



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Chesapeake Bay

### Critical Area Conservation Plan

**CP-08004**

Application	General Data	
<b>Project Name:</b> Broadwater Estates Recreation Area and Parcel 154  <b>Location:</b> On the north side of Broad Creek Drive, approximately 500 feet north of its intersection with Riverview Road.  <b>Applicant/Address:</b> Broadcreek Yacht & Recreation Club, Inc. c/o Bob Christensen 425 Broad Creek Drive Fort Washington, MD 20744	Date Accepted:	09/14/08
	Planning Board Action Limit:	N/A
	Most Recent Revision:	11/17/08
	Plan Acreage:	1.65
	Zone:	R-R/L-D-O
	Proposal:	Two lots, one outlot
	Planning Area:	80
	Council District:	08
	Municipality:	N/A
	200-Scale Base Map:	214SE01

Purpose of Application	Notice Dates	
This Chesapeake Bay Critical Area conservation plan requires Planning Board approval prior to the approval of a preliminary plan. This conservation plan is a companion to Preliminary Plan of Subdivision 4-08044.	Adjoining Property Owners: (CB-15-1998)	N/A
	Previous Parties of Record: (CB-13-1997)	N/A
	Sign(s) Posted on Site:	12/22/08
	Variance(s):	N/A

Staff Recommendation		Staff Reviewer: Jim Stasz	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Chesapeake Bay Critical Area Conservation Plan CP-08004  
Broadwater Estates, Recreation Area and Parcel 154

OVERVIEW

The proposal is for the subdivision of a parcel that is within the Chesapeake Bay Critical Area. This plan accompanies a Preliminary Plan of Subdivision, 4-08044, for a parcel containing 1.65 acres. Section 24-151 of the Subdivision Regulations requires the approval of a Chesapeake Bay Critical Area (CBCA) conservation plan by the Planning Board prior to the approval of any preliminary plan of subdivision. The Planning Board is the final approving authority for Chesapeake Bay Critical Area conservation plans.

SITE DESCRIPTION

The 1.65-acre property in the Rural Residential (R-R)/Chesapeake Bay Critical Area Limited Development Overlay (L-D-O) Zones is located on the north side of Broad Creek Drive, approximately 500 feet north of its intersection with Riverview Road. The property abuts Broad Creek, contains 100-year floodplain, and is within the Chesapeake Bay Critical Area. Although there are some scattered trees and shrubs, there is no woodland on-site. According to the *Prince George's County Soil Survey*, the principal soils are in the Keyport series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on the property or on adjacent properties. There are no designated scenic or historic roads in the vicinity of the property. This property is located in the Potomac River watershed. The cove and bulkhead were installed more than 50 years ago. The 1938 aerial photograph shows a barge moored in the cove. The swimming pool can be seen in the 1965 aerial photo.

RECOMMENDED FINDINGS

1. This conservation plan is conceptual and serves to demonstrate that the property could be developed in the future after the proposed subdivision is platted.
2. The property is within the Chesapeake Bay Critical Area. Section 24-151 of the Subdivision Regulations requires the approval of a Chesapeake Bay Critical Area (CBCA) conservation plan by the Planning Board prior to the approval of any preliminary plan of subdivision. Preliminary Plan of Subdivision 4-08044 has been filed and proposes the subdivision of the recreation parcel and Parcel 154 into two lots and one outlot. The recreation area, containing approximately 1.58 acres, is noted in the land records on Record Plat WWW 28-99. Parcel 154, containing

approximately 0.07 acre, was created by accretion and transferred by deed from the State of Maryland to the adjoining property owner. Note 3 indicates that the site area is 1.57 acres and needs to be corrected to state the area of the site as 1.65 acres.

**Recommended Condition:** Prior to signature approval, the conservation plan shall be revised to note the correct area of the site as 1.65 acres.

3. Except for noting that the property is within the Chesapeake Bay Critical Area, there are no specific recommendations pertaining to the environmental elements of the April 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* that relate to the subject property.
4. The *Approved Countywide Green Infrastructure Plan* designates the area within the 100 foot CBCA buffer as a Regulated Area and the remainder of the site is a designated Network Gap. The proposed development will be in conformance with the Countywide Green Infrastructure Plan through the implementation of a CBCA conservation plan and the focus of the replanting within the 100-foot-wide CBCA primary buffer.
5. Based upon information provided by the State of Maryland, the plan correctly indicates that there are no threatened or endangered species, colonial water bird nesting sites, forests with interior dwelling bird species, Natural Heritage Areas, waterfowl staging areas, anadromous fish spawning streams, wetlands, and tributary streams on the site.
6. A 100-foot-wide CBCA buffer occurs on the property. All of the 100-year floodplain and most of the existing steep slopes are included within its area. As noted by the Historic Preservation Section, the property has been extensively disturbed by modern activity. A field visit by staff of the Subdivision and Environmental Planning Sections confirmed that the steep slopes on the property are the result of prior development. Because the slopes are man-made, the small areas of steep slope outside of the 100-foot buffer are not considered a secondary buffer. The plans correctly show the required buffer.
7. The Health Department conducted a raze inspection on May 17, 2007. A raze permit for the demolition of the existing swimming pool and reconstruction of the stormwater pipe system, Permit No. 20333-2007-00, was issued by the Prince George's County Department of Environmental Resources on July 10, 2007. A raze permit does not require a Chesapeake Bay Critical Area plan. The limits of clearing shown on the raze permit are not the subject of CP-08004 and are not subject to the requirements of the Chesapeake Bay Critical Area regulations.
8. The property is not subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is entirely within the Chesapeake Bay Critical Area. Properties within the Chesapeake Bay Critical Area are subject to more stringent requirements than those afforded by the Woodland Conservation Ordinance. The *Chesapeake Bay Critical Area Conservation Manual* requires that 15 percent of the gross tract (10,258 square feet) have tree cover. The plans indicate 5,388 square feet of new planting; however, existing tree coverage is not calculated. Any new planting should be concentrated in the 100-foot-wide CBCA buffer and the 100-year floodplain.

