Section 24-152(h)(3)(B) of the Subdivision Regulations.**

This section of the conservation subdivision regulations recommends that “a variety of lot sizes and lot widths should be provided within clusters of dwellings in order to prevent visual monotony.” On the proposed PPS, most of the lots are just over the minimum 10,000 square feet, with little variation in lot size or width. This finding is therefore not met.

6. **Propose lighting consistent with Section 24-152(h)(6) of the Subdivision Regulations.**

A street tree and lighting plan was submitted within this application. The proposed lighting locations on the plan are considered acceptable. The lighting is also specified to consist of full cut-off light fixtures, which will ensure the lighting is consistent with Section 24-152(h)(6).

7. **Locate the entrance street from Old Chapel Road extending into the site in an alignment adjoining the eastern property line, as proposed on the certified sketch plan.**

The proposed entrance street (Lochlann Lane) is adjacent to the eastern property line and is considered acceptable.

8. **In accordance with Section 24-152(h)(2)(G) [sic] of the Subdivision Regulations, dwellings should be located a minimum of 40 feet from any environmentally regulated areas, which provides the potential for lot line setbacks and clear zones within the conservation parcels for additional buffers for environmental protections.”**

This recommendation is actually from Section 24-152(h)(2)(i). According to this section, environmentally regulated areas include woodland conservation areas. Based on the positions of the dwellings shown on the TCP1, it appears this recommendation is met for the current PPS layout. However, if the plan were to be revised to provide more conservation area as recommended by Finding 1 above, lots would have to be reconfigured or removed, the locations of dwellings would change, and conformance to this finding would have to be reevaluated.

The subject site contains regulated environmental features, which are prioritized as part of the conservation subdivision. Expanded areas of conservation should be provided next to the regulated environmental features to provide enhanced opportunities for preservation that would not otherwise be required with a conventional subdivision.

In the R-R Zone, a minimum of 40 percent of the gross tract area is required for conservation, as part of a conservation subdivision. The plans submitted provide 42 percent of the site area for conservation. Environmental features on the site, including the PMA, buffers, steep slopes, and some specimen trees are proposed for conservation, however, the preserved areas fall short of what is recommended, as detailed above. The conservation parcels are proposed to be conveyed to the HOA. Conservation subdivision easements have been delineated on the PPS, which would be required to be recorded with the final plat, per Section 24-152(o).

Conservation Subdivision Regulations Conformance

The three criteria that must be satisfied for the Planning Board to approve a conservation subdivision are set forth in Section 24-152(k). The criteria are listed below in **BOLD** text, while staff findings are provided in plain text. In discussion of the criteria, reference is made to other relevant sections of 24-152. These sections are also quoted in **BOLD** text.

The first criterion for approval of a conservation subdivision is as follows:

The Planning Board shall find that the conservation subdivision:

- (1) **Fulfills the purpose and conforms to the regulations and standards for a conservation subdivision.**

Section 24-152(b) sets for the purpose of a conservation subdivision: “to protect the character of land through the permanent preservation of farmland, woodland, sensitive natural features, scenic and historic landscapes, vistas, and unique features of the site in keeping with the General Plan and Countywide Green Infrastructure Plan.” Section 24-125(b) also explains that a “conservation subdivision prioritizes site characteristics for conservation and is intended to create a site layout that conserves important site features such as open space networks, blocks of productive farmland, unique characteristics of a site and contiguous woodland habitats.” Furthermore, the “site design should encourage agricultural pursuits, create

attractive development layouts respecting existing features of the site, and encourage connectivity between scenic, historic, agricultural, and environmental characteristics of abutting properties.”

The proposed conservation subdivision does not fulfill the purpose and does not conform to the regulations and standards for a conservation subdivision. While the applicant preserved certain sensitive natural features, it does not conserve open space networks and contiguous woodland habitats. As is stated in the Environmental finding of this technical staff report, the site design—particularly Lots 1 through 9—inhibits connectivity between environmental features in the northern half of the site and features in the southern half and the abutting PEPCO parcel.

