



Preliminary Plan of Subdivision Prosperity Senior

4-25001

REQUEST	STAFF RECOMMENDATION
Ninety-three lots, 9 parcels, and 1 outlot for development of a planned retirement community	With the conditions recommended herein: <ul style="list-style-type: none">• Approval of Preliminary Plan of Subdivision 4-25001• Approval of Type 1 Tree Conservation Plan TCP1-012-2025• Approval of a Variance to Section 25-122(b)(1)(G)

Location: Along the south side of Old Marlboro Pike, approximately 0.8 mile east of its intersection with MD 4 (Pennsylvania Avenue)

Gross Acreage:	43.42
Zone:	RE
Prior Zone:	R-E
Reviewed per prior Subdivision Regulations:	Section 24-1900
Gross Floor Area:	0
Dwelling Units:	93
Lots:	93
Parcels:	9
Outlots:	1
Planning Area:	78
Council District:	06
Municipality:	N/A

Applicant/Address:
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Planning Board Date:	07/24/2025
Planning Board Action Limit:	09/18/2025
Mandatory Action Timeframe:	140 days
Staff Report Date:	07/17/2025
Date Accepted:	03/31/2025
Informational Mailing:	02/18/2025
Acceptance Mailing:	03/26/2025
Sign Posting Deadline:	06/24/2025

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 4-25001
Type 1 Tree Conservation Plan TCP1-012-2025
Variance to Section 25-122(b)(1)(G)
Prosperity Senior

OVERVIEW

The subject site is located along the south side of Old Marlboro Pike, approximately 0.8 mile east of its intersection with MD 4 (Pennsylvania Avenue), and is within Tax Map 100, Grids D1, D2, E1, and E2. The property totals 43.24 acres and was part of a larger parcel known as Parcel 9, which comprises a total of 258.88 acres. Parcel 9 was bisected by the construction of MD 4 in the mid-1960s, with approximately 43.24 acres located north of MD 4 and the remainder located to the south. The property is improved with the remnants of a farmhouse and barn. The site is further subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA).

The property is located within the Residential Estate (RE) Zone. However, this preliminary plan of subdivision (PPS) application has been submitted and is being reviewed under the applicable provisions of the Prince George's County Zoning Ordinance and Subdivision Regulations effective prior to April 1, 2022 (the "prior Zoning Ordinance" and "prior Subdivision Regulations"), pursuant to Section 24-1900 of the current Subdivision Regulations. Under the prior Zoning Ordinance, the site was located within the Rural Estate (R-E) Zone.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because: (1) it was accepted for review prior to April 1, 2025, the abrogation date of Section 24-1900 *et seq.* of the current Subdivision Regulations; and (2) the applicant has met the requirements of Section 24-1904 of the current Subdivision Regulations. Pursuant to Section 24-1904(a) of the Subdivision Regulations, the applicant participated in a pre-application conference for the subject PPS on January 24, 2025. In accordance with Section 24-1904(b) of the Subdivision Regulations, the applicant provided a statement of justification (SOJ) explaining why they were electing to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to an approved Certificate of Adequacy, ADQ-2025-001.

The subject PPS is required for the subdivision of land for the future development of a planned retirement community, which is a permitted use in the prior R-E Zone, subject to the approval of a special exception. The application proposes a 93-lot subdivision with 9 parcels and 1 outlot. The subject site is primarily wooded and is partially improved with remnants of historic

agricultural structures. Based on a Phase I archeology report, aerial imagery from 1938 to the early 2000s confirms a historic pattern of cultivation and subsequent abandonment of the site.

The applicant filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for removal of 36 specimen trees. This request is discussed further in the Environmental finding of this technical staff report. The applicant also filed a variance request to Section 25-121(c)(1)(C) of the WCO for not planting all unforested riparian buffers, and a variation from Section 24-130(b)(5) of the prior Subdivision Regulations for impacts to regulated environmental features (REF). These requests were later withdrawn by the applicant, since they were no longer required.

Staff recommend **APPROVAL** of the PPS and the Type 1 tree conservation plan (TCP1), with conditions, and **APPROVAL** of a variance to Section 25-122(b)(1)(G), based on the findings contained in this technical staff report.

SETTING

The subject property is located within Planning Area 78, and is surrounded by low-density residential and institutional uses, consistent with the rural-residential character of the surrounding area. The property is mostly wooded and contains evidence of historical farm activity that has since ceased. It is bounded to the north by Old Marlboro Pike, with single-family detached dwellings in the Charles Hill Subdivision in the Residential, Rural (RR) Zone (prior R-R Zone) beyond. To the south of the site lies MD 4, with undeveloped areas in the Agricultural-Residential Zone (prior Residential-Agricultural Zone) located beyond. To the east of the site are single-family detached dwellings in the RE Zone (prior R-E Zone), and to the west is an existing church in the RR Zone (prior R-R Zone).

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	EVALUATED
Zones	RE	R-E
Use(s)	Vacant/Agricultural	Planned Retirement Community
Acreage	43.24	43.24
Lots	0	93
Parcels	1	9
Outlots	0	1
Dwelling Units	0	93
Gross Floor Area	0	0
Variance	No	Yes; Section 25-122(b)(1)(G)

The subject PPS (4-25001) was accepted for review on March 31, 2025. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, the PPS was reviewed by the Subdivision and Development Review Committee, which held a meeting on April 25, 2025,

at which comments were provided to the applicant. Revised plans were received on June 16, 2025, which were used for the analysis contained herein.

2. **Previous Approvals**—The site is not the subject of any previous development approvals.
3. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) is discussed, and conformance with the sector plan is evaluated, as follows:

Plan 2035

The subject property is located in the Established Communities Growth Policy Area of Plan 2035. The vision for Established Communities is that they are most appropriate for context-sensitive infill and low- to medium-density development (page 20; also refer to Map 1. Prince George's County Growth Policy Map, page 18). Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure (such as sidewalks) in these areas to ensure that the needs of existing residents are met.

This PPS is consistent with multiple goals stated in Plan 2035. The plan's Natural Environment Goal is to "preserve, enhance, and restore our natural and built ecosystems to improve human health, strengthen our resilience to changing climate conditions, and facilitate sustainable economic development" (page 163). The Housing and Neighborhoods Goal is to "provide a variety of housing options—ranging in price, density, ownership, and type—to attract and retain residents, strengthen neighborhoods, and promote economic prosperity" (page 181). This application accomplishes these goals by constructing low-density housing in an environmentally sensitive manner in the Western Branch Watershed.