**Recommended Condition:** Prior to signature approval of the conservation plan, the plan shall be revised to show the amount of existing tree coverage and the amount of tree coverage to be disturbed by the development of the two lots. A lot-by-lot table providing a minimum total of

10,258 square feet of tree coverage for the entire site shall show the requirement for each lot and the outlot. The focus of the new planting should be concentrated in the 100-foot-wide CBCA buffer and the 100-year floodplain.

9. The maximum amount of impervious surface areas permitted per Section 27-548.17 of the Zoning Ordinance, Footnote 4, A(ii) is 15 percent of the gross tract area for any lot or outlot. Future conservation plans will be subject to the requirements of HB 1253.

**Comment:** Each subsequent conservation plan will have to comply with the requirements of HB 1253.

10. This conservation plan is conceptual and is intended to describe the future development of the lots and outlot. New conservation plans will be required prior to the issuance of any permit. The actual footprints of the proposed residential structures will be reviewed when each new conservation plan is submitted.

The plan indicates that the existing piers are to be removed. Any future piers will first need approval from the US Army Corps of Engineers, the Maryland Department of the Environment, and subsequently a conservation plan approved by the Planning Board.

**Recommended Condition:** The existing piers shall be removed prior to approval of the final plat.

**Recommended Condition:** The following note shall be placed on the final plat:

“This property is within the Chesapeake Bay Critical Area, in which development is strictly controlled. Development is subject to Chesapeake Bay Critical Area Plan CP-08004 and Conservation Agreement and any subsequent revisions. Prior to the approval of permits for Lots 1 and 2, a new Conservation Plan and Agreement shall be required for each lot.”

11. A Stormwater Management Concept Plan and Letter, CSD 17080-2008-00, were submitted with the subject application. The plan requires the use of drywells to serve the residential lots. This information will be required to be reflected on future CBCA conservation plans. The CSD was subsequently revised to include replacement of the 48-inch metal stormdrain pipe under Broad Creek Drive to a 48-inch concrete pipe; however, this revision is not shown on the conservation plan.

**Recommended Condition:** Prior to signature approval, the conservation plan shall be revised to conform to CSD 17080-2008-01, dated September 23, 2008.

12. The Historic Preservation Section noted that the site had been heavily disturbed in the past and that no archeological investigation was required. Transportation Planning staff noted that there are no trails issues and no need for a sidewalk on the subject property.
13. On October 3, 2008, the Subdivision Review Committee determined that the conservation plan was not in conformance with the requirements of the L-D-O Zone and the *Chesapeake Bay Critical Area Conservation Manual*. Revised plans were accepted for processing on November 17, 2008.

## RECOMMENDATION

APPROVAL of Chesapeake Bay Critical Area Conservation Plan CP-08004 subject to the following conditions:

1. Prior to signature approval, the conservation plan shall be revised to note the correct area of the site as 1.65 acres.
2. Prior to signature of the conservation plan, the plan shall be revised to show the amount of existing tree coverage and the amount of tree coverage to be disturbed by the development of the two lots. A lot-by-lot table providing a minimum total of 10,258 square feet of tree coverage for the entire site shall show the requirement for each lot and the outlot. The focus of the new planting should be concentrated in the 100-foot-wide CBCA buffer and the 100 year floodplain.
3. The existing piers shall be removed prior to approval of the final plat.
4. The following note shall be placed on the final plat:

“This property is within the Chesapeake Bay Critical Area, in which development is strictly controlled. Development is subject to Chesapeake Bay Critical Area Plan CP-08004 and Conservation Agreement and any subsequent revisions. Prior to the approval of permits for Lots 1 and 2, a new Conservation Plan and Agreement shall be required for each lot.”
5. Prior to signature approval, the conservation plan shall be revised to conform to Stormwater Management Concept Plan and Letter CSD 17080-2008-01, dated September 23, 2008.