Several relevant standards for conservation subdivisions are set forth in Section 24-152(g). While the application satisfies some standards, it failed to address critical comments which were given with the sketch plan process.

(g) Conservation area.

- (1) The conservation area shall be located on a parcel or lot and characterized as primarily scenic, agricultural, historic, or environmental, or any combination.**

The conservation areas proposed by the applicant are characterized as environmental.

- (A) A conservation easement for the purpose established on the preliminary plan shall be placed on the conservation area at the time of final plat. The conservation area shall be designated as either a parcel or a lot on the sketch plan, preliminary plan, and final plat.**

- (i) A conservation parcel that includes stormwater management facilities and septic recovery areas associated with the residential development area shall be conveyed to the homeowners' association.**

The proposed Conservation Parcel 1, which includes the SWM areas, will need to be conveyed to an HOA.

- (ii) A conservation lot may support one dwelling unit. Stormwater management or septic recovery areas not associated with the single-family dwelling unit on the conservation lot shall not be permitted.**

No conservation lots are proposed; therefore, Section 24-152(g)(1)((A)(ii) is not applicable with this layout.

(2) **Design criteria for conservation areas.**

- (A) **The area of the site required for a conservation parcel or lot shall be determined based on the priorities established in the review of the sketch plan, may include areas of the site not otherwise more specifically regulated by this Subtitle, and should be one parcel or lot to the extent possible.**

The PPS proposes three conservation parcels; however, Parcels 1 and 2 mostly contain areas that would normally be regulated by Subtitles 24 and 25 of the County Code. At time of the sketch plan review, staff recommended that in order to demonstrate a design that is clearly superior to what was shown, preservation should be extended beyond the southern PMA boundary, to include the proposed specimen trees and steep slopes in the south and southwest portions of the site. Although proposed Conservation Parcel 3 has been added to the PPS, it does not include all the areas recommended for preservation per the sketch plan completion certificate, as it does not include the recommended preservation of the majority of the specimen trees and their critical root zones. Therefore, even with this addition, the proposed PPS does not conform to the priorities established in the review of the sketch plan.

- (B) **Conservation areas shall connect with existing and potential conservation areas on abutting sites to encourage corridors of compatible site characteristics, unless it is found to be impractical due to topography, spacing or existing natural barriers.**
- (C) **Naturally contiguous conservation areas shall not be divided for the sole purposes of obtaining allowable density.**
- (D) **Fragmentation of the conservation area into small, irregularly shaped conservation parcels and lots shall be avoided.**

The proposed conservation areas will connect to off-site existing woodland to the east and west of the site. Although the off-site woodland areas on abutting properties are well established and stable with no indication of potential redevelopment, they are on privately owned land and not protected. If these off-site areas were to be developed and the woodlands removed from them, Conservation Parcels 1 and 3 would be isolated from one another and there would be no connection between these areas on-site. This goes directly against the objective to avoid fragmentation stated by these provisions. Parcel 3 should be further expanded in the area of Lots 1 through 9, as previously recommended at the time of sketch approval, to create a contiguous area of on-site woodland. This would create a corridor of preserved features by preserving the critical root zones of additional specimen trees. Parcel 3 should be extended and incorporated into Parcel 1 to create one contiguous

parcel. The area of specimen trees was envisioned as preserved with the sketch plan's certificate, and it was a recommended revision at the time of submittal of the PPS for support of a conservation subdivision design. The PPS submittal did not make the recommended revision.

- (E) Farm structures shall be retained whenever possible.**
- (F) The subdivision layout shall be designed to minimize potential adverse impacts on existing farm operations.**
- (G) Woodland and wildlife habitat conservation required for the area of conservation parcels, or lots may be provided at an off-site location, only if it is necessary to preserve the rural and agricultural landscape.**

The proposed subdivision does not contain farm structures or farm operations, and all requirements of the WCO will be met on-site; therefore, Sections 24-152(g)(E)–(G) are inapplicable.