Sector Plan

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS and final plat shall conform to the area master plan, including maps and text, unless events have occurred to render the relevant recommendations within the plan no longer appropriate, no longer applicable, or the Prince George's County District Council has not imposed the recommended zoning. The sector plan recommends Low-Density Residential land use on the subject property, but is silent on a description of Low-Density Residential land use. To implement this recommendation, the District Council retained the subject property in the R-E Zone, which generally allows for low density, single-family detached residential development and disallows single-family attached dwellings. Appendix 6 of the sector plan provides the maximum allowable density in the R-E Zone to be 1.08 dwelling units per net acre (page 126). However, the R-E Zone also permits the evaluated use of the property, a planned retirement community, with approval of a special exception. A planned retirement community may consist of a variety of unit types, including single-family attached dwellings. In addition, pursuant to Section 27-395(a)(3)(C) of the prior Zoning Ordinance, a planned retirement community is allowed a density of up to eight dwelling units per gross acre. Therefore, the zoning approved by the District Council allows for the evaluated use and density in excess of that recommended by the sector plan. Accordingly, the District Council has not imposed the recommended zoning, causing applicable use and density recommendations of the sector plan to be inapplicable. The evaluated development consists

of 93 single-family attached dwellings, at a density of 2.27 dwelling units per net acre and 2.14 dwelling units per gross acre. This may not fall within the maximum density recommended by the sector plan. However, as noted, because R-E zoning imposed by the District Council allows the planned retirement community use at a density of up to eight dwelling units per acre, this is acceptable. Furthermore, Plan 2035 defines Low-Density Residential (Residential Low) as areas between greater than 0.5 dwelling units per acre and less than or equal to 3.5 dwelling units per acre (page 100). The proposed density of 2.14 dwelling units per gross acre and is within this range.

The PPS, however, must still conform to other relevant sector plan recommendations that do not conflict with the implementation of a planned retirement community, pursuant to an approved special exception. The sector plan makes the following recommendations that affect the subject property and are shown below in **bold**, with analysis provided in plain text:

Policy 3 – Historic and Scenic Roads (page 69-70)

Preserve and incorporate the most important features of scenic or historic roads in the designs for road improvements and new development.

Strategies: (page 40)

- **Design road improvements in accordance with the Department of Public Works and Transportation road design standards for scenic and historic roads.**
- **Apply special design criteria for scenic and historic roads in the Westphalia sector plan area that provide for the necessary road improvements without compromising the valuable contribution of these roads to the community character:**
 - **Avoid excessively wide roadways and limit use of paved shoulders.**
 - **Adjust road design features (vertical and horizontal alignments, pavement sections, turn lanes) to the extent possible to preserve historic or scenic features and views along the right-of-way.**
 - **Encourage development to be set well back from a scenic road.**
 - **Use vegetated drainage swales instead of raised curbs and gutters where applicable.**
 - **Preserve existing vegetation in the buffer area and add plantings to screen new development and create a wooded character along the road.**
 - **Avoid large subdivision entrance features and signs.**

- **Limit the number of driveway entrances onto the roadway.**

Old Marlboro Pike is classified as a scenic and historic road. Therefore, the site is subject to the scenic and historic landscape requirements, in accordance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual). There are two private roadways proposed to provide access to the subject development from Old Marlboro Pike. The lotting pattern provides adequate space between the lots and the roadway to provide screening and buffering and preserve this scenic and historic viewshed.

Additional relevant sector plan policies related to the environment and to bicycle and pedestrian friendly development are listed and addressed in the Environmental and Transportation findings of this technical staff report, respectively.

The PPS is found to conform to the relevant policies and strategies of the sector plan. The project is expected to be a high-quality, suburban development, organized around a network of open spaces, with a strong pedestrian circulation system. The project is expected to appropriately allocate the land for higher-density residential use as part of a planned community. Review of the project with the special exception should ensure that these expectations are met.

Sectional Map Amendment/Zoning

The sector plan retained the subject property in the R-E Zone. On November 29, 2021, the Prince George's County District Council approved Council Resolution CR-136-2021, the Countywide Map Amendment (CMA), which reclassified the subject property from R-E to RE, effective April 1, 2022.

4. **Stormwater Management**—In accordance with Sections 24-120(a)(8) and 24-130(b)(3) of the prior Subdivision Regulations, an application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (SIT-00309-2025) was submitted with the subject application. According to the proposed plan, two swales, two micro-bioretenment facilities, and three submerged gravel wetlands are proposed to provide stormwater retention and attenuation on-site before discharging into an unnamed tributary of the Federal Spring Branch, which itself is a tributary of the Western Branch of the Patuxent River. In addition, the SWM concept plan reflects an old lotting pattern, with more lots, woodland clearing, and impacts to REF.

Per Section 24-121(a)(15) of the prior Subdivision Regulations, "The Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections, and Enforcement or the municipality having approval authority, unless the Planning Board finds that such approval will not affect the subdivision." A revised SWM concept plan and approval letter, which reflects the revised design of the PPS, and TCP1 is required, prior to signature approval of the PPS.

Staff find that development of the site, in conformance with the SWM concept plan, once approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), and any subsequent revisions, will ensure that no on-site or

downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the sector plan, Plan 2035, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George’s County*, the *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

One of the strategies of the sector plan is to designate Westphalia Central Park and Cabin Branch Greenway as community focus areas. Another strategy calls for establishment of a parks fee of \$3,500 (in 2006 dollars) for each new dwelling unit built in the Westphalia Sector Plan area to fund construction of the public park facilities recommended in the sector plan.

Given the subject property is within the Westphalia Sector Plan area, the applicant shall make a monetary contribution into a “park club.” The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the sector plan (page 51). The Maryland-National Capital Park and Planning Commission (M-NCPPC) shall adjust the amount of the contribution using the Consumer Price Index for inflation, at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.

Sections 24-134 and 24-135, which relate to mandatory dedication of parkland, provide for dedication of land, payment of a fee-in-lieu, or on-site recreational facilities. Based on the proposed density of development, 5 percent of the net residential lot area should be required to be dedicated to M-NCPPC for public parks, which equates to 2.05 acres for public parklands. However, the land is not adjacent to, nor adjoins existing M-NCPPC-owned lands, so it is not feasible for land dedication. Due to this factor, on-site recreational facilities will best serve the residents of the proposed development.

The PPS shows the fulfillment of mandatory dedication via the provision of on-site recreation amenities on Parcel G and Parcel E, including a community meeting area with a pavilion, gazebo, seating, and grilling stations, along with other amenities. Staff recommend that the applicant should consider providing recreation facilities to accommodate different mobility levels and offer opportunities for people of all ages and abilities to engage. Staff recommend designing outdoor spaces for birdwatching, basketball, bocce ball, pickleball, and other general fitness activities, to the extent possible. The applicant should provide details of proposed recreation facilities with the submission of the special exception (SE) application.

Based on the preceding findings, staff find that the provision of mandatory dedication of parkland should be met through on-site recreation facilities, in accordance with Section 24-135(b) of the prior Subdivision Regulations, subject to the conditions recommended in this technical staff report.

6. **Site Access and Layout**—The development is organized into two pods, located on either side of an unnamed stream that bisects the property.

Access to the two pods is proposed from Old Marlboro Pike, with a private internal roadway network providing vehicular circulation throughout the development. Pedestrian access is provided throughout the site, connecting residential units to shared open space and community amenities. According to the applicant, these facilities will be owned and maintained by a homeowners association (HOA), to be established for the planned retirement community. All open space, recreation areas, and private street infrastructure are proposed to be conveyed to the HOA for long-term ownership and maintenance. A narrow strip of land along the eastern property line, approximately 3,200 square feet and abutting Lot 1 of Brook Wood Estates (Plat Book NLP 121, plat no. 23), is proposed to be platted as Outlot A. This outlot will contain portions of an existing driveway currently used for access to the dwelling on Lot 1 and will be conveyed to the owners of Lot 1.

