

April 24, 2015

**MEMORANDUM**

TO: The Prince George's County Planning Board

VIA: Susan Lareuse, Interim Supervisor, Urban Design Section, Development Review Division

FROM: Jill Kosack, Senior Planner, Urban Design Section, Development Review Division

SUBJECT: Detailed Site Plan DSP-14025  
Departure from Design Standards DDS-630  
Alternative Compliance AC-15002  
Type 2 Tree Conservation Plan TCP2-063-99-03  
Wood Glen

Based upon the Environmental Planning Section's memorandum dated April 14, 2015, staff would recommend the following revised finding language and conditions of approval (underlining indicates new language and ~~strike through~~ indicates deleted language):

**Revised Finding Language under Finding 8, pages 10–12**

- 15. Prior to approval of the DSP, an approved stormwater site development plan shall be submitted to show how the proposed stormwater entering the site from MD 193 will be treated before entering the existing stream/wetland system. The proposed improvements (best management practices or environmental site design) shall be clearly identified on the plan and correctly reflected on the associated DSP and TCP2.**

**Comment:** The condition above applies to the outparcel, which is not technically part of the DSP, and a DSP is not required for the outparcel. This requirement, alternatively, could be fulfilled prior to issuance of a grading permit for the outparcel, and should be part of the reconsideration of the preliminary plan. ~~At the time of this staff report, the Environmental Planning Section is still analyzing the subject application. The approved concept for the area of the subject application is correctly reflected on the DSP and TCP2. Grading on the outparcel should be revised to only impact the features on this site relating to the stream restoration, in accordance with an approved stormwater site development plan.~~

16. At the time of the DSP, the applicant shall provide a landscape plan detailing the planting specification for the 410 linear feet of stream channel and riparian plantings, and herbaceous wetland vegetation proposed in the bottom of proposed stormwater management ponds "A" and "B" as stated on page four (4) of a letter dated September 20, 2014 from Rifkin Weiner Livingston Levitan & Silver LLC Attorney's at Law, entitled "Variation Request – PMA disturbances Wood Glen 4-13030," to be reviewed by the Alternative Compliance Committee.

**Comment:** This condition also applies to the outparcel. The information required above was submitted by the applicant. ~~Since, even though the outparcel is not subject to DSP review, this requirement could be fulfilled at the time of final stormwater management review under the authority of DPIE. At the time of this staff report, the Environmental Planning Section is still analyzing the subject application.~~

A landscape plan entitled "Wood Glen SWM Landscape Plan" detailing the planting specifications for 410 linear feet of stream channel and riparian plantings for two stream areas, as well as, herbaceous wetland vegetation proposed in the bottom of proposed stormwater management ponds "A" and "B" was submitted with the DSP. Although the condition requires the plan to be reviewed by the Alternative Compliance Committee, the Environmental Planning Section recommends that the plan be reviewed by the Department of Permitting, Inspections and Enforcement (DPIE) because the plantings will be within a stormwater management facility and DPIE has final authority on its design and planting plan. It is recognized that, at the time of final stormwater management review, the applicant will be required to provide a landscape plan. That plan should detail the planting specification for the 410 linear feet of stream channel and riparian plantings and herbaceous wetland vegetation proposed in the bottom of proposed stormwater management ponds "A" and "B."

21. At the time of detailed site plan, a revised letter of justification shall be submitted for Impact Area #1 as necessary.

**Comment:** This condition also applies to the outparcel. ~~The information required above was submitted by the applicant. At the time of this staff report, the Environmental Planning Section is still analyzing the information.~~ A revised letter of justification dated November 21, 2014 from Rifkin, Weiner, Livingston, Levitan & Silver LLC was submitted with this DSP; no changes in the request were proposed with regard to Impact Area #1. Therefore, staff does not recommend approval of the impact at this time, but the issue could be addressed as part of a future reconsideration of the preliminary plan.