- (H) Septic recovery areas and stormwater management facilities may be located on a conservation parcel to be maintained by the homeowners' association if there is no adverse impact to the character of that area of land, and it is demonstrated that the residential development area cannot support these facilities. Stormwater management facilities in conservation parcels should not include typical dry ponds with associated steep slopes, dams, mowed areas, fencing or unsightly overflow structures. Farm ponds, bioretention ponds, naturally contoured ponds and wet ponds with wetland edges and no visible structures are permitted on the conservation parcel which is to be maintained by the homeowners' association. Septic recovery areas within conservation parcels to be maintained by the homeowners' association should be designed to appear to be part of the existing landscape.**

Septic recovery areas are not proposed. According to the unapproved SWM Concept Plan (1574-2020) currently under review with DPIE, two SWM facilities are proposed on Conservation Parcel 1. Two proposed gravel wetlands are proposed within this area. According to the SWM concept plan, outfall structures have been included on the plan. All proposed outfall structures must be screened so they are not visible, in order to be in conformance with Section 24-152(g)(2)(H).

The second criterion for approval of a conservation subdivision is as follows:

The Planning Board shall find that the conservation subdivision:

- (2) Achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and preliminary plan.**

The applicant proposes a conservation subdivision that focuses on preservation and enhancement of environmental features with the creation of three separate conservation parcels. The applicant prioritizes woodlands on the northern half of the site, which contain wetland, steep slopes, as well as specimen trees. At time of sketch plan review, additional opportunities for preservation for this environmental conservation subdivision were identified and recommended for preservation, including specimen trees outside the PMA and steep slopes on the southern and southwestern property boundary.

The preservation of the PMA and woodland conservation, as proposed with this application, is consistent with what staff would recommend for a conventional development; in other words, the applicant is not proposing to conserve much more than would be preserved if this development were not a conservation subdivision. Approximately 42 percent of the site is proposed to be preserved, and according to the NRI site statistics table, approximately 25 percent of the site is within the existing PMA. The PMA is a site constraint which limits the development potential of the site, and which would be preserved to the fullest extent possible, with or without a conservation subdivision design. The remaining 17 percent conserved areas are largely in areas unsuitable for development due to their location relative to the PMA; for instance, woodland areas between the PMA and the western property line that are unreachable from Lochlann Lane. The conservation area on Parcel 3 only represents 3 percent of the site and is isolated for any other areas proposed to be conserved on-site. Based on the foregoing, staff does not find the proposed conservation subdivision achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and PPS.

The third criterion for approval of a conservation subdivision is as follows:

The Planning Board shall find that the conservation subdivision:

- (3) Because the use of the Conservation Subdivision technique in the Developed or Developing Tier is optional, the Planning Board shall also find that the proposed plan is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the Conservation Subdivision technique. Lot yield shall be a secondary consideration to achieving the purposes of the Public Benefit Conservation Subdivision in assessing whether a proposed plan is clearly superior.**

The proposed plan is not clearly superior to that which could be achieved by conventional development standards, and as previously stated in more detail, does not clearly meet the purposes of the conservation subdivision technique. As stated

at the time of sketch plan review, additional opportunities exist for environmental preservation, in keeping with the purposes of a conservation subdivision, which would provide for a clearly superior design than what could be accomplished under a conventional layout.

As previously discussed, this PPS and the TCP1 do not fully preserve the recommended areas of steep slopes and specimen trees (Specimen Trees 17, 19, and 20–26) in the south and west part of the site, with associated critical root zones, as stated in the sketch plan finding. If those trees and additional areas of steep slopes were preserved in a conservation parcel or lot as recommended, proposed Lots 1–9 would need to be reconfigured or removed. Furthermore, the required findings for removal cannot be made for Specimen Trees 20 and 25, as they are in opposition to Finding 1 of the completion certificate of the sketch plan, which recommends them being saved, as well as their full critical root zones being preserved to expand and provide a contiguous conservation area that would support a conservation subdivision.