7. **Transportation**—This PPS was reviewed for conformance with the 2009 Approved Countywide Master Plan of Transportation (MPOT), the sector plan, the prior Zoning Ordinance, and the prior Subdivision Regulations, to provide the appropriate transportation recommendations.

MPOT and Sector Plan Conformance

Master Plan Right-of-Way

Two master-planned roadways impact the subject site:

Old Marlboro Pike (C-604): This is a designated collector roadway with an 80-foot right-of-way (ROW). The PPS delineates 40 feet from centerline and proposes a total of 0.79 acre (34,376 square feet) of dedication along the site's frontage to meet MPOT and sector plan requirements.

Pennsylvania Avenue (MD 4)(F-6): Identified as a freeway with a 300-foot ROW, the plan sheets reflect this requirement with an existing 150-foot ROW from centerline along the site's frontage.

Master Plan Pedestrian and Bike Facilities

The MPOT's Complete Streets element supports multimodal infrastructure and includes the following policies:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

The plan sheets include a 5-foot-wide sidewalk along both sides of all internal roadways to meet the intent of the policy.

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.

Staff recommend that a bicycle lane and signage be placed along the property frontage of Old Marlboro Pike. The plan sheets include a 5-foot-wide sidewalk along the property frontage of Old Marlboro Pike, connecting to the internal sidewalk

network. In addition, staff recommend marked crosswalks and American Disability Association (ADA)-compliant curb ramps crossing both vehicular access points and throughout the site, for continuous connections. These proposed and recommended facilities meet the intent of this policy.

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.

Staff recommend that a bicycle lane and signage be provided along the property frontage of Old Marlboro Pike to meet the intent of this policy.

Policy 3: Provide appropriate trails and bicycle and pedestrian facilities throughout the Westphalia area.

Staff recommend that a bicycle lane and signage be placed along the property frontage of Old Marlboro Pike. To accommodate multimodal movement within the site, staff recommend that bicycle parking be provided at future recreational areas. The plan sheets include a 5-foot-wide sidewalk along the property frontage of Old Marlboro Pike, connecting to the internal sidewalk network. In addition, staff recommend marked crosswalks and ADA-compliant curb ramps crossing both vehicular access points and throughout the site, for continuous connections. These proposed and recommended facilities meet the intent of this policy.

The sector plan includes the following policies/goals:

Transportation Policies (page 118):

- **Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.**

Staff recommend separated and marked vehicular and pedestrian circulation through the site. The exact location and details shall be shown on subsequent detailed site plan (DSP) applications. A pedestrian path exists, connecting the sidewalk along Manning Road East to the subject site within the shopping center. Staff recommend that all pedestrian and bicycle facilities be shown on a circulation plan, prior to acceptance of a DSP, as conditioned in the approved ADQ-2025-001 that accompanies this PPS.

- **Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.**

Staff recommend bikeway signage be provided along the property frontage of Manning Road, as recommended in the master plan. The off-site improvements conditioned in ADQ-2025-001 for ADA-complaint ramps, at the intersection of Manning Road East and Clinton Drive, further support the policies of the master plan. These improvements will ensure the subject site and shopping center will be accessible by pedestrians from the neighboring community and provide alternatives to vehicular trips.

Site Access and On-Site Circulation

The development proposes two full movement access points along Old Marlboro Pike. Per correspondence from DPIE, it is recommended that the lane configurations along Old Marlboro Pike accommodate deceleration and acceleration lanes and eastbound left turn/by-pass lane or shoulder improvements along Old Marlboro Pike, in accordance with the Maryland Department of Transportation State Highway Administration (MDOT SHA) Access Manual to facilitate ingress/egress from the subject site. These improvements and configurations will be subject to approval of the permitting agency, with their permitting approval. The internal roadways consist of private ROWs at a minimum of 44 feet wide and meet the requirements of Section 24-128 of the prior Subdivision Regulations. A comprehensive sidewalk network is proposed along the site's frontage of Old Marlboro Pike and within the site. Staff recommend that the master-planned bicycle lane be provided along the property frontage of Old Marlboro Pike. Staff find that access and circulation for the site will be sufficient.

Based on the findings presented above, multimodal transportation facilities will exist to serve the proposed subdivision, as required under the prior Subdivision Regulations, and will conform to the MPOT and sector plan, with the recommended conditions provided in this technical staff report.

- 8. Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5) of the prior Subdivision Regulations. The sector plan contains a Public Facilities section that identifies the following policies:

- **Locate needed school facilities where they will have good vehicular access and will be safely accessed by students arriving on foot.**
- **Locate needed police, fire, and medical facilities where there is excellent access to the road network and efficient response times.**

The proposed development will not impede achievement of the above-referenced policies. The analysis provided with this technical staff report and approved Certificate of Adequacy ADQ-2025-001 illustrates that, pursuant to adopted tests and standards, public safety facilities and water and sewer service are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, however, none of its recommendations affect the subject site. Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property, within the appropriate service area of the Ten-Year Water and Sewerage Plan, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act, which includes those properties served by public sewerage systems. Accordingly, the subject property is in the appropriate service area for PPS approval.

9. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, 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 public utility easements (PUEs) is a minimum of 10 feet wide along public ROWs. The site abuts Old Marlboro Pike to the north and MD 4 to the south. The required PUE is reflected on the PPS along both roadways, in conformance with this section.

In addition, Section 24-128(b)(12) of the prior Subdivision Regulations requires that all private streets have a 10-foot-wide PUE along at least one side of the ROW. The PPS includes private streets labeled Private Road A, Private Road B, Private Road C, and Private Road D. There are two entrances proposed into the property through Private Road C and Private Road A. All private roads include the required 10-foot-wide PUE located on both sides of the road.

10. **Historic**—The sector plan contains goals and policies related to historic preservation (pages 66–68). Several goals and objectives are relevant to the subject application. Policy 3 of the sector plan states (page 68):

Integrate archeology in all development processes ranging from prehistory to the twentieth century to provide additional context for understanding the archeological record of Prince George’s County’s history.

The subject property is in the Clagett Agricultural Survey Area (PG:79-00) and is adjacent to two Prince George’s County historic sites: The Cottage and Outbuildings (78-000-18) and Charles Hill and Pumphrey Family Cemetery (78-017).

The Cottage and Outbuildings (78-000-18) is a two-story, gable-roof plantation house built in three sections. It features ornate cornices and Greek Revival interior details. The main block was constructed in 1846, and additional sections were added in the late nineteenth century. The property includes a complex of domestic outbuildings, including a unique oval brick icehouse. The Cottage was listed in the National Register of Historic Places in 1989.

The Charles Hill and Pumphrey Family Cemetery (78-017) includes a two-story, side-gabled frame house in two sections. The original portion, built in the 1840s, features a side-hall and double-parlor plan with Greek Revival trim. The house was enlarged in the 1890s. The property includes a small graveyard where members of the Pumphrey family are buried. The tract was originally patented in 1672.

A Phase I archaeology survey was conducted on the subject property in January 2025. The consultant archaeologist performed a surface reconnaissance of the 43.24-acre site and excavated 72 shovel test pits at 50-foot intervals across 11 transects. The study area showed signs of past agricultural use and erosion. No archaeological sites were identified, and no additional archaeological investigations were recommended. Historic Preservation staff concurred with these findings and conclusions.