24. Prior to approval of the DSP, a copy of the Erosion and Sediment Control Concept Plan shall be submitted.

**Comment:** A copy of the erosion and sediment control plan was submitted by the applicant, ~~and the Environmental Planning Section is still analyzing the information.~~ The plan does not conflict with the woodland conservation requirements or approved impacts as shown on the TCP2.

25. At the time of DSP, the applicant shall demonstrate the approved stormwater management concept plan or technical plan has been revised to reflect no proposed development on Outparcel A.

**Comment:** This condition also applies to the outparcel, which is not part of this DSP application and is exempt from DSP review. The applicant has indicated that SHA will allow direct access to Greenbelt Road (MD 193). As a result, the removal of the proposed commercial development from the Stormwater Management Concept Plan is no longer necessary, as the access restriction from the Maryland State Highway Administration (SHA) has been removed. It is anticipated that the applicant may submit a reconsideration of the preliminary plan to address direct access to Greenbelt Road, and to eliminate the condition above. In any case, the property is zoned C-O and could be developed in accordance with that zone in the future. In that case, the condition above should not be enforced through the subject DSP review because the outparcel is not part of this application.

The concept plan shows development on Outparcel A, and the DSP and TCP2 show proposed grading for a pad site on Outparcel A. In accordance with this condition, at a minimum, the proposed disturbance to Outparcel A, which is not part of this application, should be removed from the DSP and TCP2, or clearly hatched and labeled as illustrative only, for purposes of clarifying the hydrological interconnection of these parcels.

#### **Revised Finding Language under Finding 11, page 22**

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** ~~At the time of the writing of this staff report, the Environmental Planning Section is still analyzing the subject application. Their comments will be incorporated into the final resolution.~~ The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site has a previously approved tree conservation plan. A Type II Tree Conservation Plan, TCP2/063/99-02, was approved with Preliminary Plan 4-01080 and with a subsequent Detailed Site Plan, DSP-06048. Subsequently, a Type I Tree Conservation Plan, TCP1-003-14, was approved with Preliminary Plan 4-13030. A Type 2 Tree Conservation Plan, TCP2-063-99-03 was submitted for review with this application. The TCP2 worksheet is phased, reflecting two phases of development for this site.

The site has a woodland conservation threshold of 15 percent, or 1.89 acres. According to the worksheet, the cumulative woodland conservation requirement for both phases of development, based on the total proposed clearing for this project, is 4.54 acres. The TCP2 proposes to meet the entire requirement in an off-site woodland conservation bank.

Several revisions are required. Two separate TCP2 plans were submitted to reflect each phase of the proposed development, instead of only one set of plans as required. Phase 1 is for rough grading of the eastern half of the subject site, while Phase 2 includes rough grading of the western portion of the site, as well as fine grading for the overall site. If the development is proposed in phases, a phased TCP2 should be shown to distinguish between each phase. The TCP2 must be prepared, submitted, and approved as one plan covering the entire site and a phasing line should be shown on the plan. Further, the final proposed grading for the overall project associated with this DSP application should be shown.

Remove the slope symbol from the plan and legend. This is not required on a TCP2.

There is overlapping text on the homeowners association stormwater management Parcel "B" on Sheet 2 of the TCP2 for Phase 2 that is obscuring the underlying text. Move all overlapping text such that all underlying text is clearly visible on the TCP2.

Although the proposed contour elevations are clearly labeled on the TCP2 plan, the majority of existing contour elevations are not labeled. The plans should be revised to add the existing contour elevation labels to all existing contours on the plan, and to remove the shading that identifies Phase 1.

Greenbelt Road (MD 193) is not labeled on the vicinity map on the TCP2. Add a label for Greenbelt Road to the vicinity map on the TCP2.

The TCP2 general notes require some revisions. These revisions include:

- a. Revise Note 1 to include the DSP number “DSP-14025.”
- b. Revise Note 3 by replacing “The Department of Public Works and Transportation or the Department of Environmental Resources, as appropriate” with “The Department of Permitting, Inspections and Enforcement (DPIE).”
- c. Replace Note 6 with “The property is within Environmental Strategy Area 2 (ESA 2) and is zoned C-O.”
- d. Revise Note 7 to “The site is adjacent to Good Luck Road, which is designated as a historic road.”