The benefit of the use of a conservation subdivision is that the applicant can propose lots half the size of what conventional zoning requires, in order to expand areas of preservation, to reduce infrastructure, and potentially retain the zone's allowable density, which would normally be achieved with a conventional design. In this case, the applicant can propose 10,000-square-foot lots instead of the conventional 20,000 square feet in the R-R Zone. While an applicant cannot exceed the density of the R-R Zone (2.17 dwelling units per net acre), the purpose is to translate the reduction in lot size to greater preservation of a clearly superior nature than can be achieved with a conventional layout. For this PPS, there is an insignificant increase in conservation, leading to staff's finding that the proposed plan is not clearly superior to a conventional layout and prioritizes achieving greater density over prioritizing conservation.

Staff finds that the criteria for approval of a public benefit conservation subdivision have not been met, and therefore recommends disapproval of the conservation subdivision.

Draft Conservation Subdivision Easement Document

Section 24-152(l)(3) requires that the applicant provide a draft conservation subdivision easement document. The applicant included a draft document in the project submission. To the extent that the required information is available, this document meets the requirements for easement documents listed in Sections 24-152(n) and (o) of the Subdivision Regulations. However, the draft should be edited to remove M-NCPPC from consideration as the additional party to the conservation subdivision easements and instead identify a willing private nonprofit organization established to promote the preservation and protection of natural resources, as recommended in the Parks and Recreation finding of this technical staff report. The draft should also be edited to ensure that attached Exhibit A (the easement description) includes both visual and written descriptions of the conservation easements. The conservation easements should not be described as parcels in Exhibit A, as the proposed conservation parcels encompass the easements and have different boundaries.

- 16. Correspondence with Applicant following December 2, 2021 Hearing**—Following the December 2, 2021 Planning Board hearing for this PPS and approval of a continuance, staff reached out to the applicant on December 13, 2021, to recommend next steps the applicant could take in order to reach a point where staff could recommend approval of a subdivision for the property. Due to the regulatory constraints imposed by the Conservation Subdivision Regulations, as well as the site constraints given by the recommendations of the approved sketch plan, staff recommended to the applicant that it may be more appropriate that they pursue development of a conventional subdivision instead of a conservation subdivision. Staff emphasized the potential difficulty of getting a land trust to accept stewardship over the conservation subdivision easements, as well as the greater design flexibility the applicant would have in a conventional subdivision given the greater developable area they would have. Staff also offered the applicant a concept plan which would meet the staff recommendations for the conservation subdivision, which they could consider in the event that they chose to continue pursuing a conservation subdivision. Staff used the concept plan to show the applicant that, for the subject site, they could expect approximately the same number of lots (nine) to be developable in both a conservation subdivision and a conventional subdivision. This equivalence occurs because while a conservation subdivision allows smaller lot sizes, it requires greater preservation area, a tradeoff inherent to the conservation subdivision technique.

The applicant responded on December 29, 2021, to state that they did not find pursuing a conventional layout to be desirable, due to the need to start the process of obtaining approvals over, and uncertainty as to whether a conventional layout would be feasible and could be approved. They also cited the approvals they previously obtained from DPIE and MDE, which may need to be revised or re-obtained with a new plan. The applicant provided they were still evaluating their options and that they would be in contact again soon. However, at the time of this writing, the applicant has not submitted any new information to be reviewed by staff. The correspondence outlined above, as well as the concept plan offered to the applicant by staff, are included in the backup of this technical staff report.

RECOMMENDATION

DISAPPROVAL, due to nonconformance with Section 24-152 of the Prince George's County Subdivision Regulations. The proposal does not meet the criteria for approval of a conservation subdivision.

STAFF RECOMMENDS:

- Disapproval of Preliminary Plan of Subdivision 4-20035
- Disapproval of Type 1 Tree Conservation Plan TCP1-017-2021
- Disapproval of a Variance to Section 25-122(b)(1)(G)