At the time of SE review, the site plans will be referred to the Historic Preservation Commission to evaluate the effects of the proposed development on The Cottage and Outbuildings (78-000-18) and Charles Hill and Pumphrey Family Cemetery (78-017). The Historic Preservation Commission will request a sight line study to evaluate visual impacts on the historic sites.

- 11. Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan or Natural Resource Inventory	Authority	Status	Action Date	Resolution Number
N/A	NRI-084-2022	Staff	Approved	5/24/2022	N/A
N/A	E-031-2022	Staff	Approved	11/10/2022	N/A
N/A	NRI-027-2023	Staff	Approved	5/4/2023	N/A
N/A	NRI-027-2023-01	Staff	Approved	6/4/2025	N/A
4-25001	TCP1-012-2025	Planning Board	Pending	Pending	Pending

Grandfathering

This project is subject to the 2024 Woodland and Wildlife Habitat Conservation Ordinance (2024 WCO), the 2018 Environmental Technical Manual (ETM), and the environmental regulations contained in prior Subtitles 24 and 27 of the Prince George’s County Code because the area of the PPS does not have a prior TCP.

Site Description

A review of the approved Natural Resources Inventory (NRI-027-2023-01) indicates that the site is fully wooded, with wetlands, streams, steep slopes, and 100-year floodplain occurring on the property. There is potential forest interior dwelling species (FIDS) habitat mapped on-site. According to the Sensitive Species layer on PGAtlas, as provided by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. The center of the site contains a mapped tributary of the Federal Spring Branch and floodplain which makes up the majority of the primary management area (PMA). According to the 2017 Approved Countywide Green Infrastructure Plan (GI Plan), the site contains regulated and evaluation areas.

Prince George’s Plan 2035

The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy of that same plan. The project is not within the boundaries of a transit-oriented center, as identified in Plan 2035.

ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS

Sector Plan Conformance

The following policies are applicable to the current project, with regards to natural resources preservation, protection, and restoration. The text in **bold** is from the SMA, and the plain text provides comments on plan conformance:

Policy 1—Green Infrastructure

Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

Strategies:

- **Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

This application preserves 19.00 acres of woodland, with an additional 2.43 acres of reforestation which sufficiently buffers the REF on-site. The majority of the regulated areas of the green infrastructure network are preserved with only minor impacts for stormwater outfalls, culverts, and roadway frontage improvements.

- **Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

As noted in the response above, the majority of the PMA is being retained within woodland conservation and further buffered by reforestation.

- **Preserve or restore the regulated areas within the sector plan, both within and outside the designated green infrastructure network and those designated through the development review process.**

The regulated areas of the green infrastructure network are being retained with this application. Evaluation areas are being preserved or reforested to serve as a buffer for the REF and PMA.

- **Consider legislated revisions that, subject to appropriate legislative authority, allow a variation process to address thresholds below current requirements for designated General Plan centers in order to encourage an urban character of development.**

This site is meeting the 25 percent woodland conservation threshold (WCT) on-site in woodland preservation. Legislated revisions are not applicable.

- **Evaluate current policies and ordinances to consider providing the option of woodland conservation credit for stream restoration, for the removal of invasive plant species, and to consider credit for the planting of a community tree grove or arboretum.**

Stream restoration is not proposed with this application, as there was no indication of stream impairment on the NRI. In addition, significant invasive species were not indicated, at the time of the NRI.

- **Allow street trees within the designated town center to count towards woodland conservation requirements where the trees have been provided sufficient root zone space to ensure long-term survival and sufficient crown space that is not limited by existing or proposed overhead utility lines.**

This site is not within a town center.

- **Enhance regulated areas by concentrating required woodland conservation adjacent to regulated areas and in an interconnected manner.**

This application shows woodland conservation concentrated in the regulated areas and PMA, with preservation and areas of reforestation.

- **Evaluate current policies and ordinances to consider allowing plantings on slopes of rubblefills and Class III fills to count toward woodland conservation requirements.**

This site is not a rubble fill or Class III fill site.

- **Place sensitive environmental areas within conservation easements to ensure preservation in perpetuity.**

Sensitive environmental features will be placed within conservation easements with this application.

- **Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.**

This site does not feature primary corridors, but does feature tributaries which feed into Cabin Branch. Stream corridors will be protected with only minor necessary impacts to stream buffers for stormwater outfalls, culverts, and roadways.

- **Limit overall impacts to sensitive environmental areas to those necessary for infrastructure improvements such as road crossings and utility installations.**

Impacts to sensitive environmental areas are limited to stormwater outfalls, culverts, and roadways. Further discussion on impacts is detailed in the Regulated Environmental Features section of this technical staff report.

- **Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of impacts to sensitive environmental areas.**

Primary and secondary corridors are not located on-site; however, the on-site stream buffers are protected with woodland conservation, as proposed by this application. Minor impacts to stream buffers are requested for stormwater outfalls, culverts, and roadways.

- **Develop flexible design techniques to maximize preservation of environmentally-sensitive areas.**

The proposed application retains the majority of the sensitive environmental areas within an area of woodland conservation. Minor impacts to stream buffers are requested for stormwater outfalls, culverts, and roadways.

Policy 2—Water Quality and Quantity

Restore and enhance water quality and quantity of receiving streams that have been degraded and preserve water quality and quantity in areas not degraded.

Strategies:

- **Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**

Agricultural uses do not currently exist along streams on-site and, where absent, wooded stream buffers will be established with this application.

- **Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resources inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**

A stream corridor assessment using the Maryland Department of Natural Resources protocol was not provided with this application. A stream corridor assessment, or proof of a prior stream corridor assessment, shall be provided with the SE. The stream corridor assessment shall evaluate all on-site streams, and the off-site stream located between the subject site and MD 4.

- **Follow the environmental guidelines for bridge and road construction as contained in the transportation section of this sector plan.**

No bridges are proposed with this application.

- **Construct shared public/private stormwater facilities as site amenities using native plants and natural landscaping.**

Stormwater facilities should be used as amenities, when applicable; however, the stormwater facilities proposed are designed to be a minimal

impact on the site and are not designed as amenities. On-site plantings shall consist of native species. The stormwater facilities will be further evaluated with the Type 2 tree conservation plan (TCP2), with an approved stormwater concept plan.

- **Use low-impact development (LID) techniques such as green roofs, rain gardens, innovative stormwater outfalls, underground stormwater management, green streets, cisterns, rain barrels, grass swales, and stream restoration, to the fullest extent possible during the development review process with a focus on the core areas for use of bioretention and underground stormwater facilities under parking structures and parking lots.**

The suitability of green roofs, rain gardens, and other low-impact development techniques will be evaluated with subsequent development proposals that include site development details.

Policy 3—Energy Consumption

Reduce overall energy consumption and implement environmentally-sensitive building techniques.

Strategies:

- **Use 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.**
- **Use 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 should be applied, as practicable, with subsequent development proposals that include site development details.