The TCP2 proposes the use of off-site mitigation; however, the standard TCP2 notes entitled “When the Use of Fee-in-Lieu is Proposed” have been added to the TCP2 instead of the required notes entitled “When Off-Site Woodland Conservation is Proposed.” Replace the notes entitled “When the Use of Fee-in-Lieu is Proposed” with the standard required notes entitled “When Off-Site Woodland Conservation is Proposed” on the TCP2.

Within the first paragraph of the section of standard TCP2 notes entitled “When Invasive Plant Species are to be Removed by the Permittee,” the applicant has indicated that an invasive plant removal plan is on the plan that is dated June 10, 2014. However, this invasive plant removal plan has not been included on either set of TCP2 plans that were submitted. Add the proposed invasive plant removal plan to the TCP2 as referenced in the notes section.

A revision block is required on all sheets of the TCP2 in order to track any subsequent changes that may be required to be made to the TCP2 in the future. However, no revision block was included on any of the sheets of the TCP2. Add a revision block to all sheets of the TCP2 plan as required.

A TCP2 approval block has been placed on each sheet of the TCP2. However, it is not the standard TCP2 approval block that is currently required to be placed on a TCP2 plan that is associated with a development review case. Add the required TCP2 approval block used for development review cases to all sheets of the TCP2 plan. Complete each block with the TCP2 number, the date and names associated with all previous TCP2 revisions, and the associated development review case.

The limits of disturbance (LOD) are clearly identified on the TCP2. However, it is not identified on the DSP. The LOD is required to be shown on the DSP, and it is required to match that of the TCP2. Identify and label the LOD on the DSP as required. The LOD must be consistent on all plans.

Therefore, prior to signature approval of the DSP, the DSP and TCP2 shall be revised as follows:

- a. Revise the TCP2 such that it only reflects the proposed final grading and development associated with DSP-14025. The TCP2 shall cover the same boundaries as TCP1-003-14.
- b. Remove the slope symbol from the plan and legend.
- c. Remove all overlapping text such that all underlying text is clearly visible on the TCP2.
- d. Add the existing contour elevation labels to all existing contours on the plan.
- e. Remove the shading that identifies Phase 1.
- f. Add a label for Greenbelt Road (MD 193) to the vicinity map on the TCP2.
- g. Revise General Note 1 to include the DSP number, "DSP-14025."
- h. Revise General Note 3 by replacing "The Department of Public Works and Transportation or the Department of Environmental Resources, as appropriate" with "The Department of Permitting, Inspections and Enforcement (DPiE)."
- i. Replace General Note 6 with "The property is within Environmental Strategy Area 2 (ESA 2) and is zoned C-O."
- j. Revise General Note 7 to "The site is adjacent to Good Luck Road, which is designated as a historic road."
- k. Replace the notes entitled "When the Use of Fee-in-Lieu is Proposed" with the standard required notes entitled "When Off-Site Woodland Conservation is Proposed" on the TCP2.
- l. Add the proposed invasive plant removal plan to the TCP2 as referenced in the notes section.
- m. Add a revision block to all sheets of the TCP2 plan as required.
- n. Add the required TCP2 approval block used for development review cases to all sheets of the TCP2 plan. Complete each block with the TCP2 number, the date and names associated with all previous TCP2 revisions, and the associated development review case.
- o. Identify and label the LOD on the DSP as required. The LOD must be consistent on all plans.

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This requirement was incorporated in the adopted County Code effective on September 1, 2010.

A Subtitle 25 Variance application and a statement of justification in support of a variance for the removal of two specimen trees (1 and 2) were received and evaluated as part of the review of Preliminary Plan 4-13030. The Planning Board approved removal of Specimen Tree 1. However, removal of Specimen Tree 2 was denied because it was located on a proposed outparcel where no development was allowed.