Policy 4—Noise

Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

Strategies:

- **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**

- **Evaluate development proposals using Phase I noise studies and noise models.**
- **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- **Provide for the use of appropriate attenuation measures when noise issues are identified.**

The applicant's Phase I noise study for a property adjacent to MD 4 identified that 24 of the 93 proposed townhomes would have rear yards exposed to nighttime noise levels exceeding the 55 dBA threshold, and 25 upper-level balconies may also exceed this limit. While no interior noise mitigation is required, outdoor areas exposed to excessive noise must be addressed. Staff recommend a Phase II noise study at the DSP stage to determine appropriate mitigation measures—such as noise barriers or reconfiguration of outdoor areas—in line with land use planning policies. This aligns with strategies to evaluate noise impacts using studies, place residential uses judiciously, and implement necessary setbacks and noise attenuation for development near arterial roads.

CONFORMANCE WITH ENVIRONMENTAL REGULATIONS

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory (NRI-027-2023-01) showing the existing conditions of the property. A total of 124 specimen trees have been identified on-site and within the immediate vicinity of the site's boundary.

The site contains REF consisting of a stream buffer for a tributary to the Federal Spring Branch, wetlands, and associated floodplain comprising the PMA. The forest stand delineation indicates that there are four forest stands, which have a high rating for preservation and restoration. Areas of steep slopes are scattered across the site.

No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the 2024 WCO because the property is greater than 40,000 square feet in size. TCP1-012-2025 was submitted with this PPS application.

According to the worksheet provided on the TCP1, a total of 41.05 acres of existing woodlands are on the net tract, with 2.37 acres of woodland in the floodplain. The site has a total WCT of 10.26 acres, or 25 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 32.23 acres, based on the proposed clearing of 21.94 acres in the net tract and 0.03 acre in the floodplain. The TCP1 shows that the applicant will meet this requirement by providing 19.00 acres of on-site woodland preservation, 2.43 acres of reforestation, and 11.20 acres of off-site woodland conservation credits. The woodland conservation worksheet has an adjusted -0.40-acre stream buffer in the calculation. The applicant shall verify the acreage of the regulated stream buffer

requirement, prior to signature approval of the PPS. The PPS proposes to meet the entire 10.26-acre WCT on-site in woodland preservation.

There are several locations where reforestation is proposed, but the area does not meet the dimension requirements of Section 25-122(b)(1)(K) that all woodland conservation areas shall be a minimum of 50 feet in width. Prior to signature approval of the PPS, the TCP1 shall be revised to adjust these edge areas so that these reforestation areas meet the minimum width requirement. Appropriate conditions of approval are included to ensure conformance of the PPS to this policy. Additional reforestation in the area between the stormwater maintenance path and the future recreation area may be possible, if the slope supports planting.

With the SE, the applicant should seek locations for additional on-site woodland conservation, where practicable, to further reduce the off-site requirement.

Riparian Stream Buffer

The site contains a riparian stream buffer that is required to be fully wooded, in accordance with Section 25-121(c)(1)(C) of County Code. Lines 46 through 52 of the worksheet on the TCP1 indicates that the site contains 10.67 acres of regulated stream buffer that is entirely wooded. The TCP1 and PMA statement of justification indicate that clearing is proposed within the stream buffer and is not proposed to be replaced. This clearing area is for a turnaround at the terminus of Private Road D. The impact is identified as Impact 5 and is supported. The riparian wooded stream buffer on-site will remain forested, to the extent practicable, as required by Section 25-121(c)(1)(C).

Specimen Trees

TCPs are required to meet all the requirements of Subtitle 25, Division 2, of the County Code, which includes the preservation of specimen trees in Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the ETM for guidance on each species' ability to tolerate root zone disturbances).

The site contains 124 specimen trees on-site or within 100 feet of the property boundary. These trees are rated from poor to excellent. The current design proposes to remove a total of 37 specimen trees identified as Specimen Trees ST-3, ST-16, ST-29, ST-30, ST-58 through ST-62, ST-64, ST-70 through ST-72, ST-74 through ST-88, ST-91 through ST-94, ST-104, and ST-106 through ST-109.

The proposed stormwater for the development abuts the PMA with a 15-foot non-woody buffer outside of the PMA. These buffers result in impacts to the CRZ of additional specimen trees proposed to be retained. Those specimen trees shall be identified and placed within a specimen tree management plan on the subsequent TCP2 to monitor the health of those trees. Details of the specimen tree management plan shall be included, as part of the SE review.

The applicant is required to provide a PUE along the site frontages of Old Marlboro Pike and MD 4. The resulting PMA impacts and specimen tree removals associated with the required PUE have not been requested with this application and shall be requested with the SE.

Review of Subtitle 25 Variance Request

A Subtitle 25 Variance application and an SOJ, in support of the variance, was received on June 16, 2025.

Section 25-119(d)(1) of the 2024 WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the variance.

Statement of Justification Request

A variance from Section 25-122(b)(1)(G) of the 2024 WCO is requested for the clearing of the 37 specimen trees on-site. This variance is requested to the 2024 WCO and requires, under Section 25-122 of the 2024 WCO, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle 25 Variance application form requires an SOJ of how the findings are being met. It should be noted that ST-70 is located off-site and is not subject to a variance request.

The text below in **bold** are the six criteria listed in Section 25-119(d)(3) of the 2024 WCO. The plain text provides responses to the criteria:

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

The applicant states in the variance request that special conditions peculiar to the property have caused unwarranted hardship. The central and southern portions of this site are dominated by PMA and floodplain areas, with the property being fully wooded. Steep slopes are present throughout the site, resulting in varying topography. The 12.12 acres of centrally located PMA limits development into the upland areas of the site. In order to limit development in this area, the buildable area needs to be consolidated into two development pods split by the PMA. This consolidated development reduces the impacts to the PMA and retains a significant amount of the 124 specimen trees on-site, approximately 70 percent of the specimen trees will be retained in woodland preservation areas. In addition, the current site access to the property is from Old Marlboro Pike and is required to be widened with this application, to provide additional infrastructure including sidewalks, stormwater, and utilities. This expansion results in the removal of several specimen trees, which are located along the sites frontage with Old Marlboro Pike. The applicant has designed the site in such a way that the majority of the development is in the upland areas, towards the property frontage with Old Marlboro Pike, and the WCT is proposed to be met on-site through woodland preservation.

The specimen trees are scattered throughout the property, with a large concentration of them located in the northeast quadrant of the property where, based on the other site conditions like proximity to Old Marlboro Pike, fewer topographical challenges, and no REF, this is the most ideal section to develop. Requiring the applicant to retain the 37 specimen trees on the site by designing the development to avoid impacts to the CRZ would limit the area of the site available for orderly development that is consistent

with the property's zoning, to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning as it would deny the applicant a reasonable use of the subject property.

The applicant states that, without the removal of these specimen trees, the site would be difficult to develop, given the numerous specimen trees, their locations scattered throughout the site, and the locations of REF. The applicant has designed the site in a way which maximizes the buildable areas of the site, while retaining a significant portion of specimen trees and limiting the impacts to PMA to only those which are allowable, reasonable, and necessary. The removal of specimen trees for expansion of ROWs, buildings, and utilities are expected with this development. This application localizes the removal of specimen trees to those along the frontage of Old Marlboro Pike and in the upland areas of the site, away from REF. The applicant would be denied a reasonable and significant use enjoyed by others in similar areas if they were required to preserve all of the specimen trees that are requested for removal.