The proposed TCP2 shows grading on the outparcel and the removal of Specimen Tree 2. However, no variance for the removal was submitted and, as it stands, no development can be placed on the outparcel other than necessary stormwater improvements.

Therefore, prior to certification of the DSP, the TCP2 shall be revised to remove the proposed pad site grading from the TCP2 and show Specimen Tree 2 as to be preserved.

The site contains primary management area (PMA) that is required to be preserved to the fullest extent possible per Section 24-130(b)(5) of the Subdivision Regulations. The Zoning Ordinance requires that "...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." The regulated environmental features on the subject property include the delineated PMA.

During the review of Preliminary Plan 4-13030, the Planning Board found that the impacts associated with Impact Area #2 for a pond demonstrated preservation and/or restoration to the fullest extent possible. Impact Area #1 was denied at the time because the impacts could not be fully evaluated based on the information submitted.

A revised letter of justification dated November 21, 2014 was submitted. The letter details the same impact information associated with the grading for proposed Outparcel A for a pad site, as well as for a retail building and parking lot, that were required to be removed from the preliminary plan per the resolution, PGCPB No. 14-124. The revised letter of justification also did not address the associated impacts of site improvements to the existing pond and pond outfall located on proposed homeowners association Parcel B as required. Therefore, staff finds that the revised letter of justification is insufficient and that the original findings for impacts still stand. The DSP and TCP2 shall be revised to show the removal of all disturbance associated with Impact Area #1.

Therefore, prior to certification of the DSP, all disturbance associated with Impact Area #1 should be removed, except the grading and improvements associated with the stream restoration.

#### **Revised Finding Language under Finding 13, page 27**

- h. **Environmental Planning**—~~At the time of the writing of this staff report, the Environmental Planning Section is still analyzing the subject application. Their comments will be incorporated into the final resolution.~~ In a memorandum dated April 14, 2015, the Environmental Planning Section offered a discussion of the DSP's

conformance with the Woodland and Wildlife Habitat Conservation Ordinance, as discussed in Finding 11 above, and the following additional comments:

- (1) An approved Natural Resources Inventory (NRI-137-13) was submitted with the review package, which was approved on January 8, 2014. The NRI verifies that regulated environmental features and woodlands occur on the subject property. No area associated with 100-year floodplains occurs on-site.

The NRI shows two major regulated streams on-site that are within the PMA. One stream is located along the northeastern corner of the site. The other stream is located in the center of the property. The existing streams primarily function as a conveyance for stormwater. The forest stand delineation and NRI indicate the presence of two forest stands totaling 5.95 acres and two specimen trees on-site. No revisions are required for conformance to the NRI.

- (2) DPIE has determined that on-site stormwater management is required. A stormwater management concept approval letter and associated plan (8011890-1999-02) were reviewed with Preliminary Plan 4-13030. The approval letter was issued on February 25, 2014 and is subject to conditions.

As part of the approved findings and conditions associated with PGCPB Resolution No. 14-124, the applicant was required to submit an approved stormwater site development plan showing how the proposed stormwater entering the site from Greenbelt Road (MD 193) will be treated before entering the existing stream/wetland system. The proposed improvements are required to be clearly identified on the plan and correctly reflected on the associated DSP and TCP2. The applicant was also required, at the time of DSP, to demonstrate that the approved stormwater management concept plan or technical plan has been revised to reflect no proposed development on Outparcel A. In response to these conditions, the applicant submitted the same Stormwater Management Concept Plan (8011890-1999-02) from the DPIE Site/Road Plan Review Division for review with the application for DSP-14025. No changes have been implemented as required because the applicant has been authorized by SHA to allow for an access to the site. The applicant has stated intent to file a reconsideration of the preliminary plan to address the conditions of approval, including those associated with a stormwater management plan.

- (3) The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Issue-Urban land complex (occasionally flooded), Russett-Christiana-Urban land complex (0-5 percent slopes), and Urban land-Issue complex (0-5 percent slopes). According to available information, Marlboro clay is not present on-site; however, Christiana complexes are found on this property.

This information is provided for the applicant's benefit. The County may require a soils report in conformance with Council Bill CB-94-2004 during the building permit process review. No further action is needed as it relates to this DSP review.

- (4) The site lies to the south of Greenbelt Road (MD 193), which is a master-planned arterial road that generates enough traffic to produce noise levels above 65 dBA. The site is proposing 138 attached single-family dwelling units (townhouses). Based on the Environmental Planning Section noise model, the 65 dBA noise contour is located approximately 266 feet from the centerline of MD 193. It appears that this noise contour will not impact any of the proposed features on-site, and no noise attenuation will be required. No additional information regarding noise impacts is required at this time.
- (5) Good Luck Road is designated as a historic road in the 2009 *Approved Countywide Master Plan of Transportation*. Good Luck Road has the functional classification of a collector. Any improvements within the right-of-way of a historic road are subject to approval by the Department of Public Works and Transportation (DPW&T) under the *Design Guidelines and Standards for Scenic and Historic Roads*.

Roadway improvements on Good Luck Road should be required to be carried out in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*, prepared by DPW&T.

#### **Revised Finding Language under Finding 15, page 30**

15. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

**The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

**Comment:** ~~At the time of the writing of this staff report, the Environmental Planning Section is still analyzing the subject application. Their comments will be incorporated into the findings and conditions for the Planning Board's review.~~ The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP2 submitted for review for impacts associated with Impact Area #2.

#### **New Conditions**

5. Prior to certification, the applicant shall revise the Type 2 tree conservation plan (TCP2) as follows or provide the specified documentation:
- a. Revise the TCP2 such that it only reflects the proposed final grading and development associated with Detailed Site Plan DSP-14025. The TCP2 shall cover the same boundaries as Type 1 Tree Conservation Plan TCP1-003-14.
  - b. Remove the slope symbol from the plan and legend.
  - c. Remove all overlapping text such that all underlying text is clearly visible on the TCP2.
  - d. Add the existing contour elevation labels to all existing contours on the plan.



- e. Remove the shading that identifies Phase 1.
  - f. Add a label for Greenbelt Road (MD 193) to the vicinity map on the TCP2.
  - g. Revise General Note 1 to include the DSP number, “DSP-14025.”
  - h. Revise General Note 3 by replacing “The Department of Public Works and Transportation or the Department of Environmental Resources, as appropriate” with “The Department of Permitting, Inspections and Enforcement (DPIE).”
  - i. Replace General Note 6 with “The property is within Environmental Strategy Area 2 (ESA 2) and is zoned C-O.”
  - j. Revise General Note 7 to “The site is adjacent to Good Luck Road, which is designated as a historic road.”
  - k. Replace the notes entitled “When the Use of Fee-in-Lieu is Proposed” with the standard required notes entitled “When Off-Site Woodland Conservation is Proposed” on the TCP2.
  - l. Add the proposed invasive plant removal plan to the TCP2 as referenced in the notes section.
  - m. Add a revision block to all sheets of the TCP2 plan as required.
  - n. Add the required TCP2 approval block used for development review cases to all sheets of the TCP2 plan. Complete each block with the TCP2 number, the date and names associated with all previous TCP2 revisions, and the associated development review case.
  - o. Identify and label the limits of disturbance (LOD) on the detailed site plan as required. The LOD must be consistent on all plans.
  - p. Revise the TCP2 to remove the proposed pad site grading and show Specimen Tree 2 as to be preserved.
6. At the time of final stormwater management review, the applicant shall provide a landscape plan detailing the planting specification for the 410 linear feet of stream channel and riparian plantings and herbaceous wetland vegetation proposed in the bottom of proposed stormwater management ponds “A” and “B” as stated on page 4 of a letter dated September 20, 2014 from Rifkin, Weiner, Livingston, Levitan & Silver LLC, entitled “Variation Request – PMA disturbances Wood Glen 4-13030,” to be reviewed and approved by DPIE.