The applicant's variance statement references equitable development and housing studies which are not relevant to this request; however, the avoidance of additional specimen tree removals and PMA impacts is significant and reasonable, based upon the layout provided.

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

All variance applications for removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site-specific conditions. When similar trees were encountered on other sites for comparable developments, they have been evaluated under the same criteria.

The applicant states that, given the evidence in Variance findings (A) and (B) above, not granting the variance would prevent the project from being developed within County standard design parameters. The applicant has made considerable efforts to avoid additional PMA impacts and specimen tree removals. While 37 specimen trees (30 percent of the total) are requested for removal, 87 specimen trees (70 percent of the total) are proposed to be retained. The majority of the specimen trees proposed for removal are in poor to fair condition and are located in the upland portions of the site, away from REF. The applicant is meeting the WCT on-site as woodland preservation and is exceeding the minimum threshold requirement. This is not a special privilege that would be denied to other

applicants. If other properties encounter trees in similar locations on a site with significant REF and PMA, the same considerations would be provided during the review of the variance application.

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

The variance SOJ states that this request is based on the existing conditions for the site and the associated requirements for development, and that the layout minimizes impacts to REF, while abiding by design standards. These are not a result of actions taken by the applicant.

The request for removal of the 37 trees is a result of their location on the property and the limitations on site design, which are not the result of actions by the applicant. SWM, road improvements, slope stability, and other requirements are established by the County. Any development on this site would be subject to meeting the current requirements of the County, based on the scope of that proposed development. Removal of the 37 specimen trees is requested to achieve development of the proposed residential use, with associated infrastructure and woodland conservation. The applicant has not taken any actions which require retroactive approval of a specimen tree variance. As mentioned in the variance findings above, the significant REF on the central portion of the site limit development to the western and eastern portions of the site. While the proposed layout does impact a significant portion of specimen trees, it also retains 70 percent of the specimen trees within and adjacent to the REF and PMA.

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

The variance SOJ states that this request is not from a condition on a neighboring property.

The request to remove the specimen trees does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. The trees have grown to this size because of favorable conditions and lack of disturbance.

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

The site is governed by state and local SWM regulations, which require the post-development site to mimic pre-development conditions as “woods in good condition.”

Granting the variance for removal of 37 specimen trees will not adversely affect water quality because the applicant is required to meet current SWM requirements on-site. Stormwater requirements will be evaluated by DPIE and additional information regarding the proposed stormwater facilities can be located in the stormwater section of this technical staff report. Sediment

and erosion control measures for this site will be subject to the requirements of the Prince George's County Soil Conservation District (PGSCD). Both SWM and sediment and erosion control requirements are to be met, in conformance with State and local laws to ensure that the quality of water leaving the site meets State standards. State standards are set to ensure that no degradation occurs.

Summary

The applicant proposes to remove Specimen Trees ST-3, ST-16, ST-29, ST-30, ST-58 through ST-62, ST-64, ST-70 through ST-72, ST-74 through ST-88, ST-91 through ST-94, ST-104, and ST-106 through ST-109, for a total of 37 specimen trees removed for slope stability grading, roadway improvements, and SWM facilities. ST-70 should not be considered for removal under this variance request, given its location off-site, and is not subject to the specimen tree variance request. However, given the significant impacts to this tree, the applicant shall perform due diligence for removal of this tree. Staff find the required findings for approval of the variance have been met to remove 36 specimen trees, specifically Specimen Trees ST-3, ST-16, ST-29, ST-30, ST-58 through ST-62, ST-64, ST-71 through ST-72, ST-74 through ST-88, ST-91 through ST-94, ST-104, and ST-106 through ST-109.

Regulated Environmental Features

The site contains REF including streams, stream buffers, and steep slopes which comprise the PMA.

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 REF should be limited to those that are necessary for development of the property. The 2018 Environmental Technical Manual provides guidance regarding impacts to REF in Part C, Section 2.0. 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 the 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 REF.

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 development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with the County Code. Impacts to REF must first be avoided and then minimized.

A statement of justification and exhibit for PMA impacts were submitted with this application. The statement of justification proposes five impacts to the PMA requested with this PPS, and a brief description of each impact. Staff recommend approval of Impacts 1 and 5; and Impacts 2, 3, and 4 to be deferred to the next phase of review.

Impact 1 Public ROW and Stormdrain

Impact 1 proposes 10,050 square feet (0.23 acre) of PMA impacts to streams and the associated buffers for upgrades and treatment of the existing culvert. This impact is for enhancement of the existing culvert on Old Marlboro Pike, which cannot be avoided, and is a permanent impact to the stream. This PMA impact is minimized to the area directly around the culvert and the disturbance will be mitigated via reforestation, to the extent practicable. No specimen trees are impacted by this proposed PMA impact. This impact is recommended for approval because enhancements to existing culverts, as part of road crossing improvements, are considered allowable impacts.

Impact 2 Stormdrain Outfall

Impact 2 proposes 2,742 square feet (0.063 acre) of PMA impacts to streams and stream buffers for a proposed stormdrain outfall. This impact is located to avoid additional impacts to nearby specimen trees, which results in a longer pipe segment. Staff are unable to fully analyze this impact request for avoidance, minimization, or mitigation since, at this time, the SWM concept plan has not been approved by DPIE. Staff recommend disapproval of Impact 2 with this PPS application and recommend that this impact be further evaluated with the review of the SE and companion TCP2.

Impact 3 Stormdrain Outfall

Impact 3 proposes 2,173 square feet (0.050 acre) of PMA impacts to streams and stream buffers for a proposed stormdrain outfall. This impact also features 1,306.8 square feet (0.03 acre) of floodplain clearing. Staff are unable to fully analyze this impact request for avoidance, minimization, or mitigation at this time, as the SWM concept plan has not been approved by DPIE. Staff recommend disapproval of Impact 3 with this PPS application and recommend that this impact be further evaluated with the SE and companion TCP2.

Impact 4 Stormdrain Outfall

Impact 4 proposes 3,974 square feet (0.091 acre) of PMA impacts to streams and stream buffers for a stormdrain outfall. Staff are unable to fully analyze this impact request for avoidance, minimization, or mitigation at this time, as the SWM concept plan has not been approved by DPIE. Staff recommend disapproval of Impact 4 with this PPS application and recommend that this impact be further evaluated with the SE and companion TCP2.

Impact 5 Private Road Grading and Stormwater Management

Impact 5 proposes 8,662 square feet (0.20 acre) of PMA impacts to stream buffers for a T-turnaround located at the terminus of Private Road D for fire safety, which cannot be avoided. This turnaround design minimizes PMA impact by avoiding a stream crossing and the need for additional specimen tree removals. PMA impacts for required roadways may be considered allowable impacts, as long as those impacts have been minimized, to the extent practicable. While this impact is not for a roadway connection, the applicant is proposing to provide mitigation via reforestation within the stream buffer for the area proposed to be cleared for constructing the turnaround. The turnaround is required for fire safety access to

the subdivision. Staff recommend approval of this impact, given that the majority of the graded area will be reforested.

PMA Impact Summary

This site contains multiple areas of PMA (12.12 acres total) consisting of steep slopes, 100-year floodplain, streams, and wetlands. Five impacts are proposed to the PMA with this application, totaling 27,601 square feet (0.63 acre) or five percent of the total PMA. Impacts 1 and 5 are supported, as proposed, and Impacts 2, 3, and 4 for stormwater shall be evaluated with the TCP2, based on an approved stormwater concept plan. Proposed PMA Impacts 2, 3, and 4 shall be removed from the TCP1. Based on the level of design information available at the present time, and in accordance with Section 24-130(b)(5) and with Part C, Section 2.0 of the 2018 ETM, REF on the subject property have been preserved and/or restored, to the fullest extent possible, based on the limits of disturbance shown on the TCP1.

Soils

In accordance with Section 24-131 of the prior Subdivision Regulations, this application was reviewed for unsafe land restrictions. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, includes Collington-Wist complex, Marr-Dodon complex, and Udorthents, highway. According to available information, no unsafe soils containing Christiana complexes or Marlboro clay exist on-site.

- 12. Urban Design**—This PPS meets the planning and design requirements of Section 24-121 of the prior Subdivision Regulations and the applicable provisions of the prior Zoning Ordinance, at this stage. An SE is required for the proposed development, in accordance with Section 27-441(b)(7) of the prior Zoning Ordinance, for planned retirement communities in the prior R-E Zone.

Under the prior Zoning Ordinance, conformance with the following regulations, but not limited to, will be required to be demonstrated at the time of SE review:

- Section 27-317 – SE Required Findings
- Section 27-395 – Planned retirement community
- Section 27-427 – R-E Zone (Residential-Estate)
- Section 27-441 –Uses permitted
- Section 27-442 – Regulations
- Part 11 – Off-Street Parking and Loading
- Part 12 – Signage

The proposed development is subject to the requirements of the Landscape Manual. The site is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets.

A Section 4.6 buffer is required along both the MD 4 frontage (a master-planned freeway) and the Old Marlboro Pike frontage (a scenic/historic road). The submitted PPS appears to provide sufficient room for the provision of both buffers; conformance will be further reviewed with the required SE.

The proposed development is also subject to Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, which requires a minimum of 25 percent of the net tract area to be covered by tree canopy for sites zoned RE. Compliance with this requirement will be evaluated, at the time of SE review.

13. **Noise**—The property abuts MD 4, a freeway, which is a classification of roadway known as a noise generator. Section 24-121(a)(4) of the prior Subdivision Regulations requires adequate protection and screening from traffic nuisances for residential lots adjacent to these roadways. Therefore, the applicant was required to provide a noise study, analyzing whether any noise mitigation would be needed for the subject property.

The most recent standards require that noise must be mitigated to be no more than 65 A-weighted decibels (dBA) continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), in outdoor activity areas. This method of measurement establishes that the average noise level in outdoor activity areas must be no more than 65 dBA during the daytime and 55 dBA during the nighttime. The most recent standards also establish that noise must be mitigated to be no more than 45 dBA in the interior of dwelling units.

The Phase I noise study submitted by the applicant conducted its primary analysis to determine day-night average noise levels (Ldn) on the property and provided findings regarding which areas of the site would need noise mitigation, based on that metric. However, noise contours showing measurements in Leq were also provided. The study delineated the future ground-level (5-foot) unmitigated 65 dBA/Leq noise contour during the daytime and the future ground-level unmitigated 55 dBA/Leq noise contour during the nighttime. These two noise contours are reproduced on the PPS.

Based on the unmitigated noise contours shown on the PPS, 24 rear yards of the proposed 93 townhomes would be exposed to nighttime noise exceeding 55 dBA/Leq and will require further analysis and mitigation. The remaining 69 rear yards would not be exposed to noise exceeding applicable thresholds. Mitigation will be required to ensure the outdoor activity areas exposed to excessive noise levels are adequately protected. Noise contours at upper levels were also provided. The study notes that 25 upper-level rear balconies may be exposed to nighttime noise levels above 55 dBA/Leq. None of the balconies are exposed to future daytime levels above 65 dBA/Leq. All balconies exposed to noise above the required thresholds will require further analysis.

Staff recommend that, at the time of the site plan submittal, the applicant submit a Phase II noise study to determine appropriate noise mitigation for the site. The Phase II study should show the ground-level mitigated 65 dBA/Leq daytime noise contour and the ground-level mitigated 55 dBA/Leq nighttime noise contour, based on the positions of dwellings and proposed noise mitigation features. The Phase II study should confirm whether there are any upper-level outdoor activity areas and, if there are, show the locations of these activity areas. The Phase II study should propose noise mitigation, to ensure that all outdoor activity areas at ground-level and upper-level will not be exposed to noise above the required maximum levels. The mitigation may consist of buildings or noise barriers, such as fences or berms.

The Phase I study also found that the façades of dwellings closest to MD 4 would not be exposed to transportation noise levels above 65 dBA. Standard building construction materials are capable of reducing noise levels at building exteriors of up to 20 dBA, ensuring interior noise levels do not exceed 45 dBA. Therefore, to ensure noise levels in the dwelling interiors remain below the required level of 45 dBA, no interior noise mitigation will be required. At the time of DSP, when the final positions of the dwellings are known, the Phase II noise study and DSP should confirm that interior noise levels remain below 45 dBA, and that no upgraded construction will be necessary.

- 14. Community feedback**—At the time of the writing of this technical staff report, the Prince George’s County Planning Department has received one telephone call from a citizen, expressing their concerns regarding the development proposed with this application. Specifically, the citizen had concerns regarding the proposed use, increased traffic in the area due to addition of approximately 100 dwelling units, and the proposed location of access to Old Marlboro Pike. Staff also received a joint letter of opposition from an attorney representing two neighboring homeowners associations and 65 individual homeowners. This letter expressed opposition to the project, on the grounds that (1) the proposed use will not be compatible with the character of the surrounding area; (2) the location and design of the single-family attached dwelling units would not be in harmony with the surrounding neighborhood, which primarily consists of single-family detached dwellings; (3) the proposed use will create unsafe traffic conditions along Old Marlboro Pike; and (4) that the historic easement along Old Marlboro Pike, as shown on the PPS, is inadequate given the historic nature of Old Marlboro Pike.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised, as follows:
 - a. Revise General Note 11 to provide the density calculation, based upon the net tract area of the subject property, in addition to density calculation based upon the gross tract area.
 - b. Revise General Note 12 to remove the minimum lot coverage and minimum yard depths.
 - c. Remove the lines and labels for landscape bufferyards from all sheets.
 - d. Remove the historic/scenic easement shown along Old Marlboro Pike from all sheets.
 - e. Delineate the noise lines in a line type that is clearly visible and identifiable from other line types.
 - f. Show and label the nighttime 55 dBA Leq noise line on the plans.
 - g. On Sheet 4, show the entire common property line between Parcel G and Parcel E.

- h. On Sheet 5, correct all instances of overlapping text along the Old Marlboro Pike property line frontage.
 - i. On Sheet 5, label Outlot A to be conveyed to the owners of adjoining Lot 1 (Plat Book NLP 121 plat no. 23).
 - j. On Sheet 6, revise the label "300' BRL" to "300' Lot Depth Line."
 - k. On all sheets, provide the area of parcels in acres, in addition to square feet, for all areas more than 1 acre.
 - l. Provide the revised approved stormwater management concept plan, approval letter, and any required design changes reflected on the PPS and Type 1 tree conservation plan.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan (SIT-00309-2025), once approved, and any subsequent revisions.
 3. In accordance with Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations, prior to acceptance of a site plan application, the applicant shall submit a Phase II noise study, based on the final site layout and building architecture, to determine and specify appropriate noise mitigation measures for the subject property. The study shall delineate the ground-level mitigated 65 dBA Leq daytime noise contour and the ground-level mitigated 55 dBA Leq nighttime noise contour, reflecting the final locations of dwellings and proposed noise mitigation features. Furthermore, the study shall verify the existence of any upper-level outdoor activity areas and, if present, accurately depict their locations. The study shall also propose mitigation strategies to ensure that all outdoor activity areas, both at ground level and upper levels, are not exposed to noise levels exceeding the established regulatory thresholds.
 4. Prior to approval, the final plat of subdivision shall include:
 - a. Right-of-way dedication along Old Marlboro Pike, in accordance with Section 24-123(a)(1) of the prior Prince George's County Subdivision Regulations and the approved preliminary plan of subdivision.
 - b. The granting of a minimum 10-foot-wide public utility easement along both sides of all public streets, and along at least one side of all private streets, in accordance with Sections 24-122(a) and 24-128(b)(12) of the prior Prince George's County Subdivision Regulations, and in accordance with the approved preliminary plan of subdivision.
 5. In accordance with Section 24-120(b)(5) of the prior Prince George's County Subdivision Regulations, prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and

Planning Commission, Prince George's County Planning Board, are included. The Book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.

6. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities, in accordance with the standards outlined in the Prince George's County Parks and Recreation Facilities Design Guidelines.
7. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the on-site recreational facilities shall be reviewed by the Development Review Division of the Prince George's County Planning Department for sufficiency and proper siting, in accordance with the Prince George's County Parks and Recreation Facilities Design Guidelines, with the review of the site plan. Timing for construction shall also be determined, at the time of the site plan.
8. Prior to the submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Book and page of the RFA shall be noted on the final plat, prior to plat recordation.
9. In accordance with Section 24-135(b)(2) and (3) of the prior Prince George's County Subdivision Regulations, prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
10. In accordance with Section 24-121(a)(5) of the prior Prince George's County Subdivision Regulations and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant shall make a monetary contribution into a "park club." The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. The Maryland-National Capital Park and Planning Commission shall adjust the amount of the contribution using the Consumer Price Index for inflation, at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.
11. In accordance with Section 24-121(a)(5) of the prior Prince George's County Subdivision Regulations and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a "park club" account administered by the Maryland-National Capital Park and Planning Commission. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any adjustments needed to account for inflation. The agreement shall be recorded in the Land Records of Prince George's County, Maryland, by the applicant prior to final plat approval.

12. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant and applicant's heirs, successors, and/or assignees shall provide the following facilities and the details, location, and extent of the following facilities shall be shown on the site plan, prior to its acceptance:
 - a. Standard bicycle lane and signage along the property frontage of Old Marlboro Pike, unless modified by the permitting agency with written correspondence. Any modifications shall be in accordance with Prince George's County Department of Public Works and Transportation and Maryland State Highway Administration adopted standards.
 - b. Minimum 5-foot-wide Americans with Disabilities Act-compliant sidewalk along the property frontage of Old Marlboro Pike, unless modified by the permitting agency with written correspondence. Any modifications shall be in accordance with Prince George's County Department of Public Works and Transportation and Maryland State Highway Administration adopted standards.
 - c. Minimum 5-foot-wide Americans with Disabilities Act-compliant sidewalk along both sides of all internal roadways.
 - d. Marked crosswalks and associated Americans with Disabilities Act-compliant curb ramps at all vehicular access points along the frontage, and throughout the site crossing internal intersections.
 - e. A minimum of two inverted U-style bicycle parking racks at all proposed recreational areas.
13. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying, with specificity, the variance decision consistent with the decision of the Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed).”
 - b. Add the standard hatch pattern from the 2018 Environmental Technical Manual to the existing wetlands.
 - c. Remove the primary management area Impacts 2, 3, and 4 for the stormwater outfalls. These impacts shall be evaluated with a subsequent special exception and companion Type 2 tree conservation plan.
 - d. Revise the TCP1 number to TCP1-012-2025.

- e. Add a legend to all plan view sheets of the TCP1 using the standard symbols and hatch patterns in the 2018 Environmental Technical Manual.
 - f. All specimen tree labels shall be readable and not obscured under other lines or labels.
 - g. The top and bottom elevations shall be shown on all retaining walls.
 - h. Correct Notes 8 and 9 to the standard in the 2018 Environmental Technical Manual.
 - i. Correct note 10 to reference CB-077-2024 and not CB-27-2010.
 - j. Verify the total regulated stream buffer acreage requirements within the woodland conservation worksheet.
 - k. Correct the specimen tree worksheet to remove the DBH for Specimen Tree ST-70 from the total area of DBH being removed.
 - l. Correct the proposed woodland conservation area along the eastern end of the site, to conform to the design requirements as established in Subtitle 25-122(b)(1) of the Prince George's County Code.
14. At the time of final plat of subdivision, and in conformance with Section 24-130(b)(5) of the prior Prince George's County Subdivision Regulations, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section of the Prince George's County Planning Department, prior to approval of the final plat. The following note shall be placed on the plat:
- "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
15. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-012-2025), in conformance with Section 25-121 of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. The following note shall be placed on the final plat of subdivision:
- "This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-012-2025 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department."

16. Prior to issuance of the first grading permit for this subdivision, and in conformance with Section 25-119(a)(2) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a woodland and wildlife habitat conservation easement pursuant to Section 25-122(d) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved."
17. A specimen tree protection plan shall be included with the Type 2 tree conservation plan, in accordance with the State Forest Conservation Technical Manual, Section 3.2.2 Forest and Tree Protection: Construction Techniques: Critical Root one Protection: Post-Construction Protection Measures, and the 2018 Environmental Technical Manual 7.5.1B Stress Reduction. Additional specimen tree protection measures, such as root pruning, shall be utilized to protect those specimen trees with impacts to the critical root zone, which are indicated to be retained both on- and off-site.
18. In accordance with the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, a stream corridor assessment shall be included with the special exception application, using the Maryland Department of Natural Resources protocol to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams and the off-site stream located between the subject site and MD 4 (Pennsylvania Avenue).
19. Prior to approval of building permits, in accordance with Section 24-121(a)(7) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to a homeowners association (HOA), as identified on the approved preliminary plan of subdivision and site plan. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the HOA shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
- f. Covenants recorded against the conveyed property, ensuring retention and future maintenance of the property by the HOA, including the reservation of rights of approval by the Prince George's County Planning Director.

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision 4-25001
- Approval of Type 1 Tree Conservation Plan TCP1-012-2025
- Approval of a Variance to Section 25-122(b)(1)(G)